



Edited by
Peter Jull
and
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Australian National University
North Australia Research Unit
Darwin 1991

THE CHALLENGE OF NORTHERN REGIONS

Edited by

— *Peter Jull & Sally Roberts* —

**AUSTRALIAN NATIONAL UNIVERSITY
NORTH AUSTRALIA RESEARCH UNIT
DARWIN NORTHERN TERRITORY
1991**

First published in Australia in 1991 by the North Australia
Research Unit, Australian National University.

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Research Unit, PO Box 41321, Casuarina (Darwin), Northern
Territory 0811, Australia.

TEL: 089 275688

FAX: 089 450752

National Library of Australia
Cataloguing-in-Publication entry:

The challenge of northern regions

Includes bibliographies
ISBN 0 7315 1180 8.

1. Indigenous peoples. 2. Indians of North America.
[3]. Aborigines, Australian. I. Jull, Peter. II. Roberts,
Sally. III. Australian National University. North
Australia Research Unit.

306.08

Printed in Canberra by the Australian National University
Cover designed and produced by the Printing and Publishing
Division, Northern Territory University

This book is dedicated to the memory of
MARK R GORDON
1953—1989



*Photo by Charlie Patsauq
for Makivik, Inukjuak, Quebec*

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ACKNOWLEDGEMENTS

Our first thanks must be to our contributors who provided not only a spirited discussion on the day - 12 July 1990 - but thoughtful, and in some cases, extended, papers afterwards. Thanks are especially due to John Taylor, late of NARU, whose ideas for such a conference and publication were the origin of the project. Although we were taking advantage of the presence together in Darwin of most of the authors, we are very grateful to Elspeth Young and Ciaran O'Faircheallaigh who inconvenienced themselves considerably to attend from a distance. Their contributions and further discussion were important factors in the success of the conference.

Special thanks as well to Meriel Corbett here at NARU and Vincente Castillo of the Northern Territory University for their labours across computer systems and cultural barriers to convey our longest chapter, Terje Brantenberg's paper on Norway, into a usable form.

The cover design is the work of the Printing and Publishing Division, Northern Territory University, Darwin, to whom we are most grateful for advice and a final product.

Colleen Pyne provided help with referencing, and other NARU staff were involved in one way or another. Special thanks to Yvonne vander Weyden who never thought she would see the end of it but who has put the book through several sieves and prepared it in its final form.

Ann Webb, NARU's publications mistress of all talents, arrived late in the day from her other duties and from foreign travel; she provided the calm and expertise to help us sort out a variety of problems and finish the process.

There have been delays in the editing of this volume and we hope that the result will compensate in some measure.

Peter Jull, Sally Roberts

Editors

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THE CHALLENGE OF NORTHERN REGIONS: AN INTRODUCTION

Peter Jull

The challenge of northern regions is becoming clearer every day. They have less to do with physical conquest of nature than with subtle social and political choices. The final response of our 'developed' and 'advanced' industrial nations remains uncertain, however. What is most remarkable may be the fact that despite different national traditions and geography, the challenges and responses are similar among the Organisation for Economic Cooperation and Development (OECD) countries surveyed here.

The papers in this volume are each part-report and part-interpretation. Each is written by a specialist with many years of field study and reflection behind his or her comments. Each author was asked to think about current political and socio-economic issues in the north - the north of Australia, the north of North America and northernmost Europe. On 12 July 1990, all the authors spoke to their papers in a one-day forum where each could question the others. The northern public was invited to join us. The results stimulated the participants as well as many in the audience from whom we have had follow-up requests for more discussion, more information, etc. No more important role *vis-à-vis* the basic issues in northern life could be played by the North Australia Research Unit (NARU), Darwin.

The initiative for the event came from a NARU geographer, himself from the north of England and now an Australian resident by way of Nigeria and Botswana. The internationalisation of political and socio-economic issues is also seen in the successful east European and failed Chinese uprisings of 1989. The democratic dissidents borrowed freely from other languages and political traditions in their protests. International linkages are a fact of life - and a fact of daily life. The problems of northern regions lend themselves especially well to comparative study.

But societies and their governments are slow to change where their symbols and conventions are challenged. National publics have been long accustomed to thinking of their northlands, outback or hinterland as empty lands full of riches for the picking and as places where a few blighted lives crave southern culture and comforts. The insensitive or inappropriate public policies which have accompanied such innocent attitudes have precipitated northern reaction and their persistence has precipitated unique northern ethno-politics. National governments have either thrown up their hands and fled in disarray, or awkwardly tried to knock northern heads to impose solutions, or dispatched experts, or empowered northern interests to recommend 'solutions'. Australia has named a first northern affairs minister, himself elected from the Northern Territory.

Responses to the challenge require more than the selection of a new institution or process. The northern hemisphere countries which have been grappling with the challenge longest have experienced a rambling journey to arrive at workable policies. For instance, despite the appeal of national officials to national dignities and symbols in the early days of northern political protest, northern hemisphere countries - USA (Alaska), Canada, Denmark (Greenland, Faroe Islands), UK (Shetland), Norway, Sweden and Finland (all three in Lapland), and now the USSR - have come to accept and recognise indigenous autonomy and to reinforce it legally and politically in the interests of national unity! All these countries first responded with predictable

bombast about risks of national fragmentation, or of the threats of separatism or special rights for a racial or cultural minority.

The dramatic changes in northern policy in northern hemisphere countries in recent years have been less evident in Australia. After the initiatives of the Whitlam and Fraser governments, Australia's attention to northern policy seemed to stall. This is likely to change now with a first northern minister appointed and a serious national rethink of federal-state power and revenue sharing launched. The awareness of many northerners themselves of international parallels in political change, as well as the scrutiny of world forums addressed or formed by northern peoples, also changes northern chemistry.

Our papers here indicate that the challenge of northern regions is answered in two stages. The first is the achievement of formal and structural change to accommodate special northern needs. All northern governments, from the Northern Territory to the Northwest Territories, Finnmark *fylke* to Alaskan home rule borough, are frustrated by issues of proprietary rights to lands, fresh water, seas and resources, and by questions of political participation in wider decision-making. Northern politics are transitional. They are moving towards two not always compatible goals of greater equality in the nation and greater recognition for special northern needs.

The second stage involves many substantive problems, eg of the suitability of one culture's institutions and practices when applied to another culture. It is here particularly that growing Australian interest in the prospects for forms of indigenous autonomy custom-made for unique cultures may be ahead of the northern hemisphere experience. In other words, Australia has a fine opportunity to get ahead of the pack. Commentators in the northern hemisphere, meanwhile, have lamented the problems created by Greenland Inuit running a Danish urban system or Quebec Inuit forced to develop their hunting villages through the corporate culture of mainstream North American business. The Australian initiatives in autonomy are only embryonic at this time and will require much more encouragement to develop.

At our 12 July discussion Dr John Taylor provided an introduction, followed by his paper *Alaska and the Northern Territory: demographic change*. He talked about how the geography of remote areas in the Western world centred on the opportune use of natural resources, creating few multiplier effects and thus requiring heavy regional (or state or provincial) and national support in those areas. He drew intriguing parallels between Australia's Northern Territory and Alaska, and between the cities of Darwin and Anchorage. Darwin's population had fallen by 3-4 000 since 1987, but an oil boom might be imminent. Alaska had plenty of experience with the ups and downs of oil development. In these typical situations of northern frontier population flux the indigenous people (*ie* Aborigines or Alaskan Indians and Inuit) showed steady population growth, and, of course, did not leave the north as most whites did.

Dr Peter Loveday's paper, *Australia's Northern Territory and Canada's northern territories: constitutional and political development*, is a result of the thinking stimulated by the July 12 discussions, and was only written afterward. (It was written for publication in the Yukon journal in Canada, *The Northern Review*, and is reprinted here with permission.) Some of Dr Loveday's points may seem unfamiliar to those accustomed to the loud rhetoric of the Northern Territory quest for statehood, but in his usual quiet way he raises points crucial for resolution of that issue.

Dr David Maas, a visitor at NARU for some months in 1990, provided an historical survey of American aboriginal policy and Alaska Natives to the present day in *The Alaska Native and history: the rise of nationalism and the decline of democracy*. He then went on to discuss the current legal and political aspects of Native-White relations, what we might call ethno-politics, and the volatile and uncertain socio-political and

economic future of Alaska. Outsiders too often assume that statehood and the aboriginal land claim settlement of 1971 have settled the Alaskan future. Instead they have set the stage for what one hopes may be an historic compromise protecting the collective future of aboriginal societies and permitting the coherent management of Alaska's distinctive environment and rich resources in a unique regional or state culture. The individual's liberty as the measure of American life, we are apt to forget, co-exists with a strong historical American recognition of aboriginal tribal sovereignty.

Peter Jull's *Canada's Northwest Territories: constitutional development and aboriginal rights* related the larger Canadian constitutional tradition (and 1990 crisis) to the particular political tradition of northern Canada. The Northwest Territories with its aboriginal-centred policies and administration inherited from the federal government, and promising development towards a self-governing Inuit-run northern territory, Nunavut, were unique. Strong aboriginal land claims settlements providing aboriginal participation in land, water and resource management and development by aboriginal peoples represented a further overlay on socio-politics. These were also significant in light of the global environmental problem and the Brundtland Report's call for world-wide ecologically 'sustainable development'. The Canadian government's use of its residual northern territorial jurisdiction to test or pilot new policies for the country as a whole, and federal jurisdiction in respect of fishing waters, Indian lands, etc, in the provinces, provide considerable leverage for aboriginally-sensitive policies in some 75% of Canada's area. Aboriginal people are beginning to recognise and use their opportunity to reinvent Canada's frontier experience.

Dr Terje Brantenberg described Norway's innovations of recent years. In *Norway: constructing aboriginal self-government in a nation-state* he reminded us that a thousand years of northern development by Norwegians in relations with the indigenous Sami (the Lapps) have shown the persistence of issues of cultural autonomy. Nonetheless, Norway's generous public spending has achieved material equality, and at very high standards. The newly constituted Sami parliament discussed in detail by Dr Brantenberg, and the work of recent Norwegian official commissions on aboriginal policy, have much to teach other countries.

Dr Jackie Wolfe outlined encouraging steps in *Canada: current developments in aboriginal self-government*. It is important to realise that despite confrontations like that of the Mohawk nation of the Iroquois versus Quebec and Canada, various projects of aboriginal self-government are proceeding across Canada. Despite the disappointment of Indians, Métis and Inuit in the national negotiations on additional constitutional provisions to meet their needs, a source of much bitterness in disputes like those of the Mohawks, aboriginal peoples and governments are broadly agreed in Canada on the delivery of public services by aboriginal elected bodies and aboriginal self-governing powers suited to local needs and capacities. The work to elaborate all this into smoothly operating systems provides a large and varied laboratory for other countries like Australia and Norway to observe.

Dr Ken Coates spoke of the *Yukon and Northwest Territories: the emerging north of Native and non-Native societies*. Now that long-running northern territorial conflicts between aboriginal and white populations are receding in the face of political solutions, a series of hard practical issues remain. Some of the social issues are monumental, and even the Yukon, famed for its mining culture, is now rethinking and reorganising its future on the basis of social consensus. Dr Coates drew particular attention to the Yukon aboriginal claims settlement, recently initialled, which sees a population of the same minority proportion as Aborigines in the Northern Territory gaining wide powers to participate in decisions on development and on land and resource use across the whole territory.

Dr Philippa Hudson sought to rectify some widely publicised misconceptions in *Population growth in northern Australia: implications for the 1990s*. She noted some difficulties in the accurate counting of population movement in rural regions and found that there was general growth in northern towns. She discussed the long-term viability and lifestyle values of country towns which make them appealing to a continuing portion of society. She also found that too many policies seemed to regard such towns as isolated places rather than as centres for regional life. But tourism was no panacea, and towns with over 30% of their local economy in tourism became vulnerable to sudden changes outside the community.

Dr Elspeth Young reported on her recent comparative work, *Canada: aboriginal enterprise development directions*. Already well known in central and northern Australia for her similar studies, she found useful some of the new approaches in northern Canada to persistent problems of aboriginal employment, empowerment and development. The Canadian claims settlements have many features and generate many new quasi-governmental bodies in addition to the land quantum transferred to aboriginal ownership. Recent decisions of Canada's highest court also increase the power of aboriginal peoples in respect of lands, waters and resources traditionally used.

Dr Ciaran O'Faircheallaigh in *Resource exploitation and indigenous people: towards a general analytical framework* used experience in Australia, Canada and elsewhere to make some comments about the universality of development issues. His paper also provided some extremely useful and pointed guidelines for governments and aboriginal peoples wishing to avoid unhappy experiences in the future. Resource revenues could provide autonomy in some situations. On the other hand, there had been a sad failure by industry and government in development areas to tap into rich aboriginal knowledge of the local environment. Dr O'Faircheallaigh thought that it would be possible to build up a clear overview through comparative and systematic studies across countries and across cultural frontiers on such matters as royalty payments and employment studies.

Dr Ian Moffatt, newly arrived at NARU from Scotland, made some helpful comments in his *Impression of new developments and trends in northern regions*, as he did in the conference itself. Dr Peter Loveday in his *Northern Australia: political trends* emphasised the need to recognise the long-term stability and elements of continuity in northern policy and politics. Peter Jull concluded with *Outback internationalism* on some of the new external factors which are making northern development and northern politics less predictable, more universal and less isolated, especially in the northern hemisphere.

But as our reports on northern hemisphere cases show, once formal or institutional changes are addressed, hard questions of policy content remain. What is more, these are not minor regional issues, but difficult national ones. And they are not difficult only for one country, but for all countries rich or poor. Our affluent and supposedly enlightened OECD countries should have the least difficulty in solving such problems. These issues go to the heart of our human future - as a world, not merely as Australia or Canada - and indicate our western capacity (or incapacity) to cope with the future.

The four vital issues of the north are:

- 1 the protection of the renewable production capacity and unique biological systems of 'frontier' areas beyond major national settlement zones (ie 'the environmental issue');

- 2 the accommodation of, and guarantee of survival for, distinct societies of indigenous peoples and the return to them of collective decision-making for their lives, livelihoods and futures within our national political systems;
- 3 the meeting of demands by northern indigenous peoples as individuals, families and communities for fair public spending and services, and a 'fair go' in our predominantly European societies; and
- 4 economic development which takes into account the unique environmental and socio-political needs of northern regions.

It may be some comfort to us that Norway's 'northern development' after a thousand years is still coming to terms with the first two and the last of these issues and that Australia has the benefit of all the mistakes and successes of other OECD countries to aid its own policy making. On the other hand, progress in formal accommodation of the north overseas is revealing a second generation of complex problems which arise in the absence of serious work on substantive issues. This volume will help those who would understand these problems in northern regions in the 'developed world' today.

ALASKA AND THE NORTHERN TERRITORY: DEMOGRAPHIC CHANGE

John Taylor

In 1978, a conference sponsored by the Institute of Australian Geographers and the Association of American Geographers was held in Adelaide to consider similarities in the human geography of sparsely populated regions in Australia and the United States (Holmes 1981). The basis for this comparative discourse was a recognition that many remote regions of the world, and particularly the remoter parts of western nations which underwent rapid colonisation by European settlers in the nineteenth century, share common social and economic characteristics borne of similar processes of global incorporation. Typically, such regions are characterised by difficult and unattractive physical environments and are generally distant from the metropolitan centres which have increasingly shaped rural life in more closely settled areas. As a consequence, economic activity is usually restricted to the 'opportunistic use' of natural resources with limited local multiplier effects. Given the combination of low population densities, long distances and underdeveloped transport networks, the provision of even the most basic services is often difficult and costly requiring substantial per capita subsidisation. Thus, the settlement system in these regions is heavily dependent on support from state and national governments (Holmes 1981, 1-13).

In characterising the demography of such peripheral regions, it is useful to draw on the now famous Berger Inquiries into northern development in Alaska and Canada (Berger 1985; 1988) which recognised two broad groupings within northern populations each with distinct demographic features. One group, comprising the indigenous pre-European Native or aboriginal people, view the region as their homeland within which they are anxious to retain custodial rights. This population constitutes a permanent long term presence within such regions and, following a decline in numbers during the earlier contact period, is now steadily growing. The other group, comprising an intrusive settler population, views the region primarily as frontier territory, ripe for development. This group originates largely from core areas outside the region and is often transient and unbalanced in composition. In recent times, such settler populations have grown rapidly but they are inherently unstable with overall numbers clearly fluctuating in association with boom and bust cycles in the regional economy.

Unfortunately, in considering the bases for comparison between such regions in the USA and Australia, the 1978 conference concluded that less was to be gained by way of such comparison than might have been expected given that the social and economic issues normally associated with remote regions were far less apparent in the American context than in Australia (Holmes 1981, 11-12). A clear message from the present set of papers is that this conclusion was misleading being derived from a comparison with remote regions of the USA within the 'Lower 48'. If attention is shifted to the northern lands of the American continent, and to northern Europe for that matter, a more appropriate setting for comparison with north Australia may be found.

Located between approximately 54 degrees north and 70 degrees north and straddling the arctic circle, the state of Alaska would appear to be as distinct from the tropical setting of north Australia as any place imaginable. Yet, to the discerning observer who delves into the history, society and economy of these seemingly opposite places their commonalities are striking. Historically, their geographic situation - closer to the extreme corners of Pacific Asia than to the rest of their respective nations - combined

with an abundance of natural resources, has provided a common strategic importance and basis for European settlement despite the tyrannies of isolation. Above all, however, it is peripheral location within the national society and economy that these regions share in common and both display the contradictions between homeland and frontier settlement in abundance. The purpose of this paper is to illustrate some of these commonalities with reference to patterns of demographic change among the intrusive and indigenous populations of Alaska and the Northern Territory.

Frontier demography

An outstanding feature of intrusive northern populations is their predominantly urban location usually in one or two main centres. Anchorage and Darwin exemplify this tendency each accounting for more than half of their region's non-indigenous population. Because of this concentration, demographic trends in these urban centres reflect the vagaries and changing fortunes of frontier settlement only too well. The following discussion of frontier demography is derived from Taylor (1990).

As with Darwin, where early settlement was secured by strategic location along the overland telegraph line connecting Britain with Australia, so early Anchorage owes its existence to the establishment of communication lines through frontier territory, first as a construction camp in 1914 and later as the headquarters for the Alaska railroad to Fairbanks. Again in parallel with Darwin, expected development of the new settlement's hinterland was slow in taking off and the early growth of the settlement's population was sluggish rising to only 1856 in 1920 when city status was achieved. Years of depression were to follow through the 1920s and 1930s so that on the eve of World War II the population of Anchorage was scarcely more than 4000 - comparable to that of Darwin at the time.

Almost overnight, however, the Pacific war with Japan was to transform both Darwin and Anchorage from remote and almost forgotten frontier towns to vitally strategic frontline military bases and centres of bustling activity. Unlike Darwin, where the end of hostilities brought about a temporary economic slump, Anchorage was set on a path of sustained development with improvements to the railroad and continued expansion of both military and civilian air transport facilities. By 1950 the population of the greater Anchorage area had risen to 30 000 and this growth continued throughout the 1950s fuelled by the Korean war and the expansion of aviation facilities. Anchorage also became the centre for a fledgling oil industry based on drilling in the Cook Inlet. In addition, the granting of Alaskan statehood in 1959 brought renewed economic confidence and public service employment in what had become the State's largest and fastest growing urban area with a population of 82 736 in 1960.

Almost uncanny in its parallel, the steady growth of Anchorage was brought to an abrupt halt by a devastating earthquake on Good Friday 1964 - a natural disaster rivalling that of Darwin's Cyclone Tracy on Christmas Day 1974 in the scale of damage to buildings and loss of life. Even more engaging is the manner in which both cities were instantly rebuilt and reinvigorated by an influx of federal dollars and associated construction and commercial activity. Subsequently, it has been increased government spending in both cities that has sustained this momentum and brought about spectacular rates of urban growth.

In Anchorage, oil-based state tax revenues provided the main source of this investment-led growth. In 1968 Alaska (and Anchorage as its main commercial and service centre) sat on the threshold of major economic change with the announcement of significant oil and gas discoveries at Prudhoe Bay on the State's North Slope and the prospect of boom times ahead. The subsequent two decades of an oil-based economy may be likened to a

rollercoaster ride for the economic and demographic fortunes of Anchorage. For example, construction of the Trans-Alaska pipeline in the mid-1970s created unprecedented growth in a wide range of industrial services and population and residential construction correspondingly surged ahead only to slump dramatically following completion of the pipeline and the shedding of associated jobs in 1977. This demise was short-lived however due to the impact of substantial state expenditure funded by oil tax and royalty revenues from rapidly expanding North Slope oil production (Municipality of Anchorage 1988).

With ever-increasing government expenditure and associated expansion of construction activity and community service provision, the period from 1980-85 witnessed the largest five-year increase in employment and population in the history of Anchorage. During this period some 34 000 new jobs were created in the greater Anchorage area whilst the population almost doubled with the addition of 74 000 new persons. In one year alone, Anchorage's population gain due to net migration was 22 400 (Municipality of Anchorage 1988).

Equally dramatic, however, has been the decline in state expenditure, employment and population following the collapse of world oil prices in early 1986. State revenues in 1987 were only half what they were in 1986. As a result, the economic boom that commenced at the turn of the decade was transformed into a deep recession. Having become accustomed to guaranteed state and local government spending, commercial and residential construction in Anchorage was suddenly found to be over-extended, as were many Anchorage businesses and the impact on jobs and population growth was both immediate and devastating. In the three year period from 1985-1988 employment in Anchorage declined by 16 000 jobs (14%) whilst the population fell by 29 000 persons (12%). The extent of social dislocation created by this recession is underlined by the fact that in one year alone (1986/87) the net migration loss from Anchorage was 21 000 persons (Municipality of Anchorage 1988).

A similar, though less dramatic, rise and fall in population has been evident in Darwin. In retrospect Cyclone Tracy scarcely interrupted Darwin's growth as the pre-cyclone population level of 46 000 was restored by 1976 and continued to rise unabated to reach more than 75 000 in 1987 since which time it has fallen back to around 72 000. Apart from the initial boost provided by reconstruction, this growth was associated with the granting of Territory self-government in 1978 and the federal guarantee of high levels of financial assistance up to 1985. This support was translated by the Darwin-based Territory government into a booming construction and service industry and subsidised tourist developments. Since 1986, however, the level of federal financial support for the Territory has declined significantly and the degree to which recent trends in population levels correspond with the rise and fall of government spending is striking (Taylor 1989, 193-6).

Whilst many of the consequences of population decline in Darwin, in terms of falling house prices and general investment confidence, have been similar in kind to those in Anchorage, they have differed considerably in degree. In 1988, for example, Anchorage had a staggering 15 287 vacant housing units - vastly greater than the number in Darwin. The demographic factors underlying such economic malaise are, however, common to both cities and result from the changing balance of net migration. For example, at the height of Anchorage's economic boom in 1982, nearly 31 000 new residents arrived whilst just over 17 000 left with most of these coming and going to other American states (Williams 1985). By 1987 this pattern was reversed as some 32 000 people departed and only 15 000 arrived (Municipality of Anchorage 1988). Although equivalent municipal level data are not available for Darwin, a similar pattern of turnaround in net interstate migration is apparent for the Northern Territory as a whole during the 1980s (figure 1).

As fate would have it, Darwin sits on the verge of its own potential oil boom based on drilling in the adjacent continental shelf which is regarded as the most prospective area in Australia for oil recovery. Already, two fields, Challis and Jabiru, are productive and will soon supply 20% of Australian output. For a prognosis of likely impacts the pattern, though not the magnitude, of demographic change in Anchorage provides an appropriate guideline.

Homeland demography

In contrast with the ups and downs of frontier settlement, indigenous population groups have experienced steady growth in numbers throughout the postwar period. Responding as they do to different social and economic concerns, the Native and Aboriginal people of Alaska and the Northern Territory now display signs of reversing earlier trends towards increased urban residence in favour of a more rural, dispersed pattern of settlement.

To explain this in the Northern Territory context, it is necessary to consider the influence of government policy over the location of Aboriginal people - an influence which has shifted over time in accordance with changes in Aboriginal Affairs policy. Until 1962, such policies were explicitly interventionist with powers over the place of residence and movement of Aboriginal people vested in the Protector of Aborigines. These powers provided for the relocation of large numbers of Aboriginal people into government and mission settlements as part of a policy of protection and later of assimilation. Residence in urban centres was allowed by permit only or by virtue of already being declared assimilated. The legacy of this era is partly evident today in the continued pre-eminence of Aboriginal population distribution in the larger rural communities (Taylor 1990). In the present policy era, self-determination, self-management and statistical equality with the rest of the Australian population are the guiding principles and the impact of this policy shift on the distribution of Aboriginal population is reflected in two ways. First, increased provision of Aboriginal rental housing and a relative concentration of services and employment opportunities in urban areas has encouraged an increase in the proportion of Aboriginal people resident in such areas, at least between 1966 and 1981. At the same time, and increasingly so, a significant shift has occurred in the distribution of rural Aboriginal people due to a combination of cultural, economic, and political factors operating in many of the large Aboriginal settlements (Coombs, Dexter & Hiatt 1982). This has encouraged fragmentation and dispersion of the population and is manifest in the formation of numerous outstation and excision communities. The geographic impact of this process is illustrated in figure 2 which compares the location of known Aboriginal settlements around 1970 with those known to exist in 1989. Whereas the tendency towards outstation development is widespread, areas of distinctive settlement change include the coastal and inland areas of Arnhem Land, the Daly and Finnis River areas, the Gulf Country and the desert country west of Alice Springs.

Much the same trend in Native population distribution is apparent in Alaska, though in a less obvious way. Throughout the 1950s and 1960s many of rural Alaska's smallest places were depleted of population or abandoned altogether as a consequence of out-migration to regional centres or to Alaska's main urban areas (Kruse & Foster 1986). In 1976 a report to the Federal-State Land Use Planning Commission concluded: 'The process of village consolidation can be expected to continue for much the same reasons that have propelled it historically. Government policy in almost every field now underwrites this trend by withholding services from the smallest places. In short we expect a redistribution of population from the smaller villages to the regional centres' (Alonso & Rust 1976). What regional planners at the time did not foresee was the massive rise in state spending throughout rural Alaska that has subsequently occurred.

In addition, they appear to have underestimated the underlying desire of many Native people to live in small remote communities and their ability to retain, at least in part, a subsistence lifestyle.

Thus, despite rapid urban growth in Alaska over the past 15 years the Native population has shown relatively little redistribution (Williams 1988, 15) with more than two thirds still resident in small rural settlements scattered throughout the State (figure 3). This stability in distribution has been provided for by a variety of capital transfers to the rural economy (Knapp & Huskey 1988). Significant amongst these were the once only payments of nearly \$1 billion to Alaska Native Corporations under the Alaska Native Claims Settlement Act of 1971. In addition, since 1982 Alaska Natives (along with all other state residents) have received annual pay outs in situ from the Alaska Permanent Fund. In 1988 this amounted to \$800 per head of population (Alaska Permanent Fund Corporation 1988) which for some large Native families is not an insignificant amount. Of greater importance, however, has been the growth of federal and state programs which attempt to provide a minimum level of services for all citizens regardless of location. An extreme example of this is provided by the growth of expenditure on rural education. Between 1976 and 1985, Alaska spent \$143 million constructing high schools in small rural villages (Kleinfeld, Williamson McDiarmid & Hagstrom 1985). In some rural communities this amounted to more than \$16 000 per year to educate each high school student. The basis for this expenditure derives from an agreement of settlement (commonly known as the Molly Hootch case) which is now incorporated into state law. By this decree the State of Alaska must provide a secondary school in every community that wants one, at least in theory. In Alaska, small rural high schools are defined as those with fewer than 100 students located in rural communities of less than 1000 residents. By this definition, 3700 rural students attended 162 small high schools in 1984 and there is considerable evidence to suggest a correlation between the existence of a village high school and the level of population retention (Kruse & Foster 1986, 13).

A final factor in the growth of capital transfers has been the development of the Alaskan oil industry and the capture of enormous resource rents by the State government as well as by some local governments. An extreme example of this impact is provided by the North Slope Borough, which encompasses a predominantly Native population, and derives large royalty payments from the Prudhoe Bay oil development. In the fiscal year 1990/91, North Slope Borough government revenues totalled \$331 million, whilst between 1975-1989 capital improvement expenditures in the Borough have totalled \$1.6 billion (North Slope Borough 1990). All this for a population which totalled only 5667 in 1989 and is spread among eight settlements along the arctic coast. Not surprisingly, Native villagers in this region have managed to gain access to employment and services without having to abandon their traditional lifestyles and lands (Knapp, Colt & Henley 1986).

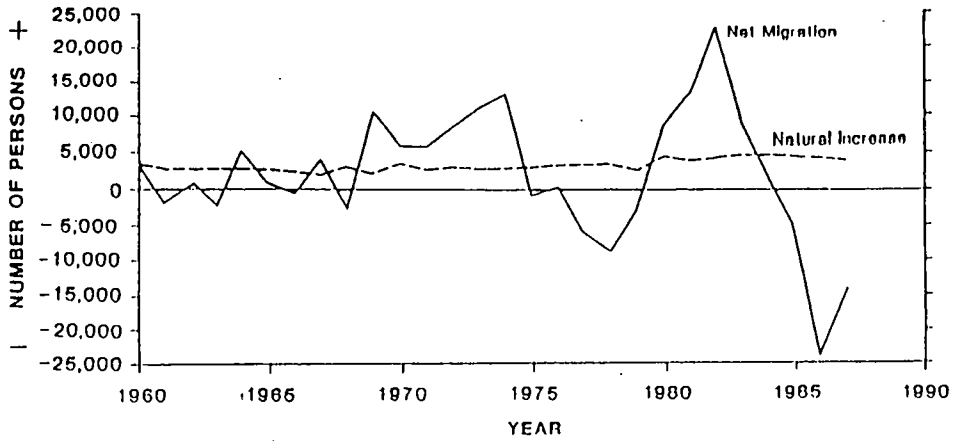
Conclusion

These glimpses of demographic change in two quite distinct settings serve to underline the common impact of spatial processes in northern regions. For the intrusive population, it is clear that the winds of change blow hard and fast on the frontier due to a combination of the shifting geo-political importance of such regions, the ups and downs of natural resource exploitation, and the varying ability of liberal democracies to maintain high levels of public expenditure. As a result, the economies of remote urban places are inherently fragile being distant from markets and overly-dependent on single economic props with little horizontal integration. The tendency is for 'event driven' economic growth with alternating cycles of boom and bust. Equally fragile is the population base with most residents originating from distant, more settled regions and aspiring, ultimately, to return there. As a consequence, population levels are highly

sensitive to changing economic fortunes and provide an effective barometer of which way the winds are blowing.

In contrast, indigenous population groups display a degree of regional stability in terms of steadily growing numbers and a diversified settlement distribution. Indeed, far from representing the stagnant and declining economic areas of conventional regional development theory (Friedmann 1966), it would appear that the remoter regions of Alaska and the Northern Territory are characterised by an internal dynamism revitalised by the common process of increased public spending and the growing influence of Aboriginal/Native self-determination. In certain cases, particularly where access to mineral royalties has been achieved, a substantial return flow of capital from the core to the periphery is also evident. The overriding demographic response to these changes in the political economy of northern regions confirms the strong desire of many indigenous people to retain as much of a traditional lifestyle as possible. But given the level of dependency on economic transfers which has emerged, plus the fact that the nature and security of these transfers are often determined by external agencies, the sustainability of these demographic trends depends on continued economic and political change in favour of indigenous peoples.

Figure 1
COMPONENTS OF ANCHORAGE POPULATION CHANGE
1960 - 1988
 (Source: Municipality of Anchorage, 1988)



COMPONENTS OF NORTHERN TERRITORY POPULATION CHANGE
1983 - 1989
 (Source: ABS Catalogue 3101.0)

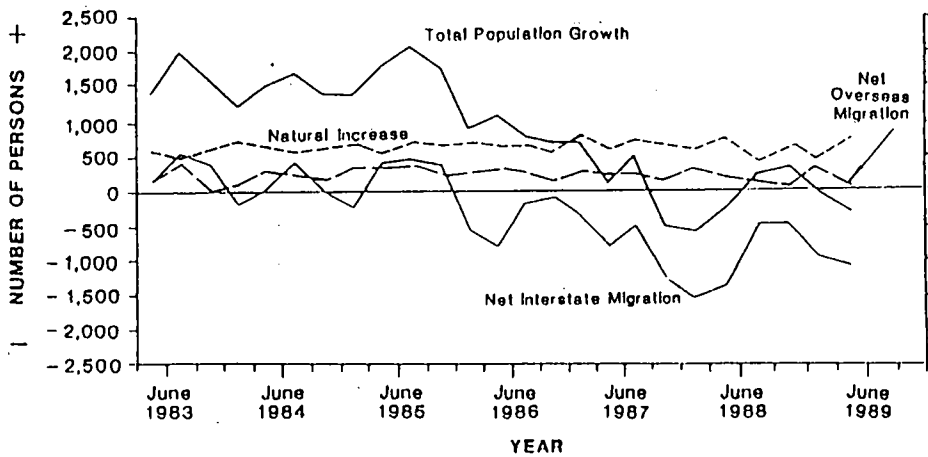
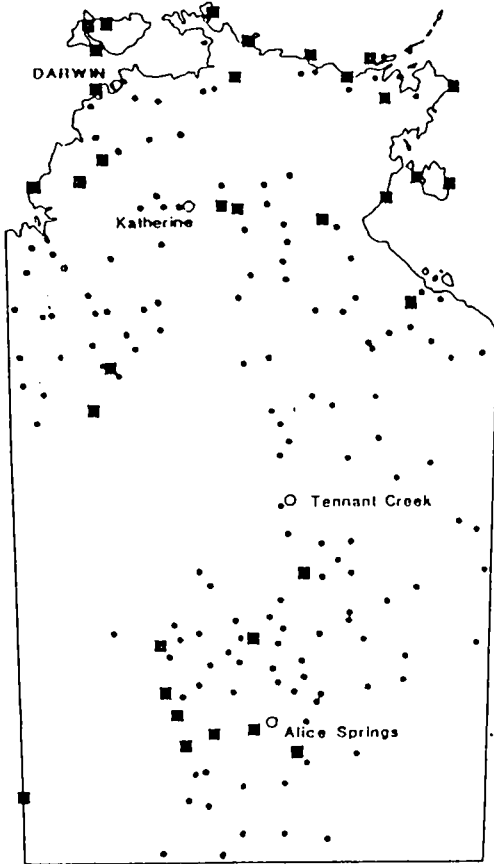
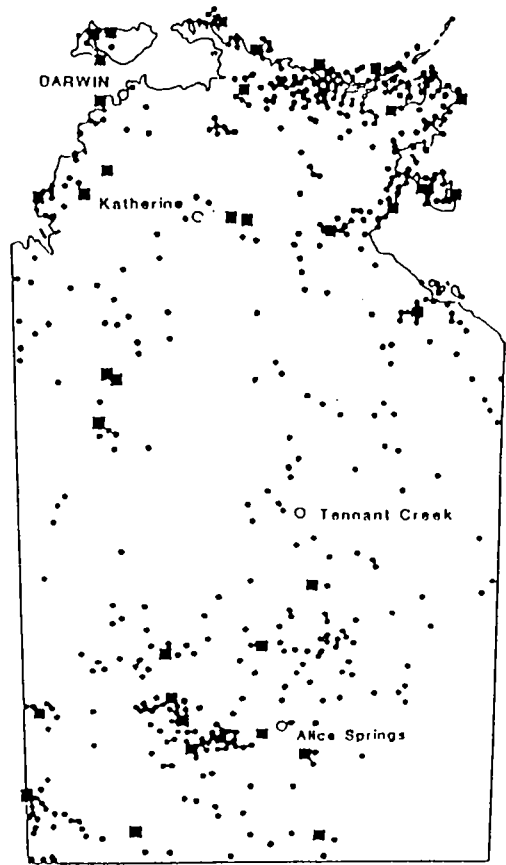


Figure 2
LOCATION OF ABORIGINAL SETTLEMENTS IN THE NORTHERN TERRITORY
1970 AND 1989
(Source: ABS 1990, 12)

C. 1970

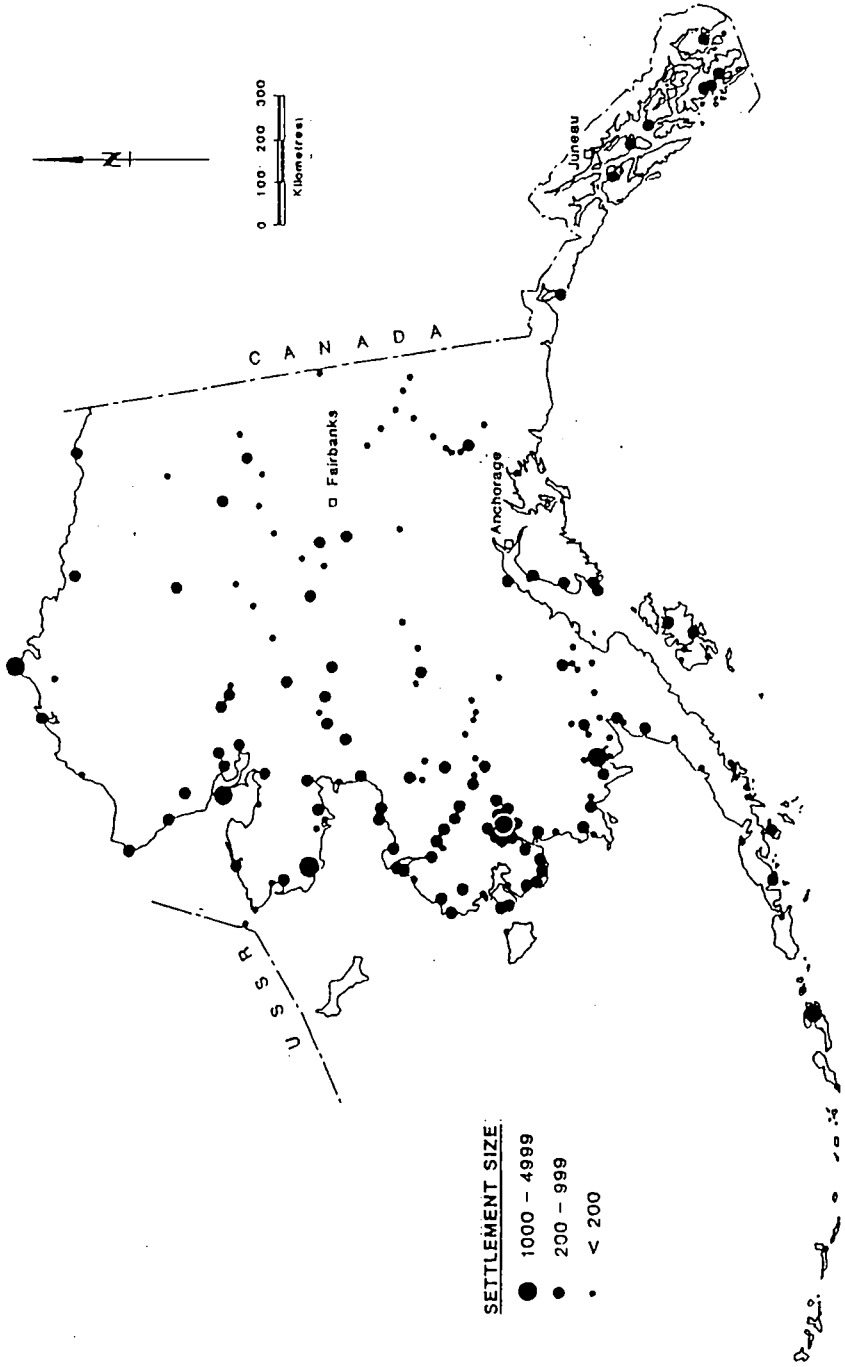


1989



- Aboriginal Community
- Outstation or Pastoral Excision

Figure 3
SIZE AND DISTRIBUTION OF ALASKA NATIVE VILLAGES 1986
 (Source: State of Alaska, 1989, *Alaska Population Overview, Juneau*)



References

- Alaska Permanent Fund Corporation, 1988. *Annual Report*, Juneau.
- Alonso W and Rust E, 1976. *The Evolving Pattern of Village Alaska*, Federal-State Land Use Planning Commission Publication No 17.
- Australian Bureau of Statistics, 1990. *Aboriginal People in the Northern Territory*, ABS Catalogue No 4107.7, Darwin.
- Berger TR, 1985. *Village Journey: the Report of the Alaska Native Review Commission*, Hill and Wang, New York.
- Berger TR, 1988. *Northern Frontier Northern Homeland: The Report of the Mackenzie Valley Pipeline Project*, Douglas and McIntyre (2nd ed), Vancouver.
- Coombs HC, Dexter BG and Hiatt LR, 1982. The outstation movement in Aboriginal Australia, in Leacock E and Lee R (eds), *Politics and History in Band Societies*, Cambridge University Press, Cambridge, 427-39.
- Friedmann J, 1966. *Regional Development Policy*, MIT Press, Cambridge, Massachusetts.
- Holmes JH, 1981. Lands of distant promise, in Lonsdale RE and Holmes JH (eds), *Settlement Systems in Sparsely Populated Regions*, Pergamon Press, New York, 1-14.
- Kleinfeld J, Williamson McDiarmid G and Hagstrom D, 1985. Alaska's small rural high schools: Are they working?, *Alaska Review of Social and Economic Research* 22, 3.
- Knapp G, Colt S and Henley T, 1986. *Economic and Demographic Systems of the North Slope Borough: Beaufort Sea Lease Sale 97 and Chukchi Sea Lease Sale 109*, US Department of the Interior, Minerals Management Service Outer Continental Shelf Study, Technical Report No 120.
- Knapp G and Huskey L, 1988. Effects of transfers on remote regional economies: the transfer economy in rural Alaska, *Growth and Change* 19, 2, 25-40.
- Kruse J and Foster K, 1986. Changes in rural Alaska settlement patterns, *Alaska Review of Social and Economic Research* 23, 1.
- Municipality of Anchorage, 1988. *1988 Anchorage Population and Housing Profile*.
- North Slope Borough, 1990. *Semi-Annual Economic Profile*, North Slope Borough Planning Department, Barrow.
- Taylor J, 1989. Migration and population change in the Northern Territory, *Australian Geographical Studies* 27, 2, 182-98.
- Taylor J, 1991. Anchorage and Darwin - a tale of two (sister) cities, *Geography* 76, 2, 151-4.
- Williams G, 1985. Population growth and migration in Alaska, *Alaska Economic Trends*, October, 1-10.

Williams G, 1988. Alaska's Native population: an updated profile, *Alaska Economic Trends*, December, 10-17.

AUSTRALIA'S NORTHERN TERRITORY AND CANADIAN TERRITORIES: CONSTITUTIONAL AND POLITICAL DEVELOPMENT

Peter Loveday

Constitutional development in Australia's Northern Territory is as complex a matter, theoretically and in practical politics, as it is in Canada's Northwest Territories. The theoretical and practical questions have recently been well set out by Gurston Dacks in a paper in the forthcoming *Northern Review* 5, 1990 on the influence of devolution on constitutional and political development in Canada's two northern territories. Dacks begins by noting that, in the territories, the constitutional future of the north is one major subject of political debate; another is the appropriate form of government for the Northwest Territories. He goes on to say that full provincehood will not come to the north until there is a consensus in territorial society about the appropriate forms of representation and government. This consensus appears to be a matter of widespread consent and widespread support, although at times Dacks does speak as if it also encompasses absence of dissent and absence of opposition (see also Partridge 1971). The focus of his paper is to consider the effect on constitutional and political development of the devolution of power by the federal government in Ottawa to the territorial governments. In this formulation, the territories have their own process of political and constitutional change. A second process, devolution, has an independent source and may be varied, both in speed and character, independently. The second process will modify the first and in particular help to determine constitutional outcomes for the territories.

Similar observations might be made about Australia's Northern Territory. The constitutional future is a matter of political debate even if it has always been taken for granted that responsible government is the appropriate form of government. The mechanisms of government and representation are built on the assumption, seldom contested, that the Aborigines, the indigenous inhabitants who amount to about 23% of the population, need only the most minimal of special arrangements at the level of local government. A process of devolution which yielded a high level of self-government in 1978 by the transfer of federal powers to the Territory has since been virtually halted. The end result for many but not all Territorians is clear: full statehood with powers no different from those of the other states in the federation. In the mid eighties it was thought that this might be achieved as one package after a sustained process of political debate and intergovernmental bargaining; it has recently been proposed that '1 July 1990 should be established for the completion of the transfer of powers to the Northern Territory' (Northern Territory 1989, 5), a date since passed without any transfer. It may now be accepted that the powers of self-government will be increased in a piecemeal fashion, with statehood attained at some indefinite time in the future.

The constitutional history of territories like the Australian Northern Territory and the Canadian Yukon and Northwest Territories can be told as an evolution from colonial or semicolonial status to self-government. Although the word 'colonial' is sometimes thought to be pejorative in this connection, it does nonetheless indicate the dependent or subordinate constitutional status of the territories, a status quite different from that of provinces in the Canadian federation or the states in the Australian federation. Furthermore, even if the word colonial is not used, the model for the evolution of the constitution of the dependent territory to self-government is normally drawn from the history of the evolution of former British colonies to self-government.

Three things must be noted about this model. First, the emphasis in the texts recounting the history is on constitutions and is therefore almost always formalistic, even legalistic, in character. Other parts of a political system, parts which may be taken for granted by the protagonists or which are not regarded by lawyers as 'constitutional' in nature, are then likely to be neglected even though they may well be of considerable importance in the functioning of a self-governing territory. The party system and the interest groups are the most important of these parts. Second, the evolution follows a single course through the development of representative parliamentary institutions to responsible government. There are minor variations in the course of events in different countries but the broad pattern and the end result is the same in all of them. Third, the word evolution is important in the model for two reasons. It suggests that territories have an inherent political vitality which ensures political and constitutional change. They could not fall, as some other former colonies have fallen, into a state of arrested or frozen development. Furthermore the word conveys the idea that the change taking place is progress, even perhaps an inevitable development to a more advanced state, and the implication is that anything which blocks this progress is a reactionary force, doomed to failure in the long run.

The change in status of a territory can be seen as an evolution if it is considered from the point of view of the territories themselves or, if it is considered from the point of view of the imperial power in London or the federal powers in Ottawa and Canberra, it can be viewed as a devolution, a word less fraught with implications of progress and inevitability. In each case there is a transfer of power from a central authority to a new unit of government in a territory hitherto dependent on the central authority. In each case, if the new unit of government is part of a federation, it has a measure of sovereignty not only within a geographical jurisdiction but also within a limited range of powers or functions. The conceptual difficulties which this division of power between central and territorial governments presents for certain doctrines of sovereignty need not detain us.

Federation in Australia in 1901 took place in one step although at the time Queensland was irresolute and opposed to entering until the last minute. The thought that New Zealand might join at a later date has come to nothing. From time to time there have been rumblings of discontent which would have changed the federation had they come to anything, the main ones being a secessionist movement in Western Australia in the early 1930s and movements for carving new states out of New South Wales in the 1920s and 30s. The most important changes have taken place in the two mainland territories: the Northern Territory, acquired by the Commonwealth from South Australia in 1911, and the Australian Capital Territory (ACT), carved from the state of New South Wales in 1909 to be the seat of the national capital, Canberra. These have both become self-governing, the ACT in 1989 and the Northern Territory (NT) since July 1978. The Northern Territory may usefully be compared with the two Canadian territories, the Yukon and the Northwest Territories; the ACT on the other hand is not only in the south, it is also different in so many other respects that it would be pointless to consider it in the present discussion.

The Northern Territory does not comprise the whole of the Australian north. Long before federation the boundaries of the two states, Queensland and Western Australia, had been drawn to include large northern parts of the Australian land mass. Queensland also added to its space by successfully claiming, late in the nineteenth century, the islands of the Torres Strait northwards to within a few kilometres of the coast of what is now mainland Papua New Guinea. Although there have been new state agitations in the north of Queensland and some regional dissatisfaction in the north of Western Australia, there is no likelihood that these areas will become separate states of the federation. In 1987-88 the Torres Strait Islanders called for their 'sovereign independence', evidently

meaning independence from Queensland, but within the federation (*Report of the Interdepartmental Committee on the Torres Strait Islands*, [Canberra] August 1988, 1). This call is unlikely to succeed, although it should be noted that the Australian federal constitution does make provision in chapter 6 for the admission of new states to the federation.

Two strands are interwoven in the history of the Northern Territory: constitutional development and concurrent political development. The constitutional story of the NT has been usefully summarised by Heatley (1979), and Jaensch (1990) who uses a model of development drawn from works on the transition from crown colony to responsible government in the British Empire in the nineteenth century. Alistair Heatley has also described the politics of the NT's transition from government by 'Canberra' to self-government (1990). Other texts round out his account of political development in the NT (cited in Loveday forthcoming), describing in particular the formation of the conservative Country Liberal party, in government since 1978, and the reformist (with radical elements) Labor party, in opposition since 1978. These two parties are linked with their national counterparts. The present system of self-government in the NT is not, however, the equivalent of that in the other states in the Australian federation and arguments about the transition to full statehood have been presented in a book of documents edited by Loveday and McNab (1988). In this respect the Northern Territory is similar to the two Canadian territories which also have fully elected legislatures and responsible government but do not have the status of provinces.

The constitutional development of the Northern Territory includes two distinct processes: the development of a representative system and the development of the rules and conventions of responsible government. From 1890 to 1911 the Territory had some representation in the South Australian parliament and from 1922 to 1947 it was represented by a single member, with very limited right to take part in proceedings, in the national parliament in Canberra. It did not obtain its own legislature until 1947, and it was a hybrid, part elected, part official, like the councils in British colonies a century before. For the elected members the major issue in the fifties and sixties was to gain a majority in council but the federal government in Canberra resisted their demands until 1968 when it agreed to an elected majority. Six years later the council was replaced by a fully elected legislative assembly (Jaensch 1990, 3, 6-9).

Throughout the period from 1911 to 1974, the Territory's affairs were administered by an administrator under the direction of a minister in Canberra and, on the basic policy questions, under the direction of the government of the day. The administrator did not have an executive council although for short periods from 1919 and again in the twenties he did have an advisory council. From 1947 to 1958 the administrator had a majority in the legislative council to override the elected members and, after 1958 when three nominated nonofficial members were added to the council, he could normally secure such a majority. In any case the government in Canberra retained a power of veto over resolutions of the council throughout its life (Jaensch 1990, 9-11; Heatley 1979, ch 2). In 1974 the legislative council was replaced by a fully elected assembly. From 1974 to 1978, the administrator remained at the head of affairs in Darwin, the seat of government in the Territory, but the elected legislature focussed its attention on the government in Canberra. Given the Labor party's traditional preference for a unitary as compared with a federal state, Whitlam's Labor government (December 1972-November 1975) would not consider statehood for the Territory but it did set up a committee to recommend a devolution of powers, a committee whose report was the basis of the eventual settlement. The succeeding Liberal party prime minister, Malcolm Fraser, promised statehood within 5 years, and although leading Territorians were sceptical of the promise being kept, they continued to work for constitutional development (Heatley 1990, 53). The period from 1974 to 1978 was one of transition, during which a fully elected legislature, the assembly, maintained the pressure on the government in Canberra for self-government.

The story is evolutionary in its general character. Autocratic rule was inherently untenable once the representative system, based on a reasonably sized population, had taken shape. As elsewhere, elected representatives slowly wrung reforms from government and bureaucracy in Canberra, reluctant to agree because of the financial dependence of the Territory on the national treasury. The legislative council, Jaensch comments, 'turned out to be an institution of transition' from autocratic rule to responsible government or self-government as it was called when it was instituted in 1978.

The self-government agreement between the national government and the Territory included a special financial agreement and a timetable for the transfer of other state-type powers for the administration of law and order, land, fisheries, mining, transport and roads, power and water supplies, health, education, services to primary production, registration of births, deaths and marriages, certain taxes and so on. These powers entailed that the administrative arm of government, hitherto controlled by authorities in Canberra, would be transferred to control by the new NT government. It would also be reorganised along conventional state-type lines. The national government reserved a right to legislate on state-type matters but only to the extent necessary to secure a national policy objective and in consultation with the NT government; in other state-type matters the NT government would have autonomy under the 'general oversight' of the national government (Heatley 1979, 43-4).

Self-government did not, however, give the Territory full statehood equivalent to that enjoyed by other states in the federation and in later years a strong move to gain full statehood was developed by the NT government. It prepared a long list of the disadvantages which hampered the Territory and of these the most important politically were the inadequacy of the NT's representation (2 members) in the Senate (the elected upper house of the national parliament) in comparison with the representation of the other states (12 Senators each); national ownership of uranium deposits in the NT (but not in the states) and control of uranium mining; the national 1976 legislation for land rights for Aborigines in the Territory which the Territory legislature could not amend and for which there was no equivalent in the states; the national government's ownership and control of two large national parks in the NT, again with no equivalent in the states (Loveday and McNab 1988, 267-81). The more recent submission (Northern Territory 1989) calls for full transfer of powers, including transfer of ownership of uranium deposits, of the Aboriginal land rights legislation and of the administration of national parks to the Territory but it avoids talking of statehood as a single package with a single target date.

Constitutional change has been accompanied by political development: the growth of political parties and organised interest groups; the enlargement of the electorate to include Aborigines and their increasing participation in elections and in various political organisations and by the extension of local government to the very small townships with accompanying political activity by local citizens, both black and white. In these respects the Northern Territory has followed a path similar to that followed by the Australian colonies in the nineteenth century. In all of them there was very broad agreement on the desirability of responsible, parliamentary self-government; constitutional development preceded and was the stimulus for political development; constitutional development took place by means of devolution of power from Britain; it was piecemeal but as far as internal political life was concerned it was virtually complete long before the end of the century when the first parties were becoming established (Loveday and Martin 1966; Loveday, Martin and Parker 1977). Consensus, in a rather loose sense of the term, preceded constitutional development and devolution which, in turn, preceded political development. The Aboriginal population was completely ignored by those concerned with political and constitutional development.

Political parties, formed nationally in the first decade of the century and in all states about a decade earlier, were consolidated in Australian politics by the end of the first world war. It was another 50 years or more before a party system was established in the Territory. From 1922 to 1934 the NT's sole representative in the national parliament was a Labor party man but there was no party organisation in the Territory. Parties took shape only when the institutions of representation had been set up and in direct response to the opportunities they presented but even then, although there were attempts to conduct early council elections on party lines, it was not until 1966 that 'the competition of the Labor and Country parties came to dominate Territory politics' (Jaensch 1990, 13). Even then party competition in the legislative council was muted because elected members were all determined to work together to increase their power to manage their own affairs. Adversary party politics prevailed in the legislature only with the coming of self-government in 1978. In the electorates, once the Labor and Country parties became dominant, independents and minor parties were increasingly at a disadvantage and won fewer seats and proportionately fewer votes. The voters in the Territory either came from down south or were the small but growing band of Territory born. Their party preferences had been formed either by their own or by their parents' prior acquaintance with party politics elsewhere. The task for the Territory parties was to build on the existing commitments of voters and to convert them to Territory political ends; party identification did not have to be built *de novo*.

The Aborigines were a different matter. Constituting about 23% of the Territory population (155 000 approx), those of voting age (18 years old or more) are divided about half and half between rural and urban residential locations. Whites, on the other hand, are predominantly urban in residence although some are to be found scattered throughout the Territory in mining, some agricultural and horticultural occupations and in the cattle and buffalo industries, to name the principal ones. Rural Aborigines live in a variety of settlements in size from about 50 to 500 or so people. They retain a high degree of mobility and a substantial subsistence component in their lives where resources have not been too depleted by 'sedentarisation' and expansion of population — the usual consequence of bureaucratic administration and mission activity. Urban Aborigines retain a strong sense of their Aboriginal identity and varying aspects of traditional culture, including tribal identification and close family links with rural kin, even though culture and language are attenuated by contact with white society and the demands of urban life.

Aborigines had no prior participatory experience of elections and party politics although they had been the unconsulted subjects of much political action and presumably had some political knowledge as a result. They were not enfranchised for national and Territory elections until 1962, and until 1983 they were not required to enrol, as other eligible citizens were. They were consequently not required to vote. At first only about one in eight of those eligible were enrolled and this figure had risen to about one in two by 1974 after an early electoral education program (Loveday 1988, 343). By 1987 it was estimated from survey data that 80 to 85% of Aborigines were on the electoral roll (Jaensch and Loveday 1987, 137). Given that voting in Australia is compulsory (strictly attendance at the polling booth), turnout is not a particularly useful indicator of participation but it is thought to be about 80 to 85% compared with about 95% for non-Aborigines. Aborigines tried unsuccessfully to form their own political party for the 1983 NT election (Loveday and Jaensch 1984, 55) and on various occasions several, including at least three women, have stood as candidates for one or other of the political parties, a few of them successfully. Although Aborigines predominate numerically in several rural electorates their voting strength has not been organised in competition with the parties and when independent Aboriginal candidates have stood they have not attracted a significant number of votes away from white party candidates. Survey data obtained in election studies in the Territory and in a study of the electoral information

program of the Australian Electoral Commission show that Aborigines have some knowledge of party politics and the issues of the day and maintain that knowledge by attention to the media. Surveys have however shown that they are not always familiar with the technicalities of the Australian voting system and in 1987 there was also strong evidence that 'leadership' style campaigns left a large proportion of Aboriginal voters confused about the party identifications of the leaders (Jaensch and Loveday 1987, 152-3).

This is not to say that Aborigines were effortlessly absorbed into the dominant political system or that they are now content with their part in it. It was certainly the hope of Australian governments both in the assimilationist period in the fifties and sixties and afterwards that they would be and consequently the possibility that different political and constitutional arrangements might be more appropriate and acceptable to Aborigines was scarcely even imagined let alone considered.

In the Northern Territory as elsewhere in Australia interest groups are an important form of political action and are more important, according to Heatley (1979, 176), than parties as agents for 'demand articulation'. Interest groups supplement the parties by focussing on the administrative agencies of government as well as the legislature; they play very little part in electoral politics. Heatley notes that 'there are few areas of economic, social and cultural life which do not have organisations active in defending or promoting group interests' (1979, 176). Many of them are as interested in federal as in Territory affairs. Some interest group organisations (including trade unions) or their predecessors were active from early in the period of federal control, but most groups appear to have been formed or to have become most active concurrently with the growth of the parties and the prospect of increased local control, through a Territory based administrative system, over local affairs. In other words, this form of political development was stimulated by constitutional and administrative organisational development.

The history of the development of Aboriginal organisations is more complex and more recent. Although there were early organisations for political action such as the Half Caste Progressive Association, present day organisations have short histories, most dating from reforms in the administration of Aboriginal affairs which followed the acceptance of Aborigines as full citizens in the 1967 referendum and the election of the national Labor government in 1972. Administratively the main change was to set up the federal Department of Aboriginal Affairs with generous funding, a change which marked the end of the paternalistic and assimilationist welfare era in the NT, but politically the Aboriginal land rights legislation for the Territory, the only area of direct federal jurisdiction, was also of the utmost importance even though the bill was not passed until 1976 by the following Fraser non-Labor government. In the early seventies the ill-fated National Aboriginal Consultative Conference, and then the National Aboriginal Conference, were formed, with state and Territory sections, stimulating Aboriginal leaders and organisations to take political action - not infrequently in tones too strident and demanding for those who had created them. At the local level the national Labor government in Canberra took control of local affairs out of the hands of white departmental officials and tried to place it in the hands of elected Aboriginal community councils, often with results confusing and disheartening to the local people who could not move in one step to total competence in handling their relations with a white bureaucracy in Canberra unaided by white advisers.

Today there is no single group representing Aboriginal interests in the Territory; instead, under federal legislation, there are three land councils, one in the centre, one in the north and one for the Tiwi islands, and they have the 'central responsibility in relation to the administration of Aboriginal land' (Peterson 1981, 37) which, with land under claim, constitutes over 40% of the Northern Territory's land area. Numerous other organisations exist, most of them functioning principally as community business

organisations (housing associations, pastoral companies), as administrative agencies with some business and consultative functions (town campers service organisations) or as functionally specialised service agencies such as the Aboriginal legal and health service agencies. None of them would be regarded as 'voluntary' or representative organisations of the same kind as the Chamber of Mines or the Master Builders Association but they are virtually the only organisations of Aborigines for the conduct of 'political', including administrative, business. These Aboriginal organisations, unlike the trade union organisations or the economic-employer organisations do not have informal links to the political parties although there are some links of a personal kind. If we look back 23 years to the 1967 referendum when Australia voted overwhelmingly to give Aborigines full citizenship, the growth of Aboriginal organisations has been phenomenal, but from a political point of view, it must be emphasised that most of the organisations were not formed for political interest group action but for other purposes, that they are under-resourced by comparison with white pressure groups and that they are divided and subject to various handicaps for work in the political arena by reason of inexperience, past history and culture. In other words, their handicaps are very like those which Dacks describes for indigenes in Canada's Northwest Territories.

Two more things must be mentioned: public service employment and local government. Many Aborigines have greatly increased their knowledge of political, organisational and administrative matters in working for the federal or the Territory public service. The Territory government set a target of 20% Aboriginal public service employees early in the eighties but, despite major efforts, it has not achieved much beyond 8%. Those who are employed are disproportionately in the lower ranks and in some departments, such as education, even though efforts to ensure that capable Aboriginal public servants reach the executive level have had some success.

Local government, it must be noted first, is not a function of the land councils but of small settlement-based elected councils. These have limited land areas relative to the areas of land transferred to Aboriginal ownership under the *Aboriginal Land Rights (NT) Act, 1976*. The elected Aboriginal 'village' councils which were started at the end of the fifties were seen primarily as training and consultative mechanisms and the local control of settlements and missions remained in the hands of white superintendents. These councils had a fitful existence until the mid-seventies when, in the name of the new policy of self-determination, Labor attempted to transfer control to them (Loveday in Wolfe 1989, 13-33). The two non-Labor national parties, Liberal and National, in government in coalition in Canberra from 1975 to 1983, refused to accept the slogan of self-determination and produced their own: self-management. This, rather than self-determination, lay behind the Northern Territory's community government legislation at the end of the seventies. In the Territory, the Country Liberal party government introduced what was called 'community government' for the many small settlements, black, white or mixed, which had hitherto had no local government at all or at best the 'village' councils. This new form of local government offered considerable flexibility within the overall framework legislation. A settlement could choose whether and when to opt for a community government scheme, tailored to its needs, including the land area within which it would operate, the manner of representation, including tribal group representation, on the council and the range of powers, including the power to operate commercial profit-making enterprises, which it would adopt. Although this has the appearance of conceding a substantial measure of self-government, the community government councils operate under two major constraints. The first is that, unless they can generate their own funds from commercial activities (for which there are few opportunities in most communities), they are almost wholly dependent on funds from the federal and Territory governments, administered by the NT's Office of Local Government. The maintenance of essential services is a first charge on the funds. Second, the powers that a council may take on are so defined that they do not erode the

control of those central agencies of government which deliver services in the communities, particularly health and welfare, education, and law and order services.

Why are the arrangements regarding the Aborigines central to the discussion of devolution and constitutional development? It is necessary to turn back to Dacks. Two contentions are central to his analysis of the constitutional development of the Yukon and the Northwest Territories. The first is that before a society attains provincehood or statehood there should be a consensus within it on its system of representation, its boundaries and the desirable form of government. If this consensus exists, then the government will have legitimacy and stability. The second contention is that devolution of power should not outstrip the development of the consensus. Devolution should not be pushed ahead too fast, in case it forecloses options that should be explored, nor should it be too slow in case it threatens progress. With these two contentions and some supplementary explanation he explores constitutional development in the Yukon and the NWT, showing that in recent times they have followed two different paths.

The Yukon has parliamentary and responsible government with a three party system. Its Indian population, about a quarter of the total, is dispersed throughout the Territory. It is represented in the parliament through the party system. Since 1984 the New Democrat government has given priority to Indian land claims, removing a major source of apprehension about other policies and further devolution. Indians see local government and local politics as the arena within which they can attain a high degree of control over their own affairs. They accept that at the territorial level the unit to be represented is the individual; they do not wish to change the boundaries of the territory by subdividing it to create sections within which they have predominance. There is, in other words, a consensus on representation, boundaries and the form of government. Devolution has been neither too fast nor too slow and, presumably, can now be taken the few extra steps needed for full provincehood without any risk that the stability of the government will be threatened.

The Northwest Territories is a different matter. It has a representative system and a parliament, with a cabinet of elected members. But it does not have a party system and as a result collective responsibility is difficult to maintain in the house and public accountability is hard to achieve in the electoral arena. Its indigenous inhabitants are not one but three groups: Inuit, Métis and Dene. They are not dispersed throughout the territory but are locationally more or less distinct from each other and from the white population, which as elsewhere, is mostly in the urban centres. The three indigenous minorities dislike party politics because it does not allow for an acceptable balance between individual and collective rights and gives pre-eminence to the individual at the expense of the collectivity. For them, self-government with a strong collective component is an option — but at the price of some kind of subdivision of the NWT. In the politics of advancing their case in opposition to the territorial government's case for further devolution to the NWT within its present boundaries, the indigenes suffer from inadequacy of political resources and from their own disunity. Their difficulties, Dacks comments, 'add up to a problem of political development'. The prospect of further devolution alarms the indigenous people because the powers which the territorial government does not yet possess, 'in particular authority over oil, gas and most of the land are politically very important powers because they touch aboriginal interests so intimately'. Dacks then comments that 'devolution works to the advantage of the territorial government'; it undercuts the indigenous peoples' idea of a 'government by "partnership" among ethnic groups of the western NWT should division of the territories take place' to create Nunavut for the Inuit. It appears to 'put Ottawa's stamp of approval on the vision of those who see the present government and its evolution in the direction of the standard parliamentary model as right and inevitable'. Dacks then explores the implications of further devolution for the structure of territorial self-government, land claims, aboriginal self-government, division of the NWT and regionalism. In summary

there is no consensus in the NWT on the representative system or the form of government. People disagree about the basic unit, individual or collectivity, about the boundaries and about the appropriateness of party and responsible government. Lacking consensus, the legitimacy of the governmental institutions is easily questioned. Further devolution now would not only increase the political tension but it would also foreclose the exploration of other options, options outside the conventional model of progress towards responsible self-government.

The Australian Northern Territory, is similar to both the Yukon and the Northwest Territories in some respects and different from them in others. It therefore presents us with a third and different example for examining Dacks's analysis. Like the Yukon, it has parliamentary and responsible government with what is basically a two party system. Its constitutional development appears to have been both 'right and inevitable', to use Dacks's phrase. It would therefore seem proper that it should continue on the same course by the devolution of further powers. But this is to forget the Aboriginal component of Northern Territory society, a component which has not yet reached an accommodation with the governing white majority and has not been accepted by that majority as a distinct people or 'first nation' to use the Canadian term.

Since the Territory is different from its two Canadian counterparts, more detailed discussion of two matters is necessary, namely, the lack of consensus in the Territory and the possibility that some different options might be envisaged for constitutional development.

Consensus in the Northern Territory might be contemplated in one of two ways. It might be a consensus arising from the Aborigines' acceptance of the prevailing system of representation and government and its established boundaries and acceptance that individuals are the units of the system. The requirement would be not only that the indigenes were in substantial agreement with the prevailing system but that the whites themselves were also in substantial agreement about it. This version of a consensus would be called the assimilationist version. An alternative would be that black and white had reached substantial agreement which allowed for diversity in the system of representation and its basic units, for variation of boundaries and for guaranteed protection of basic interests of the indigenous minority, possibly the protection afforded by indigenous self-government within the parent state. This could be called the federal or bicultural version of consensus although it does provoke ill-informed cries of 'Apartheid in reverse' from the right in Australian politics.

The preceding discussion has shown that the trend of both constitutional and political development in the Territory has been towards developing an assimilationist form of consensus. A conscious effort was made late in the eighties to increase the level of the consensus by having a statehood team tour the Territory to take submissions about statehood and to explain its meaning and benefits, principally to Aboriginal communities (Australian Marketing Institute, *Marketing the Constitution*, Darwin 1989, 1). It was also accepted by the government in 1987 that a referendum would have to be held to establish that a high level of consensus existed in order to convince Canberra, and possibly doubtful state premiers, that the Territory was united to a high degree behind the government on this question (Legislative Assembly of the Northern Territory, *Information Paper No 1* [1987] 5; *The Seventh Australian State? The Parliamentarian* 69, 3, July 1988). Politically, statehood is on the back burner, the referendum has still not been held and the evidence is that there is a long way to go before consensus of this kind is broad enough to warrant further devolution of power from Canberra.

Aborigines, as one of the two 'parties' to the possible consensus, are not agreed among themselves on a number of basic issues and they therefore cannot be agreed with the other party, the non-Aborigines who, in turn, are also deeply divided on basic questions.

Statehood is the key question because it comprehends most of the others. To agree to statehood as it has so far been discussed is to agree to a form of government and to the method of representation on which that government would be based, these being what the Territory now has. It is to agree that the basic political units of the society are individuals and to agree to the present boundaries of the Northern Territory along with any claims the Territory government may make for a readjustment of those boundaries in respect of island areas which it might want such as Ashmore Cartier reefs (possible oil and gas), or not want such as Cocos Keeling Island and Christmas Island because of disproportionate numbers of Labor voters. It is to agree that a state government would control uranium mining and national parks and have power to amend the Aboriginal land rights legislation. It is to agree that the Territory, as a state, would be entitled to the full representation of twelve Senators alongside other states in the federal upper house, at least in the near future if not at once, even though its population is miniscule beside that of all other states (Jaensch in Loveday and McNab 1988, 70-3). It is assumed that such an enlargement of the Senate with Territory members might well result in a very long term, if not permanent, majority in the upper house for the non-Labor parties in Canberra, with the consequences that future national Labor governments would be in office but possibly not in power and that a constitutional crisis of the magnitude of 1975 could be provoked by refusal of supply or refusal to consider a motion for supply by the non-Labor Senators at any time of their choosing.

Opinions on statehood have been canvassed several times by survey methods. One polling agency reported in 1985 that 'non-Territorians are cautious about giving the Northern Territory Government full control over such things as the development of offshore resources, uranium mining and Aboriginal land rights' and that among [urban] Territorians 'opinion was divided 38% to 35% in favour of statehood' (in Loveday and McNab 1988, xv). Surveys of urban voters and of Aboriginal voters carried out in 1987 at a time when the Labor opposition had agreed with the CLP government on a bipartisan approach to the issue revealed that nearly 60% of the Aborigines questioned were opposed to statehood and 56% of urban, mostly white, voters were opposed (Jaensch and Loveday 1988, 156, 188). Similar divisions of Aboriginal opinion were reported on the questions whether the federal government or the Territory government should control national parks, uranium mining and Aboriginal land. Non-Aborigines were more in favour than Aborigines of Territory control over these matters (70 to 77% in favour) and, while non-Labor (Country Liberal and National party) voters were 90% in favour, Labor voters were divided approximately half and half on the questions of control (Jaensch and Loveday 1988, 156, 193). The differences among Aborigines about mining and mining exploration reach the media from time to time when particular proposals are under discussion and need not be catalogued here. Other evidence of a lack of consensus may be noted briefly. There has been considerable tension, not to say disagreement, within the CLP leadership itself about the number of Senators the Territory should demand (Heatley 1990, 164-5); voters in 1987 were divided on the questions whether statehood would mean higher taxes and higher cost of living and whether it would bring benefits; another division was revealed with the question whether land rights for Aborigines should be guaranteed before the Territory got statehood. The Northern and Central Land Councils both issued tapes about statehood which indicated clearly their distrust of the Northern Territory government and its promise to guarantee Aboriginal land rights (Loveday and McNab 1988, 301-13 for the transcripts). For its part the Northern Territory government has treated the Land Councils with hostility and encouraged a breakaway land council movement and has opposed most Aboriginal land claims, in some cases with every conceivable legal technique of delay, entailing ruinously high legal expenditures by the Land Councils. Its interest in promoting economic development, through mining, tourism and pastoralism, brings it inevitably into conflict with Aborigines and the land rights legislation which gives them control of traditional lands (Gibbins 1988, 30-45). Given that this is the recent and continuing

situation there is little likelihood that an assimilationist form of consensus will emerge in the near future.

Probably because assimilationist tendencies have persisted long after the policy itself was officially abandoned, there are few signs of an alternative approach which might lead to a federalist consensus, one in which it is accepted that Aborigines are a distinct people with a different culture and an ancient traditional attachment to the land. For many purposes in Aboriginal society, the basic unit, to consider one of Dacks's points, is not the individual but the group. There are different groups for various purposes: family, skin group, tribe, clan or language group. One change in recent times has already been noted: the substitution of the group for the individual as the unit to be represented in some community government schemes. In Ngukurr, seven language groups are to be represented each by two elected members; in Nguiu, four skin groups are represented, each by four elected members; in Numbulwar, ten clans are represented each by two elected members while twenty clans at Angurugu are entitled to nominate candidates; in Daguragu, nine male and nine female skin groups are each to be represented by one appointed or elected member (cf Wolfe 1989, 61-3). The arrangements are an amalgam of Aboriginal and non-Aboriginal ways of choosing councillors and it appears that they may have formally recognised what had already been developed informally by the Aborigines themselves (Jaensch and Loveday 1981, 90-2). The community government legislation also provides for the local community to be consulted about and to have a major say in the boundaries of its jurisdiction (Wolfe 1989, 50-6).

The land rights legislation also gives recognition to ownership by a trust on behalf of a descent group (Neate 1989, 15) and, in the course of completing a land claim based on traditional criteria, the boundaries of the land claimed have to be established. The legislation also provides that, in carrying out its functions in respect of Aboriginal land, the relevant Land Council should make sure that the traditional owners understand any proposed action and consent to it as a group (Neate 1989, 356, 361-7). Again we see an amalgamation of European and Aboriginal concepts. The legislation is, however, federal legislation and, given that the Territory government is determined to amend it if it wins the power to do so, it cannot be foreseen how much will survive and whether the Territory government does accept the principle of group ownership with a title which is tantamount to inalienable freehold. It is unlikely to remain unchanged because, although the Territory government does not oppose Aborigines owning land on its terms, it wants all land under the 'root title' of the Territory. Although the most recent statement promises 'an appropriate degree of protection for Aboriginal interests in land, with special provision for the Commonwealth to guard the arrangement (Northern Territory 1989, 39-40) if the legislation is transferred to the Territory, it is likely that the land would become a marketable commodity, that it would be subject to the regulations and public purpose requirements of government and that mineral exploration and mining could be carried out on the land.

Given the difficulties they confront, it is not surprising that Aborigines have begun to discuss the possibility of self-government. Fairly early in the life of the Land Councils, it was thought that they had the potential to become 'fully indigenously controlled institutions, independent of government' even though they did not have 'anything vaguely approaching sovereignty' (Peterson 1981, 4). But it now seems unlikely that they could be the vehicle for the development of a federal form of Aboriginal self-government. Gibbins, who considers this possibility (1988, 126-8), notes that to create a federal form of self-government the Land Councils' powers would have to be recognised in the new state constitution and that these powers may have to be extended to other areas of particular importance to Aborigines, such as social services, justice, education, economic policy and cultural affairs. It is extremely doubtful whether the Country Liberal party Territory government would be willing to negotiate the transfer of these powers and to curtail the scope of its own central agencies. Furthermore Gibbins notes

that the Land Councils are under 'extensive ministerial control over their financial affairs' and that they are 'unable to accumulate financial resources' needed for economic development and financial independence. The recent financial problems of the Northern Land Council underscore Gibbins's observation. Finally he observes that if the Councils were to take on the features of governments, they would need the power to impose decisions on constituent communities which, in turn, would have to sacrifice some of their autonomy. This, he comments, 'will not be easy to accomplish' and the growth of the breakaway land council movement since then amply confirms this judgment.

The question of sovereignty, touched on by Peterson, is another major stumbling block to a federal solution. One sympathetic writer, in an article entitled 'Two laws in one Territory' argued on much the same lines as Dacks that in the transition to statehood, the broad support of a large majority should be demonstrated at each step. This could be achieved only if the 'two laws', Aboriginal and non-Aboriginal, are each recognised and the conflict of interests embodied in two competing claims to sovereignty over the land are resolved by negotiation. 'Statements which recognise the prior and continuing claims to sovereignty over traditional lands by Aboriginal people and the crucial importance of these to the survival of Aboriginal culture would have to be written into the constitution. Equally, the legal and economic sovereignty over the same lands by the Australian society as a whole should be recognised in the document' (Toyne 1989, 40). Although this comment calls for clarification, it does draw attention to the fact that, in a federal system, two jurisdictions can apply in relation to the one land area and the one population, an important reassurance for those who fear that a divided sovereignty means a loss of land and a change of land boundaries. Only then, Toyne says, would the constitutional stability which Dacks talks about be achieved in the NT. But, notwithstanding that sovereignty is already divided in the Australian federation, a further division of sovereignty seems to be unthinkable. It has been flatly rejected by a former federal Labor Minister for Aboriginal Affairs and it seems to challenge the notion, popular on the non-Labor side in politics, that we are all 'one people' (even though it is manifest that we are not) and evokes inappropriate remarks about apartheid. Gibbins concludes that a federal form of self-government, embedded in a new Territory constitution, without explicit recognition of sovereignty, may be as close as the Aborigines will get to what they want (1988, 131, 138-9). In 1989, the Central and Northern Land Councils organised a conference on the future of government for Aborigines in Central and Northern Australia at which the idea of self-government was discussed (Jull 1989; Rummery 1989). It appears that the present breakaway land council movement may be inspired not only by dissatisfaction with the Central and Northern Land Councils but by a desire to attain a greater and more direct measure of local self-government, and possibly better coordination with local community councils, within limited areas of Aboriginal land. The model may have been provided by the Tiwi Islanders, culturally distinct from other Aborigines and under their own community government councils, who also have their own land council the jurisdiction of which encompasses the islands and communities within it. Be that as it may, small breakaway councils are not likely to be viable institutions for self-government: Gibbins has commented that the land base and populations of the existing Land Councils are 'about as small as one could get and still have Aboriginal governments of reasonable autonomy and scope' (1988, 128). In summary, there is a long way to go before existing institutional fragments and current discussion could develop into a federalist or bicultural consensus and displace the assimilationist tendency of the past.

Nonetheless, it may well be easier to work towards a federalist form of consensus than the assimilationist form. For Aborigines, it is not just a question of boundaries, the basic political unit and the systems of representation and government. For them the land and their relationship to it, fundamental to their culture and social structure, is basic; since they have not given up their traditional claims to it in well over a century of non-Aboriginal occupation and exploitation of these lands, it cannot be expected that they

will now do so. Yet that is what the assimilationist consensus calls for: agreement that the Aboriginal relationship with the land should be given up and the non-Aboriginal system of land use and tenure be accepted by Aborigines instead.

There is, however, a different way in which agreement might be reached, namely by negotiation. The federalist form of consensus does not call for a complete change of beliefs about fundamentals on the part of any participants. What it calls for is a willingness to tolerate differences, to forego confrontationism and to negotiate to reach agreement about matters in dispute, including guarantees which each side might give to the other and processes to be set up for the ongoing resolution of new disagreements and the renegotiation of past agreements as circumstances change. The latest document from the Territory government (Northern Territory 1989) is much less confrontationist — in relation to the federal government — than preceding statements and it does call for a joint Territory-Commonwealth working party to 'develop issues [in dispute] and to identify the steps involved' in their resolution. In other words, while it opens the door to negotiation, it does not invite the Aborigines to take part in the discussions.

In the context of Australian history, the Northern Territory is different from the other states at earlier stages of their development. Political development in the Territory has not resulted in the loose consensus of the former colonies but instead has exposed its absence. But to insist that it emerge, at least in its assimilationist form, before further devolution could occur, is to defer further transfer of powers to the remote future; it imposes an extremely conservative constraint on possible constitutional development, a constraint which may well be so much at odds with political development that it leads to a destabilisation of the system rather than its stabilisation. The alternative of a federalist consensus cannot be made a precondition of devolution but it could be identified as an objective to be achieved in the processes of negotiation towards devolution of remaining powers and the design of a constitution for the new state.

References

- Gibbins R, 1988. *Federalism in the Northern Territory: Statehood and Aboriginal Political Development*, NARU, Darwin.
- Heatley A, 1979. *The Government of the Northern Territory*, University of Queensland Press, St Lucia.
- Heatley A, 1990. *Almost Australians - The Politics of Northern Territory Self-government*, NARU, Darwin.
- Jaensch D, 1990. *The Legislative Council of the Northern Territory, an Electoral History 1947-1974*, NARU, Darwin.
- Jaensch D and Loveday P (eds) 1981. *Under One Flag: the 1980 Northern Territory*, NARU Darwin and Allen and Unwin, Sydney.
- Jaensch D and Loveday P (eds) 1987. *Challenge from the Nationals: the Territory Election 1987*, NARU, Darwin.
- Jull P, 1989. *Seeking a Framework, Aboriginal Identity and Political Institutions in Central and Northern Australia, Some Overseas Comparisons*, Central Land Council, Alice Springs.
- Loveday P, 1988. The Australian Aboriginal Electoral Information Service, *Australian Journal of Public Administration* 47, 4, Dec 343-350.

- Loveday P (forthcoming). *Political History of the North*, (Manuscript NARU).
- Loveday P and Jaensch D (eds) 1984. *A Landslide Election: the NT 1983*, NARU, Darwin.
- Loveday P and Martin AW, 1966. *Parliament Factions and Parties, the First Thirty Years of Responsible Government in New South Wales, 1856-1890*, Melbourne University Press, Melbourne.
- Loveday P, Martin AW and Parker RS (eds) 1977. *The Emergence of the Australian Party System*, Hale and Iremonger, Sydney.
- Loveday P and McNab P (eds) 1988. *Australia's Seventh State*, NARU and Law Society of the NT, Darwin.
- Neate G, 1989. *Aboriginal Land Rights Law in the Northern Territory, vol 1*, Alternative Publishing Cooperative, Chippendale Sydney.
- Northern Territory of Australia, 1989. *Full Self-Government, the Further Transfer of Power to the Northern Territory*, a Submission to the Commonwealth, [Darwin].
- Partridge PH, 1971. *Consent and Consensus*, Macmillan, London.
- Peterson N, 1981. *Aboriginal Land Rights a Handbook*, Australian Institute of Aboriginal Studies, Canberra.
- Rummery I, 1989. *Towards Alternative Forms of Government for Aborigines: Some Constitutional and Legal Issues*, Northern Land Council, Darwin.
- Toyne P, 1989. Two laws in one Territory, *Arena* 88, 37-41.
- Wolfe J, 1989. *'That Community Government Mob': Local Government in Small Northern Territory Communities*, NARU, Darwin.

THE ALASKA NATIVE AND HISTORY: THE RISE OF NATIONALISM AND THE DECLINE OF DEMOCRACY

David Maas

The purpose of this paper is to summarise the most recent controversies that surround Native politics in Alaska. To do this properly requires a thumbnail sketch of the indigenous people before conquest (bc), a short history of colonial expansion in Alaska, an analysis of the *Alaska Natives Claims Settlement Act 1971*, the centrepiece for many contemporary conflicts, and the political and legal initiatives by Native organisations at the local, state, regional and national level.

The theme of this work is the decline of local control and the rise of the centralised state which is, by and large, separated from popular influence and generally responsive to national and international economic interests. This remains a hypothesis but I find little to disprove it.

Traditional society

Though there were many differences between indigenous communities in Alaska there were a few important similarities. They were first of all relatively small. In Alaska, before 1760, there were approximately 100 000 people linguistically divided between the Aleut, the southwestern Yupik, the northern Inupiaq, the interior Athabascan and the southeastern Tlingit and Haida. Most lived in villages with one to two hundred residents; some were settled while others were a seasonal meeting ground for the reunion of families, bands or clans.

Secondly, Native economies were self-sufficient. There was no distinction between producer and consumer. Families used what they produced and produced what they used. The exchange of surplus was incidental and generally unimportant though many coastal groups benefited from the goods of the interior, eg, skins, fur, beads and vice versa, eg oil, seal, whale or walrus meat. Each group used a certain area for subsistence and natural boundaries were recognised by all. Entry into another's territory required the permission of those who used it. Land as an object for trade and sale was unknown.

These traditional villages were politically autonomous and reasonably well-governed. There was a rough division of labour between men and women but there was no separation of classes. There were a few individuals at the bottom who were used for menial labour and unpleasant chores. They were in this predicament because of offence, predisposition or occasionally enslavement. The local band or clan owned and controlled the land, the resources and the technology used for production. Community decisions were entrusted to older more experienced men though women sometimes achieved high rank. Authority rested on consensus and provisions for the good of all. The most skilful and experienced hunters were also the leaders. The grounds then for successful leadership were pragmatic: an adequate diet and a fair distribution of material goods. Autocracy and the accumulation of wealth were not tolerated. Persuasion and generosity were the means of governance not coercion and edict.

Members of society were well informed and little passed unnoticed. If hard feelings arose, if resentment grew or the population became too large to support then people left.

Most too were familiar with technologies at hand and knew how to use them to survive. Specialisation was not common though shamans with spiritual and healing powers were reserved for particular types of individuals.

These societies were not primitive nor simple. They were extremely well-adapted to the physical environment in which they lived; from the arctic regions of northern Alaska to the rainforests of the southeast to the coastal climates of the Aleutian chain. They were also bounded by a complex kinship system which underlay marriages, residence, ownership and numerous spiritual and secular responsibilities. The distribution of food and wealth was based on kin relationships, need and reciprocity. There was a tenuous balance between the physical environment and the subsistence requirements of each community. Natural disasters, population growth, or outside intrusion could easily upset the balance.

Native communities then were built on a social and economic structure which allowed for popular understanding and initiative, equity and mutuality. They were not perfect. There were many stories of chicanery, deceit, violence and indifference. Nevertheless they were as close to the classical idea of a democracy as humankind has witnessed.

Russian and American colonialism

With the advent of European expansion in the eighteenth century circumstances in Alaska began to change. The origins of this expansion are found in the search by merchant capitalists for increased profit, for cheaper land and for more valuable goods. Karl Marx's explanation remains the most convincing:

The circulation of commodities is the starting point of capital. The production of commodities, their circulation and that more developed form of their circulation called commerce. These form the historical groundwork from which it rises. The modern history of capital dates from the creation in the sixteenth century of a world embracing commerce and a world embracing market (Marx 1967).

The Russians were first. Because of the potential profitability of the sea otter and the fur skin seal the voyages of Vitus Bering and Alexei Chirikof were soon followed by hunting expeditions led by Siberian fur hunters, the promishleniki. While an imperial decree was issued in 1766 claiming Russian dominion over the Aleutians there was little common authority over the traders and hunters. In response to this anarchy, and interference by other Europeans, the Russian American Company was organised in August 1799. According to its charter the company was to '... sponsor the conversion of the newly discovered people in the Christian religion and (to make) them into the subjects of His Imperial Majesty' (First Charter 1950).

The charter also expressed the hope that the Islanders would be treated 'amicably.' However the relationship between the Russians and Aleuts was less than amicable. Though the exact numbers are not known it is estimated that 90% of the indigenous population was destroyed by murder, enslavement and disease (Stoddard 1972, 42). The survivors were in a state of virtual servitude. The Russians used them as pelagic hunters and, as they moved into eastern Alaska, as warriors. According to one geographer: 'By 1820 there were some one thousand Aleut hunters scattered among the company's far-flung posts. In 1832 nearly one-third of all company employees were Aleuts' (Gibson 1978, 52).

Despite its brutality, Russian commercial expansion in Alaska was geographically superficial. Their major settlements were along the coast allowing access to the sea.

While there were occasional forays to the interior they were limited and temporary because of the inhospitable terrain, the inconsistent climate and the '... independence and hostility of the tribes' (Okun 1951, 197-8). By 1867, when the United States acquired control of Alaska, Russia realistically ruled only a small part of the territory.

American expansion in the northwest was propelled by those interested in fur and, more importantly, gold. As one scholar observed:

The government (Russia) not only knew of the presence of gold fields in Alaska but was actually afraid of the consequences of such a find; for in the wake of an army of prospectors armed with spades there might follow an army of soldiers armed with guns. Tsarist Russia knew very well what she was selling and the United States knew equally well what it was buying (Okun 1951, 249).

In the Treaty of Cession between the United States and Russia there is a section that refers to future Congressional action: 'The Uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes in that country'. The question of title to the land, among other matters, was left to legislative resolution. Congress recognised this obligation in 1884 when it passed the *First Organic Act* extending the civil and criminal laws of Oregon to Alaska:

Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.

Despite this disclaimer in the *Organic Act* land was always available for the commercial concerns that required it. The first fish canneries were built in 1878 and within six years they were spread along the entire southern coast of Alaska cornering the mouths of rich salmon streams. In 1878 the first gold mining camp was constructed. Gold prospecting and disputes between miners resulted in the territory's first civil government and the institution of mining laws to safeguard mining claims and titles. Legislation in 1891, 1898 and 1900 permitted trade and manufacturing sites, townsites, homesteading, rights of way for railroads and the harvesting of timber.

There were lands reserved for Native use. Legally there were important distinctions between the reservations but all shared a common goal: to encourage economic enterprise and therefore prevent Native dependency on public welfare. Some were set aside for missions and sought to combine Christianity, industry and civilisation. Over a million acres were devoted to reindeer herding to prevent starvation and teach the 'civilizing art of animal husbandry' (Maas nd). One reserve specifically provided for the exploration of iron ore by United States Steel, Inc. Other lands were for educational purposes or subsistence activities. The amount of area administratively and legislatively proscribed for Native use between 1891 and 1945 amounted to only two and a half million acres or less than one per cent of the territory.

During World War II officials at the national level became more aware of the strategic importance of Alaska. This realisation coupled with the influx of money and people produced a viable effort to achieve admittance into the Union. President Truman in his State of the Union message in 1946 recommended statehood. Owing to partisan opposition and doubts about the financial capability of the territory, admission was delayed. Finally a compromise was reached and Alaska and Hawaii were admitted simultaneously. On 3 January 1959 President Eisenhower proclaimed Alaska the forty-ninth state.

With regard to aboriginal land the state enabling act contained a curious contradiction. On the one hand, the fourth section of the act required the state to disclaim right and title to '... any lands or other property (including fishing rights) the right or title to which may be held by any Indians, Eskimos or Aleuts ...' (*Alaska Statehood Act 1958*). However, in a subsequent section Congress gave the state the right to select 103 000 000 acres of unreserved public lands '... which are vacant, unappropriated and unreserved at the time of their selection' (*Alaska Statehood Act 1958* Section 6). There were of course no 'vacant' lands in Alaska. Inevitably the state selected land used by Natives. By 1968 twelve million acres had been chosen and the Bureau of Land Management had issued patents to five million acres. The land was chosen primarily for its potential economic value to the state.

Native opposition arose as governmental activity increased in rural Alaska. On the Arctic Slope the Bureau of Land Management (BLM) issued a licence to the Atomic Energy Commission (AEC) to use 1600 square miles around Point Hope for an experimental nuclear explosion to create a deep water port. The Interior Department and the AEC did not bother to consult the residents of nearby villages. Another issue was the enforcement of an international migratory bird treaty between Canada and the United States. In 1961 Inupiaq Eskimos staged a duck-in to protest the restrictions. Many were arrested.

In March 1961 the president of the Point Hope Village Council wrote to the Association of American Indian Affairs and asked for help. The AAIA and the Indian Rights Association provided funds for intervillage meetings in which experiences were shared, rights explained and common solutions proposed. Within six years twelve regional associations and one statewide organisation, the Alaska Federation of Natives (AFN), had formed to pursue the claims of Alaska Natives. By 1967 all of Alaska's lands, 520 000 square miles, were under protest.

In November 1966 Stewart Udall, the Secretary of the Interior, suspended all land transfers. The 'land freeze' had three implications: all public lands were withdrawn from appropriation; the Bureau of Land Management could not process mineral leases or patent land title; and, thirdly, the federal courts insisted that the land rights of Alaska Natives would be protected until Congress acted.

The second bill to settle the claims of Alaska Natives was introduced in June 1967. Others authored by AFN and the state soon followed. In December 1968 the first hearings were held by the Senate Committee on Interior and Insular Affairs. Because of the differences among the state, Natives and national leaders, a less than enthusiastic House of Representatives, intervening elections and the mounting opposition of environmental groups little progress was made toward a settlement. In the end the key to a Congressional decision was oil. Alaska's oil and gas resources were considerable and by 1971 the Nixon administration, powerful members of Congress, and the energy companies were committed to the construction of a trans-Alaska pipeline. There was only one stumbling block, aboriginal ownership. As the president of AFN emphasised in a letter to Nixon's special counsel:

An ... issue of vital importance to Alaska Natives is the overriding question of aboriginal title to the land which would be traversed by the pipeline. In the recent case of Stevens Village v Hickel in the Washington, DC federal District Court, Judge Hart ruled that the federal statutes prohibited the issuance of the pipeline permit without first obtaining the consent of the Natives of the village of Stevens ... There are many other Native groups having similar claims and protests over which the proposed pipeline would pass (letter from Don Wright, President of Alaska Federation of Natives to Len Garment 6 December 1970).

By Fall 1971 each party in the claims dispute clearly saw the advantages of a settlement. The state needed the revenue that private development would generate. Nixon and the Senate wanted a domestic source of oil that would counter the increase in prices in 1970 and the shortage of fuel and heating oil. The oil industry and the House of Representatives wanted a permit to build the pipeline. Conservationists wanted additional wilderness and park lands and Alaska Natives wanted their land. The *Alaska Native Claims Settlement Act* was signed into law on 18 December 1971.

Analysis of ANCSA

In one sense the *Alaska Native Claims Settlement Act* (ANCSA) was a unique legislative compromise. Unlike past federal/Indian agreements no reservations were established; public administration entanglements were minimised; private ownership was recognised and, lastly, an unusual amount of land and money was exchanged. Alaska Natives received 962 million dollars and 44 million acres of land. In 1978 the entire Native American population controlled only 51 million acres and the Indian Claims Commission, after twenty years, had awarded only 755 million dollars in compensation for past illegal takings.

In a more general sense though the Alaska settlement is well within the tradition of the American political economy. Faced with the failure of past Indian policy and the need for the exploitation of Alaska's oilfields, lawmakers acted within the only frame of reference they understood, American capitalism. Legislators insisted that Natives be integrated into the national economy. Thus ANCSA provides for regional and village corporations, stock ownership, fee title and all the other appendages of western capitalism.

While ANCSA allotted a modicum of land to private corporations and a small sum of money to individual Natives, it was an economic and environmental bonanza for others. Alaska Natives lost 375 million acres of land, over 2 000 miles of coastal waters and indigenous rights to hunt and fish. The settlement cleared the path for the construction of the pipeline. It permitted the Interior Department to withdraw utility and transportation corridors across public lands and to prohibit state and village selections on these lands. By 1988 oil and gas interests had gained net profits in excess of 52 billion dollars.

For environmental groups and the federal government ANCSA led to the withdrawal of millions of acres of public lands for a variety of uses. Eventually 41% of Alaska will be designated as national parks or forests and scenic rivers, and another 19% of the total land area will be managed by the Bureau of Land Management for recreation, petroleum reserves and unreserved use. Seventy per cent of all the wilderness lands in the United States are in Alaska. Most of the classified lands are open to oil and gas leasing.

The Act satisfied many of the demands of state representatives as well. State lands that had been patented were not subject to Native selection; land grants were set aside for municipal use; and officials were permitted to acquire the remainder of the state's entitlement under the *Alaska Statehood Act*. By 1986 the state had also collected over 26 billion dollars in royalties and taxes from the development of the North Slope oil fields.

There are a number of key assumptions embodied in ANCSA that reveal the nature of the American political system, the misunderstanding and ignorance of those who authored the legislation and the contrasting perspectives of people from very different backgrounds. A review of these assumptions enables one to understand the act itself, the intentions behind it and its weaknesses.

It was first assumed that profit corporations and the market system of exchange were the most efficient mechanisms for promoting the prosperity and the financial independence of Alaska Natives. The twelve regional corporations were given significant responsibilities including the distribution of money to village corporations and individuals, the control of the subsurface estate, the economic development of each region, the promotion of village interests and the facilitation of intervillage cooperation. Village corporations were also created to use and manage the land and to control local development.

Significantly there was no mention of Native governments in the *Settlement Act*. This was not surprising given the vantage point of members of Congress; from the aboriginal view such an omission is unimaginable. Traditional societies rested on the indivisibility of life: the polity, the economy, the culture, individuals, the environment and the world of spirits were all interrelated. Under ANCSA individuals were stockholders (unless they were born after 18 December 1971), aboriginal lands were crisscrossed by artificial boundaries, thirteen regional and two hundred village corporations were added to an already numbing number of state, federal, and traditional organisations and, most importantly, 44 million acres of land (which is split between regional and village corporations and a few other associations) were separated from tribal ownership.

A second assumption was that representative government would ensure that the needs and demands of Alaska Natives would be heard whether through elections, interest group activity or legal counsel. However this is not the way the policy-making process works in the United States. The legislation was written by Congressional staffers with a variety of backgrounds and subject to numerous pressures from legislators and organisations, AFN and regional association leaders with tenuous ties to rural Alaska, an assortment of advisers at every turn, members of the executive, state officials, and oil and environmental lobbies. The only people left out were the village residents themselves.

A third premise of the Act was that Natives could not be trusted. Consequently village corporations were required to convey land to specific interests, eg, municipal corporations. The Secretary of the Interior was given the power to supervise the enrolment process, reserve public easements, convey land titles, approve articles of incorporation, and stock could not be sold for twenty years.

Implicit throughout the *Settlement Act* is expectation that Natives will be assimilated into the American mainstream; away from a communal subsistence orientation to a political economy of private ownership, individualism, a competitive (theoretically) market, limited government and popular passivity. While the land which was withdrawn for villages could be used for subsistence this was only a transitional measure in the inexorable march toward a modern lifestyle. There was no need for embedded rights to hunt and fish and they were therefore eliminated.

A final assumption of the Act was that the award of money and the profit orientation of the village and regional corporations would lead to more employment and educational opportunities, healthier communities and increasing independence for Alaska Natives. In 1972 each regional corporation was given \$500 000 for start-up costs. By 1981 the entire 962 million dollars had been distributed. The money was funnelled through the regional corporations. Forty-five per cent of the proceeds were retained by the corporation, 45% was given to at-large stockholders (those Natives not enrolled in a village) and 10% was passed on to all stockholders (at-large and villagers) until 1976. Payments to village people were stopped because lawmakers felt by this time they would start receiving dividends, a rare occurrence even today. On average each regional member received about \$6500 and each village stockholder about \$1500.

Thus the financial impact of ANCSA on the lives of most Alaska Natives has been minimal. With few exceptions village corporations are too small and undercapitalised and regional companies have preferred to put their money in businesses and markets that produce a profit, not in rural Alaska. There are a couple of corporations which have tried to balance their investment decisions but with mixed results.

While there have been improvements in Native health, housing and community facilities since 1971 these gains are only indirectly related to the effect of the *Settlement Act*, eg, the increased political sophistication of Native leaders after the land claims movement. Furthermore, the most recent study of the condition of Alaska Natives is depressing in its conclusions. The suicide and homicide rate among Natives is four times the rate found in the United States (which is one of the highest in the world). Death by accident is five times higher than the US average; infant mortality, sudden infant death syndrome and foetal alcohol syndrome are two times higher, infant pneumococcal meningitis is 36 times higher and so on. The rate of unemployment is double that of whites in Alaska. In the western region of the state only half of the Native workforce is employed. While family incomes have grown their relation to Alaska and American averages has not. Such gross comparisons also mask the serious inequalities in income and wealth, which have grown in the last two decades, and the higher cost of living in rural Alaska where 'The average family of four in Bethel, Kotzebue and Nome spends 62% more per week on food; 165% on electricity; and 46% more on a barrel of oil' (Institute of Social and Economic Research 1988).

The weaknesses then of the *Settlement Act* are fourfold: its separation of power and property; its disregard of traditional societies and subsistence economies; its financial inadequacies; and its paternalism. Alaska Natives have addressed these problems through seeking the modification of ANCSA, the recognition of rights of subsistence and the acknowledgement of tribal sovereignty.

Amendments to the Alaska Native Claims Settlement Act

The 1971 *Act* provided for the withdrawal of 140 million acres of land for the public use. The Secretary of the Interior was to complete the selections by 1978. The first legislation to define these lands was introduced in 1977. The primary issue involved what lands would be withdrawn and what they would be used for. Economic development? Recreation? Subsistence? Wilderness experiences? The ensuing legislative battle was intense and acrimonious. On the one side was Citizens for Management of Alaska's Lands, a coalition of Alaskan politicians and businessmen and oil, timber and mineral corporations. On the other side was the Alaska Coalition composed of 52 environmental and conservation organisations. The flames were fuelled when President Carter in 1978 withdrew 110 million acres of land as permanent national monuments under the *Antiquities Act 1906*.

A compromise was finally reached in 1980 because of the fear, on the part of Congressional Democrats, of what Ronald Reagan would do once he assumed office. (Such fears were subsequently found to be entirely justified! Author's note.) The new law, the *Alaska National Interest Lands Conservation Act* (ANILCA) was passed on 2 December 1980. It will eventually lead to the federal ownership of 225 million acres of land (or 60% of Alaska). State lands will constitute 28% of the total (104 million acres) and Natives will own the remaining 12% (44 million acres) (Cooley 1984).

Congress also realised that the lands held by Alaska Natives would not be enough to support subsistence. As a result (and in exchange for Native support of ANILCA) a preference for subsistence was extended to most federal lands. Wildlife refuges are available for subsistence along with conservation and treaty responsibilities. National

parks are reserved for traditional use, whatever that means. However, the most popular parks, Denali, Katmai and Glacier Bay are closed to hunting and fishing. The State of Alaska is given the responsibilities to manage these lands but under the supervision of the Interior Department. More about this relationship below (Langdon 1984).

A second major alteration of ANCSA was in anticipation of the deadlines of 1991. Corporate shares could then be sold on the open market and Native lands could be taxed. Under the original law undeveloped lands could not be taxed. Understandably Native leaders worried over losing their corporations through sale to outside interests and/or confiscatory taxes. There was also a third problem the inability of Natives born after 18 December 1971 to own stock.

To remedy these difficulties Congress passed the *Alaska Native Claims Settlement Act Amendments* in 1987. The law allows each regional corporation to indefinitely extend the restriction of stock. Secondly it continues the protection of undeveloped lands, though they may be sold at the corporation's discretion. Thirdly corporations may issue new stock to Natives not covered by the original bill. The legislation was crafted to offer some flexibility to the regional corporations and their approach to the protection of their land and resources. No doubt the corporations will choose different courses of action (Morehouse 1988).

Subsistence

Central to Native existence is the subsistence economy built on the local hunting, fishing and gathering of resources, and reinforced by values of kinship, reciprocity and mutuality. It is the linchpin between indigenous beliefs and the physical environment. Efforts to protect and nourish subsistence have borne some fruit and much rancour. The sequence of events and a few of the issues involved are outlined below.

In 1978, in anticipation of federal legislation, the Alaska legislature passed a subsistence law that gave a priority to subsistence use in rural areas in the event of a shortage of resources. In 1980 ANILCA adopted a subsistence preference and assumed a fiduciary responsibility for the protection of rural subsistence. In 1982 a number of hunting and fishing groups placed an initiative on the ballot to repeal the State's subsistence priority law. The initiative was subsequently defeated. In 1983 Sam McDowell, an urban angler and conservationist, challenged the State law in court. He claimed the law deprived urban residents of the opportunity to engage in subsistence. In 1985, in the so-called Madison decision, the Alaska Supreme Court agreed and ruled that all residents are entitled to subsist. If fish and game shortages occur they should be dealt with on an individual by individual basis.

In 1986, because of the Madison case, the national government threatened to take over the management of all wildlife on federal lands. In reaction the State passed a second law with new criteria determining who could qualify for subsistence. This time the law was challenged by both urban whites and the Kenaitze, an Indian group that was declared urban under the new legislation. In 1987 the federal district court ruled against the Kenaitze because the State act was in compliance with ANILCA. This decision was reversed in 1988 by the Ninth Circuit Court of Appeals because of the State of Alaska's definition of rural.

In 1989 the Alaska Supreme Court in *McDowell et al v. the State of Alaska*, declared the state's 1986 subsistence law unconstitutional. This case is worth reviewing because it reveals the thinking of the opponents of subsistence use. Alaska's subsistence law limits subsistence fishing and hunting activities to people who live in the rural part of the State. Rural is defined as '... a community or area of the state in which the noncommercial,

customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area.' Subsistence use means

... the non-commercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption (Supreme Court File 1989).

If any species of fish or game is found to be in short supply then subsistence use '... shall be accorded a preference over other consumptive uses, and the regulations shall provide a reasonable opportunity to satisfy the subsistence uses' (Supreme Court File 1989).

This law was challenged because the distinction between urban and rural leaves out many city residents who depend on subsistence and includes people in rural Alaska who do not. Therefore the law unfairly discriminates against individuals and is in violation of the State and the United States Constitution. The Alaska Supreme Court agreed and determined that residency as a criterion for subsistence violates the Constitutional prohibition against exclusive or special privileges to hunt and fish and the denial of equal rights.

In April 1990 Natives from around the State gathered for a summit conference on subsistence. The resolutions they adopted, in a closed session, are quite reasonable given the McDowell decision and the intransigence of state officials. Their recommendations are:

- (1) that a constitutional amendment be passed that would enable the State to manage the natural resources (including subsistence) within its boundaries according to federal law;
- (2) that the State reviews its laws and regulations on subsistence and decides on a definition of rural and a second criterion which would permit city residents to subsist on the land;
- (3) that tribal members should have a subsistence priority on lands they have traditionally used and they should control these activities;
- (4) that Natives should withdraw their support of state management of resources if a new law cannot be constructed that is in compliance with ANILCA.

The issues that surround subsistence are very telling. First, the judicial system continues to separate the rights of individuals from social reality. How else could anyone comprehend the abstract reasoning that exclusive access to a resource is prohibited yet commercial enterprises and sportsmen take 96% of all the fish in Alaska and 99% of all the salmon. US courts have defended the equal rights of individuals yet refused to address the political and socioeconomic circumstances that ensure groups and individuals will be unequal.

A second point is the State's refusal to recognise the collective foundation of a subsistence economy. Therefore a community or an organisation has no rights apart from the individuals that comprise it. This approach leads to a third area of dispute: tribal sovereignty.

Tribal sovereignty in Alaska

The question of tribal sovereignty is fraught with legal complexities, administration ambiguities and historical inconsistencies. This work will, of course, avoid all of these and focus on the powers of tribal governments, the development of tribes in Alaska and the responses of the State and the federal governments.

There are three sovereign governments in the United States, the national government, the 50 State governments and tribal governments. Organised tribes have an inherent right to self-government. Their powers are not delegated. They may from their own governments, decide on their own membership, regulate their domestic affairs, impose taxes, incorporate businesses, stop development on their lands, manage their property and control the conduct of tribal members. Their powers are circumscribed. They may not conduct a foreign policy, they cannot sell their land and they cannot adjudicate the crimes of non-Natives.

In Alaska the standing of tribal governments has been challenged by the State and inconsistently supported by the national government. Congress has passed legislation that recognises Native villages as tribal governments. The *Indian Reorganization Act 1934/1936* (USA) encourages the organisation of tribal (IRA) councils. The *Indian Self-Determination Act 1974* (USA) provides monies for '... strengthening and improvements of tribal governments'. The Department of the Interior has also approved tribal ordinances that control the use of liquor. Nevertheless the Bureau of Indian Affairs has refused to clearly acknowledge the power and authority of tribal governments. Native villages are then in a quandary: they are accorded the right to offer services but their administrative status is in doubt.

Alaska Natives realise that powers not asserted are powers not realised. Consequently village councils have established tribal courts, dissolved city governments, passed restrictive ordinances, formed regional nations, sought relief in the United Nations and the International Court of Justice, claimed jurisdiction over fish and game resources, limited entry in their communities and declared their immunity from suit.

These actions have not gone unnoticed. The State has tried to block such initiatives at every turn. The most important case at the state level concerned a claim of sovereign immunity by the Stevens Village tribal council against a suit by an aggrieved contractor. The Alaska Supreme Court ruled that '... Stevens Village does not have sovereign immunity because it, like most Native groups in Alaska, is not self-governing or in any meaningful sense sovereign.' The judges decision was based on their interpretation of legal precedent, Native history and Congressional intent. Confident of their reasoning they applied it to all villages in Alaska.

In contrast federal courts have consistently supported tribal governments in Alaska. In 1986 the village of Venetie imposed a tax on local business activities. The State asked for an injunction and the Ninth Circuit of Appeals granted it. However the court used principles of federal Indian law in their decision and left open the possibility of the development of tribal governments. Within a year the court held that the village of Tyonek was a tribe and has '... sovereign immunity from suit like that of any other Indian tribe' (Smith & Kancewick 1990).

A critical ruling was handed down a few months ago by the Circuit Court of Appeals. In 1987 the villages of Noatak and Circle sued the State of Alaska for their share of revenue funds. State officials had denied the funds because they felt such payments would favour a particular racial class. Initially the federal district court dismissed the case, because states are immune from suit. The Ninth Circuit Court of Appeals reversed this

decision on three grounds: the approval of an *Indian Reorganization Act* council as occurred in Noatak constitutes federal recognition; secondly, the tribes suit was appropriate because in supporting the Commerce Clause of the United States Constitution, the state of Alaska agreed to federal jurisdiction over tribal/state affairs. Federal power has always superseded the powers of states with regard to Native Americans and the current policy of self-determination means tribes can initiate their own actions when the federal government declines to act; finally, the court could not find a distinction between Alaska Natives and other Native Americans. As for the racial claim by State administrators the court replied: '... the original scheme of the bonus (revenue payments) was based on their identity as political entities. To wipe out their political status on the ground that that status had an ethnic origin is itself a violation of the constitutional command not to discriminate on the basis of race. Paradoxical as it is, the allegation that the move from a tribal basis to a non-tribal basis for the bonus was racially discriminatory is an intelligible claim. Any governmental action based on the racial character of those affected is presumptively invalid' (*Native Village of Naotak v. Hoffman* 1990, US Court of Appeals for the Ninth Circuit, 12 February).

The development of strong tribal governments will require much more than a series of victories in a courtroom. It will require political exertions something which Native people have exhibited for many years. It will also require economic self-sufficiency, a more difficult task, but achievable. Finally it will require connection with and transformation of each society, a subject beyond the scope of this paper. One should at least be encouraged by indigenous movements for sovereignty and self-determination whether in northern Europe, the USSR, the Americas, Asia or Australia for they offer a real alternative to a world dominated by centralised states and nervous about ecological imbalance, economic scarcity and thermonuclear war.

References

- Cooley R, 1984. Evolution of Alaska Land Policy in Morehouse T (ed), *Alaska and Natural Resource Development*, Institute of Social and Economic Research, Anchorage.
- First Charter of the Russian American Company, 1950. *Russian Administration of Alaska and the Status of Alaska Natives*, United States Government Printing Office, Washington DC.
- Gibson J, 1978. *European Settlement and Development in America*, University of Toronto Press, Toronto.
- Institute of Social and Economic Research, 1988. *Alaska Natives at Risk*, Anchorage, Alaska.
- Langdon S, 1984. *Current Regulatory Regimes and Issues*, Alaska Native Review Commission.
- Maas J, (nd) William Duncan and the Tsimshians.
- Marx K, 1967. *Capital, Vol 1*, International Publishers, New York.
- Morehouse T, 1988. *The Alaska Native Claims Settlement Act, 1991 and Tribal Government*, Institute of Social and Economic Research, University of Alaska, Anchorage.

- Okun SB, 1951. *The Russian American Company*, Harvard University Press, Cambridge, Massachusetts.
- Smith E and Kancewick M, 1990. The tribal status of Alaska Natives, *University of Colorado Law Review*, Spring/Summer, 455-516.
- Stoddard NB, 1972. Some ethnological aspects of the Russian fur trade in Malvina B (ed), *People and Pelts: Selected Papers of the Second North American Fur Trade Conference*, Peguis Publishers, Winnipeg.

CANADA'S NORTHWEST TERRITORIES: CONSTITUTIONAL DEVELOPMENT AND ABORIGINAL RIGHTS

Peter Jull

The postwar setting

The Northwest Territories (NWT) makes up one-third of Canada's land area. The population however is little more than 55 000 in a country of about 26 million. About 60% of that NWT population is 'native' or 'aboriginal', being Dene (Athapaskan Indians), Métis (descendants of both local and southern Indian unions with non-Indians) and Inuit (often known abroad as Eskimos).

The NWT is what is left over after Canada's earlier nation-building. Provincial boundaries were extended northwards, and the Yukon Territory was cut out of the north-west to provide closer administration during the Klondike Gold Rush (1898). Today's NWT has three geographic, cultural, land claims and political regions:

the Mackenzie Valley with its forests, lakes and rivers, the ancient homeland of the Dene and more recently the Métis;

the Mackenzie Delta-Beaufort Sea region of the north-west, a treeless arctic terrain whose shores and great river delta have long been a distinctive Inuit region but whose present population of Inuit (or Inuvialuit in their own language) mostly derive from Alaskan Inuit moving east in this century (after the near extinction of the preceding Mackenzie Inuit); and

Nunavut, 'our land' in the Inuit language, the treeless shores and islands of the north and east, and wind-swept interior barrens, the homeland of Inuit.

In 1953 Prime Minister St Laurent said that Canada had treated the north with absence of mind. This remark accompanied his announcement of a new federal government department, the Department of Northern Affairs and National Resources. Not the least reason for this step was a spectacular book by Farley Mowat, *People of the Deer* (1952). In this and a subsequent title he explored the plight of NWT Inuit suffering starvation and epidemic deaths as a result of thoughtless white policies and the effects of white slaughter of caribou. 'Northern Affairs', as the new department was usually known quickly established itself. Whatever the underlying vision of a great resource and industrial future transforming the north, the Department settled down to providing basic services and facilities to the aboriginal peoples. After all, apart from a couple of small resource and service towns in the western NWT with their predominantly white population, the north was an aboriginal homeland.

There had been a trickle of development down the Mackenzie River system for many years. The Northern Vision of the Diefenbaker government of the late 1950s was to turn this into a flow if not a flood. Among the policies chosen was one to divide the NWT, east and west. The east with its isolated and 'backward' Inuit would be left to direct administration by Ottawa while the west with its mixed population and incoming white settlers would be a more rapid development zone. Both Liberal and Conservative

governments of the early 1960s supported this policy which, nonetheless, died on the parliamentary order paper thanks to minority government instability.

In 1966 a federal government commission, the Carrothers Commission, reported on 'the future of government' in the NWT. It found that most of the native people had little knowledge of government. (Coordinating the first Nunavut region elections to the NWT council that year I faced the same problem.) Carrothers therefore recommended an extensive development of local government forms through which native northerners could be taught. Another proposal, for massive economic development programs to create jobs, was never acted upon. And thirdly, an NWT capital should be established to house a full-scale provincial-like administration. Yellowknife, a gold mining town with diverse infrastructure and the best overall facilities in the NWT, was chosen capital. (Fort Smith which had long been planned and developed as the future capital was incensed. I was sent in by the federal northern affairs minister and the NWT Commissioner to help the locals prepare a brief for an alternative future, but had to go into hiding.)

By 1966 northern administration and the welfare state were all intrusive. Inuit might receive a house, some furniture and, during summer holidays, even a university student to come around and show them how to dust the living room. I was encouraged to take a job as 'supervisor of Inuit literature' and when I countered that I did not know more than a few words of Inuktitut, this was dismissed as no objection at all. The operating principle in the federal Northern Affairs administration was that almost anything could be achieved by white social engineering. The administration had various divisions like Canadian Provincial or Australian State ministries, but these did not respond to felt needs as much as define and cure the needs they saw. Ice hockey was thought to be a good antidote to aboriginal youth's alienation, and Indian princess pageants a way to make native girls dress up. One Dene girl arriving in Ottawa about this time became first surprised and then angry to discover that whereas the north was composed of prosperous whites lording it over poor natives who were blamed for being socially and economically inferior, whites themselves could be poor.

The NWT was like that. There were no poor whites, and if any aimless youth arrived in one of the few settlements reached by road, he was likely to be put on the next bus south by the Mounties (Royal Canadian Mounted Police). Government policy was essentially dual: there was a 'macro' level for the resource riches of the north supported by transportation strategies, and there was the 'daily north' which meant the social welfare approach to the indigenous peoples. This latter approach has been called 'tutelage' by Paine and others, and 'welfare colonialism' by Paine and Beckett (Paine 1977; Beckett 1987).

The main results of the Carrothers Commission were the rapid elaboration of a new administration based in Yellowknife and a dramatic move to provide local government structures which were supposed to make Indians and Inuit into practising Canadian citizens. Like the best policymakers throughout the life of the NWT as a Canadian territory, Carrothers wanted to ensure that unlike southern Canada, the native people in the north would be full social, economic and political equals of whites, not merely people pushed aside by development.

The arrival of the NWT administration in Yellowknife in 1967 was a dramatic event. As tractor-trailers (Australian 'semis') crossed the continent with office furniture and files, the initial NWT staff were put on two aircraft and flown north from Ottawa with a ceremonial send-off from the federal government. It was Canada's Centennial Year of federation and the NWT government's establishment was seen as a political landmark. Some files and furniture ended in a northern lake beside the winding road north. In Yellowknife offices were unfinished and the first months of the new government saw

staff huddling in temporary buildings, often in their parkas, using overturned boxes or the tops of cabinets as desks. When the new command centre was ready the Commissioner (head of government, a federal appointee at permanent department head level) promised that every child in the NWT could have one ride on the new office elevator and he told us, the staff, that as a government we were going to *look like* a government and wear ties and jackets. The executive suite above a stairwell where the grocer below threw out rotting lettuce and other items did not always smell like a government.

The NWT administration had a large number of individuals formerly employed by federal Northern Affairs. But there were many new jobs, and it was a young person's government. Anyone could work his/her way up quickly and have real responsibility at a tender age when 'Outside' (down south) one would be very junior. The staff turnover was so high that the Commissioner regarded its mention or any resignation as a betrayal. (A check I made at the time showed that the turnover was the same as in well-serviced northern resource towns elsewhere in Canada.) Everyone noticed that more alcohol was being consumed. And the federal minister fretted in a letter to the Commissioner that he had been told that territorial government employees were taking 'native girls' to the bar!

Establishment of the NWT administration took several years to complete across the full width of Northern Affairs subjects and across all regions of the territory. Before then elected representatives could only ask that the federal administration look into their concerns. The Yellowknife government was much more responsive. Over some years it became fully accountable. Elected members were first appointed by the Commissioner and later elected by their fellows as ministers. Then came a premier (formally 'Government Leader') who allocates cabinet positions to ministers selected by the full Legislative Assembly. The NWT has no formal party system: while this has critical drawbacks, it does mean that the legislature and its members in committee play an unprecedentedly large and positive role in governance.

The other major political and constitutional development process of the NWT was at local level. The all pervasive administration had many functions necessarily managed locally, eg, maintenance of the almost entirely public housing stock, of local electricity generators, of sewage and garbage pick up and water delivery. Fine local 'town' offices were built and council chambers amply furnished. These were adorned by community crests resulting from the marriage of British heraldry and Inuit or Dene hunting culture. (The improbable rampant narwhals on the NWT coat of arms have been called 'galloping sardines'.) But soon the native councillors and even more their local electors became frustrated with the very limited council powers. The subjects on which they had most say were of least interest - eg, street lighting which native northerners had been without since time immemorial - and their administrators were bound so tightly by regulations that there was little room for alteration. Meanwhile, the important issues of livelihood (wildlife harvesting), schooling, social policies and the right of Inuit to run their own lives were not for discussion. Even when these were raised in Yellowknife they were usually answered by bureaucratic mumbo jumbo, or by some more white men coming around to ask questions and write another report - or else it was explained that these big questions lay outside the NWT government's scope altogether.

So alternative political development took place. Young natives, the first generation out of the modern schools, had glimpsed the white man's world and knew something of what lay beyond the north. They felt they had lost a culture which was now mostly a fading dream even for their parents. As Osherenko and Young put it,

The predominantly self-sufficient subsistence economy of an earlier era ended when governments resettled Native people into centralized

communities in order to deliver services such as health care and education (Osherenko and Young 1989, 72-73).

The old dispersed hunting culture where the wisest were the eldest had been replaced by one in which young whites who did not speak native languages nor know the culture were making decisions governing one's life and death, decisions taken to a plan which was invisible and unknown to the native people themselves. The generation of native young people who stepped forward then are now middle-aging, but they remain the principal political leaders of the NWT Inuit, Dene and Métis.

British decolonisation abroad, civil rights activism and then race riots in the USA, and the Alaska native land claims settlement of 1971 all had their impacts on northern Canada's young politically active men and women. But the main spurs to action lay within the NWT itself. Possible dangers to hunting grounds from white travellers or prospectors (sometimes arriving in number as in 1898 when they entered the south-western NWT to reach the Yukon) had spurred the Indian concerns which led to Indian Treaties 8 and 11 in 1899 and 1921 respectively. But in the 1960s the major factor in native politicisation was the concentration and resettlement policy of the government and the social and cultural control exercised there by whites over native life. In Inuvik, an entire new town planned to the last fire hydrant, the native people were left to build shacks outside the well-serviced and well-appointed white area. Inuvik's local native women created the first NWT native association, COPE (Committee for Original Peoples Entitlement). COPE tried to be a pan-native association and signed up many persons across the north. However, federal rules emerging at the time would only provide funding to Inuit or Indian or Métis groups. COPE became an Inuit regional association. Later a national Inuit body, Inuit Tapirisat of Canada (ITC), was set up. Regional Inuit associations within ITC were set up in the Baffin, Keewatin and Kitikmeot (central arctic) regions.

The Métis in Fort Smith had long had an association, primarily focussed on local development. The Dene formed an Indian Brotherhood of the NWT, in 1975 renamed the Dene Nation. (In a country like Canada obsessed with Quebec separatism the Dene Nation encountered initial over-reaction from northern and southern whites.) Despite some conflicts through the years the Dene-Métis have worked together to develop their land claims, leading to the signing of an agreement-in-principle in 1990.

The NWT faced a dual political structure which has carried on to this day and shows no sign of abating. On the one hand was the all pervasive Government of the NWT. Slow at first to hire native people and determinedly hostile to the federally-funded native associations, it had the image of a white man's government. The sophisticated and technocratic solutions to problems which characterised the 1970s only widened the gap between un- or under-educated northerners and educated white experts brought in by the NWT government to solve problems. On the other side were the native associations, practically powerless in the community, but advocating their peoples' aspirations, providing some jobs for at least some of the emerging native élite, fighting political battles over the head of the NWT government on the national stage and winning federal government support for some important social, cultural and political demands. The hostility between the two sides deepened, with the help of paranoia on the part of some NWT government whites, and some 'dirty tricks' by the Mounties' Security Service as later revealed by a national Royal Commission.

The white/governmental versus native/non-governmental cleavage has remained the major dynamic in NWT life. In culture the natives have won outright, with aboriginal arts, crafts, garments and names (eg, Canada's Anik satellites) generally chosen to represent the NWT outside the north. In this area at least even the whites recognise the exotic appeal of the northern natives. In the white towns many activities are still whites-

only in practice, but there may be reasons of native cultural preference here. Sports teams and other groups from all but the main white-dominated centres are full of brown faces.

The cleavage was clear in the early 1970s when a federal election returned native Métis candidate Wally Firth in the NWT's parliamentary seat. The election of a New Democratic Party (NDP) (labour, or social democrat) member upset the Liberals and Conservatives who had long alternated in the seat. But Firth ran without party label for the most part. His poster was simple: his brown face occupied almost the whole of the poster framed by the words, 'Our land, our man. Vote Wally Firth.' His election may be taken as the moment when the old white-centred and white-designed north came to an end.

This sea-change had been already in other circles. Although federal Northern Affairs ministers - and after a name change in 1966 to 'Department of Indian Affairs and Northern Development', 'DIAND' ministers - loudly expounded a doctrine of free enterprise and resource development as the northern future, the reality was that they also increased social and infrastructure spending continually. When he visited Yellowknife at the end of May 1968, Pierre Elliot Trudeau, already Prime Minister by party vote and campaigning for election of his own government, said that social and cultural issues must take priority in the north over resource development. In answer to a question from the NWT's most determined self-government and provincehood advocate, Jim Whelley, Trudeau said that as long as constitutional negotiations were not 'open-ended' like Quebec's aspirations to international recognition, he had no objection.

The north had become a federal device to signal economic policy to Canadian and foreign business. It has been the scene of vast incentive grants or investments from Ottawa to encourage 'northern development' in the form of resource extraction. Indigenous peoples were appalled when they saw white men dynamiting for seismic surveys, disturbing wildlife with planes, and crashing through sea ice in ships. It seemed that the White Man really might destroy the economic livelihoods of the people - the wildlife whose harvesting was the occupation of some, the recreation and mental sustenance of many, and the food of all. The native associations had found their central issue.

The native northerners developed 'land claims' as their comprehensive vehicle for a new society from c 1970. Claims were not merely for lands and resources, or revenues from developing these; they also included calls for new forms of government, social programs, large compensation payments for the white man's takeover of their country, and new approaches to understandably sensitive matters like the licensing of researchers (who were often seen as furthering hostile Outside interests), public service hiring, local employment in local work, etc.

The federal government always sought to avoid in the north the southern 'mistake' of creating reserves for native people. The hope was that a new multi-racial society could emerge in the north. This would end the need for special Indian or Inuit programs. All services could be provided by the NWT government. NWT native leaders and their lawyers had begun to attack that notion, and their leverage was effective. Ottawa had strengthened its pressure to make the GNWT more accommodating to the north's native citizens. The most important form of pressure was the federal refusal to transfer surface or subsurface land or resource management powers to the GNWT. That had long been the object of white northerners who believed that a great resource boom would follow their taking control. (As in North Australia, this hope did not always take into account the reality of commodity prices or development and transportation costs.)

The Dene Nation was one concept, fused with the name of the organisation advocating it. Through the 1970s and 1980s the Dene advanced several proposals for a political structure in the Mackenzie region, all more or less unacceptable to the whites who lived there. The Dene difficulty was to locate sufficient power with themselves while dominating an entire territory in which they were outnumbered by whites. The documents the Dene and their advisers developed over some years through the Western Constitutional Forum (1982-90) provide many valuable proposals which deserve further attention.

The Inuvialuit eventually developed something called WARM (Western Arctic Regional Municipality), a concept and bargaining device which fused features of the neighbouring Alaskan Inuit North Slope Borough government, American constitutional practice alien to Canada and the powers of a separate Canadian northern territory. They settled their land claims in 1984 without making any progress on political institutions except to obstruct those sought by other regions of the NWT.

The Inuit had wrapped up their land claims and all other aspirations in a package called Nunavut, 'our land'. Anyone listening to Inuit talking in shops or homes might hear *nunavut* mentioned in the everyday sense of 'our land', but now with a capital N, so to speak, it became something much more.

The 1970s and 1980s have been a roller-coast ride for the NWT. Or rather they have been two separate roller coasters. For the whites and the NWT government which whites have dominated the rise of the 'native movement' was the supreme threat. The native people simply rejected the vision and aspirations of the whites - both the idea that the NWT was a northern emptiness to be developed like the south and the view that the future NWT society would be designed by southern or NWT whites in their own image. The white-led Legislative Assembly - as it now called itself in order to claim greater legitimacy - rejected aboriginal rights, any concepts of 'special' rights for native people and the whole native agenda. While the Commissioner insisted in his well-known cry, 'We're all northerners!', the native people could not help noticing that the white northerners had all the jobs, the best housing, the pay and benefits and the power to make all the decisions. Federal administration had, by creating sufficient work conditions and housing to lure employees north, created an élite community. The successful federal work on native acute health care helped fuel a native population explosion which kept demand running faster than supply, eg, in housing.

The effectiveness and legitimacy of the NWT administration were troubled by three major problems. One was that federal DIAND officials wanted to slow down or sabotage altogether the transfer of power. In order to demonstrate quickly its competence and efficiency the Government of the NWT (GNWT) borrowed provincial models of administration and/or legislation wholesale, therefore recreating southern administration in the north. These models were often unsuited to small-scale or native needs.

A second problem was that the NWT native movement, funded by and lobbying in Ottawa, was undermining the legitimacy of the GNWT by pointing up the inequities in northern society. Capturing the romantic spirit of the public service *vis-à-vis* the north, the natives found federal allies. Only later with the Berger hearings (see below) did the Canadian press and public buy into the new world of the native north.

Thirdly, the Trudeau government was like the Kennedy administration in the USA, marking a change of generations, rhetoric, attitudes, etc. It brought in a social democratic and experimental style following on the already socially active national measures of the preceding Diefenbaker (Conservative) and Pearson (Liberal) governments. Although the GNWT had taken over almost the whole bag of federal

northern administration, the Trudeau administration, creating new ministries and branches right and left, started up new activities in new fields. The federal funding of native associations was only the most flagrant of these, and one the NWT Commissioner, formerly a labour leader, distrusted as an apparently top-down and racially defined mode of organisation.

The tension between native and white institutions worsened, and there was tension in the NWT white towns. But while the NWT Commissioner could make any federal minister's visit north a memorable personal experience with his genius for public relations, the native movement, both its northern bodies and the large and powerful southern Indian and Métis organisations, was cajoling and bullying Trudeau's ministers into a new relationship with native peoples. Brilliant and effective NWT native leaders like Jim Wah-shee, Georges Erasmus, Nick Sibbeston, Steve Kakfwi, Sam Raddi, Nellie Cournoyea, Tagak Curley, Eric Tagoona and John Amagoalik articulated more clearly and compellingly than the whites a social vision which could move all Canadians. The whites only seemed to talk of money-grubbing.

1979 and after

The appointment of a new Commissioner who carried out a withdrawal from power in favour of the elected Legislative Assembly; the Inuit Tapirisat assembly in Igloolik where a politically marketable proposal for a Nunavut government was approved and published; and the election of a new Legislative Assembly which was prepared to work with the aboriginal peoples and their claims, made 1979 a decisive year. These events firmly set the NWT on a new course.

The 1979 NWT elections saw the whole community, white and native, reject confrontation in favour of reconciliation. The whites chose new, modern, progressive candidates who would work with the native people. The natives for the first time put up some of their leaders who had previously boycotted the Legislative Assembly as an illegitimate process. The NWT had been torn by debate throughout the 1970s, leading nowhere but to futility and to social tensions drawn along racial lines. The Mackenzie Valley pipeline inquiry headed by Judge Tom Berger had revealed just how deep-seated were the divisions in the north between development dreams of entrepreneurial whites and worried natives (Berger 1977).

But Nunavut refocused political debate. One of the early decisions of the new Legislative Assembly was creation of a special committee known as the 'Unity Committee' to inquire into the overall political state of the NWT. This committee found that to the aboriginal majority in the NWT the existing boundaries which joined several regions and peoples together made no sense - eg, to Inuit in the eastern arctic the affairs of Dene or whites in the Mackenzie Valley meant absolutely nothing. The east-west split was rooted in different aboriginal cultures and had been recognised in the early 1960s when Ottawa thought to divide the Territories. Rowley has pointed out that the matter was even basic to whites:

To the white man there had been two Arctics, the eastern Arctic and the western Arctic, defined by the routes used to supply them, and with little contact between the two. In every organization they were included in different administrative regions. Men were divided, consciously or unconsciously, into eastern Arctic men and western Arctic men. Rasmussen's unprecedented journey in 1923-4 by dog-sledge from Hudson Bay to Alaska along the northern coast of the continent had already emphasized how far they were apart. What contact there was between these two Arctics remained through Ottawa in the case of

government, through Winnipeg and Montreal in the case of the Hudson's Bay Company, and through Toronto and Montreal for the churches (Rowley 1987, 41).

Indeed, the extent of separation between east and west would become problematical for the Nunavut proposal itself despite its initial object of uniting all Inuit communities.

But the Unity Committee also found that native people in particular felt neither loyalty to nor affection for the Yellowknife government. The findings that the GNWT did not satisfy the very people for whom this incredibly intrusive, generous, idealistic administration had been created should have been no surprise. At any rate, a committee had now said it out loud. The steps towards rethinking the NWT quickly followed.

In April 1982 a plebiscite was held on whether or not to divide the NWT to create Nunavut in the east. The Inuit who had initiated the project gathered in a hotel ballroom in Frobisher Bay (now Iqaluit) to watch the returns come in. Several Canadian journalists had visited the north and pronounced the Inuit uninterested. Inuit are not greatly demonstrative, a quality they disapprove of in others like the vivacious French-Canadian or the angry Anglo. As the votes rolled in it became apparent that the Nunavut heartland - the eastern arctic - had voted 4-1 for Nunavut in the highest voter turnout ever recorded. The weakest poll in the whole region had been a largely white section of Frobisher Bay which had 'only' voted 2-1 for Nunavut. Those of us in the hotel shook hands and went to bed. We woke to what we thought would be a new world. But Canada's national broadcasting network brought home the reality. The press had gathered not in Nunavut but in faraway Yellowknife. The reports were that Nunavut had been favoured by a 'mere' 56%, that voter turnout in the Yellowknife area had been very light, and that the Inuvialuit region as well as the important Inuit settlements of Cambridge Bay and Coppermine had close or negative votes. These latter communities so close to the intended western boundary of Nunavut had worries about their traditional hunting lands being cut off after a new boundary was drawn, uncertainties about whether the southern hospitals and senior schools would be open to them in future, and concerns that a capital in faraway Frobisher Bay would be more inconvenient than Yellowknife which they could reach in short jet flights.

The federal and NWT governments could be in no doubt about the desire of the eastern arctic to go it alone. The fear of Quebec using referenda to decide the future had made Ottawa say it would not necessarily accept *any* referendum result. Others feared that French Acadia, the distinct Francophone community of New Brunswick, might try to separate and join a separatist Quebec; that 'west island' Montreal and other Anglo areas along the Ottawa River might try to separate from Quebec to join Ontario; that Quebec Inuit would try to take the north of Quebec out of that province to unite with Nunavut, etc. After the Nunavut referendum both Yellowknife and Ottawa accepted in something like good grace that the NWT should divide.

With the sponsorship of the NWT Legislative Assembly two bodies were set up, the Western Constitutional Forum and Nunavut Constitutional Forum, to develop more concrete proposals for the future divided territories. They were to carry out good work, but an irreconcilable conflict was built into their roles. The Inuit, having a firm and clear goal in Nunavut, simply wanted to get on with it. They saw no need to have anything to do with the WCF beyond some few mutual matters sometime in the future, notably the finalisation of a new boundary. The WCF included the former head of the Unity Committee, a thorough and principled man who saw things very differently. He saw a slow and happy process to develop social consensus ending someday in a plan. This approach was quite reasonable for the western NWT where very deep divisions between white and native aspirations existed. But he and the WCF failed to understand the strength of Inuit grievance or the extent to which Inuit felt apart from and unrelated to

the western NWT. Administered separately until the early 1970s, and utterly self-sufficient in their homelands before that administration, Nunavut Inuit saw the West merely as an irrelevant nuisance. Inuit organisations did not even keep offices in the NWT capital, and they have defended this by noting that they have never been coopted into NWT government projects and policies the way Dene and Métis sometimes have been. Some individual Inuit who travelled west said on their return that the western NWT had imported the white racism of Western Canada into the north and that the more liberal East suited Inuit better.

A frequent tone of moral superiority by WCF and its regular suspicions and accusations of NCF 'racism' or duplicity incensed the Inuit who often replied with more anger than discretion. Meanwhile, NCF was simply more united, purposeful and confident, and more experienced in dealing with constitutional issues and with the federal government.

NCF was made up of elected persons only - MLAs from the Nunavut region and elected leaders of the main Inuit claims and political associations. To the cry of racially based government or ethnic separatism the NCF had a ready reply in the person of the white politician who chaired it. Dennis Patterson, a lawyer who moved north and married into a famous Inuit family, was the NWT Minister of Education as well as Minister for Aboriginal Rights and Constitutional Development.

The NCF hired a full-time research director grounded in the Nunavut cause and experienced in federal and territorial policymaking, while chairman Patterson made available his able Aboriginal Rights secretariat deputy, a man both energetic and imaginative who had lived many years in Nunavut villages working with the social problems there. In November 1982 the NCF and WCF joined hands in their most effective ever work: a week long lobby effort in Ottawa to demand more progress on self-government and revenues from northern resources. Ottawa was plainly stunned at the first ever coalition in which young native leaders and NWT white politicians were sharing platforms and cooperating easily together. The new order in the NWT had yielded much, and quickly.

The other event at the same time was the switching of loyalties by Nunavut MP Peter Itinuar to the Government side from the social democrats in return for a public commitment by the Northern Affairs minister to Nunavut. The federal Northern Affairs officials had tagged several noisome conditions to this, but the Inuit were reassured privately at the political level that in fact these would not stand in the way of a successful outcome. (Later dropped, these conditions have now reappeared in Conservative government statements.) The vast NWT had been divided once at Inuit request to form a Nunavut federal seat in the House of Commons. This provided Inuit an important voice, especially during the vigorous tenure of Itinuar and his capable staff. This seat, 'Nunatsiaq', a name proposed for the Nunavut region when it was to be a separate territory in the early 1960s, had the ideal boundary for a new Nunavut, including the Inuvialuit and all other Inuit communities. But it has not proven a politically practical boundary.

The NCF prepared a history of the socio-political background leading to the Nunavut proposal (Jull 1983). Profusely illustrated and printed in three columns per page - one English, one eastern Inuit syllabics and one western Inuit Roman orthography - this was widely distributed in both north and south. Inuit had learned early that any political work in the north needed a parallel and different campaign in the south aimed at national opinion and federal decision-makers. During the 1982 plebiscite campaign, for instance, Inuit had taken advantage of the impending news event of the plebiscite result to inform media, scholarly and official opinion in the south that Nunavut was neither a separatist nor racist threat.

NCF turned to serious questions of the powers and form of a new government. Through expert studies and public committee meetings which were as much teach-ins as they were decision-making forums, with radio, TV and print media present, ideas were developed. A week long workshop of key advisers and principals met in a castle in the woods north of Toronto to prepare an overall plan. On 17 May 1983 Dennis Patterson tabled *Building Nunavut, A working document with a proposal for an Arctic Constitution*, in the NWT Legislative Assembly (NCF 1983).

The federal DIAND minister remarked publicly that the approach in *Building Nunavut* seemed reasonable, as NCF had intended. The approach followed Canadian federalist practice. It recommended phasing and federal-Nunavut sharing of powers in controversial subject areas. The new territory would seek more flexibility in managing budgets once these had been negotiated - ie, a block funding arrangement - and would accept continued federal roles in respect of, eg, offshore oil, provided that power-sharing and revenue-sharing were adopted. Inuit knew that their unique circumstances and continuing fiscal deficit position within Canada's federation would involve a lingering attachment whatever they said. Nor were they distressed by a possibly lengthy period in which they 'learned the ropes' of some of the more technical and complex subjects. Inuit had learned that governments were amenable to their pragmatic approach.

In October a fine glossy version of *Building Nunavut*, in French and English, in eastern and western Inuktitut, together with a question-and-answer leaflet on main issues (like why your old age pension would not be adversely affected by Nunavut), and a poster keyed to the Nunavut history which was still being circulated, were ready. NCF chartered an airliner for themselves, the press and federal observers. They flew into all the communities of the eastern arctic, with the eastern and western Kitikmeot following six weeks later and the Inuvialuit region in early 1984. The eastern arctic tour coincided with an NWT election campaign. The campaigning candidates joined the tour in their own ridings and outdid each other, white or Inuit, minister or MLA, in supporting Nunavut and wrapping themselves in its colours. The tour rumbled on, managing to stay a few minutes ahead of the fierce blizzards which lead in the full arctic winter. Babies sucked on the leaflet and small boys had sword fights with rolled up posters around the aisles of the meeting halls while the adults clutched their glossy books and listened and asked questions for hours. These meetings were never shorter than 3 hours and usually went to 5 hours. Virtually the whole adult population attended except in the largest town, Iqaluit, and the smallest, Resolute.

Purists have argued whether all Inuit 'really understand' Nunavut. Inuit adults have all spent hundreds of hours in meetings discussing the main issues, the Nunavut tour being merely part of a long process, not a wholly new one. There seems no reason why the individual hunters or mothers of Nunavut must be experts on constitutional form if their basic requirements are met. Those are a system acceptable to Canadian governments but which would provide them control of their society and some control over future development in their region. No other Canadians have spent so much time discussing an endlessly delayed political reform.

Some views emerged sharply in the community visits. Inuit language must be developed and used more fully, being the language of daily use by Inuit in Nunavut communities. Marine species and the offshore environment must be protected and Inuit participation in ocean policy matters provided. Inuit cultural standards must be restored and/or strengthened in communities which had experienced devastating social change.

Two matters were more problematic. One was the worry about how Inuit would staff their new government. Where were the trained Inuit and where were the training courses? As one Inuit leader confided to me at the time, 'If my grandmother thought I was going to be in charge of anything, she'd want you British to stay here.' The real

point was more serious. Inuit had been moved and knocked about by governments for several decades, their entire lives thrown into confusion, with frequent tragic and fatal consequences for family members. Even supposedly 'strong' communities like Rankin Inlet and Chesterfield Inlet seemed to have a very difficult future, although self-government was the *only* plausible future, as a 1988 report said forthrightly to much public shock (Irwin 1989). Inuit had little faith in governments, and if they were going to have a new government, it would only be a real improvement if it were run by Inuit. Meanwhile, many of the youth who might be filling new jobs, with their skilled requirements quite beyond the older folk, were hanging around video parlours, drinking or exploring drugs, fighting and worse. A run of suicides and murders involving well-known Inuit has created recent unease in the small Inuit society. The NCF recommended crash programs to provide education and training for the Nunavut public sector, including tailor-made northern civics components. This would require the short-term help of contract experts from the south or USA.

The second difficulty which had been presaged by the 1982 vote was the uncertainty of Cambridge Bay and Coppermine about a future in Nunavut. Nunavut needs their relatively well educated people and their numbers. It would seem especially inappropriate for Bloody Falls just south of Coppermine on the Coppermine River, scene of a massacre of Inuit by Dene in the late 18th Century, to end up in a western NWT territory likely to be named Denendeh. This place has acquired a major symbolic and emotive force in Inuit society. But NCF has never spent enough time in the region to work through all the local concerns.

Other largely spurious concerns were generated later about economic matters. Small businessmen in communities like Baker Lake and Coppermine believed that they could do well out of Beaufort Sea oil and gas development if they remained part of a single territory. This debate is really part of a more important division about economic and cultural philosophy. One group are more westerly residents and white businessmen with relatively little interest in Nunavut (Nunavut if necessary, but not necessarily Nunavut) and a desire for an open business climate which they, as the first on the ground, may reasonably expect to dominate. The other group, who have been the core of the Nunavut movement from the beginning, are determined to strengthen Inuit culture, to favour economic development beneficial to the whole community (as through the collectively owned land claims-created development agencies), and to secure Nunavut as the necessary vehicle for sound and manageable development in their region. Only Nunavut, argue these latter, will give Inuit the control of development and outside impacts necessary to a secure future. These divergent viewpoints are not absolute in a region where personality and personal alliances often count more than ideas in politics. But they are evident and could form the basis of an eventual party system. Meanwhile, the Nunavut caucus in the NWT Legislative Assembly is the largest single political force, and Dennis Patterson is now the 'premier'.

In January 1985 the NCF and WCF agreed on a Nunavut boundary which would place the Inuvialuit in the western NWT but bring Coppermine and Cambridge Bay into Nunavut. This agreement met the main federal conditions for creation of Nunavut and in early February the new DIAND minister, the sympathetic and fast-learning former populist mayor of Toronto, announced that Ottawa would move to create Nunavut. His speech also laid down the law for the western NWT: the whites would have to accept protection for Dene, Métis and Inuvialuit culture and aspirations in new political institutions. This speech which seemed to set the final shape of the NWT sparked a remarkable backstage row among those dominating the NWT Legislative Assembly. Patterson was accused of going too fast towards Nunavut and was publicly humiliated by his MLA friends after he had achieved the almost incredible feat of winning WCF and Inuit support for a boundary. It appears that while the MLAs were willing to be seen to

work with the native groups, they did not relish a new politics in which those leaders would compete for office and power with them.

Since that time the NWT political future has remained virtually suspended. Yellowknife whites and officials like to say that 'Nunavut is dead' but that reflects their own impatience rather than Inuit community perceptions. Inuit and Dene/Métis negotiators reopened the Nunavut boundary under pressure from a minority of ambitious Western NWT native politicians. However, this had its dangers. The Dene leadership had clearly seen when they asked their people to vote for Nunavut in the 1982 referendum (for which the Inuit leaders thanked them when the winning vote came in) that without Nunavut the NWT system would never get the jolt required to precipitate serious political reform. In January 1987 the January 1985 boundary was reagreed. This second agreement laid out guidelines for the new governments the WCF and NCF wished to create. These are attached here as Appendix A. It may be seen that the Inuit know what they want and are presenting their case in line with larger federal policy preoccupations such as arctic sovereignty (which the USA disputes in respect of the marine channels among Nunavut's far northern islands, the so called Northwest Passage).

Little progress was made after 1987 until 1990 when the Inuit signed their agreement-in-principle on land claims. The steady work of the Nunavut claims through a myriad of specific subagreements has been proceeding for many years. This work and its staff are a common pool with those working to create the Nunavut government: the Inuit have always seen 'land claims' and 'public government' as two sides of one coin. One of the reasons Inuit have been relaxed about the open nature of their Nunavut government proposal has been the knowledge that a claims settlement would back up their special needs with more quasi-governmental powers and agencies. Indeed, the claims settlement provides for powerful Inuit participation in decision-making on all development policies and projects on land or at sea within their region (TFN 1990). One of the specific provisions of the Nunavut claims settlement requires a process to be established to bring about a Nunavut government in short order on the basis of the January 1987 boundary agreement (see Appendix A page 3 attached).

While the NWT government is an effective body for service delivery, 'a shit and water government' as one NWT deputy minister has called it, its political system is profoundly ill at its core. The aboriginal-white standoff over the government's legitimacy, over the question of whether or not the whole will split to become two new territories, and the lack of party government or its resultant executive coherence and authority frustrate much social and economic development. The NWT cabinet today primarily casts lots for the use of the large federal transfers which make up the NWT budget.

The main NWT government policy document for our times, *Directions for the 1990s*, reveals deep schizophrenia (GNWT 1988). It is really half a policy for half a territory - lurching from ignoring the native people to admitting that when their plans are known all else will be knowable, and making no mention of the 'sustainable development' economic strategy which has been supposedly a main government priority. It seems clear that if Nunavut were established, then the western NWT peoples and regions would sit down, their minds concentrated by the Nunavut shock, and work out a plausible future. It is significant that the WCF only began to work with any sense of purpose once the Inuvialuit announced in January 1983 that they intended to join Nunavut. Federal officials prefer to do things the other way around - to hold the Inuit and their Nunavut project hostage to the indecisiveness and obfuscation of western and white NWT politicians who have no real incentive to act.

During the past few years the NWT government has promoted Devolution, the code word for federal transfer of remaining powers and budgets to the GNWT. As has been obvious to all concerned, the building up of more power and available funding by

Yellowknife strengthens its hand *vis-à-vis* Nunavut and gives the GNWT more scope to fight for Inuit favour in the communities. The Nunavut claims settlement may now preoccupy Inuit for some years with its plethora of new agencies, powers and jobs. Meanwhile, economic uncertainty generated by suspense about the future affects everyone. While the GNWT remains a government sensitive to and managed by whites working to a white, southern Canadian style of agenda, it has gone further than any government in any northern region of an OECD country except Denmark's home rule territory of Greenland to favour aboriginal economic, social and cultural aspirations. To accept the aboriginal *political* agenda, however, would be to transform itself. Successive NWT ministers, even ones from native organisations, have acquired pleasure in incumbency.

Conclusions

Delay is the most effective form of denial, said Professor Parkinson in his witty and all too true laws of bureaucracy. This line was quoted by an outgoing Commissioner of the NWT in 1966 to a ministerial dinner organised in Ottawa to see him off. He feared that Ottawa would delay the transfer of territorial authority to Yellowknife. It took the energy of his successor, Stu Hodgson, and the commitment of the federal Northern Affairs chief, Frank Carter, to avoid slowdown or breakdown. The problem has arisen again since 1985 with the territorial government and some officials in Ottawa anxious to deny the Nunavut project, the key to all reform of NWT political institutions, and to Canada's credibility as a country respecting human rights of non-whites.

The Canadian government of Brian Mulroney, apart from its first DIAND minister, David Crombie, has shown no desire to involve itself in northern problems. It would be hard to overstate the tragedy of the Mulroney government's *faux pas* in failing to attend to aboriginal self-government. Nowhere has the ground been more prepared than in Nunavut, and nowhere is a visible and effective result easier for the federal government to achieve. How it imagines it can pressure Provinces to cooperate with any Indian self-government program when it cannot muster the will within its own dependent territories is a mystery. In 1987 Prime Minister Mulroney let the aboriginal agenda drop after a failed conference in March. No follow-up process nor any hope were offered to the disappointed aboriginal delegations (Jull 1987). The conference had foundered on the lack of ultimate definition in proposals for aboriginal self-government, but a few weeks later a no less vague instrument became the Meech Lake constitutional accord between Ottawa and the Provinces. Done in dead of night, literally, this agreement was made by premiers without advisers and without the public, even though Mulroney's party when in Opposition had successfully led the fight for public openness on the Constitution against the Trudeau government a few years earlier. When the Meech Lake accord needed quick and final passage after a desperate week long meeting by premiers with Ottawa, a lone Indian legislator in Western Canada, evoking Ottawa's betrayal of his people, killed that accord. The result is predicted to be the break up of the Canadian federation.

Canada's aboriginal people with significant leadership from the former NWT Dene leader, now the national Indian leader, and the Nunavut principals, had become the cutting edge of popular constitutional reform. They could not be simply dumped, and their confidence and persistence catalysed other groups and legislators across the country. A native protest became a national current of unease. The Prime Minister foolishly (and prematurely) was crowing in June about his 'deal'-making with premiers which he thought had saved the day (*Globe and Mail, National Edition*, June 16 1990, 'PM's method part of tradition'). But it is precisely because aboriginal people have never been part of Canada's 'deal' that they feel no pressure to cooperate. As the character in Ibsen says, 'The forests avenge themselves'.

The Mulroney government's main domestic northern policy has been one of handing over jobs and budgets from Ottawa to white-run northern governments in order to reduce Ottawa's public service numbers and costs. This has fuelled Inuit and other aboriginal mistrust (Jull 1988). But the NWT land claims settlements, now finally in hand, will give Inuit, Dene and Métis wide powers over the whole territory of the NWT, one-third of Canada's land area. Other claims settlements in the Yukon, Quebec and Labrador, now concluded or well on the way, will mean that aboriginal people with their distinct socio-cultural agenda and approach to development will have a major impact on more than half of Canada for the future. While evidence multiplies that northern Canada - both subarctic and arctic - is suffering serious environmental degradation, most of it thanks to developments based farther to the south, native claims are the leading edge of Canadian response to the Brundtland Report's ecologically 'sustainable development' challenge. (See Brundtland 1987, especially 114-16 on 'empowering vulnerable [aboriginal] groups'.) Significantly this response is coming from marginalised minorities - often illiterate hunter-gatherers - rather than from those who wear fashionable dark suits at international conferences full of fine words and fair press statements about the global environmental challenge.

The situation in northern Canada in recent years has followed a Canadian tradition. Like Quebec for so long, the native people have exercised a negative sanction on political events rather than being able to take control of them. Meanwhile, the stage has changed from a narrow one of local services delivery to the whole world. Inuit leaders in the NWT have not only had Nunavut on their minds. They have also been successfully negotiating amendments to the Canadian constitution in conferences whose main events have been nationally televised spectacles. They have travelled the world to speak up for aboriginal rights internationally, especially through the Inuit Circumpolar Conference (ICC) which groups together Inuit of Greenland, Alaska, Canada and now the Soviet Union. ICC has been especially concerned with the daily, domestic problems of Inuit in their homelands and the world press has been given a view of the realities behind the arctic mystique of snowy wastes. Through lobby groups like ISI (Indigenous Survival International) they have fought the worldwide animal rights movement which has already devastated their livelihoods. The NWT Inuit and ICC have made the whole of Canada conscious of the circumpolar arctic region as a distinct social and environmental community, and they have prodded Canada into a very active encouragement of circumpolar cooperation. Important new policy studies see Inuit self-determination as central to Canadian strategies in the north and in international circumpolar affairs (Robertson 1988). The Inuit leaders of the Nunavut movement have a wider grasp of Canadian and world realities than most NWT ministers.

The motivations which led Inuit and other Canadian native people to press for new government policies and, finally, for their own institutions of government have been reformist. It would be too bad if the clear critiques they developed of existing policies were lost or forgotten in the final scramble for office. Those critiques have triumphed precisely because they were accurate. It is up to the new men and women to show that they will hold power with the courage and reforming spirit they have displayed through long years of hard campaigning. They promised their people *better* government, not just *native* government. The long delays have enabled Inuit to enter another generation of issues and to reflect on how best to tailor these to Nunavut needs. A second edition of *Building Nunavut* has dealt with local concerns and administrative questions for implementing the new government (NCF 1985).

As aboriginal government projects multiply across Canada's south and mid-north, and with Dene and Inuit ambitions in the NWT far from satisfied (though more easily prosecuted when claims settlement funds are at their disposal), Canada's political and constitutional future will yet produce major political and social changes in favour of the continent's first peoples. Recent events in the NWT have only delayed the inevitable.

Australians will find their own points of interest in the NWT saga. Perhaps the most significant lesson is the importance and legitimacy of the aspirations of both northern communities, aboriginal and non-aboriginal, in any workable political settlement. All the progress and cooperation in the north has occurred when Ottawa has played a role as 'honest broker' in balancing the interests of the two sides in the northern contest and seeing that constitutional development depends on the agreement of *both*. Instability returned with the Mulroney government's apparent abandonment of that principle and the consequent search for advantage by the Yellowknife government. Canada's Northwest Territories have greater aboriginal numbers than north Australia, but the Northern Territory has set aside more Aboriginal land. This provides no less leverage for an ultimate political settlement on terms acceptable to Aborigines. As Inuit made clear in the 1980s, if they did not achieve their Nunavut government it would be a Pyrrhic victory for whites because then they would seek separate aboriginal government enclaves and powers in relation to Ottawa, leaving the NWT hopelessly fragmented. Such a scenario has also been developing in Alaska where northern whites have rejected Inuit and Dene political aspirations to date.

Note: The word 'native' is used frequently in this paper. The word has been almost universally used by Indian, Inuit and Métis people and by whites in northern Canada for a long time and carries no pejorative sense. It was also used widely by public and government alike in southern Canada to identify aboriginal people generally. However, Treaty Indians in Western Canada have objected to 'native' which they see as blurring their legal and historical distinctness from non-status Indians and Métis. So, in the 1980s the search was on for a new word and 'aboriginal' was chosen. This word had never before been used in Canada except in the phrase 'aboriginal rights', and that only in recent decades.

Appendix A

Part II: Matters of Concern to the Western Constitutional Forum

The following matters are of exclusive concern to the WCF. While the NCF supports the aspirations of the residents of the western region to establish a jurisdiction suited to their needs, the NCF does not necessarily adopt the principles which follow and is not bound by them.

1 Principles of Constitutional Development for the Western Jurisdiction

Aboriginal people will likely constitute a minority of the population in the western territory after division. Consequently the Dene, Métis and Inuvialuit are concerned that their political rights, their culture and their future as individuals and as aboriginal peoples be secured to their satisfaction in the new constitution for the western jurisdiction. Non-aboriginal residents of the north recognise and accept the need to address the concerns of the Dene, Métis and Inuvialuit within the context of a public government system based upon democratic principles. To this end all parties to the WCF agree that the following principles shall be addressed and procedure used in the constitutional proposal being developed by the WCF.

- a) The overriding objective of a new constitution is to build a system of public government which will protect the individual rights of all of its citizens and the collective rights of its aboriginal peoples and whose overarching principle is one of bringing peoples together.
- b) To accomplish this objective a new constitution must balance two principles:
 - i) The protection of individuals in that each and every *bona fide* resident of the western jurisdiction should have the right to participate in and benefit from public institutions, programs and services according to basic democratic principles guaranteed in the constitution, and
 - ii) The protection of the Dene, Métis and Inuvialuit in that each aboriginal community in the western jurisdiction shall be explicitly recognised in the constitution, and mechanisms shall be entrenched to enable each community to flourish as a distinct cultural entity regardless of its proportion of the total population.
- c) Some of the issues which shall be included in a new constitution in a fashion acceptable to all parties in order to balance these two principles are:
 - i) Government decision-making should rest as closely as possible with those governed; people and communities should have control over those matters which affect them exclusively and they should have input in and influence over those decisions which affect them as well as others;
 - ii) Aboriginal rights relating to language, culture and any other political rights which are not included in claims agreements shall be entrenched in the constitution and means shall be found to help ensure that all aboriginal rights are protected.
 - iii) There shall be a guarantee of aboriginal participation in government and significant impact on decision-making in the future including perhaps exclusive aboriginal jurisdictions in limited areas of direct concern to

aboriginal people; the focus would be on cultural matters and on the special relationship that exists between aboriginal peoples and the land and the political protections required to ensure its maintenance.

- iv) Every level of government in the western jurisdiction must have sufficient powers, authority, and resources available to it to enable it to carry out its responsibilities; the level of funding available should be assured and predictable and the restrictions on the uses of these resources flexible;
 - v) In the negotiation of the proposed constitution with the Government of Canada, in the context of recognising aboriginal self-government, and without prejudice to the negotiation of land claims, the further transfer of powers and jurisdictions from Ottawa shall be vigorously pursued, and
 - vi) The constitution or those parts which address each of these principles and objectives must not be amendable without approval of aboriginal and non-aboriginal peoples.
- d) It is intended that if negotiations toward a western constitution succeed, they will result in a constitution whose relevant sections are designed to constitute, together with provisions in land claims agreements, the definition of aboriginal self-government in the western jurisdiction. Any such definition must fully reflect any right of self-government held by the Dene, Métis and Inuvialuit.
- e) All substantive decisions of the WCF on elements of the constitutional proposal must have the approval of all members.

2 Provisional Principles for Regional Government in a Western Jurisdiction

As a result of efforts to negotiate a set of specific principles for regional government acceptable to the Inuvialuit, the WCF has adopted a set of principles applicable to regional government throughout the western jurisdiction. WCF members agree that if no aboriginal self-government provisions were to be included in the western constitution, the Beaufort-Delta region and the other regions of the western jurisdiction are guaranteed as a minimum these principles. However, if through the process of constitutional negotiations WCF members agree on a number of features which can be entrenched in a constitution as provisions for aboriginal self-government, WCF members cannot guarantee that trade-offs on these regional government principles will not be required. WCF members are confident that with cooperation, time and hard work they can build a constitution which will generously protect the interests of all aboriginal peoples as well as the rights of each individual citizen. The WCF continues to offer full membership to the Committee for Original Peoples' Entitlement (COPE) and hopes that the Inuvialuit will take part in this work.

The specific provisional principles regarding regional government which WCF members accept are:

a) *Right to Form Regional Government*

Under the constitution of the western jurisdiction, community governments will have the right to form a regional government.

Subject to the following principles, the territorial level of government will be obliged to recognise and accept regional governments so formed.

b) *Formation and Membership*

A number of issues relating to the formation of regional governments and membership within them have yet to be decided. These include the method of deciding among and within communities whether the communities desire to form a regional government, the method of establishing regional government, the number of consenting communities required, and the terms upon which a community may exercise its right to withdraw its membership. The structure and accountability of the regional government will be determined by member communities in accordance with democratic principles.

c) *Funding*

Funding for any regional government will be fair and adequate. In particular a regional government will be assured that insofar as it assumes duties previously held by other governments, it takes over the funding previously available to those other governments.

d) *Mandate*

The WCF supports regional governments obtaining from the other levels of government: shared responsibility, management and control over certain programs and services, including aspects of education, economic development, local government relations, police services, game management, land use planning and management and of the powers to tax by way of property taxation, business taxes and license fees and amusement taxes.

The WCF does not at present support extending legislative authority to a regional government in these areas, but the WCF agrees that the community and territorial governments should be empowered to delegate such authority.

e) *Boundaries*

Regional government boundaries may describe such a geographic region as is appropriate considering the community composition of the regional government at any point in time. Boundaries would be established for administrative purposes only and would change as individual communities join or withdraw from a regional government from time to time.

f) *Official Languages*

Official working languages of a regional government will include the regional aboriginal language or languages, and English.

g) *Rights to Participate*

Every resident of the region shall have an equal right to participate in the regional government and to benefit from its programs and services, but programs and services and the manner of participating in government need not be identical for members of different cultural groups.

h) *Public Lands and Resources*

Public lands within regional government boundaries and outside community boundaries should be held by the territorial level of government.

Territorial authority over the management of sub-surface resources, on-shore and off-shore, should be exercised in a manner which reflects the needs and interests of all residents in the jurisdiction.

The regional land interests may be considered formally in land use planning and management.

Part III: Matters of Concern to the Nunavut Constitutional Forum

The following matters are of exclusive concern to the NCF. While the WCF supports the aspirations of the residents of Nunavut to establish a jurisdiction suited to their needs, the WCF does not necessarily adopt the principles which follow and is not bound by them.

1 Principles of a Nunavut Constitution

Over nearly five years the NCF has consulted with communities, individuals, representative groups and associations throughout Nunavut on the basis of accepted and familiar public conventions of Canadian constitutional practice in order to develop a Nunavut constitution:

- a) which strengthens Canadian sovereignty and democratic government in the north;
- b) which opens the opportunities of full Canadian public participation to the residents of Canada's arctic villages, towns and outposts; and
- c) which reflects the interests and meets the needs of Nunavut's unique Inuit and settler society.

This work has been consolidated in a document, *Building Nunavut: Today and Tomorrow*, approved in a Nunavut constitutional conference in Coppermine in early autumn, 1985.

Two further issues requiring particular attention are Inuit claims settlements and implementation. The Nunavut concept itself grew logically and naturally out of the movement to settle Inuit claims. NCF has always insisted that a special feature of Nunavut's larger constitutional foundation be the settlement of Inuit claims. By securing the aboriginal and historical economic rights of the permanent Inuit population, that population is free to join with all other residents in the open and free activity of governing Nunavut through conventional political processes. The complementarity of the institutions of claims settlements and of general politics (or 'public government' as it has become known) for the efficient functioning and accountability of collective life within Nunavut must be assured.

The other issue is the importance of active involvement of the claims and other Inuit associations which participate in NCF in the design of implementing government in Nunavut.

2 Principles of Implementation

NCF has long recognised that, moral and constitutional principles apart, Nunavut would succeed or fail through practical implementation of an administrative system responsive to the state of politics, culture, society and economy prevailing, and to the elected legislature of Nunavut.

Specific areas of concern have emerged from the research, consultations and consensus-building conducted by NCF. These include the following:

- a) Nunavut as the first native majority jurisdiction within the Canadian federation has a particular obligation to structure its institutions so as to reflect Inuit culture and Canada's pioneering work in giving aboriginal interests political and legal shape through the twin processes of claims settlements and national constitutional amendments. Nunavut should be a showcase of progress in these areas.
- b) The development of a workable form of regional authority within Nunavut, reflecting the strength of community life as the centre of Nunavut society and the need for a strong Nunavut government capable of dealing with the large challenges facing the Nunavut region, is a priority. Regional institutions in Nunavut have helped provide the experience and infrastructure needed for a successful Nunavut government.
- c) A policy of making Inuktitut an official language of Nunavut and a language of teaching is essential, and requires both statutory commitment and phased introduction.
- d) Decentralisation of administrative centres so as to spread both the benefits and impacts of public sector development has been agreed. This will also help attract local, qualified Inuit into jobs which otherwise would be too remote from their family commitments and their cultural district.
- e) The assurance of full human rights within Nunavut, especially to guarantee to non-Inuit their opportunities for personal fulfilment and social and political life, have been studied and a course of action proposed. Such assurances are an essential political commitment to NCF.
- f) The establishment of a functional federal-Nunavut working relationship and sharing of powers, responsibilities and revenues in respect of ocean areas is required.
- g) The contribution and role of the Inuit north to Canada's arctic sovereignty interests and the conduct of a northern foreign policy have been highlighted in Parliament's special international relations committee report of June 1986, and in the federal foreign policy statement of December 1986, and should be acknowledged in the Nunavut constitution.
- h) A suitable preamble to a Nunavut constitution highlighting the principles of conservation and wise management of the arctic environment and resources, the permanence of Nunavut as a cultural homeland of Inuit, and the fact that Inuit have actively sought and successfully negotiated full participation in the Canadian federation, should be prepared.

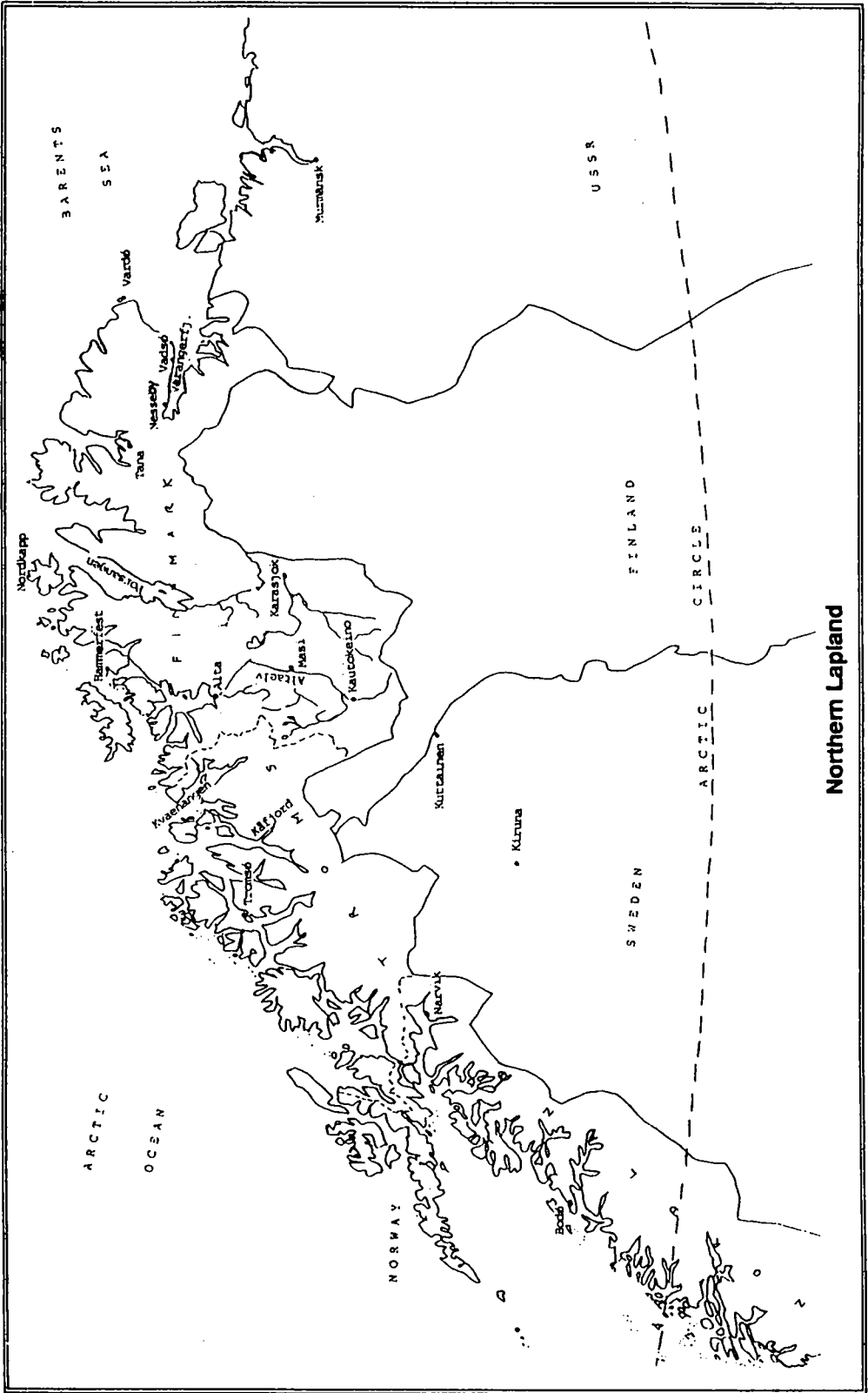
3 Principles of Federal-Nunavut Relations

Inuit through their organisations and public bodies have developed a unique and uniquely productive relationship with federal authorities, despite periodic disagreements. It is proposed by NCF that this situation be continued in the development of the Nunavut government. As has been repeatedly stated in NCF documents, a core of secure rights relating to cultural identity and economic resources is required as the 'critical mass' of a Nunavut political settlement. Beyond that, flexible arrangements for the acquiring of experience and sharing in management decisions by Nunavut authorities can be creatively explored and implemented through administrative arrangements.

References

- Beckett J, 1987. *Torres Strait Islanders: Custom and Colonialism*, Cambridge University Press, Melbourne.
- Berger TR, 1977. *Northern Frontier, Northern Homeland: the Report of the Mackenzie Valley Pipeline Inquiry*, 2 vols., Ministry of Supply and Services, Ottawa.
- Brundtland GH, 1987. *Our Common Future: the Report of the World Commission on Environment and Development*, Oxford University Press, Oxford/New York.
- GNWT, 1988. *Direction for the 1990s*, Tabled in the NWT Legislative Assembly, Yellowknife, 22 February 1988.
- Irwin C, 1989. Lords of the Arctic: wards of the state, *Northern Perspectives* 17, 1, 2-12.
- Jull P, 1983. *Nunavut*, Nunavut Constitutional Forum and Government of the Northwest Territories, Yellowknife.
- Jull P, 1987. How self-government must come, *Policy Options* 8, 6, 10-13.
- Jull P, 1988. Devolution and division, in Aird R (ed), *Running the North: the Getting and Spending of Public Finances by Canada's Territorial Governments*, Canadian Arctic Resources Committee, Ottawa, 123-32.
- Jull P, forthcoming. *The Politics of Northern Frontiers: Australia and Canada*, NARU, Darwin.
- Mowat F, 1952. *People of the Deer*, Little Brown, Boston.
- NCF, 1983. *Building Nunavut, A Working Document with a Proposal for an Arctic Constitution*, Nunavut Constitutional Forum, Yellowknife.
- NCF, 1985. *Building Nunavut Today and Tomorrow (The Nunavut Constitutional Proposal)*, Nunavut Constitutional Forum, Ottawa.
- Osherenko G and Young OR, 1989. *The Age of the Arctic: Hot Conflicts and Cold Realities*, Cambridge University Press, New York.
- Paine R, 1977. *The White Arctic: Anthropological Essays on Tutelage and Ethnicity*, Memorial University, St Johns, Newfoundland.

- Robertson G, 1988. *The North and Canada's International Relations*, Canadian Institute of International Affairs, Toronto, and Canadian Arctic Resources Committee, Ottawa.
- Rowley G, 1987. Bringing the outside inside: towards development, of the Passage, in Griffiths F (ed), *Politics of the Northwest Passage*, McGill-Queen's University Press, Montreal, 25-45.
- TFN, 1990. *Agreement-in-Principle between the Inuit of the Nunavut Settlement Area and Her Majesty in Right of Canada*, Tungavik Federation of Nunavut, Ottawa.
- WCF-NCF, 1987. *Boundary and Constitutional Agreement for the Implementation of Division of the Northwest Territories between the Western Constitutional Forum and the Nunavut Constitutional Forum*, Iqaluit, NWT, 15 January 1987, Canadian Arctic Resources Committee, Ottawa.



Northern Lapland

NORWAY: CONSTRUCTING INDIGENOUS SELF-GOVERNMENT IN A NATION STATE

Odd Terje Brantenberg

Introduction

During the 1950s a Sami movement claiming special indigenous rights for the Sami people within the Norwegian State, including territorial rights, emerged and organised itself. In the following decades it rallied support among the Sami population. Its power potential was not considered to be significant at all in Norwegian political circles. However, a special event brought this ethnic movement to the forefront of national political attention.

In October 1979 a small group of Sami from Finnmark, the northernmost county in Norway, travelled to Oslo, the national capital, to protest against the Government's plans for hydro-electric development of the Alta Kautokeino riverway in Finnmark. Being a radical wing of the Sami movement, calling themselves 'The Sami Action Group', they erected their Sami tent *lavvo* at Eidsvolls Plass, in front of the parliament building. They presented their message as a 'last stand' against any further intrusion into their homeland - Sapmi. One of them succeeded in getting an audience with King Olav V in the Royal Palace, directly opposite parliament.

On 8 October they presented a letter to the Speaker of the parliament and to the government, demanding a halt in the Alta project until: '... the issue of the Sami, as presented in the court, has been decided according to the law'. Following the Prime Minister's refusal, they started a hunger strike. Three days later the police went into action, removing the hunger strikers and their tent by force. The issue then exploded into one of the major political conflicts in Norway since the Second World War (Jull 1986; Paine 1985a; Thuen 1983).

Exactly ten years later, on 9 October 1989, and as a direct outcome of this conflict, King Olav V travelled to the community of Karasjok in Finnmark, in the heartland of Sapmi, to formally open the first assembly of the Sami Parliament in Norway. (The coincidence of dates was based on the King's schedule. Nevertheless, the omission of the hunger strikers from the guest list for the opening became a small controversy in the press when they threatened demonstrations.) The presence of the King in one of the central Sami communities, the mixing of the colours of the Norwegian and the Sami flags, the formal speeches in Sami and Norwegian and other details of the proceeding, expressed the profound changes that had taken place in the relationship between the Norwegian state and the Sami people. It is worthy of note that the participants of the hunger strike were not among the invited guests to the parliamentary opening.

These different events illustrate dramatic changes in Sami-Norwegian relations, not only in terms of institutional arrangements, but also in the ongoing debate about Sami ethnicity, self-government and the fact of being a member of a Norwegian state. This is a debate for separation as well as unity, a debate not only about constitutional arrangements for a Sami Parliament and indigenous rights, but also a debate about culture/s and the politics of difference and similarity.

Sami self-determination in modern Norway has always been a controversial issue, not only for Norwegians, but for Sami as well. Thus, for some, the opening of the Sami

Parliament was a day of celebration. For others, however, King Olav V was seen as undoing the very national unity achieved by King Harald Fairhair in the ninth century. Some Sami would see the parliament as a step towards regaining basic rights stolen from them by the Norwegian state; others would regard it as detrimental to harmonious relations between Sami and Norwegian peoples, creating artificial boundaries between individual members of the same communities and state.

The ambiguity is also expressed in terms of how the state conceptualises the Sami Parliament. In a brochure from the Public Centre for Information the parliament is described as a body which can 'prevent and reduce ethnic conflicts'. Obviously, to the state ethnic conflicts are unwanted; it wants peace. However, to some Sami, they have been in conflict with the same state for centuries. They have opposed a state which has been deaf to their values and aspirations as a separate people; it has been extremely slow in responding to the Sami voices and very reluctant to admit injustice on its part. To them, the problem is not conflict as such, but rather the slow learning ability of the state in relations to the Sami people (Eidheim 1985).

The Sami Parliament is a unique institution in Sami-Norwegian relations. It is the first democratically elected representative body for the Sami people in Norway. However, in spite of its reference to self-government and autonomy (in Norwegian *ting*: representative body, eg *Storting*: Parliament), it was established, not through a declaration of independence, or a treaty, but as a result of a decision made by Norwegian authorities. Moreover, the Norwegian Parliament had decided that the power of the Sami Parliament was to be advisory - ie providing guidelines and information to the Norwegian authorities. Thus, the opening of the Sami Parliament came to underline not only the crucial fact that Sami were given an official recognition as a separate people within Norway, but also that the Sami had been increasingly incorporated into Norwegian society, as expressed in the constitutional and political changes.

Thus, the very establishment of the Sami Parliament came to signify the double position of the Sami as a people in their own right and as members of the nation state of Norway. The Sami Parliament provides a radical transformation in the premises for Sami-Norwegian interaction, opening up new and unexpected implications, not only for inter-ethnic communication, but also for a continuing debate among Sami. This debate is reflecting, as I intend to show, not only the facts of Norwegian dominance and control over Sami affairs, but also the challenges in a political process from patronage and dependence towards self-expression and self-government.

The basic problem of Sami self-determination is not so much the existence of a racial difference or of Sami and Norwegians living in separate worlds. Rather, the problem is more that of a shared world with valid claims to separateness, exclusivity and difference. To understand the particular case of Sami-Norwegian relations we have to consider the self-awareness, both as a matter of claims to cultural difference and self-expression, as well as a matter of politics of the 'real' world, including the resources for exercising self-determination *vis-à-vis* the outside world.

Thus, self-government for the Sami is not only a question of obtaining a right to make decisions over material resources, to exert ownership of a collective estate, ie the question of exercising autonomy or self-determination; it is also a question of sharing a culture at a very basic, meta-communicative level which involves communication about cultural meanings - in fact, the basis for defining difference. In Norway the overall position of the Sami makes culture a scarce political resource, a basis for any claims to separate rights and self-government (Paine 1985b). At the same time it tends to serve as a liability for developing common understanding and interests among Sami. Any claims for exclusivity is inherently generating a potential for rivalry and defamations - of creating minorities within the minority.

The most blatant expression of this situation is how the establishment of the Sami Parliament not only came to express differences between separate categories of Sami, but also opened the way for a debate about Saminess, ie the presentations and negotiations of different conceptions of being a Sami.

Thus, the political processes generated by the Sami movement, as expressed in the construction of the Sami Parliament in Norway, have provided a basis for a political battle, an ethnic discourse about self-government in terms of resource management, a battle for and against the Sami Parliament, as well as the eligibility requirements for participating in the elections for the parliament. These debates are not just debates about a Sami Parliament, but debates about the construction of Saminess. The notion of Sami culture as such is being politicised and made the object of negotiations and political transactions; hence Sami culture itself is being changed.

Sami land rights and state sovereignty

The Sami are an indigenous people of Scandinavia, with roots into the prehistory of large parts of the region. They have lived in their own small-scale societies diversified in terms of different, but not exclusive livelihoods of fishing, hunting, trapping, animal husbandry, farming, and reindeer herding. For centuries they were the main occupants of northern Scandinavia, maintaining relations to the Norse communities extending from the south along the northern coast. Before 1600 the Sami were living in these homelands, accommodating their interests with the gentry, the king and the church who were exerting their claims northwards into Lappland, or Finnmark, ie the land of the Sami (for a general overview, see Sámi Instituhtta 1990).

Initially, the Nordic states had no clear jurisdiction over these lands; their main interests were to secure the rights to tax the Sami population. Thus, the states of Sweden, Russia and Denmark-Norway were exerting rival claims to the same areas, the Sami population having to pay taxes to two, at one time even three, different states at the same time. In 1595 Russia conceded the tax rights over 'Finnmark', the Land of the Sami, to Sweden. After 1613 some regulations took place between Sweden and Denmark. The coastal Sami were placed under Danish-Norwegian jurisdiction whereas the inland Sami were to be under Swedish jurisdiction (the Danish-Norwegian government maintaining the tax rights over these Sami). The area in South Varanger, remained under Russian jurisdiction, the Sami having to pay taxes to Denmark-Norway as well. In 1826 the border between Russia and Norway was finally settled, South Varanger being transferred to Norway.

Establishing national sovereignty over Sapmi was a lengthy process. The role of the Sami people in this process has for many years been seen as insignificant; the official view in Sweden, Finland and Norway has for a long time been that the Sami were without any rights to land. The fact that the Sami never made any treaties concerning their traditional land rights, only confirmed the official notion of Sami as a people without land rights. Thus, establishing national sovereignty over Sapmi has been seen as a process which also transferred any Sami rights over land and the natural resources to the respective states. In recent years, however, historical research has provided a very different picture of the Sami, their traditional rights and the way these were acknowledged by the states (Korpijaakko 1986).

Coastal Sami and land ownership: Nordland and Troms

Before 1613, when the coastal Sami were under the combined jurisdiction of Sweden and Denmark-Norway, Sami along the coast of northern Troms were found to have received different kinds of payments from Norwegians for the use of their traditional estates (Bratrein 1984; 1986). The coastal Sami were paid for rent (*landvare*), which also covered rent for fishing and hunting, rent of land for house sites (*husfrelse*) and rent for outfields. Thus, Sami use of land and sea in northern Troms constituted a basis for land ownership. Norwegian peasants achieved access to such land by paying rents to the Sami owners. Another interesting implication of the archival records is that the Sami peasants of this region were land owners; the Norwegian peasants were not. In fact, they were tenants of the coastal Sami.

At the end of the sixteenth century, the interests of the coastal Sami were caught up in the rivalry between Sweden and Denmark-Norway for jurisdiction over Sami land. Sweden, which had taken over the Russian tax rights in 1585, demanded two-thirds of all Sami land. The Danish-Norwegian state responded by forcing the coastal Sami away from the coast - which was claimed by the Swedish state - to resettle in the fjords further inland. Another way of establishing Danish-Norwegian jurisdiction was to remove special rights of the Sami, preventing the Swedish state making any territorial claims on behalf of Sami land use. Thus, in 1608 the Danish-Norwegian king decided that the land rents paid by Norwegians to the coastal Sami (in northern Troms) were to be transferred from the Sami to the state (Bratrein 1986, 4).

In 1613 Sweden relinquished the claims for the Atlantic coast and the coastal Sami became solely Danish-Norwegian subjects. However, in spite of the growing state dominance over the coastal Sami, Danish-Norwegian jurisdiction continued to recognise the separate rights of the Sami. The special rights and privileges of the Sami were in fact so well entrenched that it took almost 150 years before the Crown could abolish them, making the coastal Sami into subjects similar to the Norwegian population.

Special status for coastal Sami: tax and land rent

During the sixteenth century, the position of the coastal Sami was not only expressed in their status as land owners, but also in terms of their special rights and privileges in relation to the state. During this and the subsequent century Norwegian and Sami peasants, in fact, paid two different sets of taxes to the Danish-Norwegian state. The Norwegians paid 'land tax' (*landskatt*) in cash in addition to the old *leidangen*, which was a tax on fishing, paid in dried fish. The Sami had to pay the old 'Sami tax' (*finneskatt*) in cash and the 'Sami-leidang' (*finne-leidang*) in fish. In contrast to the Norwegian peasants, who had to pay not only land tax, but also rents for land use to land lords, the Sami taxes were personal taxes. Also, they were considerably lower than those the Norwegian peasants had to pay (Hansen 1986).

This system of taxation and land ownership implied that Sami households enjoyed special rights to the land they used - combining animal husbandry, fishing, hunting and production of grain. The northern boundary for grain production extended as far north as southern parts of Troms (Malangen). South of this boundary, Sami peasants were able to combine agriculture with other economic activities. North of this border households were more dependent on exploiting the total range of coastal resources. In both areas, however, Sami land rights were expressed in terms of the so-called 'Sami homesteads' (*finnerydninger*).

The Danish-Norwegian administrators applied the term *odel* on these Sami holdings, adapting a term originally referring to the right of southern farmers to control the succession over the land they were using. As the majority of Norwegian peasants in

northern Norway were tenants on state land or private properties - and hence not having 'odel' - *Finneodel* was in fact a recognition by the state that Sami enjoyed separate rights of land for their 'Sami homesteads'.

The earliest historical evidence of these rights dates from the end of the sixteenth century. Documents from this period refer to local verbal traditions from Nordland and southern Troms. The coastal Sami population in these areas claimed to have certain 'privileges' and rights to the land they lived on. According to local knowledge, the special privileges were instituted by a certain 'King Haakon'. Being informed about this, the Danish-Norwegian king, Christian V, asked for a report on the matter. Whereas nothing came out of the report, the same king, according to Danish-Norwegian administrators in the eighteenth century, was seen as having provided the coastal Sami in Norway with similar privileges: '... to Clear for themselves Fields in the Fjords in the King's commons' and that the Sami and their children have subsequently kept these estates for themselves 'as their Odel' (Hansen 1986).

This legal practice enabled Sami peasants to control the succession of ownership over their homesteads according to their own traditions and interests. In Nordland and Troms these rights provided local Sami with a basic protection of their land use and occupancy. In 1726 these rights and privileges of the coastal Sami were confirmed by the Danish-Norwegian king in two legal documents, or prescripts, recently referred to as the Charter of Rights for the Coastal Sami. The documents refer to 'the Privileges of the Finns and the Lapps ... which we ... at this Time, and most graciously will continue to provide and confirm' (Smith 1987b).

The special rights of Sami with regard to property and taxes were abolished by the state in 1661 (Nordland county and southern Troms) and in 1755 (northern Troms). From then on, the Sami users of these estates had to pay tax and land rent 'as other Norwegians'. The Sami homesteads or farms were to be administered according to a common Danish-Norwegian system of land ownership (Björklund 1985; Hansen 1985).

However, the Sami continued their traditional use of common lands, ie those vast areas of forests and meadows which were not cultivated, but were used for herding, hunting, berry picking etc. These subsistence rights were explicitly recognised in the 1726 letter of rights to the coastal Sami.

In contrast to the special tax and property rights of the coastal Sami, which were abolished by subsequent legislation, the 1726 legislation does not appear to have been extinguished (Smith 1987b). This, however, was overlooked by the state, the official current view being that the coastal Sami do not have **any** separate rights of their own to common lands in their traditional areas. The same state has been willing to re-establish the rights of the Sami herders to use common lands. Paradoxically, the reindeer pastoralism is probably a recent development (1500-1600), in contrast to the coastal Sami who are able to prove a continuous land/sea use and occupancy into Sami prehistory. The land and sea use of the coastal Sami represent the oldest forms of Sami livelihoods, their use of what today is considered Crown or public lands is based on traditions from 'time immemorial'. Thus, the coastal Sami, who are not given any special recognition, is the very category of Sami who have the strongest claims to their traditional territories.

These areas are, as in the case of Finnmark, claimed as private property by the state; ie the state has the right to approve the land use of others in case they don't have any legal basis for their activities. As already noted, this situation is radically different from southern Norway; here the property rights of the state provide basis for public commons (*statsalmenninger*) where local communities have rights of usage and where the state's property rights are more limited than in the north.

Sami land rights: herders and the Interior of Finnmark

In 1751 the two states regulated the Swedish-Norwegian border. It is noteworthy that in this very process of international negotiations the land use of the Sami, ie the annual migrations of the pastoral Sami with their herds of reindeer from the coast in the summer and fall to the winter ranges in the interior, became a crucial issue. During the negotiations, both states claimed the interior of Finnmark for themselves. However, the fact that the interior of Finnmark was used exclusively by the pastoral Sami and that these herders also used the Norwegian coast for summer pastures, became decisive for Denmark-Norway's claim to the interior of Finnmark. This is quite noteworthy as it clearly shows that despite their nomadic form of livelihood, the states were in fact willing to recognise the Sami herders' land use as legitimate basis for land rights. When the sovereignty over these lands was transferred from Sweden to Norway in 1751, it was based on the recognition of the very rights of the Sami herders using these areas. As with the farmers' land use in the south, the land use of the Sami came to play a crucial role for the drawing of the national boundaries in the north (Pedersen 1986).

The so-called Lapp codicil, which is a supplement to the border treaty of 1751, is another crucial expression of the way the state powers gave recognition to Sami interests (Pedersen 1987). The codicil was designed for 'the conservation of the Sami nation'. Through its various regulations it gave the Sami a certain measure of self-government. In recent years the legal significance of the codicil has been heavily debated. In contrast to a more conventional view where the codicil is seen only as an international treaty, protecting the interests of Sami in the opposite country, a more recent view is that it also applies as a national piece of legislation (protecting Sami interests *vis-à-vis* Norwegian land owners). However, whereas the codicil clearly safeguards the interests of inland Sami (ie primarily the pastoral Sami whose land use traditionally crossed the national border), it is still a matter of discussion whether the codicil can be seen also to safeguard the interests of non-pastoral Sami (Smith 1987b).

The Lapp codicil is a legal document which states the traditional rights for Sami land use. In particular, this applied to the pastoral Sami and their use of non-agricultural land. However, subsequent legislation and legal theories came to bypass and ignore former practices. Sami reindeer herding was no longer seen to constitute any traditional land rights; it was considered as a 'tolerated' use of state land. Thus, herders' land use was seen as insignificant and having no legal claim to compensation in case of infringements. Only during the last decades has Sami reindeer herding been given compensatory rights, as expressed in a new law for reindeer herding in 1978.

Sami land rights and Crown land in Finnmark

The situation in the northernmost part of Norway, the county of Finnmark, is especially interesting. Here the national boundaries were settled in 1751 and 1826, the latter involving Russia and Norway (Sweden)*. However, the treaty of 1751 (Norway-Denmark and Sweden), which in theory opened up for private land ownership similar to the pattern in southern Norway, did not have the same consequences in the county of Finnmark. In 1826 all land in Finnmark was considered 'commons', ie not land owned by the state (as a private owner). In fact, the areas in Finnmark where the state actually had private ownership of land, only amounted to 'some Islands and Hayfields in Westfinnmark', which in 1832 were leased to private individuals (Pedersen 1986; 1990).

* Norway was part of the Danish Kingdom from 1387 until 1815 and thereafter shared a crown with Sweden until 1905.

In 1848, however, in a report from the Ministry of Finance, a new theory of land ownership in Finnmark was being advocated. To the lawyers in the state bureaucracy all lands which were not seen as being privately owned were the property of the state. A farmer's cultivation of land was seen as providing a basis for recognition of private land ownership. In Finnmark, according to the report, land belonged explicitly to the state: 'because originally it was only resided in by a nomadic people, the Lapps without permanent dwellings'. In other words, the Sami had no land rights due to their nomadic livelihood. According to the report, this was why 'Finnmark from Time immemorial had been regarded as a Colony' (Pedersen 1986). Suddenly, the Sami had become a people 'without permanent dwellings', ie nomads wandering around without any particular home base or homeland. Regardless of the falseness of this description - as the Sami did have their own systems of land ownership, land use and residence in terms of their various activities like hunting, herding, fishing or animal husbandry - it provided the state with an image of the Sami as being 'non-resident', 'non-agriculturalists' and hence landless. It was taken for granted that Sami had no land use and occupancy which entitled them to any territorial rights. 'Sami nomadism' became a 'fact' opening up for the establishment of another 'fact', ie that non-private land in Finnmark was state-owned.

The emergence of social-Darwinistic ideology only served to validate these notions within the state departments and offices. A dramatic expression was the enactment of the *State Land Act* in 1902. Section 1c 7.7 states quite explicitly that the excision of state land for private ownership was to be reserved for Norwegian citizens and persons who could speak, read and write Norwegian language and use it in everyday life.

To survive economically, as land owning peasants, Sami had to achieve a competence in Norwegian language and culture. Sami culture was by definition seen as a liability to material well-being.

This discriminatory act was abolished in 1965, when a new law for state land in Finnmark was established making Sami equal to other Norwegians in terms of land rights. However, to the Sami people equal rights only serves to maintain another form of discrimination; the basis of the current legislation is still the perspective of 1840. The state is still owner of approximately 96% of all land in Finnmark - an area larger than Denmark. The continuity in Sami land use and occupancy, their traditional rights as an indigenous people, is still unrecognised, and hence, discriminated against.

Resource management and Sami Interests

The establishment of national jurisdiction over Sami homelands also came to involve a 'nationalisation' of the economic interests of the Sami. Reindeer pastoralism and other Sami livelihoods were made subject to Norwegian authorities alike.

Reindeer herding, in terms of its exclusive Sami, as well as its 'nomadic' character, was seen as an 'inferior', inherently 'primitive' and 'dying' form of livelihood. Thus, Norwegian authorities made, on one hand, regulations for limiting non-Sami recruitment into the livelihood (the recent law restricts access in the north to people of pastoral ancestry). On the other hand, the herding was put under a Norwegian political administrative regime, which had as its foremost goal to accommodate reindeer herding to the needs of other interests like farming, forestry etc. In later years, in spite of the fact that only some 10% of the Sami in Norway are actually engaged in herding, the herding has received recognition as the only exclusive Sami livelihood. Reindeer herding, as stated in the current legislation, is seen as the 'basis of Sami culture'. An expression of this view is how Sami matters have been administered. Sami matters were administered by the Department of Agriculture until the end of the 1970s as reindeer herding was

handled by this agency. The department still has a separate office for the livelihood. However, the main administration was set up in Alta under the most recent law (1978) for reindeer herding. In 1980 Sami matters were transferred from the Department of Agriculture to the Department of Labour and Local Government, which was given the responsibility for coordination and integration of Sami issues.

The role of reindeer herding as a 'cultural resource' for the Sami, however, is a very ambiguous and controversial one. Reindeer herding is exclusive to Sami, but it is also exclusive to the majority of Sami who are **not** herders, but live by farming, fishing and other sources of livelihood. These other forms of livelihood, themselves just as inherently Sami in terms of traditional land/sea use and occupancy, are not seen to have any ethnic significance.

In spite of the fact that Sami have a relatively larger dependency on primary forms of livelihood, activities like farming, coastal and marine fishing, fishing in rivers and lakes, hunting and berry picking etc are seen as exploiting general or public resources. The activities of farming, fishing and hunting are seen as Norwegian activities; consequently all natural resources in Norway are managed as national resources. They are principally regulated at the national level by separate legislation, special ministries and interest associations. Thus, local fish stocks in fjords or marine fish stocks are all considered a common resource, regulated by the state in collaboration with different fishing interests, research etc. In theory, then, the sea and marine resources are open and state-regulated resources.

Thus, the situation of coastal Sami communities is especially vulnerable. In spite of their traditional use of the marine and land based resources, the local population has had very little control over the management of local fish stocks, fishing in rivers and lakes or bird hunting. All these are resources that have been managed as public, ie non-Sami resources. The salmon fishery in Finnmark illustrates this. Having been a traditional activity for the coastal Sami communities, the salmon stocks became severely depleted due to the development of driftnetting during the 1970s. However, regulations in this fishery (before driftnetting was banned in 1989) have limited the participation of the resident local population. Between 1976 and 1981 the Office for Wildlife and Freshwater Fish limited the number of land based net sites for salmon from 2700 to 1600 (Pedersen 1989). Considering itself the owner of most land in Finnmark, the state can regulate this, as well as other fisheries, regardless of traditional Sami resource use.

Thus, local Sami communities have no special protection for their traditional resources. Instead they have to compete with any outsiders for access to the same local resources. Even the smallest bays have been open for larger seagoing boats with more modern and efficient technology; the results have often been devastation of local fish stocks. The coastal Sami, with their smaller boats and more conventional fishing gear, have not only lost out in the competition for resources, they also have been unable to exert any effective influence within interest associations and policy making at the national level.

Among the established participants in sectors like fishing, farming and wildlife there has been - and still is - a deep-seated resentment towards any attempts at introducing Sami interests; such interests are either considered peripheral or irrelevant to resource management.

Establishing Norwegian sovereignty and jurisdiction over the Sami and their territories, however, did give rise to competition and conflicts over resources: if herders were to be kept away, they and other Sami were also to be made citizens and members of a Norwegian society and culture. As the Sami were a people with loyalties across the national borders, developing national loyalty became important. Thus, the Sami became

a people under Norwegian patronage and up to the end of the Second World War exposed to various policies of 'Norwegianisation'.

The effects of becoming an ethnic minority, ie being a people with a separate history and culture, but without having any control over the laws and rules which regulate their lives and future, has made a deep impact on Sami consciousness. Not having been provided with opportunities to read and write in their own language, much of their historic knowledge about themselves, in terms of oral traditions, has been lost. What has been a matter of course for the majority population, ie to learn about and become familiar with one's own culture and traditions, was denied the Sami. The education system made the Sami unlettered in their own language, their culture was stigmatised, considered irrelevant and/or inferior. It was taken for granted that they should be Norwegian, follow Norwegian rules, and participate in Norwegian institutions. This situation, combined with the dissolution of the special legal status of the Sami, made the Sami into a people without any opportunities for expressing collective interests.

This oppression changed markedly with more liberal policies after the Second World War. However, the growing resentment towards racism and discriminatory treatment gave rise to another and more subtle, but in effect, perhaps, even more devastating, policy for cultural maintenance. After the war, the Sami were presented with the developing welfare state and liberal policies aimed at providing equal access to public services and well-being. A basic, but implicit notion, however, was that equality was defined in Norwegian terms. To have a different cultural background, a different language, or even place of origin, were a liability or handicap, for embracing the new opportunities in education or at the job market. Initially well-meaning policies presented a context where Sami culture became a 'handicap' or 'problem'. Rising standards of living were welcome; but special services, like housing projects, earmarked for Sami needs, had an ambiguous meaning. For some, special services implied a notion of being in need of assistance, ie as being different and inferior. Thus, access to special services, instead of being a claim based on a right to a separate status, was rather seen as expression of being handicapped or being of less worth than the population at large. Opposition to special Sami programs rose out of hostility towards Sami identity as it expressed unease and antipathy towards being branded as not being sufficiently Norwegian.

Thus, the minority position of the Sami expressed itself in a basic dilemma in Sami-Norwegian ethnicity - ie how to achieve a satisfactory and meaningful combination of being Sami as well as being Norwegian. This dilemma has created major divisions which have characterised Sami politics in the postwar era; the debate about Sami interests has also been a debate about their relations to Norwegian society and culture.

People have reached different conclusions from this existential dilemma. For some, participation in the larger society has been more important than asserting one's traditional background; to refrain from teaching your children Sami language has been seen as a way of discontinuing a brand of inferiority as well as an opening to participating in the larger society. For them, Sami identity was a private matter, a concern of kinship and local level networks. For others, Sami culture was a direct liability, the language and culture keeping people different from and disadvantaged in society at large. If Sami culture did not even survive in the snack bars of Karasjok or Kautokeino, why should it be maintained, some exclaimed. For others, increasing participation and knowledge about the outside, made them only more aware of their own distinctive background. To them, Saminess was a matter of identity, an inherent value implying a legitimate claim for recognition and equal worth. Instead of defining Sami culture as the problem, they defined the relationship to the state and its unwillingness to provide proper recognition of the Sami people as the ultimate problem. Thus, people came to draw very different conclusions from their Sami background; some would

emphasise membership and loyalty to Norwegian institutions and values, others would stress Sami identity as imperative. Both combined different Sami background and cultural competence with participation and skills in the larger society and culture.

The emergence of a Sami political movement

The notion of Sami nationhood is old; the Sami Codicil of 1751 refers to 'preserving the Sami (or Lapp) Nation', its regulations pointing out that the concept not only stood for a people with a separate culture, but that this separateness also involved a matter of independence from national jurisdictions, ie a matter of self-expression and self-government. At the beginning of the twentieth century, when a pan-Sami movement emerged in northern Scandinavia, the emphasis was on protecting the needs of the Sami people, or the Sami nation. However, the growing nationalist sentiments and the social democratic movement made these early efforts in organising a Sami political movement rather short-lived. The first Sami representative to the Norwegian Parliament, Isak Saba, was elected in 1906 from the rural districts of east Finnmark. He was elected on a socialist list, but campaigned for Sami interests as well. However, he managed to be elected for only two periods and lost out in 1912. In spite of the local and regional impacts, Sami rights and separatism were overwhelmed by the larger political struggles which emphasised internationalism, equality, and material welfare, ideas which were not always directly compatible with the Sami notions of separateness and special rights.

The idea of a Sami Parliament, is not a unique Sami institution. It is an expression of an international process starting at the end of the Second World War with the struggle against racial discrimination and the process of national liberation in the Third World. The establishment of the United Nations and the issue of human rights opened up new perspectives also for minorities within the western nations. Sami and Greenlanders were facing more liberal governments, who were committing themselves to large-scale efforts of integrating the northern regions and their populations into the national welfare state.

The welfare states, in addition to often blatant ignorance of cultural differences, came to provide members of the ethnic minorities with increasing experiences outside the confines of their local communities and cultural background. These experiences gave people new perspectives on thinking about themselves; experiences that for some led to increased awareness of their own separate background and identity.

The first national Sami association, *Norrøga Sámiid Riikasearvi* (NSR), was started in 1968 out of a merger of four local Sami associations in Finnmark and the Sami Society in Oslo. The latter was formed in 1948, the local associations were established from 1959 and during the 1960s. The goals of NSR are:

1. *to advocate the rights of the Sami people ('folkegruppe') vis-à-vis the Norwegian authorities and the Norwegian public,*
2. *to organise and coordinate activities and expressions of opinion aimed at enhancing the social, cultural and economic position of Sami in Norway,*
3. *to ensure that correct information about the issues which concern the Sami shall be made available to the public.*

From the start NSR has aimed to organise all Sami, regardless of their livelihood, place of residence, language and political affiliation with Norwegian political parties (Stordahl 1985). In 1982 NSR comprised twenty-five local associations with a total of 1736 members.

The reindeer herders started their association *Norske Reindrifsamers Landsforbund* (NRL) as early as 1947, combining general Sami issues with the specific problems of their livelihood. In 1976 the association was recognised by parliament to enter into financial agreements with the Ministry for Agriculture for various subsidies and fundings to the livelihood (following similar arrangements for negotiated agreements for agriculture and fishing). NRL had in 1982 some 700 members.

The origin of the Norwegian Sami Council was the so-called Sami council for Finnmark, established by the county council (*fylkesting*) in 1953. The council was an advisory body for the district commissioner (*Fylkesmann*). In 1959 a national committee was appointed to discuss the situation of Sami in Norway. The committee proposed the establishment of a national council for Sami issues. In 1964 the Norwegian Sami Council was established as an advisory body for regional and national authorities. The council had eight appointed members and was organised under the Department of Agriculture (!) with a secretariat in Karasjok, Finnmark. In 1980 the Council was strengthened by another ten members. The members were appointed by the Government after proposals from Sami associations, regional municipalities (*fylkeskommuner*) with Sami populations and the major Sami municipalities in Finnmark county. The members were supposed to represent different cultural and economic interests of the Sami. The Council was transferred to the responsibility of the Ministry for Municipal Affairs and Labour. The function of the council has been more than some. In 1982 the council was given some powers over the Sami Development Fund (established 1975) as well as the allocation of public funding for Sami handicraft and interest associations, exclusive of NRL which has been funded as a separate economic interest association.

The Sami associations in Norway have long traditions in pan-Sami cooperation. In the 1950s associations from Norway, Sweden and Finland started the Nordic Sami Conferences which came to provide a central basis for Sami politics. In 1956, at the second Conference in Karasjok, the Nordic Sami Council was established. The national associations select twenty representatives from each country to the conference, which are held every third year. Each of these groups then selects four members to the national sections which constitute the Nordic Sami Council. The Conference establishes the principles and guidelines for the Council. The Nordic Sami Council has a secretariat in Utsjoki, northern Finland. The Secretariat and the Conferences are funded by the Nordic Council. The Nordic Sami Council has in later years organised its work in several different subcommittees (language, economy, law, information, handicraft and museums). In 1976 the ninth Sami Conference decided that the Nordic Sami Council should become a member of the World Council for Indigenous Peoples (WCIP).

In 1973 the Nordic Council established the Sami Instituhtta (Nordic Sami Institute), a separate Sami research institute located in Kautokeino in Finnmark county, to initiate research into Sami issues as well as to open up research based on Sami oriented perspectives.

The main emphasis of these various associations from the 1950s and onwards, was to get international and national recognition of the Sami as a separate but equal people to the other peoples of the Nordic countries. However, this recognition was slow and piecemeal; to the Norwegian state, in spite of its support of the Nordic Sami Institute and other forms of recognition of Sami distinctness, the Sami were not seen as a 'people' in their own right.

In the bureaucratic language of governmental reports, the Sami were quite explicitly referred to as 'Sami-speaking Norwegians'. Significantly, Sami could only be Sami in terms of their cultural competence, ie as 'Sami-speakers'; as persons having lost their language competence they were by definition 'Norwegians'. In this perspective, Sami -

by learning Norwegian culture - became Norwegians. Thus, Sami were given some recognition only in terms of being sufficiently unique or exclusive *vis-à-vis* the majority population. It is not surprising that reindeer herding became one of the very first areas which was given special recognition by the Norwegian authorities. Being both traditional and exclusive, the state has come to accept that the livelihood has a special significance. Through some court cases in the 1960s the herders achieved the rights to compensation in case of expropriation, and as expressed in the reindeer herding act, the livelihood was seen as 'basic' or 'central' to Sami culture in general. Fishing and hunting, which are even more traditional than reindeer pastoralism, are not exclusive to the Sami. Thus, these activities have not been considered as 'Sami', or having consequences for cultural maintenance.

It is noteworthy that all the Sami associations were established as the result of political mobilisation among Sami themselves against governmental authorities which either ignored or sought to suppress Sami interests. The Sami associations were, in fact, established with no or minimal governmental support. One of their main objectives was in fact to get recognition by the government as being organisations that were representing the Sami. Thus, the Sami associations developed in a context where they had to argue for their very reason to exist; they had to create the legitimation for their very existence.

This was not easy as their numerical inferiority at the national and regional levels made them by and large insignificant to the national political parties. This is also why the Sami were confronted with serious difficulties in advocating their interests through participation in the general electoral political process.

After the success of getting a Sami candidate elected to parliament from Finnmark (1906-1912), the national political parties were reluctant to nominate candidates advocating Sami interests. Frustrated with being ignored or only getting at the very bottom of the list of candidates for the Norwegian political parties, the Sami made some attempts to participate in the national elections using their separate Sami lists.

The first attempt took place in the 1921 election when a Sami list was started in Finnmark. However, getting only 5% of the votes, the list did not manage to obtain a mandate. The next attempt was made in 1924 by Sami in Nordland county. Their list, however, did not manage to get more than 113 votes. The politically active became passive or tried to work through the Norwegian political parties.

Another fifty years and another generation of Sami were to pass before the next attempt was made to get Sami representation to parliament. In 1969, the same year as NSR was established, the Sami People's List in Finnmark participated in the national election. Being fed up with how the various political parties bypassed Sami in the regional nomination for candidates, the supporters of the list argued for special Sami seats in parliament. However, the list did not manage to secure a mandate in this or later elections. The idea of securing a fixed Sami representation in parliament, however, was never a major issue for the Sami associations. The issue became increasingly peripheral and disappeared altogether from the programs and agendas of the Sami People's List and the Sami associations in the late 1970s.

Finnmark county, which covers more than 48 000 square kilometres, has been the county with the largest Sami population. At the beginning of the nineteenth century, the Sami outnumbered the Norwegians three to one. However, about 1860 according to public censuses the Norwegian population outnumbered the Sami: in 1865 the Norwegian and Sami populations of Finnmark were 9351 and 7103 respectively. In 1900 the numbers were 17 974 and 9572. Today, the Sami population may constitute some 15-20% of the county's some 75 000 inhabitants.

To many Sami special seats in parliament was clearly not enough and could not secure the Sami any major influence over their own affairs. This is clearly expressed in the Political Program of the Sami, which was ratified by the 11th Sami Conference in Tromsø 16-19 June 1980. The program, which defines the basic principles for a common Nordic Sami policy, outlines the 'national basis of the Sami' as follows:

1. *We, Sami, are a people and the national borders shall not divide the community of our people.*
2. *We have our own history, our traditions, our own culture and our own language. From our parents we have inherited rights to land and water and our economic rights.*
3. *It is our inherent right to take care of and develop our forms of livelihood and our communities according to our circumstances and together we want to take care of our fields, natural riches and our national inheritance for the benefit of the coming generations.*

These claims for recognition as a separate people, for legal rights and self-government were not new. The issue of Sami rights had been raised repeatedly. In 1956 the annual meeting of the Sami Council for Finnmark (the predecessor to the Norwegian Sami Council) demanded a clarification of the traditional rights of pastoral and other Sami. These and other demands, however, were to a large extent ignored by the central authorities.

From its very beginning NSR continued to voice the same principle issues to the central authorities. However, it was the courts and not the central politicians which opened up for a more liberal policy with regard to traditional Sami rights. In a famous Supreme Court decision of 20 April 1968, the so-called 'Altevann' case in Troms, Sami reindeer herding was for the first time in this century recognised as a form of traditional Sami land use providing rights of usage as a kind of property right. At the very first annual meeting of NSR in 1969, the association demanded that the Norwegian authorities should recognise the implication of this court case for Sami rights. The meeting also demanded that the authorities should contribute to a mapping of Sami rights. The need for a more representative organ than the Nordic Sami Council was also discussed at the same meeting. Speakers argued for reorganising the council by increasing the number of members as well as making it into an elective body, 'elected by and among Sami'. From its outset NSR have argued for a representative political body for the Sami.

The pace of the developing Sami political agenda was quickened by events outside Norway. In 1972 a committee was established by Finnish authorities to consider the status of Sami. This led to the establishment of the so-called 'Sami Parliament' in 1975-76 (trial election and representative body was carried out 1972-73). A public census list (*manttall*) served as a base for the elections (some 3000 individuals were registered in 1979).

In July 1976 NRL and NSR appointed a joint committee to consider means of achieving official status for the Sami in Norway. The committee also decided to discuss the possible basis for a Sami Parliament. From 1976-77 the Sami Parliament was firmly established on the agenda of both NSR and NRL.

Not all Sami, however, supported the growing Sami political movement represented by NSR and NRL, which was being radicalised by growing international awareness and a Fourth World perspective. To some, the increasing calls for an exclusive Sami identity, for separate land rights and for self-government did not fit their experiences as they were

seeing themselves not only as Sami, but as both Norwegians and Sami. Radicalisation of the Sami movement saw the emergence of a more 'moderate', or 'conservative' Sami faction who stressed their Norwegian citizenship and loyalty to Norwegian institutions. In 1979 when NSR declined an invitation to attend the King's anniversary dinner - stating that the association was running on a minimum budget which only allowed for one secretary to be employed on a part-time basis - the NSR dissidents (mainly from Tana in Finnmark) finally broke away from NSR. In 1979 they started a new national Sami association, Samenes Landsforbund (SLF), or *Samiid Aednamsaervi*.

The opposition to the current Sami movement is clearly expressed in SLF's political program:

SLF shall work on the basis of the principles of the Norwegian Constitution and show respect and deference to the King and his Government, Parliament and other public authorities in a democratic way.

This meant that SLF from the outset opposed anything that would support Sami exclusivity like land rights and self-government, arguing that such measures would create divisions and conflicts in local communities where people of different ethnic backgrounds were living and working together. SLF also opposed NRL, advocating as their major clientele the interests of the resident coastal Sami population, defining the reindeer herders as an especially favoured minority of Sami who were able to exploit their interests, partly at the cost of other Sami. However, in addition to 'working for protection and development of Sami language and culture all over Norway, always bearing in mind the other currents in society', SLF established a separate regional policy for the coastal Sami communities (translated and discussed in Jull 1988). SLF has recruited members mainly from the coastal areas in northern Norway. In 1982 it had a membership of ten local associations and some eight hundred and eighteen members.

During 1978 NSR and NRL were called by the Department of Agriculture, together with other Sami bodies, to discuss the coordination of Sami affairs in the state administration. In a joint NRL/NSR meeting the same year, however, NSR stated that before any administrative reforms could be made the authorities had to accept the following principles:

1. *The Sami population was to be registered (manttall),*
2. *NSR and NRL were to be accepted as parties for negotiating administrative and political reforms (like Sami parliament and representatives in parliament).*

The two Sami associations were clearly dissatisfied with the continued existence of the Norwegian Sami Council. To them the Council was not a representative body for the Sami. The Sami associations had no direct influence over the Council's composition. They had a right to propose members, which were appointed by the Department of Agriculture.

On 15 November 1979, a month after the Sami hunger strike started in Oslo, a meeting was held in Tromsø with members of NRL, NSR and the Norwegian section of the Nordic Sami Council which appointed a delegation to enter negotiations with the Norwegian authorities about the status of the Sami. Its mandate was to be the establishment of:

... a representative Sami body which is democratically elected. The elections shall be based on a nation-wide registration of Sami. On the

basis of the registration an electoral list (manntall) shall be made. This joint Sami body has the function of managing Sami rights and funds which are earmarked for Sami economy and culture, and it has the right of negotiation in relation to authorities with regard to Sami issues (NOU 1984 18, 485).

The mandate also included a claim for the establishment of a public committee which was to consider the role of the elected body and the organisation of the election. The mandate also, rather optimistically, stated that the election was to be organised simultaneously with the national election in 1981.

The Sami hunger strike in October 1979 drastically altered the relatively low-key climate of Sami politics. However, for the leadership of NRL and NSR the hunger strikers and the growing protest movement were problematic. While sharing the basic goals of the activist group, they were in fact hesitant to rally their support for the hunger strike. To them, the activists were seen as undermining their own spokespersonship and recognition by the authorities, a matter they had long sought to establish.

As we have seen, the associations were actually preparing to enter direct negotiations with the authorities on major issues when the hunger strike was started. Prior to the hunger strike, both associations had expressed criticism towards the proposed Alta project. However, both associations had dropped the issue as a lost cause. NRL had considered it as inevitable, expecting other and more damaging projects if Alta was not developed. NSR had also left the issue after stating their principal objection to this and any other infringements in Sami areas before the issue of Sami rights and a representative body was solved.

After the hunger strike, however, both associations confirmed their opposition to the Alta project, defining it as a principal demonstration of unrecognised Sami rights and the absence of a clearly representative Sami body. To them, the hunger strike only highlighted the very problems of not having a representative body - anyone could present themselves as acting on behalf of 'the Sami people'. Thus, distancing themselves from the hunger strikers, the associations used the public exposure of the conflict to advocate their general policies (which in fact were actively supported by the hunger strikers). In this respect, the hunger strike was a success, as it was not only a protest against the government, it was also an implicit protest against the apparent powerlessness and resignation of the associations. (For a description of the political role of reindeer herding in the Alta conflict, see Brantenberg 1985.)

The hunger strike also made the issue of representation central to the government. For the government it was paramount not only to demonstrate consistency in terms of its handling of the Alta project, but also in its policies towards the Sami. This could be achieved by disassociating the two issues: the Alta project and the policies towards the Sami. To demonstrate willingness to consider general and principal Sami issues did not necessarily mean to stop the Alta project. The government could only insist on the legality of the development of the Alta river by minimising the possible damages to Sami interests. However, to neutralise the Alta protests and to 'win' the Alta project the government had to demonstrate that it was paying attention to the needs of the Sami.

Thus, the hunger strike forced the government into presenting its policies with regard to the Sami. This, however, only served to expose the increasing contradictions within the current policies. The hunger strikers and the ensuing Sami protests caught the government in a dilemma. For the government to insist that the Sami were merely 'Sami-speaking Norwegians' and that there was no 'Sami problem' was becoming increasingly difficult. Firstly, the government was actively supporting indigenous minorities in other continents. Secondly, and most importantly, the Norwegian public

was getting more understanding of the Sami as an oppressed minority. Prior to this conflict the Sami had kept a low profile in advocating their interests, directing their energies at mobilising their own ranks as well as focusing on government and administrative authorities. For many Norwegians then, and in particular outside northern Norway, the Sami were something they knew very little about. The Alta conflict became their first opportunity to learn about the Sami outside the more conventional and stereotyped presentations. The conflict was in fact the event whereby the Norwegian public 'discovered' the Sami as a separate indigenous minority people, victimised by assimilative policies and pressures.

Prior to the hunger strike, the government's reaction to Sami demands had been piecemeal and slow. The major issues raised by NRL and NSR - on rights to land and water and a Sami Parliament - were by and large ignored. Thus, in spite of the many demands for public inquiries on Sami rights and legal research which questioned the basis of the state's property rights to Crown land in Finnmark, nothing was done by the government on this matter. During the 1960s and 1970s a series of government reports was made on Sami issues. However, the principal issues of Sami rights and a Sami Parliament were still left out, being too controversial for most politicians and administrators to consider.

The establishment of the Sami Rights Committee

The idea of the Sami Parliament was being developed by Sami associations before the Alta conflict. However, the actual claims and models for a parliament were developed after the hunger strike and during the conflict. As we have seen, the hunger strike itself served as a drama which forced the different actors, Sami associations and government, into a policy-making process. Thus, the parliament did not come as a matter of course; in fact it entered the political agenda as a result of the ongoing battle of the Alta project itself.

This process can be divided into two stages. The first stage consists of the hunger strike and the government's attempts to handle the conflict, which led to the establishment of the Sami Rights Committee. The government's immediate response to the hunger strike and the escalating protest movement, was to declare, on 15 October 1979, the planning of a separate report to parliament on its work to implement the parliament's decision on the Alta project (30 November 1978). It also decided that the work on the access road for the project was to be discontinued until the report had been discussed by parliament. This was seen as a victory by the hunger strikers. They ended their action stating they were giving the government another opportunity to demonstrate what status and rights the Sami were to have in their homelands.

The access road was, in addition to the demonstration outside the parliament in Oslo, the main site of the Alta conflict. In July 1979 a demonstration was staged at Stilla, the place where the road was under construction leading up to the dam itself. The purpose of the demonstration was to stop further work extending the road beyond Stilla, which was also named as the 'Point Zero' (*Nullpunktet*) of the Alta demonstrations. After several confrontations during the summer, the road construction was stopped. In September, the road work was resumed, but was stopped by demonstrators. Local police tried unsuccessfully to remove the protestors who kept a continuous watch in Stilla during the fall. The demonstration was called off after the Government's decision on 15 October to discontinue further construction on the Alta project till the issue had been handled once more by Parliament.

The Sami associations, NSR and NRL, urged the government in a series of statements to consider the issue of Sami rights. Both associations (including the Norwegian section of

the Nordic Sami Council) were, as mentioned above, planning negotiations with the central authorities for the establishment of a representative political body for the Sami. Others, like the Finnmark branch of the Labour Party, stated that the issue of Sami rights ought to be considered, but separately from the Alta case. Following the other Sami association - SLF - they deplored how, according to their view, the Sami activists and their supporters were misrepresenting the conditions of Sami in Finnmark. Furthermore, SLF who were against any separate Sami rights and separate political bodies for the Sami, implored the government to ignore the Alta protesters.

The government responded to this situation by arranging a 'contact-meeting' on 20 November 1979 in the city of Vadsö, Finnmark, inviting a variety of interest associations and representatives of local and regional authorities. The purpose was to discuss issues which '... concern the rights of Sami reindeer herders or other groups of people or livelihoods in the Sami areas of residence in Finnmark'.

The meeting clearly confirmed the established divisions on Sami issues. NRL and NSR stated the need for a reorganisation in the management of Sami affairs. Instead of a representative body, Sami issues were handled by different departments and committees without any overall coordination or responsibility. On the other hand the president of SLF stated that:

It is a fact that Norwegian authorities, especially in the postwar years, have demonstrated much good-will in providing for the maintenance of Sami language and culture. The good-will of the authorities is not the question. Rather, the skills and will to exploit the opportunities provided by the authorities is what is lacking. Thus, we will categorically reject all thoughts about a separate Sami state, a Sami county, or a separate Sami Parliament.

As to the role of the Norwegian Sami Council he said:

One may question whether the Norwegian Sami Council is sufficiently representative of all the groupings among the Sami. To-day, NRL is represented in the Council. We would like to raise the question whether it would be more natural if farming-Sami, fishing-Sami and Sami in the labour unions etc were represented in the Council. Only then one would have a representative body for the Sami to handle the political issues of the Sami. A body elected on the basis of a separate racist census must be a great step backwards for the democracy our parents fought for (NOU 1984, 485-86).

In spite of these differences, the Vadsö meeting provided a basis for the government to plan a major revision of its Sami policies. In a meeting on 7 January 1980 the government finally made a decision for dealing with the Sami issues. Several of the measures related directly to the issue of a representative body for the Sami. The most important part of the package was the proposal of a mandate for a public inquiry into the rights of Sami to land and water as well as other legal issues including a separate census for Sami and eventual representative bodies established by direct elections. The committee was also to consider a constitutional recognition of the Sami. In addition, the government proposed a reorganisation and extension of the Norwegian Sami Council.

The package presented by the government was nothing but a major breakthrough for the old demands of the Sami. However, in reorganising the Norwegian Sami Council the government was apparently also paying attention to the perspective of SLF. According to the new set of regulations (made effective in July 1980) members were to represent Sami livelihoods and culture within different economic associations, counties and

municipalities. Thus, of the eighteen members, the Sami associations (NSR, NRL and SLF) were represented by only one member each. The rest of the Council consisted of two members representing general economic interest associations (the Norwegian Association of Fishermen and the national associations for farmers), seven representatives of six different county councils with Sami populations and six members representing nine municipalities from Finnmark with a sizable Sami population. While broadening the composition of the Council, it also provided opportunities for increased non-Sami input in Sami affairs. Several of the bodies, like the county councils, had but a few or no Sami members - ie some of the members of the Council would be elected by a non-Sami body. If this was the government's model for increasing Sami representativity, it was going against the major Sami associations. The pan-Sami program, established by the 11th Nordic Sami Conference held in June 1980 in Tromsø, clearly demanded something very different:

In each country a representative Sami assembly or a representative Sami organ is to be recognised by law. It may be a body composed of the main associations of the Sami or a directly elected assembly. Nordisk Sameråd 1980, 11 (NOU 1984, 18).

The Sami Rights Committee was established on 10 October 1980. The sixteen members were appointed on the basis of having different qualifications, such as insight into Sami affairs, historical and legal knowledge. Members were to represent Sami associations, some municipalities with Sami population, the academic professions of history and law as well as representatives of agriculture and fishing. Also, the committee was to include representatives of the authorities in charge of public land in Finnmark, the Ministry of Environment and the Ministry of Justice.

The Government also decided to establish a public inquiry into the possible management of public lands in Finnmark by municipally elected bodies. The committee was appointed in January 1981. However, NSR and NRL questioned the role of this particular committee in relation to the Sami Rights Committee. Obviously, by having a separate committee for the public lands of Finnmark, the Government could be seen to neutralise Sami rights in Finnmark altogether. The associations demanded that the committee for public lands had to base its report on the work of the Sami Rights Committee. The government agreed to this and the committee was formally dissolved not long after.

Stage two begins with the first meeting of the committee held in Tromsø on 11 November 1980. However, the Alta conflict, which premeditated the very establishment of the committee, had not been defused by the government's new Sami policies. Over time the Alta conflict had increasingly been presented by protesters and media as a Sami issue. From the outset, the committee was not supposed to make any evaluation of the Alta issue. However, starting its work in the middle of the conflict, the Sami Rights Committee became in fact a major arena for the political battle. Its focus on constitutional change and the Sami Parliament grew out of the political conflict between the government and the Sami associations.

Before the establishment of the committee, the government had presented on 30 May 1980 a report to parliament on its handling of the parliament's decision to develop the Alta river. The parliament, however, only confirmed its former decision for the Alta project to go ahead. Once more, the conflict centred on whether, or when, the construction for the project would be resumed.

Meanwhile, the Alta project was also discussed in court. The court of assessment in Alta, had in fact come to handle the issue of the legality of the parliament's decision in favour of the project (for the role of reindeer herding in this legal conflict, see Björklund

and Brantenberg 1981; Paine 1982; Brantenberg 1985). The government decided to postpone any development of the project till the court had reached a decision. On 5 December 1980 the court decided in favour of the government (ie that a process of assessment could be started). Having the support of the court as well as SLF, the government decided to start construction on 14 January 1981. Early in January protesters were mobilised once more to Stilla, where a camp was set up. The government on its part, mobilised a force of some 600 police from all over Norway, the majority being accommodated in a chartered tourist liner *Janina*. During the night before the 14 January some 1000 demonstrators, including some hundred Sami who were at the front of the road barricade, were in Stilla to stop the road construction. In the early morning the police moved in on the road block and during the evening the last demonstrators were taken away. Construction started on the road the next day. More than 800 demonstrators were charged by the police.

On 16 January 1981 the Sami demonstrators from Stilla asked NSR and NRL to boycott all their relations with the authorities - ie to withdraw all members from any public boards or committees until the government had stopped the Alta project and the issue had been handled by an elected Sami body. The government responded to this by calling a combined meeting with all the Sami associations in Kautokeino, Finnmark on 17 February 1981.

Before this meeting, however, a series of protests was organised. On 21 January a new demonstration was started in Stilla, followed by a series of attempts to block the construction in the following weeks. On 24 January a second hunger strike was started by five Sami in Oslo in order to stop the project and to get the government to make immediate changes in its Sami policies.

On 3 February there was a change in government, the former Prime Minister (Oddvar Nordli) being replaced by Gro Harlem Brundtland of the Labour party. On her return from the Royal Palace after being instituted as new Prime Minister, she was confronted by the hunger strikers and a group of Sami women, who had travelled from Finnmark for that very purpose - all of them asking her to stop the Alta project. Some days later the women had a meeting with the Premier in her office. Being dissatisfied with her answer, the women refused to leave the office and remained until the next morning (7 February) when they and other demonstrators were removed by police.

Prior to the called meeting with the government in Kautokeino, NSR and NRL had made a joint policy statement, consisting of a series of demands. The government was to halt the Alta project until the whole issue was dealt with by a representative Sami body, by the government and the Norwegian Parliament. They also demanded that the Sami Rights Committee should focus on the issue of the Sami Parliament and constitutional amendment and present a separate report on these issues as soon as possible.

At the meeting in Kautokeino the government responded by agreeing that the Sami Rights Committee should first and foremost present separate reports on the issue of a constitutional status for the Sami as well being positive to the establishment of a separate democratically elected body for the Sami. However, not surprisingly, the government insisted on continuing the Alta project.

During the same meeting the NSR chairman informed the government representative that the government, by letting the work on the access road be resumed, was in fact breaking the law - ie the law for Cultural Heritage 1978. This had been reported earlier during the court of assessment in Alta (Björklund & Brantenberg 1981), but no authorities did then act on the matter. Immediately after the Kautokeino meeting on 23 February the government stated that the construction had to be stopped until the area could be properly investigated by archaeologists and ethnologists. The Sami hunger strike was

discontinued the following day. In September 1981, when the registration of the cultural sites was finished, construction on the access road started once more. NSR, having stated its principal opposition to the project, called an extraordinary annual assembly on 30 October 1981 which voted in favour of boycotting all public boards and committees (including the Sami Rights Committee). The boycott was maintained until June 1982 when the annual assembly of NSR reversed its former decision. For NSR it was too costly to remain outside public committees which were to have decisive impacts on Sami policies.

Thus, the Alta conflict became the event where the government made its first unambiguous commitment to a major review of the position of Sami in Norway. As we have seen, these issues were given priority on the political agenda only after considerable pressure from various groups of Sami and their supporters in a situation where the government was eager to make concessions to the Sami. This, however, was achieved by the government's insistence on the Alta project. For many Sami, their victory was a bitter one. New policies of recognition seemed strange, as they, if implemented, would have implied a very different handling of the Alta case. The government was seen as both insisting on the legality of former practices, as well as stating that these practices had to be changed. Not surprisingly, leading members of the government stated in retrospect that the importance of the Alta issue was not a matter of government having won the conflict, but rather to avoid similar confrontations in the future (see below).

The Sami Rights Committee

The situation facing the committee at the very outset was not an easy one. The committee, consisting of a mix of political and academic representatives, was going to discuss issues that could easily divide the committee into opposing factions, unable to reach any agreements or compromises. However, when the committee presented its first report on 15 June 1984, the committee, in spite of the obvious differences among its members, was in agreement on the major issues.

This was to a large extent made possible by the leadership of the committee's chairman, Professor Carsten Smith. The committee's meetings were closed to the public, a provision for a more open internal debate. However, this reduced the extent of the public debate on Sami issues, in particular as the Sami members were refrained from discussing openly the matters being considered in the committee with their own associations. SLF had a clear policy of being against any separate measures for Sami, while NSR had no clear policy to present in the committee. At the annual meeting of NSR June 1987 a proposal for a Sami Parliament - called *Sami albmotcoakkin* - was presented (NOU 1984, 490-91). The intention was to establish a parliament with decisive powers over resource management, legal rights and state funding. The proposal did not present any specific solutions as to how this could be organised. This was not so surprising, considering the fact that NSR at that time never had had a separate secretariat, or even a General Secretary. Thus, during the years of the Alta conflict and the Sami Rights Commission, NSR was operating through funds for one secretary. The committee therefore was able to proceed with its discussions without any major intrusion from the outside - a matter which clearly illustrates the weakness in the bargaining power of the Sami and how the political climate had changed since the Alta conflict.

Perhaps the greatest significance of the Sami Rights Committee's report has been its discussion of international law and the rights of minorities, which provided the basis for its proposals for reform (establishment of Sami Parliament and a constitutional amendment). These measures imply that the state on a principal basis recognises the Sami as a **separate people** with a title to special rights - a drastic departure from previous policies when they were entitled to political rights only as Norwegian citizens,

not as members of a separate ethnic group of their own. It also implies a recognition that the Norwegian state was established on the territories of the Norwegian and the Sami people. The position of the Sami within Norway as a minority people makes Sami culture particularly vulnerable, creating needs for the Sami to safeguard and develop their culture.

The Committee based their discussion in particular on the United Nations International Convention on Civil and Political Rights. The report shows how these principles had in fact existed for some time, obligating the Norwegian authorities in their relation to the Sami, but being overlooked as a basis for policies. The most important part of the Convention is Article 27 which refers to the rights of minorities to cultural maintenance; in states which contain ethnic, religious or linguistic minorities, the members of these minorities shall not be prevented from using their own language, practising their own religion or enjoying their culture.

The basic implication of this principle is that it allows for positive discrimination of a minority. To refrain from negative discrimination, ie a policy of equality, does not imply that a state provides sufficient protection of the minority. The philosophy of equal rights implies that the separate individual has a value of his own. International law for the protection of minorities implies that the separate cultures and ethnic groups have their inherent value and right for protection as well. Formal equity is no longer currency in international law on minorities.

The committee made a particular effort to discuss what measures were implied by the state's obligation towards the minority. From an initial emphasis of protection against policies of assimilation, international law has opened up more positive measures with regard to cultural maintenance for minorities. In order to achieve equity in cultural maintenance for the minority, the state has a duty to provide not only separate, but extra services to minorities. Of principal importance here is the committee's discussion of the concept of culture - especially so as it was confirmed by the government. The committee concluded their study of international law by stating that the protection of 'culture' implied more than just creative or artistic activities and institutions like literature, music, newspapers etc. If cultures of minorities were to be protected, this would also mean to protect livelihoods or economic conditions, ie what was defined as the 'material basis' of a culture.

Significantly, the government followed the committee in its interpretation of Article 27. In Ot.prp. 33 (1986-87) - the government proposal for a law on the Sami Parliament - it is stated:

The state must be considered as having the duty to give active support to minority groups. Furthermore, the concept of 'culture' in Article 27 must be understood as including the material basis for culture as well'.

This interpretation was also supported by parliament. The parliamentary committee's proposal on the Sami Parliament states that the Sami shall be 'given influence on the physical and economic basis of their form of culture' (Innst. O. nr. 79 1986-87).

The basis for this interpretation was, according to the committee, that Sami and their culture had depended on the traditional use of natural resources. Thus, Article 27 could be seen, according to the committee, to provide protection for the traditional forms of Sami livelihoods like hunting, fishing, reindeer herding etc.

The importance of international law today is in how the state is obligated to support the maintenance of Sami culture in Norway. To fulfil this obligation, it is not sufficient to

argue that each separate act of legislation or administrative decision is not in accordance with international law. Norwegian authorities are also obliged to ensure that the sum of the different decisions made by various different political and administrative bodies - ie the overall Sami policies - provide opportunities for the Sami to safeguard and develop their culture (Smith 1987b).

The first document of the Sami Rights Committee is unique in having provided a comprehensive background for the first overall policy towards the Sami having as its base principal considerations on justice in the relations between Sami and the majority population. It is noteworthy that this baseline, unanimously accepted by the Committee, was supported entirely by the government. In the proposal for the Sami Act containing provision for the parliament, the government emphasised in particular the recognition of the Sami as a separate people and that the task of the state is to provide the Sami with means for remaining a separate people in the future as well.

In spite of the fact that many of the Sami still face many basic material and social needs, the government explicitly states that the new policy is not primarily a policy of material or social welfare. Nor is it primarily an issue of policies for marginal areas, even if many Sami are disadvantaged by living in remote localities. Nor is it primarily a matter of economic policies, in spite of the fact that many Sami live in economically marginal areas. Rather, the new policy concerns the relationship between state and minority and the policy is a matter of providing in a very general meaning of the term a Sami cultural policy, comprising aspects of the different economic, social, and cultural sectors.

From this baseline the government reached a set of conclusions of far-reaching significance. Firstly, it is stated that the goals of the new policy have to entail implementation of separate measures for the Sami - measures which imply a departure from a policy of equal rights. As a group the Sami has a relatively weak position *vis-à-vis* the majority population. The Sami do not have any sources of power which could counteract their minority position. Moreover, satisfactory legal warranties for a minority do not necessarily depend on the views of the Norwegian majority population. Following the Legal Rights Commission, the government states that a 'just treatment of the minority implies that the majority is willing to provide satisfactory legal protection for the values and legal concepts of the minority'. The government also refers to the amount of diversity among the Sami and that to protect this diversity would imply special measures provided to different categories of Sami, referring in particular to the situation of the coastal Sami. Finally, the government also states that the Sami should have an essential amount of autonomy and influence on matters of special significance to the position of Sami culture. In particular this comprises the basic conditions the authorities provide for Sami cultural maintenance.

Constitutional amendment

After the so-called Kautokeino meeting on 17 February 1981, the Sami Rights Committee was asked by the government to intensify its work and to give priority to special reports on the establishment of a Sami Parliament and a constitutional provision concerning the Sami people. This was accepted by the Committee on the condition that:

it was a matter of a more generally formulated provision of principle and not of the incorporation of specific rights into the Constitution (NOU [1985] 34-35).

The committee found that proposals for a constitutional amendment dealing with any form of actual title to land and water would go against its basic mandate - ie to develop a position on rights to natural resources.

As mentioned above, the issue is one of the oldest political issues of the Sami: its special significance being to get the authorities to make a declaration in principle. Establishing a special constitutional provision on the legal status of the Sami was an innovation. Norway has never had a constitutional provision concerning an ethnic minority. Furthermore, none of the countries with a Sami population has constitutional provisions concerning Sami issues.

The actual phrasing of the provision brought up very basic questions of Sami-Norwegian relations as to what was to be included and, just as important, what was not to be referred to in the provision. Thus, the title to natural resources was left out, as the committee decided that constitutional rules should be of 'a general nature and relatively immutable insubstance' (NOU [1985] 38). The most suitable place for such rules was the ordinary legislation. Moreover, it was emphasised that not only the right to ownership, but also the right of use as well, are protected through Article 105 of the present Constitution. This also applies, which is often overlooked, to the Sami people's right to use the natural resources. Thus, the committee states that Sami title to land and water should not be referred to in a prospective constitutional provision.

The Committee stated the main task of the provision was something more than just a recognition of the fact that there is a separate Sami population in Norway: 'the purpose of legislation is not to inform, but to give directives' (NOU [1985] 40). Thus, in addition to the symbolic importance of a provision, the main function, according to the Committee, was the recognition of the state as being responsible for the maintenance of Sami culture and its opportunities for development. This responsibility concerned the state's obligation to facilitate the preservation and development of Sami language and culture. Moreover, the intention was that this responsibility should only rest with the central authorities of parliament and the government (through statutes, decisions made by the parliament or decisions authorised by statutes). Municipal and county authorities are not to have any independent responsibility for judging matters in relation to the constitution (NOU [1985] 43).

The Committee discussed the content of this responsibility and emphasised the moral and political responsibility of the state towards Sami. However, the provision has legal implications: 'in principle it will provide binding guidelines for future Sami policy of the Norwegian authorities. These guidelines must be implemented through legislation and other decisions taken by the public authorities' (NOU [1985] 40).

The recommendation of the Committee for a Sami article in the Constitution was a single sentence:

It is incumbent on the government authorities to take the necessary steps to enable the Sami population to safeguard and develop their language, their culture and their community life.

To an outsider, the actual wording may appear fairly straightforward and uncontroversial. To the Committee, however, the issue split the members into opposing factions, the issue being expressive of the main divisions in Sami politics (NSR and NRL versus SLF). Thus, the committee's discussion on the wording of the proposal illuminates the debate about Saminess in Norway.

The Committee did not suggest any definition of the Sami people in the proposal, but emphasised that 'the Sami population' embraces all Sami in Norway, regardless of residence or occupation: 'No one shall be excluded who, with reason, feels an affinity with Sami culture and community life. The provision concerns the entire Sami community in all its diversity' (NOU [1985] 40-41).

(Compare the difference between this approach to Sami ethnicity to the eligibility criteria for participating in the election for the Sami Parliament. Whereas the constitutional provision applies to all Sami, participation in the parliamentary elections is dependent not only on defining oneself as a Sami, but also on one's ethnic background (see below).)

A related issue concerned the concept of culture. The problem here concerned how to accommodate 'culture' in a very general sense - embracing the 'entire Sami community' - with other common concepts like 'way of life' and 'Sami means of livelihood' - the latter implying some kind of differentiation and hence exclusion of particular categories of Sami individuals or communities. The committee tried to solve this problem by stating that the concept of a Sami form of livelihood was 'too vague' to be included in the provision. The proposal, then, excluded any references to Sami means of livelihood. To the committee, the concept of culture, if not implying any specific livelihoods, also include a notion of the conditions for cultural maintenance, hence also the material basis of culture.

According to the committee, the concept of culture refers to 'culture as it is enjoyed by the Sami people'. Saminess, in this respect, does not evolve out of being more or less in line with a Sami standard, or characteristic: 'The nature of this enjoyment will be distinctly Sami to a large degree. This distinctive Sami character is what justifies special preservation of Sami culture'. Thus, the committee openly states that 'no criteria can be set up for Sami character in each individual case. The most important thing is that the Sami people are the ones practising the culture, thereby contributing to the process of development creating Sami culture over a period of time'. The main conclusion is that a prospective constitutional provision 'must not conduce to an artificial freezing of the Sami culture'.

This reasoning also made the committee drop the other gross concept of 'way of life', often being used in junction with concepts like 'culture'. However, the problem with a very wide notion of culture is of course how to provide it with some substantive content in order to avoid its dissolving altogether.

The dilemmas of pinpointing a definite 'way of life' for the Sami, made the committee opt for the term 'community life'. This concept refers to the 'aspect of Norwegian community life that is borne by the Sami people themselves' - a concept that cannot be associated with any particular 'way of life' or 'means of livelihood'.

The perspective of the committee is a radical one; while providing means for formalising ethnicity in a constitutional provision, it also quite explicitly invites creative redefinition in Sami culture. The emphasis is not on the maintenance of cultural forms as such, hence the problems of accommodating 'traditional' and 'modern' expressions of culture; rather, the point is on the collectivities which together comprise a particular group and where identities are expressed and negotiated. Sami culture, then is a matter of self-expression, or the capacity for a category of people to make cultural decisions for and by themselves.

The majority of the committee (ten members) supported the proposal for a Sami article in the Constitution. A minority of seven, including the SLF representative, went against the whole notion of a Sami article. The main reason for this opposition was a view that emphasising Sami interests could lead to an increasing amount of conflict and division among individuals as well as within and between communities and regions. This was seen to apply particularly to Finnmark where persons of different ethnic background are living side by side as members of the same communities. The Sami article was seen to enhance divisions instead of emphasising unity within Norwegian society. Members

also expressed the view that a constitutional provision was unnecessary for the maintenance Sami culture and society.

The majority proposal was presented in the parliament in 1984 by representatives of six different political parties. On 21 April 1988 parliament voted in favour of the proposed Sami article 110a in the Constitution (Innst. S. nr. 147 1987-88).

The Sami Parliament: the issue of representation

In February 1981 the government asked the Sami Rights Committee to give precedence to the establishment of a Sami census and possible representative organs chosen by direct election for the Sami. As referred to above, this grew out of a conflict where the issue of representativity became crucial for the various opponents (but for very different reasons). For some, like NSR and NRL, the issue was to create some measure of Sami autonomy. For SLF the main problem was to strengthen existing structures, ie to broaden the basis of the Norwegian Sami Council and, hence, to limit the influence of NSR and NRL, which SLF meant to be unrepresentative of the majority of the Sami. For the government the issue of representativity was certainly helpful. It gave an opportunity to neutralise opposition (particularly the Sami opposition like the second hunger strike) towards the Alta project. By supporting the idea of developing Sami representativity, the government could in fact ignore the different Sami protesters (like NSR, NRL and the Sami Action Group) in the Alta conflict, as they were not sufficiently representative. In fact, when the Prime Minister stated the government's decision to resume the construction on the access road in Stilla in January 1981, representativity was paramount. The Prime Minister (O Nordli), virtually repeating word-by-word statements by SLF supporters, explained the government's decision stating that the project was on behalf of the majority of the Sami, whose interests (cultural and material) depended on economic, and hence hydro-electric development. To safeguard the interests of the Sami majority, the government was, according to the Prime Minister, in fact obligated to develop the Alta Kautokeino waterway. Thus, the Alta conflict itself served to highlight the problems involved with the present political administrative system for the representation of Sami interests.

Authorities like the Ministry for Oil and Energy established direct contact with established Sami bodies as well as getting opinions on Sami issues from municipal and county authorities. Clearly, not only Sami but the authorities were in need of a body to accommodate different interests and opinions among the Sami, as well as to act authoritatively on behalf of a Sami collectivity.

The committee, in spite of the conflicting opinions of its members, was in fact in agreement on enhancing Sami representation. In as much as there had been no demands for a separate Sami body in addition to the Norwegian Sami Council, the mandate was interpreted as implying a change of the existing Council (the debate whether the change implied 'reorganising' the old or creating a 'new' body being more a matter of symbols than reality). However, both sides of the debate argued in favour of change. NSR and NRL criticised the need for more control by Sami as to the appointment to the Council as well as representatives being elected by popular vote. SLF, on the other hand, wanted a system of representation which could to a large extent reflect the relative strength of the different political groupings in Sami areas. This was to be achieved by decreasing the role of the Sami associations and to strengthen the position of municipal and county councils in relation to the new Sami body.

Clearly, the issue of reorganising the Norwegian Sami Council was to be seen as being an expression of a general process of democratisation in Norwegian society, involving amongst other things devolution of powers from central to local and regional authorities as well as introduction of direct elections to county councils (*fylkesting*) in 1976 (NOU

1984, 18, 499). The notion of democracy, however, was not so simple. Indeed, it brought up the most critical issues in the debate about Sami-Norwegian relations. The committee not only had to define the meaning of representative democracy, or the significance of 'popular vote', but also the meaning of a 'body elected by Sami'. As we have seen, this, like the debate about a Sami article in the constitution, went to the very core of the debate about Sami identity and autonomy within Norway.

Modes of representation: appointment vs elections

The committee dealt with this by discussing different forms of representation, ie different ways of recruiting members to a representative body. One form, with relatively low level of representativity, was a body constituted by appointment of members, either through associations, administrative or governmental appointment. The problem of organisational appointment was seen in how associations only represented their members and that these not necessarily constituted a majority of the population being represented. The system of recruitment to the Sami Council, ie government appointment, was seen as being insufficient due to the distance between the administrative or governmental bodies and the electorate of a Sami minority.

Indirect elections through municipal and county councils

A higher level of representativity was to be achieved by means of indirect elections from bodies that are elected by popular vote like municipal and county councils. However, the level of representativity would depend on the extent to which the Sami constituted a majority in the constituencies. In some localities, a high degree of representativity could be achieved (as in some of the municipalities of Finnmark). In the majority of cases, however, the method could be questionable as the municipal and county councils have few or no Sami members. The committee proposed to solve this by means of an electoral 'college', elected by the municipal and county councils. The colleges, exclusively made up of Sami, would in turn vote for a list of candidates to the representative body. Thus, the candidates would be elected by Sami. Moreover, Sami would be allowed also to vote for a list of candidates so as to ensure that the right to propose candidates to the list is reserved for Sami in the constituency. However, they would not be allowed to vote for the actual candidates; this was to be the task of the electoral college appointed by the local or county council.

Direct elections and the Sami electoral register

The indirect method, however, was clearly less representative than a direct election. However, for this method to be valid implied the setting up of an electoral register - 'manntall'. This was to be the most controversial of the committee's tasks. In fact, the public debate among the Sami concerning the Sami Parliament was not so much an argument for or against the parliament, as it was a debate for or against the Sami register. This debate was not just a discussion of technical rules for the election - it concerned the most significant and critical issues in the Sami debate. A census was not just a list of voters, it was also a list defining ethnicity. Thus, the debate about parliament became in fact a debate about the basis of Sami ethnicity.

The debate on indirect vs direct elections is a fundamental issue in Norwegian political history. The first national assembly (1814) established a representative system based on indirect elections. An electoral college was directly elected and had the task of electing the national assembly. Most importantly, direct elections to municipal councils were

established as early as 1837, a matter of significance to the political culture of Norway. Through a long political struggle at the end of the nineteenth century, direct elections to parliament were established in 1905. Direct elections to county councils came in 1976. Thus, direct elections are basic to representative government. For SLF, this system was so basic as to make direct elections to a separate Sami parliament unnecessary.

For many, in spite of having Sami descent, ethnicity did not necessarily imply either/or identities or having to make a decision between two separate and independent social and cultural worlds. Some would have a Sami background, but they would be Norwegian also. Most importantly, for some, having a Sami background did not always have impact on their life outside the household, the family or local community. Thus, experience of Saminess was not only a personal matter, but could also be seen as a subjective and private issue; for some a matter of little relevance, for others something of importance in some situations, but not all.

To be able to participate in the direct election for the parliament, it is necessary to be listed in the census. The enrolment is voluntary. The right to enter the census depends firstly on an objective requirement, ie if a person has a command of Sami language, or at least one of the parents or grandparents spoke Sami. The second requirement is a subjective one, as the person must also make a statement that she/he is a Sami. To be able to vote a person also has to fulfil the requirements for participating in the elections to the municipal councils in the electoral district. The right to be in the census is ascribed to the offspring, regardless of their language skills, of persons who are or have been on the census.

To the supporters of the census, the method was the only way to ensure direct elections, ie the most representative method. In fact, electoral census is central to the constitution of the parliament, municipal and county councils. A popular vote without registration in a census would lead to uncertainty in terms of the actual results. Moreover, it was also advocated as means of expressing the strength of Sami culture. If wanting to participate in the political life of Sami, one should also be willing to enter an electoral census. Thus, to ensure Sami participation, and excluding non-Sami, the basis for the Sami Parliament was to be Sami ethnicity.

The opponents, their main arguments basically following the policy of SLF, stated that a separate census would create divisions between individuals at the local level. The election for the Sami Parliament was not just a matter of participating in an election. To Sami it would in fact imply voting twice; the second choice being the decision for or against entering the census. For some this was experienced as a problem in as much as they were not only Sami, but Norwegian as well. The Sami census not only implied that voters had to make a public statement as to their ethnicity, it also entailed that they had to state their ethnicity in an absolute or categorical manner. It was also emphasised that this was contrary to the principle of equal status for all Norwegian citizens.

The academic professionals of the committee tried to solve this conflict by proposing a combination of indirect and direct elections. Using the census as a basis, a relatively large entry could be interpreted as a general wish for participation in a direct election. In case of a low level of entry (less than 200 for each electoral district), the census could be considered insufficiently representative, providing for indirect elections.

This did not bring the committee together. Eight members (most of them from Finnmark and including the SLF supporters) recommended indirect elections; five members (all of them Norwegian academics) supported a combined indirect and direct method; whereas the last five members (all Sami representing or supporting NSR and NRL) asked for direct elections to the parliament. Thus, there was in fact a majority of ten versus eight for direct elections.

Electoral districts

Considerable political controversy arose over the electoral set-up of the parliament. However, the committee was unanimous on the following: elections should be carried out by proportional representation in constituencies with more than one representative; Troms county was to have three constituencies; a separate constituency was to be set up for the southern Sami area.

The committee disagreed on the number of constituencies in Finnmark, the county with the largest Sami population. A majority of twelve (including all the Sami members) recommended that Finnmark was to have six constituencies - as opposed to seven constituencies supported by the remaining six members. A majority of fifteen wanted Nordland county (north of Saltfjellet) divided into two constituencies, as against one constituency (four members). Eleven members supported the establishment of a constituency in southern Norway, seven members (including the SLF fraction of the committee) opposed this. Thus, the committee presented different models for the number of constituencies and the distribution of seats for the parliament, the total number of seats varying from forty-two to thirty-six.

These differences reflect conflicting regional and economic interests among the Sami. Some wanted Finnmark, in terms of being the major Sami county, to have more representatives. SLF argued in favour of the coastal Sami, claiming these were under represented.

Corporate vs democratic representation: the Issue of reindeer herders

The major conflict concerned the NRL and the representation of reindeer herders in the parliament. The representatives of NRL argued strongly for a separate representation, referring amongst other things to their mobile form of livelihood, crossing the borders of different municipalities and counties. In as much as the parliament will give advice on land use in Sami areas, herders, on behalf of their need for protection of the herding ranges, wanted to have a secure base of influence in the parliament. They also pointed to the cultural significance of herding to Sami in general. Thus, the annual assembly of NRL in Vadsø in 1986 passed a unanimous vote stating that if the herders did not get a separate electoral district with at least seven representatives, they would go against the establishment of a representative body elected by direct elections.

However, the government in its proposed Act creating the Sami Parliament, tabled on 20 March 1987, denied any separate group representation in the parliament. NRL, upholding its opposition, joined SLF in stating their unwillingness to support the law proposal if it did not provide separate representation for herders. Thus, NRL proposed that the whole issue should be delayed till the three Sami associations (NSR, SLF and NRL) could reach an agreement on a common policy on the matter. NRL also proposed the establishment of a so-called 'Sami cultural agreement' between the state and the Sami associations as an alternative measure for handling urgent political matters.

The claim of NRL, however, was a controversial one. In spite of being an exclusive minority, some like the SLF found them too exclusive altogether, within the Sami minority, people at large were generally becoming more critical of herders. Herders, some would say, even if they were living in an exclusive Sami livelihood, were using their cultural uniqueness to advocate their own narrow economic interests - interests which, in fact, were not always complementary to those of the resident population. In

particular, this opposition was strongest within SLF, which established its stronghold in the coastal areas of Finnmark through a veritable campaign against herders, reindeer, NRL and the state herding administration. Thus, SLF, which had been against any separate representation for the herders for the new representative body, came to join NRL in a joint policy of opposing, and boycotting, the new Sami Parliament. In 1983 SLF had discussions on the set-up of the new Sami representative body and decided that it should be composed only of 'popularly elected representatives from municipalities and counties in Sami areas of residence'. Separate representation for reindeer herders was rejected.

However, the claim of the herders was not only opposed by SLF, but by other Sami as well. In particular, members of NSR found NRL's claim for separate representation in conflict with the very idea of the Sami Parliament - a representative body for all Sami in Norway and an instrument to develop guidelines for general Sami policies. (This policy had not always been NSR's policy on the matter. Earlier, when the committee had just started work, NSR presented a proposal for a 'Sami delegation' comprising fifty-one members, including a separate electoral district for herders with five mandates.) In other words, according to the very notion of parliamentary democracy, all individual Sami were to enjoy the same opportunities to exert their influence, regardless of their personal income, occupation, livelihood or other characteristics.

The Ministry of Justice, in its proposal for the new Sami law, had in fact discussed a separate representation for herders (in terms of two electoral districts in Finnmark). However, the Ministry in its final law proposal, went against any separate representation for herders, pointing amongst other things to the special influence provided herders through the separate Directorate for Reindeer Herding in Alta!

The suggestion of NRL in May 1987, following the government's law proposal, for negotiations between the Sami associations to reach a common policy about the Sami law, was flatly rejected by NSR. In their answer to NRL, NSR pointed to NRL's previous commitment to an overall Sami policy as well as branding the proposed cultural agreement with the state as 'privatisation' and a backward step for the present political process.

Thus, two of the three Sami associations were against the government's proposal. However, this fact did not cause any major setback for the final voting in parliament, where an overwhelming majority voted in favour of the bill. Consequently, the arguments of NRL and SLF were by and large disregarded by Norwegian politicians. In fact, SLF and in particular NRL, were apparently losing political credibility. As emphasised in an editorial comment by the leading newspaper for Labour in Finnmark, SLF's proposed boycott of the Sami Parliament if not a surprise, was both 'incomprehensible' and implied that the coastal Sami at the worst would be deprived of their democratic right of participation (*Finnmark Dagblad* 31 March 1987). More surprising, according to the newspaper, was NRL's opposition to the government's law proposal: 'One is tempted to believe that when NRL previously fought for Sami Parliament and direct election, it was in order to ensure their own interests, not the interests of the Sami population as a whole. This is a suspicion of which NRL ought to clear itself in the continuation of this debate'. Apparently, neither NRL nor SLF managed to convince the Norwegian public that they spoke on behalf of the interests of the Sami people at large, and not narrow occupational or organisational interests.

Thus, the Sami law established a system of representation with the whole country being divided into thirteen separate electoral districts. Each district would elect three representatives to the parliament, thirty-nine representatives in total.

Electoral lists, associations and political parties

Election to the Sami Parliament is organised through direct ballot by persons who are entered in the Sami electoral census or register in each electoral district. Thus, only Sami who are living in the electoral district can get voted as representatives. The elections for the parliament are organised along the same lines as other political elections, ie voting is organised as a voting of political lists. The list must be proposed by fifteen Sami in the Sami census. The proposal must include at least six and at most twelve persons; candidates must be on the census as well. Election to the Sami Parliament is held at the same time as the election for the Norwegian Parliament.

In the regular Norwegian elections the rules for political lists emphasise the role of the political parties, however other groupings are also provided with an opportunity to participate. In the discussions about the Sami Parliament, one of the major themes has been how to accommodate the politics of Sami issues within the Norwegian political system. Part of this discussion has concerned the position of the Norwegian political parties in relation to the Sami Parliament, and the significance of the Sami interest associations like NSR, SLF and NRL. None of these has any formal affiliation with Norwegian political parties - except for NRL, speaking on behalf of herders, both NSR and SLF emphasise common Sami goals, members being recruited from diverse political and economic backgrounds.

The role of the political parties in the Sami Parliament was discussed. However, in spite of some scepticism, in particular within NSR, no proposals were presented to the Sami Rights Committee for restricting or preventing the political parties from proposing candidates to the Sami election. The attitude of the committee was to present a set of rules which did not prevent political parties from participating in direct elections to parliament, in addition to refraining from providing the parties with special privileges in relation to other political groupings. Thus, the electoral system for the Sami Parliament provides opportunities for participation for any political groupings from local groups, Sami associations or Norwegian parties.

The authority of the Sami Parliament

The other major issue in the discussions for a Sami Parliament concerned the extent of its powers. The original mandate of the Sami Rights Committee did not specify the authorities of the new representative body. When the government in February 1981 asked the committee to concentrate first and foremost on this issue, the committee agreed on the condition that the powers of the new body should be mainly advisory. According to the committee, the question of management of natural resources could not be discussed separately from the issue of legal rights which were to be brought up in the subsequent report.

As to the authoritative powers of the parliament, then, the proposal of the committee did not involve any major changes in relation to the Norwegian Sami Council it was intended to replace. The committee was unanimous in recommending that:

- 1. The central Sami body should on its own initiative take up and make statements on any issues it may consider to be of relevance to the Sami population.*
- 2. The body should mainly have advisory powers, but should also be provided with decisive powers within limited fields of responsibility. It is taken for granted that the decisive powers and the other*

functions that at the present resides with the Norwegian Sami Council, will be continued with the proposed Sami central body.

- 3. The authorities will be strongly recommended, but not directly obligated, to present issues of special significance to the Sami population to be considered by the central Sami body for an opinion (NOU 1984, 516).*

The reason for not proposing any direct rights to consider all Sami issues was seen in the difficulty to provide an exhaustive definition of 'Sami questions'. Moreover, according to the present Public Administration Act, any failure to submit a Sami issue to the competent representative Sami body entails a procedural error which may render the decision invalid.

According to the committee, the parliament shall be able, on its own initiative, to raise any issues which it considers significant to the Sami. The parliament was to take over the functions of the Sami Council in terms of the distribution of public funds as well as to appoint members to boards, committees and councils with Sami members. The committee also stated that it would be 'a natural development in the future that the body will be able to extend its tasks concerning certain areas of special significance for the Sami population' (NOU 1984, 578).

Debating the committee report: advisory and authoritative powers

Not surprisingly, the public debate following the printing of the committee's report in 1984, focused on the abovementioned topics. SLF in particular led a veritable campaign against the Sami Parliament, advising its members not to participate in the election. SLF had not basically changed its policy as expressed by the chairman during the annual assembly of the association 1983:

The Norwegian system of government which has been in existence since 1814 and is considered one of the world's best, should also be good enough for the Sami. We don't need any Sami Parliament. A Sami Parliament will completely upset the Norwegian system of government. A Sami Parliament would also provide opportunities for interest groupings outside the ranks and files of the Sami to get involved in the government of Sami. There are many political groupings which will attempt to win political positions in the name of the Sami. A Sami body will be a body of their wants. In connection with the Sami Parliament one can become Sami if one declares oneself to be one. Yes, in any case, one can become Sami if one shares the political convictions of the committee which will be responsible for selecting people to the Sami census.

Thus he concluded: 'The SLF refutes the idea of establishing a Sami Parliament - because the government of Sami is safely embedded in the existing bodies of authority where Sami have ample opportunities to excel as politicians' (NOU 1984, 492-93).

The committee was also criticised from the other side of the political spectrum for not having extended the powers of the Sami Parliament beyond those of the Norwegian Sami Council, the only significant difference being the system of electing representatives (Stordahl 1987). However, possibly due to the limited publicity provided on the workings of the Sami Rights Committee, the small amount of public debate over the committee's report was striking. In one of the few written comments on the proposal for the Sami Parliament, a group of Norwegian anthropologists expressed concern that the committee had not faced the issue of transferring real authority to the new body, stating

that: 'Authority and representativity must be considered as two aspects of the constitution of the parliament which cannot be kept separate'. Part of this criticism has a basis in experiences of the Finnish Sami Parliament, which still, since its establishment in 1973, has only advisory powers. The experience from Finland has served, at least for members of NSR and NRL, as a model not to be copied in Norway. This has to do with the electoral system as well as the political position of Sami in Finland. The twenty member Sami assembly is elected for the whole of Finland. A voter can only vote for one representative. The twenty representatives are selected by majority vote. The elections are organised by votes through the mail, at times other than the regular political elections. The absence of large national Sami associations in Finland also contributes to a political climate which is highly personality-centred (Aikio 1987).

The committee, in spite of not recommending specific authorities for the new body, also states a policy for the future development of the parliament:

Principally the authorities of the body should not be decided on once and forever, but could be developed in accordance with its own opinion and the common view in society on the position of the Sami population in Norway (NOU 1984 514).

In the next sentence, however, the committee seems to narrow the focus for such development of powers:

A main goal ought to be, to achieve a clearer coordination by means of the future body, of the public management of Sami questions than that current today.

The intention of the committee was to provide a basis for a successive process of inquiry and legislation. In a reminder to some of the criticism, the first chairman, Professor C Smith, who led the committee through its work with the first report, underlines the fact that both NSR and NRL themselves wanted a step-by-step inquiry. He also points to the fact that all the Sami members of the committee, in spite of very different reasons, in fact agreed on the limitation to advisory powers (Smith 1987b 15). In their respective opinions on the committee's report, SLF states that the powers should not be extended (beyond those corresponding to the Norwegian Sami Council); NSR and NRL, on their part, both demand that the parliament shall be provided decisive power in Sami affairs. However, both associations accept that this can take place through a program of gradual reforms.

Some opportunities for extending the powers of the parliament may be seen to emanate from the results of the Sami Culture Committee (Samelkulturutvalget) and the Sami Rights Committee. Moreover, the Sami Parliament itself can initiate discussions with the central authorities for a possible transference of powers. Most significantly, the government in its law proposal in fact removed the reference to 'advisory powers':

The Department is of the opinion that it is unnecessary to state explicitly in the law that the body has 'advisory powers', as proposed by the committee. Besides, such a formulation could act as an unwanted limitation on those future cases where it may be natural to provide the body with authoritative powers. Furthermore, over time the formulation may prove to be misleading as some authority is already current in cases of special Sami significance

and:

As to the future authority of the body on more specific fields of responsibility, this ought to be entrusted to later developments in general. Amongst other things it will be necessary that the question of transference of authority will be considered more closely in the respective ministries (Ot.prp.nr. 33 1986-87, 68).

In the same document, the field of activity for the Sami Parliament is discussed:

The aim of the proposal for a directly elected Sami central body is amongst other things to create a forum where Sami themselves, in a democratic and representative way, can contribute to drawing those guidelines which must be followed in order to safeguard Sami culture in Norway. In this respect the task of the body will amongst other things be to point out what measures it considers necessary for authorities to provide'.

The Ministry of Justice also states that the survival of Sami culture is conditioned by whether:

... Sami are provided an essential degree of autonomy and influence in questions of special significance for the position of Sami culture. The Ministry is also of the opinion that the Sami central body ought to be the foremost forum for the practice of Sami autonomy and joint decisions.

The Ministry also discusses the role of the parliament to take independent initiative. Regardless the fact that it was designed as a successor to the Sami Council, this should not imply any limitations in the parliament's access to issues it considered to be of relevance:

If the body shall fulfil the intended function as - amongst other things - a centre of ideas and mover in issues of significance for Sami culture, it is important that the body shall take initiatives and not be a passive receiver of outside approaches. Particularly with regard to the body's access to bring up issues with other authorities and private institutions, the Ministry supposes that a reference in law could give such approaches extra authority and weight.

Recommendations left out by the government: the Sami Committees

However, not all of the recommendations of the committee were supported by the government and the parliament. A major part of the committee's proposals concerned the establishment of so-called 'Sami Committees' in counties and municipalities (NOU 1984, 511-14). In contrast to the extensive dealings with central agencies, the Council's contacts with municipal and county authorities were found to be insignificant.

The purpose of the Sami committees was to strengthen the presentation of Sami interests particularly in areas where they were not always considered. The committees were not to be obligatory, but should be set up according to the extent local Sami felt a need to safeguard their special interests. Local committees were to be established at the request of at least a quarter of the members of the municipal council (or at least fifty Sami entitled to vote in municipal elections); a county committee was to be established at the request of at least a quarter of the members of the county councils (or at least 100 Sami entitled to vote in the elections for county councils). Each committee was to consist of five Sami who were to be chosen from a list of electors by the local and county councils.

The committees were to be empowered to take the initiative for Sami cultural effort in the area, as well as acting as advisers *vis-à-vis* the local authorities. They were also to present questions of a more general character to the Sami Parliament. The municipal and county authorities were to be encouraged to submit questions of Sami interests to the committees for an opinion.

The government, however, excluded these committees in its proposal for the Sami Act, leaving it to the Sami Parliament to consider the entire matter later.

Guidelines for enforcing Sami policies

Another proposal which was excluded by the government concerned new principles in the central authorities' handling of Sami policies. The committee recommended that the government should have a legal obligation to table guidelines for measures to fulfil the law's objective for the safeguarding and development of Sami culture. The guidelines should be presented [for each parliamentary period]. On the basis of the parliament's consideration, the government should be entitled to make decisions concerning how the guidelines for a Sami policy were to be carried out by municipal and county authorities. To the government and parliament, however, the proposal was too drastic, imposing a threat to local and regional self-government. Rather, the following-up of parliamentary reports on Sami policies would:

... primarily be characterised by positive measures and offers to local and regional authorities in terms of grants and other means of positive support. Thus, no statutory obligation should be necessary. Such a provision would furthermore infringe upon the municipal self-government, something which should not be done except in case of more important reasons (Ot.prp.nr. 33 1986-87, 103).

However, in spite of the fact that the Law does not provide any general means of policy enforcement, the proposition does not preclude making provisions for more specific areas of Sami concern. The central authorities have opted for using more positive methods - 'carrot instead of whip' - in enforcing Sami policies on local and regional authorities. Consequently, this also confers responsibility on the part of the Sami Parliament to make the new guidelines serve Sami interests (Nystö 1989b).

Incorporating international law into Norwegian law

The government also refrained from considering the proposal (by a minority of the committee) for incorporating regulations in international law with a bearing on the legal position of the Sami into Norwegian law. Thus, the government has, in spite of its positive attitude to international law, not been willing to apply it as a standard for Norwegian courts and administrative agencies.

In Spring 1987 the government presented its proposal to parliament and the proposal was finally established as the Sami Act on 12 June the same year. The Act explicitly states the parliament's authority, field of activity and its rights to independent action (Para 1-2):

The Sami Parliament's field of activity comprises all issues which according to the parliament's opinion are of special significance to the Sami people.

The Sami Parliament can on its own accord make and deliver opinions about all issues within its field of activity. It can on its own accord also present issues to public authorities and private institutions.

The Sami Parliament has the decisive authority when this follows from other regulations in the law, or is established in other ways.

The debate in Finnmark over the Sami Rights Committee's Report

The major debate about the Report of the Sami Rights Commission came in northern Norway and in Finnmark county in particular. Here opposition towards anything that tasted of Sami 'separatism' had strong roots especially among the coastal population. During the hearing of the report, a political campaign against the constitutional provision and direct elections (including a Sami census) was organised for the municipalities in Finnmark. As a result sixteen of the twenty Finnmark municipal councils voted against a Sami article and for indirect elections - an opposition which would be difficult to ignore by central politicians.

In December 1985, the county council in Finnmark in an unexpected and dramatic vote overruled and neutralised the opposition among municipal politicians. The leadership of the Labour party in Finnmark, for long the dominating party and generally conservative in Sami issues, stated its support in principal for direct elections as well as the constitutional provision. It was clear that Labour and other parties' representatives in the county council were split on these issues. Thus, the Labour party in Finnmark did not issue any directives for voting, making the issue a matter of each representative's own conviction.

Influential Sami Labour representatives took the initiative and proposed in the meetings of the executive of the county council a statement of support for the Sami article and direct election. In the plenary meeting of the county council the Sami article was ratified by twenty-one against thirteen votes; direct elections to the Sami Parliament received twenty against fourteen votes. Thus, some of the Labour representatives in fact voted against their local party branches and municipal councils. This happened for instance in Porsanger, a stronghold for SLF, where the municipal council had voted against a Sami article as well as against the Sami Parliament.

Finnmark being the major Sami county in Norway, the vote in the county council was a major political signal to other regional and central politicians. The fact that the county council both supported a constitutional amendment and direct elections to the Sami Parliament, may have paved way for the overwhelming support the same issues received at the Norwegian Parliament.

The Sami register, racism and the protection of the individual

In retrospect, the issue of the Sami electoral register was the major political issue since the establishment of the Sami Rights Committee. SLF was not against the idea of a Sami Parliament as such. To them, the main reason for opposing the parliament was by and large based on the opposition to a public register of Sami voters. SLF had repeatedly, without any success, tried to brand the Sami register as 'racism', stating that the public

exposure of individuals' ethnicity not only could create divisions, but could also provide information that could be damaging or painful to individuals.

Thus, SLF had argued that the register could violate the protection of individuals as established in the Law for Personal Registers.

Following the government's tabling of the Sami Act on 20 March 1987, SLF made another approach to the Public Office for Computer Privacy, *Datatilsynet*, referring to the Convention of the European Council for the protection of individuals with regard to automatic processing of personal data from 1981. SLF argued that the Sami register was violating Article 6 of the Convention, which states that information on 'racial origin' shall not be registered on computers unless the legislation of individual countries provides sufficient protection.

In a letter to the Ministry of Justice, which was responsible for final proposal for the Sami Act, the Director of the Office states that a register will not probably lead to racial persecution of Sami. However, a register may lead to infringements of individuals on the basis of their 'ethnic background, or race' - such information shall only be registered if necessary. The letter is interesting as it challenges the basic policy of the Ministry of Justice (and government) when it comes to the Sami register. According to the Ministry, to oppose the register for the concern of individuals who have a negative feeling about being registered, can be misunderstood as a public confirmation that Sami background still is something that ought to be hidden.

To the Office, however, caution with regard to registration of information of a sensitive nature, does not infer stigmatisation. The Office proposes extreme caution to avoid 'unnecessary spreading of information'. Registers should be made only at the municipal level. Moreover, the Office proposed to limit the public access to the registers. In fact, it proposed to close them to the public altogether, except in cases of persons already registered being allowed an opportunity to check their entry. The emphasis of making ethnicity confidential even makes the locations of registers important: 'One should emphasise the risk of spreading (information) when considering the choice of places for the control of the registers'.

The Office's concern over the Sami register was flatly rejected in a legal report on 'Sami Register and Protection of Individuals' by Professor C Smith, the first chairman of the Sami Rights Committee. The report (1987c) stated that the European Council's Convention applies only to computerised or automated registers. If the Sami register is kept as a manual register, there is no problem.

Smith also discusses the concept 'race' referred to by the European Convention, 'racial origin', and the law about Personal Registers, doubting that the term can apply to the Sami: 'The Sami are a separate people with a culture of their own. According to my opinion it will be very unnatural to say that the two people who for centuries have lived together in the Norwegian state belong to different 'races'. Regardless of the fact that the Office for Computer Privacy has assumed that Sami ethnicity is synonymous with 'race' as referred to in the domestic Act, the Sami Act of 1986-87 takes precedence over the Personal Registers Act of 1978. As to the former act's demand for the 'necessity' of such a register, Smith states that registration is needed in order to 'design and implement a democratic Sami policy and for the continuation of Sami culture', summarising the principle view of the government's and the state's present Sami policy:

A Sami national body, a Sami Parliament elected by Sami and among Sami, cannot be established with sufficient representativity without the establishment of a Sami Register as well. A Sami culture is contingent on activities performed by a sufficient number of Sami who are publicly seen

as Sami, both by themselves as well as by the surroundings (Smith 1987c s.3).

Thus, the report states that there are no legal problems for the establishment of the Sami register. However, the report also points to the fact that the Sami Rights Committee's proposed regulation for the register was left out of the government's proposal for the Sami Act. As regulations still have to be made, Smith states this may present a possibility for making some modification in the committee's proposal to limit public access to the Sami register.

So, in spite of refuting the arguments of the Office of Computer Privacy, the opposition and debate about the Sami register apparently had some effects.

The Sami register for the 1989 election

The regulations for the election were established by Royal Proclamation on 8 July 1988 (Kommunal- og Arbeidsdepartementet 1988), the regulations following the general Elections Act 1985, except for the regulations concerning the Sami register and the Sami Electoral Boards who have the responsibility to administer the elections and the register.

The Sami register is a list of persons with a right to vote in the elections for the Sami Parliament and it is not to be used for other purposes. However, there is a crucial difference between this and other electoral registers. For other elections the registers are based on the municipal census, ie enrolment into the register is automatic. For the Sami register this is not the case, enrolment is voluntary, depending on whether a person wants to be enrolled, or to be taken off the register. In fact a person has the right to leave the register until the very day of election, whereas this is not the case with regard to the other electoral registers. In order to enlist, one has to state one's recognition of being a Sami; as well as oneself, one of the parents or grandparents must use or have used Sami as a mother-language. (Sami who are not Norwegian citizens may have the right to vote if they have been living in Norway for three years before the election. Sami outside Norway may have the right to vote if they have been registered as resident in Norway previously.) Thus, many persons with a Sami background, have come to see themselves as Norwegians. However, many do not necessarily feel that they are only Norwegians. To be a Norwegian is something that is possible to be as a 'matter of course' and it does not involve having to go public and write yourself into a special register. Thus, the register for the Sami parliament was something completely different and not at all comparable to being on the common electoral register; it involved having to make a choice which could accommodate being Sami with being Norwegian as well. For many, the Sami register involved replacing one with the other - something many were not able or willing to do.

The register was opened for registrations from 16 January till 1 May 1989.

The register is to be kept manually at the municipal level in order to prevent the record from being automatically processed. The Sami electoral board decides on who is entitled to enrolment, providing a draft register which was made public for verification (between 3 and 24 June 1989). The final register is to be finished not later than 30 June during the year for election. The register shall consist of an alphabetic list of each voter's name, address, date of birth (not personal number).

From 30 June until the voting was finished the register was made available to the public according to the rules set by the electoral board. This in particular created some confusion and conflict during the election as these rules were not clear. In fact, the register had an apparent ambiguity, in one sense it was a public record, open for public

scrutiny and control; on the other hand, it was not clear what was entailed by this public access. For some, the record was a sensitive and apparently a confidential one. Others saw it as just a list of voters, of special importance for the political campaigning for the election. In some electoral districts the registers were copied and used for distributing political material, causing quite an uproar with threats of civil charges against the campaigners.

Some of the regulations were specifically made for the election in Fall 1989. The purpose, however, was to enable the Sami Parliament to make the final decision in the matter. Before the election there was no clear regulation stating what was going to happen to the Sami register when the election was over (except that the registers should be kept as a confidential record under seal and not destroyed till the parliament had decided on the matter. Before this was decided (1988), little was known as to what was going to happen with the register. Perhaps not surprisingly, some were of the opinion that the record should be destroyed.

The election for the Sami Parliament

In January 1989 enrolment in the Sami register began. As the right to vote depended on being enlisted, the enrolment became a crucial event - particularly due to the preceding political debate and that two of the major Sami associations were in fact boycotting the parliament. Thus, the size of the enrolment was the first major expression of Sami attitudes towards the new parliament.

In early April the information campaign, jointly organised by the Norwegian Sami Council's administration and the Ministry for Municipalities involved amongst other things some sixty information meetings and 600 000 registration forms distributed by mail in northern Norway to all households. However, the response was not overly enthusiastic; one month before the deadline only some 3000 persons, 2500 in northern Norway, had entered the register. According to the administrative leader of the Sami Council some 24 000 persons in northern Norway would qualify to be on the register. SLF responded by stating that if the register did not get more than 3000, the Sami register would be a fiasco and the authorities should abolish the coming elections. (The head of SLF's secretariat, Nils Henrik Måsö, told the newspaper *Nordlys*, that many did not enrol as they were afraid of dissension and unrest within the local communities and families.) The chairwoman of NSR, on the other hand encouraged people to register. However, besides calling on people's obligation to act in a 'responsible manner', she also referred to another aspect of the Sami register not referred to in the regulations for the Sami election: according to her opinion it was important to register 'because I think the Sami register will be a future basis for the state when it comes to the allocation of Sami economic funds to the respective municipalities. Then, those municipalities with a good representation in the Sami register will be advantaged' (*Nordlys* 4 April 1989).

These benefits by and large concern the Sami Development Fund, administered by the Sami Council, later by the secretariat of the Sami Parliament. However, in contrast to the eligibility for the parliament, which is a matter of individual ethnicity, the Sami Development Fund is established to serve local communities or areas of residence which are defined as being traditional Sami areas of occupation. Thus, eligibility to these funds is in terms of being a member of a particular community or area. In other words, the system of eligibility is a different one from the Sami Parliament, where individuals have to qualify in terms of their present identity and Sami descent. The Sami Development Fund, in contrast, provides benefits to individual members of specific areas eligible for support.

The electoral districts for the Sami Parliament, however, comprise a different category, being more extensive than the special areas selected for the Sami Development Fund. In fact, it covers municipalities where the Sami population may be fairly small. For instance, the electoral district of northern Troms comprises six different municipalities. The Development Fund, however, only applies to one of these municipalities (ie Kåfjord), or more precisely, the inner parts of the municipality where most of the Sami in the area are living. In the registration for the Sami parliament, the turnout for this particular municipality was the largest of the whole county of Troms (126 of 492 for the total of 26 municipalities).

When the first results of the registration were made public, the leader of the local Sami Association of Kåfjord (Gaivuona Samiid Searvi), in a newspaper interview expressed his concern not only for people to enlist, but also the implications of a low turnout. (The title of the interview was: 'Only one Sami in Skjervøy no money from the state'.) In the municipality of Skjervøy - one of the six communities in the electoral district of northern Troms - only one person had so far enrolled on the Sami register (and that was the local priest!) - the total official figure came to include eight persons from Skjervøy. However, the leader of the local association was not only worried about a low turnout for registration, he was also concerned that municipalities with only a minimal number of Sami registered, could, if made eligible for special Sami benefits like the Development Fund, present problems for other municipalities with larger Sami populations. Thus, the first registration of Sami was not seen just as a ticket to participate in the Sami election, but also by some as a ticket to eligibility and access to public services and funding earmarked for Sami.

That the Sami Register was seen as something more than just a requisite for voting is also expressed in some statements from Nordreisa, another municipality and part of the electoral district of Northern Troms. Of the total population here - about 4000 - only fifteen had registered in early April. Estimates for the number of individuals eligible in terms of ethnic background ranged from about 2000 to 200.

On being asked about being enrolled in the Sami Registry one man, Hallgeir Bergmo, answered:

I have all possibilities for listing myself in the Sami Registry. However, I have not registered. I do not know if the Sami parliament will provide us with any benefits. If it does, I can certainly get registered for the next election.

Another anonymous person stated:

I do it as a plain protest. I have no attachment to the Sami; even if one of my grandparents may have spoken Sami, he did so more than 40 years ago and nobody can check what kind of language he used. I registered to obtain the same benefits as the authorities provide to those who are Sami. Our central politicians let the minority groups in Norway get everything they ask for (Nordlys, 5 April 1989).

However, if pressure from the Norwegian society made many feel like Norwegians, many did not feel like being totally Norwegian. Like the mayor of the coastal municipality of Söröysund in Finnmark, Mimmi Beaivi, commenting that only eleven of the municipality (including herself) had registered: 'Most know about their background, but do not make more out of it. They don't want to go out and make this public. For many, being Sami is something distant'.

For herself, like many others, it was rather difficult to go from knowing about one's background to enrolling in the Sami Register: 'I don't want to make any call on people to enter the Sami register. This is a personal question which each individual has to evaluate. One has to look into oneself and ask what one really feels about this matter'. However, her motive was also a political one: 'If we are not conscious of our background as Coastal Sami, the whole of this culture may be forgotten. That is why I chose to enlist in the Sami register'.

For some, like the leader of the Sami association in Kåfjord, the low level of registration in an area like northern Troms, demonstrated the need, not only for parliament and economic funds, but for cultural measures like education and cultural centres. Thus, low registration only confirmed the level of suppression of Sami and the need for extra public assistance to redress the balance.

Others again, like Sven Roald Nystö, one of the leading Sami officials in the Norwegian Sami Council, blamed the low recruitment to the Sami register, especially in the coastal communities in northern Norway, on the political leaders of these communities: 'It is a fact that most of the political leaders of the coast were against the establishment of the Sami Parliament with a Sami register as well as against the constitutional amendment concerning the status of Sami, when the Sami Act was reviewed. Naturally, this has been noticed by the local population. To enlist in the register is seen as an extra liability so long as they know that their politicians have a negative attitude' (*Nordlys* 24 April 1989).

When the register was closed on 1 May, some 5497 individuals had applied for enrolment in the register, of whom the overall majority came from the northernmost counties of Finnmark (3667) and Troms (887) with a total of 4554 individuals or 82.8%.

Table 1
Distribution of Individuals on the Sami Register of 1989
according to County and Electoral Region

Finnmark	3667	66.7%
Troms	887	16.1%
Nordland	230	4.2%
South-Sami area	393	7.1%
Southern Norway	320	5.8%
Total	5497	100%

(This and the following tables are based on figures compiled by Ragnhild Vassvik, the Sami Secretariat, Karakjok, the first statistical record of the Sami Register in addition to the report on the election presented to the Parliament (*Sametinget* 1989b).)

In the Ministry of Municipalities, the statement that the Sami election was going to be a fiasco was rejected. The number of persons who had registered was more than twice the number of members of SLF and NSR - the two major Sami associations. Also, when comparing the output to the public census of 1970, when people were asked to define themselves as Sami using the same criteria as for the Sami register, the Sami registration was seen as providing sufficient basis for an election. In the 1970 census some 9500 individuals stated that they were Sami and/or had Sami ancestry. On this basis, some 50% of the number of Sami who could qualify for the register had in fact entered the register. This was in reality even higher as the 1970 census comprised the whole population, whereas the Sami register comprised only those who were old enough to vote (eighteen years and older). Also, the registration in Karasjok and Kautokeino, the major

Sami communities in Finnmark county, had listed 1024 and 1160 individuals (being roughly equal to the level of participation in the last parliamentary election). Consequently, even if some were expressing disappointment as to the output, the registration was by and large accepted as a legitimate basis for organising the first Sami election.

Table 2
The number of individuals in the Sami Register and the number of votes (total and accepted) in the Sami Election of 1989 according to counties/regions

	Total Votes	Accepted Votes	Sami Register	Not Voted
Finnmark County				
1. Varanger	254	239	319	-80
2. Tana	496	485	596	-111
3. Karasjok	803	778	1003	-225
4. Kautokeino	893	872	1152	-280
5. Porsanger	205	200	310	-110
6. Alta/Kvalsund	209	198	287	-89
Subtotal	2860	2772	3667	-895
Troms County				
7. North Troms	332	320	444	-124
8. Middle Troms	191	181	242	-61
9. South Troms	180	178	201	-23
Subtotal	703	679	887	-208
Nordland County				
10. North N	61	58	80	-22
11. Middle N	109	108	150	-42
Subtotal	170	166	230	-64
12. South-Sami Area	290	276	393	-117
13. South Norway	256	250	320	-70
TOTAL	4279	4143	5497	-1354

The election for the Sami Parliament - 11 September 1989

An interesting aspect of the election was the difference between the number of people enlisted on the Sami register and the number of persons actually participating in the election. From the table of figures set up by the Secretariat of the Sami Parliament after the election, this difference amounts to some 1354 individuals, ie as much as 24.6% of the total number of persons eligible to vote (in the register). Another interesting feature is that the rate of passive members on the register does not show great variation, ranging from 21.8% in southern Norway to 29.8% in the South-Sami area:

Table 3
Number and % of members on the Sami Register not
participating in the 1989 election

Finnmark	895	24.4%
Troms	208	23.4%
Nordland	64	27.8%
South-Sami area	117	29.8%
South Norway	70	21.8%
Total	1354	

This shows that about a quarter of those who were registered actually refrained from voting. Apparently, to be on the Sami register is seen not just in terms of eligibility to vote, but may be interpreted as a claim to be part of Sami public life in the future, including eligibility to the various benefits and services that are established for Sami, and most importantly, which are being administered by the Sami Parliament. It may seem that having a passive status on the register may be seen as some kind of future warranty. This is to some extent confirmed by the fact that the Secretariat of the Sami Parliament continued to get calls from persons who wanted to join the Sami register, even after the register was closed (R Vassvik, personal communication, December 1989).

Another important feature of the political campaign for the first Sami election was the number of political lists that were presented in the thirteen different electoral districts. Of a total of forty-seven lists, twenty came from registered political parties and twenty-seven represented different political groupings (associations, regional and local groupings established for the election).

In Finnmark, with the overwhelming number of voters, 2772 persons or 66.9% of the total number of voters, the number of different political lists were largest, most of the Norwegian political parties presented lists here as well. In the central Sami community of Kautokeino a total of nine lists participated. In the respective municipalities of Karasjok, Tana and Varanger some six, five and four lists were presented. Along the coast and further south the number of lists and the participation of political parties were much less significant.

NSR was the major participant, presenting lists in each of the thirteen districts. However, members of NSR also established lists outside NSR, partly due to political differences within the association as well as competition for leadership at the local and regional level. Thus, members of NSR in places like Karasjok, Tana, Varanger, northern and southern Troms and Oslo were dividing their support for different lists. In northern Troms some controversy arose when two different lists were presented as NSR lists using the same name. What became the United List for the Sami People (*Samefolkets Fellesliste*), was refused the use of NSR's name, getting their name officially established in July, the leading candidate, Lars Nilsen, being a long-time active member of NSR.

One of the principal issues concerned the authority of the Sami Parliament. This issue created debates even between NSR members and expressed itself in different political lists. Not surprisingly, some wanted the parliament to have more power, and they accused the leadership of NSR of being too moderate in this respect. In fact, Kautokeino was one of the few districts where NSR was not split up by different lists. However, central members of the association living in Kautokeino, left the association and ran for other political parties such as the Conservative and the Liberal parties. In some cases, local associations of NSR cooperated with other lists like the list for reindeer herders in Karasjok and Alta. Other local lists comprised a variety ranging from the Women's List

in Karasjok to a list from Kautokeino advocating local issues like legalising the local population's right to hunt ducks in the spring.

The Labour Party was the most dominating among the Norwegian political parties in the election, presenting lists in twelve of the thirteen electoral districts. Having a traditionally strong position in the north and particularly on the coast, the party was the NSR's major rival. In Finnmark the regional branch of the party established in 1988 a committee to prepare for the campaign, consisting only of members eligible for the Sami register. Only Sami were allowed to be nominated to the lists. The Finnmark branch also decided that the nomination of party candidates should be reserved for Sami members only (in contrast to the work on the political program which was open for both Norwegians and Sami). Also, Labour in Finnmark, as the only political party, appointed a separate Sami secretary to run the campaign. The National Labour Party had also made a separate Sami Political manifesto, stating that the Sami Parliament should have decisive powers over issues like education and research. The manifesto also stated that the entire coastal population in northern Norway should be granted territorial rights to the coastal waters (something that received critical remarks by Sami who emphasised Sami rights to land and water). As stated by the Labour Party's candidate for Tana, Steinar Pedersen: 'We do not speak about the first right for Sami or exclusive rights for the Sami, we speak about Sami management. In the first round the Sami Parliament must get involved in advising on regulations and other tasks of management. Personally I can foresee an alliance of Sami, coastal and fjord fishermen all over Troms and Finnmark. The Sami Parliament has to get into the management of the fish resources immediately'. The other political parties participating were the Conservatives and a coalition of the Christian People's Party and the Centre Party.

The political campaign was not characterised by any great diversity of opinions. To a large extent this was an outcome of the fact that the major opposition to NSR, ie SLF, was boycotting the election, as well as NRL. Thus, the opposition to the Sami Parliament did not participate in the election. Consequently, those who did, were basically in agreement about the major issues. Thus, the question of Sami rights to land and water, the most controversial issue in northern Norway, did not really create any major debate in the Sami election, candidates of different lists advocating merely different approaches to the issue of ensuring Sami rights. Some declared that rights to land and water should be established promptly and that the Sami Parliament should have decisive power. Others emphasised the role of the Sami Rights Commission and that the issues of territorial rights and resource management was something that could not just be decided on the spur of the moment. Some of the candidates, like Gudrun Eriksen heading the Women's List in Karasjok, commented on the political campaign itself: 'The Sami election campaign has been characterised by old blokes with power. They just circle around and will not come to what should have been the core of the matter - the fight for Sami autonomy and the right to land and water'.

One of the most controversial issues in the election concerned the very organisation of the election itself, namely the role of the regular political parties and the Sami associations, and NSR in particular.

One of the leading representatives of NSR, the association's candidate for central Troms, commented, after being asked about the double role of NSR as both an association for all Sami as well as presenting lists in competition with political parties : 'It is good that the parties present lists, and we don't see it as illogical that NSR members are participating on competing lists. We are a non-partisan organisation; but it is NSR which has worked for and achieved various Sami political measures, as for instance the Sami Parliament, and we think it is important that the attitudes represented by NSR, come to dominate the Sami Parliament'.

However, some were opposing the role of Sami associations in the election. A member from the Conservative party in Kautokeino, stated some time before the election that only the political parties should be allowed to participate in the Sami election: 'Only the political parties have a well-extended organisation in every municipality. It will not be to the benefit of the Sami Parliament if any odd groups can enter the election'.

One of the candidates from Labour in Finnmark, wrote a letter published in *Finnmark Dagblad*, advocating the role of political parties in the Sami Parliament: 'The Sami Parliament will only get decisive authority in some areas. Thus it is particularly important to have a political party which can work from the Sami Parliament for final decisions made at the highest level. Is it right that a body which is to be representative for all Sami in Norway, shall be ruled by representatives of one association?'

Ole Henrik Magga, the leading candidate of NSR, later to become President of the parliament, commented on the argument that the interests of the Sami Parliament could only be safeguarded through the Norwegian political parties:

This is an argument which I don't support. The parties already dominate the whole system of political power. The parties now have a chance to listen to the Sami Parliament and then act. I am also uncertain as to what the parties really mean when they say that the Sami Parliament shall have authoritative powers (Nordlys 13 September 1989).

Other members of NSR raised doubts as to the outcome if their own members were to run for different political parties. In particular they questioned the accountability of such representatives. In a situation of conflict, to whom would a representative be responsible; to NSR and its political program, or to the programs and the leadership of the political party of which they were members? To what extent could a Norwegian political party be accountable to a Sami political program like that of the Nordic Sami Council? For some, to run for a party was seen as breaking apart from the Sami association. Some established and well-known members of NSR, now running for a political party, were asking themselves and their fellow members whether they would be allowed back into NSR after the election. As one may see, the questions were not always unambiguous.

The election turned out a major victory for NSR which won as much as nineteen out of the thirty-nine seats (about 1500 votes or 36% of all votes) in parliament. The major losers were the Norwegian political parties. Only the Labour Party managed to get any mandates, securing seven seats out of a total of 817 votes, or 19.7% of the total votes. The rest of the seats were distributed among different local and regional lists, four seats going to the group established during the election called Sami People's Alliance (*Samisk Folkeallianse*). Thirteen of the thirty-nine representatives are women.

The failure of the Conservative Party to get any representatives was somewhat surprising considering its traditional strength in several Sami communities. However the National Conservative Party, which encouraged its members to participate in the election, was clearly at variance with some of the members at the local level in Finnmark. In the municipality of Tana, the Conservatives in fact boycotted the Sami election. The Conservative Party managed to get only 212 votes, or 5.1% of the total number of votes.

In Finnmark NSR gained eight representatives, Labour five, the remaining four constituted the local Sami list of Alta/Kvalsund two, the list for Reindeer Herders of Kautokeino one and another local list from the community of Masi one. NSR made the best result in central Troms where it got 81.2% of the 181 votes and won all three mandates.

The lowest output for NSR was in Kautokeino where it received only 23.5% of the 872 votes, and one mandate. The other two mandates went to a list for reindeer herders and another local list. The Labour party also had its lowest vote in Kautokeino of only 8.4% (as compared to 29.3% in the Norwegian Parliamentary election). Interestingly, the four Norwegian parties who participated in Kautokeino only managed to get a total of 244 votes, or 27.9% of the total votes. (The electoral districts of Kautokeino and Karasjok comprise a considerable portion of about 40% of the total number of votes. This means that some 40% of all Sami voters are only able to elect six out of thirty-nine representatives. Some central Sami politicians, like the President of the parliament, stated after the election that the whole system of electoral districts ought to be considered once more (*Nordlys*, 13 September 1989).)

In Karasjok NSR got 49.6% of the 778 votes and secured two mandates. The last mandate went to the Labour Party with 19.5%, or 152 votes (barely bypassing the Women's List which got 18.3%, or 143 votes). In Karasjok the degree of participation was at its highest, even higher than during the election for the Norwegian Parliament.

Thus, the NSR came to dominate the first Sami Parliament. This is partly due to the fact that several of the representatives of the other lists were also either members, or supporters of the association. Following the election, the main question was the policy of the NSR bloc when it came to establishing an executive board of five members, including the president. Not surprisingly, the NSR representative of Kautokeino, professor Ole Henrik Magga, was elected as the first president of the Sami Parliament.

Ole Henrik Magga, born 1947, grew up in Kautokeino. He studied at the University of Oslo and took his doctorate in Sami language. He has worked as head of the language section of the Nordic Sami Institute in Kautokeino. When he became President of the Sami Parliament he was professor of Sami language at the University of Oslo, with a leave of absence to work at the new Sami college established in 1989. Magga, being the former chairman of NSR, is also well known for his leadership of the association during the Alta conflict, probably the most turbulent and difficult years of NSR's history.

During the first meetings of the parliament, it became clear that the NSR representatives were not involving themselves in any cooperation with any representatives of Labour, the only political party that managed to get into the parliament. Instead the NSR group decided to join representatives of the different local and regional groupings that had managed to get a total of twelve members in the parliament (one of these representing the local list from Tana is currently maintaining an independent position), ie persons that were not representing any political parties. The leadership of the first parliament is the five-person Parliamentary Council, elected by majority vote. NSR has three of its members on the council; in addition to the President (Ole Henrik Magga), NSR has the vice-President, Mary Mikaelson from Troms, and Alf Nystad from Finnmark. The other two are Lennart Mikkelsen, an NSR supporter from Nordland and Ella Holm Bull from the South-Sami area.

The fact that Labour was the only party represented was not seen as surprising by the President OH Magga: 'I am pleased that the Sami Parliament will have a majority of representatives who are not tied to political parties' (*Nordlys* 12 September 1989). As to the reasons for not cooperating with the Labour representatives, he stated that NSR had not made any decisions not to cooperate. However, he added: 'We are a non-partisan organisation. Consequently, it is difficult for us to cooperate with a party-based grouping' (*Sagat* 10 October 1989).

Thus, even if the leaders of NSR repeatedly stated their positive attitude towards the representatives of Labour, these, on the other hand, found it increasingly difficult to act as Labour member as well as being member of NSR, belonging both to the majority

group as well as a minority in the same parliament. Not surprisingly, the leader of the Labour representatives Steinar Pedersen, a well-known and long-time member of NSR, decided to withdraw his membership in NSR when learning about NSR's plans for the Council. If this conflict is to persist, NSR itself will eventually change from being a non-partisan organisation towards becoming more of a party.

Political Implications of the Sami Parliament

The Sami Parliament, being composed of a majority of non-party representatives, in addition to the mix of associations, local and regional groupings and party representation, is a very different body from the Norwegian Parliament. However, the representatives of the first Sami Parliament share some general characteristics which suggest some of the major changes Sami politics is undergoing with the establishment of a system of elected representation.

Firstly, a parliamentary election provides a new system of recruiting persons to political positions. Earlier, the Sami interest associations in addition to positions within public institutions and administration served as the major basis of recruitment for Sami leaders or spokesmen/women. NSR played a crucial role in this by being a non-partisan body, providing a general political ideology to members with highly different, and in terms of party-related points of view, often conflicting values. NSR's historical role may well be to have functioned as a 'centre' of recruitment of political novices from different backgrounds, providing them with a basic overall political perspective and purpose, fanning them out into different sectors of the larger society.

The electoral process for the parliament has also opened up more local and regional interests as witnessed in the variety of political lists. However, most of the members of the parliament are not newcomers in the political field, the majority having been active in Sami politics for years. They comprise a fairly high degree of diversity in terms of their backgrounds, combining farming or fishing with jobs as civil servants or running private businesses, as well as a fairly large number of members with academic background. The level of academic competence presented by the members of the Sami Parliament would seem in fact to be higher or at least corresponding to that of the members of the Norwegian Parliament. The age of the Sami representatives, however, seems to be lower than usual in the Norwegian political system - most members of the Sami Parliament are in the 35 - 45 years age group.

However, it is also crucial to consider those who did not get represented in the first Sami Parliament. A rather striking fact of the first Sami election is that none of the group of 'activists' who were at the forefront during the Alta conflict was elected into parliament. These were the persons who were taking the political initiative during the conflict and the hardliners speaking for Sami rights and self-government. A possible reason may be that the Alta conflict was to a large extent a principal debate, a conflict with the state over very basic issues such as being an unrecognised indigenous minority in Norway, a debate not always easily translated into local issues.

Another small but influential group who did not make it to the parliament were those established leaders who ran for different political parties and consequently lost out to NSR and other lists. In Kautokeino two central Sami politicians, veterans of NSR from its very beginning, decided to run for the Conservative and the Liberal party respectively, but lost out to NSR and a local list. Regardless of the reasons for such events, it clearly illustrates that the electoral process represents a new mechanism for recruiting persons to political positions with a larger measure for local issues and attitudes to dominate.

The major groups which did not get represented in the parliament, however, were of course the members of SLF and NRL. The combined effect of this was that the composition of the first parliament has been characterised more by homogeneity than diversity. In fact, both the 'radical' and the 'moderate' opposition were outside the parliament. This may provide some strength in terms of unity, most of the representatives sharing the same basic political values, however, the lack of clear political divergences may also be detrimental to the development of an active and critical political debate.

Another emergent feature of the Sami Parliament is how the former political system is changing, a system where the interest associations played a major role. This corporate system where associations are representing their members in relations with political administrative authorities is now being undercut by a system of elected representatives who can better than any other body claim to represent the interests of the Sami people. Not having had any elected representative body, the various Sami interest associations have enjoyed a large amount of influence within their specific fields - an influence which the Sami Parliament is now eagerly addressing in order to establish Sami autonomy, not just the interests or autonomy of special categories or groups of Sami.

Thus, the very first adversaries or critics to the Sami Parliament, besides SLF, were the reindeer herders and the Sami artists, both groups being well organised through their separate interest associations and having been very active and successful in their dealings with their different counterparts in the central state administration.

NRL, seeing that they would not get any major block of representatives in the parliament, decided to work against its establishment and secure their interests through the state administration and the Financial Agreement with the Ministry of Agriculture. This may have seemed only to confirm the resolution of other Sami politicians to establish the authority of the Sami Parliament over the herders. In the second round of meetings in May 1990, the parliament discussed for the first time the situation of the reindeer herding livelihood. In a resolution which underlines the role of reindeer herding as 'the central pillar of Sami culture', the parliament also states that: 'The Sami Parliament shall have influence on the designing of the policy of reindeer herding, on the appointment of the leading bodies of the reindeer herding and in the long run take on a larger responsibility for reindeer herding' (*Klassekampen* 2 June 1989). Thus, to the new parliament, the herders were, in spite of being a 'pillar', not sacred enough to be untouchable. As stated by the leader of the Labour representatives, Steinar Pedersen: 'Even if the central authorities knew that something was going wrong (ie pastures being overgrazed by too many animals), due to the aspect of minority politics, one has not dared to do anything that could be seen as an incursion against Sami. As we understand it, at the present it is only the Sami Parliament which can give an authoritative advice as to which way one ought to follow' (*Klassekampen* 1989).

The other conflict also developed very early, and concerned the allocation of funds going to various Sami cultural activities. The associations for Sami visual artists (painters, sculptors etc) Sami Daiddacepiid Searvi, SDS, and Sami musicians, Sami Musihkariid Searvi, SAAMUS - had during some years established an influence and rights to negotiate about the allocation of funding from the state and the Norwegian Council for Culture. During the period 1990-92 this funding amounted to some seven million Nkr. The artists expressed fear that these would be transferred to the parliament, where none of the associations was represented, demanding that they should have some influence over the matter when it was to be discussed in parliament. The artists were fearing that the rights they had fought for years to establish would be forgotten in the struggle to establish self-government. Leaders of the association also pointed out that no groups in parliament had anything on this matter in their programs. The President OH Magga, commented on the matter by stating that the artists would be listened to and that: 'Sami

artists must take a chance on the Sami democracy' (*Finnmark Dagblad* 7 September 1989).

The future

The Sami Parliament is and will be a controversial body in Norway. It has been much commented upon; criticised by those who think it has not enough powers, as well as those who find it has too much power. However, those who constitute the parliament, the elected representatives, all seem to agree that the parliament is to be an institution for developing Sami autonomy. Just after the election, the soon-to-be president of the parliament stated his basic views on the tasks of the new parliament:

First we have to establish a relationship to parliament and to other Norwegian authorities. In the next round we have to get a transference of power and authority. First of all we have to get hold of the management of Sami policies of culture. Next, the issue will concern the rights to land and water (Nordlys 12 September 1989).

The new body must achieve decisive influence on the management of resources in Sami areas. Both in national and international law it is accepted that a culture cannot exist without a material basis. It is the task of the Sami Parliament to ensure this basis (Nordlys, 13 September 1989).

In the same newspaper interview, just after the election, OH Magga stated that the Sami Parliament ought to have the final right to decide on any major encroachments on Sami areas (*Nordlys*, 13 September 1989). However, to achieve this, the political and administrative system still needs to be rearranged to provide real opportunities for Sami influence. Thus, there is need to replace the present Sami Secretariat in the Ministry of Municipalities, which is an administrative unit, with a separate department head who has a clear political responsibility for Sami affairs at the central level of government.

Also, the interconnection of the Sami Parliament with other levels of government needs to be addressed. In particular, this concerns the relationship of the Sami Parliament with the County Councils of Nordland, Troms and Finnmark. At present, the parliament has established, through the Sami Act, a set of guidelines for the relationship to the central authorities; the annual report of the Sami Parliament is to be forwarded to the government. The government is also to provide annual reports to the parliament about the activities of the Sami Parliament. The parliament also has decided that once in each parliamentary period government is to present parliament with a report on its policies 'to safeguard and develop the language, culture and society of the Sami' which implies that the government's Sami policies are to be discussed in the parliament at least once each parliamentary period.

The challenge for the Sami Parliament is to develop its relations to the regional authorities. The Sami Act does not provide any set guidelines for any, but the central authorities, to cooperate with the Sami Parliament.

It is therefore up to the county or municipal councils themselves to establish connections with the Sami body (Nystö 1989a, 1989c). Interestingly, the county council of Finnmark (as well as the council of Nordland) has made the first steps towards establishing a formal relationship to the Sami Parliament. In the Finnmark Council's General Plan for 1989-91, a special section (8.3) refers to this: 'The Sami Parliament is supposed to get a large influence in designing specific Sami political measures in the future. As the majority of Sami live in Finnmark it is a challenge for the county council and the

involved municipalities to develop satisfactory relations of cooperation with the Sami Parliament with the aim of coordinating the largest amount of support for specific measures. This will be to the benefit of everyone in Finnmark in the future'.

Also, at the local level, municipalities like Tysfjord in Nordland, with a large Sami population, have stated in their plan for the municipality that they support the principal basis for the state's Sami policies - something which will provide for a larger number of Sami issues on the political agenda at the local as well as the regional level.

At the moment, the dominant relationship of both local and regional authorities, as well as the Sami Parliament, is towards the central authorities in terms of funding, guidelines, laws and regulations. The issue of Sami rights and the influence over resource management are matters which not necessarily will be seen to contribute to a lessening of 'ethnic conflicts'.

However, the election itself may have contributed to experiences which eventually will lead to changes, not only in terms of the politics of Sami-Norwegian ethnicity (like the issue of SLF/NRL boycott), but also for defining new avenues for dealing with ethnicity. One of the early signs of this came during the political campaign for the Sami election. In a press release from the Liberal Party in Kautokeino a separate law for Sami commons was proposed (*Nordlys* 3 September 1989). This was an idea that had been discussed earlier (Tønnesen 1972). However, the statement defines the units for the management of Sami rights to land and water as being the municipalities or local councils which were to acquire rights to manage their local areas. Moreover, the statement also refers to eligibility: 'The Liberal Party in Kautokeino consider it a natural thing that everyone within a Sami community must have the right to vote in the election for the Sami Parliament, provided the other regular requirements for having the right to vote in Norway are fulfilled'. Any reader in northern Norway would understand that 'everyone' meant something more than the local Sami population.

Apparently, the issue of eligibility and the Sami register was becoming a matter of discussion even among NSR members. Just after the election, the president of the parliament OH Magga, according to the newspaper *Sagat*, stated that the level of voting could have been higher: 'But people had to make two choices. First to write themselves in, and subsequently to vote. This is something that one should get away from. But I don't have any suggestions how it should be done. But one has to avoid people having to make these two rounds' (*Sagat* 16 September 1989).

Not only in NSR, but also in SLF was there a wind of change. In fact, the chairman of the association, while going against the Sami election, nevertheless participated in the formal opening of the first Sami Parliament as one of the speakers addressing the meeting, saying: 'The day of opening is a day rejoicing. The fact that our beloved king is here shows that the Sami is a part of Norway and Norway's culture. The presence of the king can have a unifying effect on the Sami people. Now, it is up to the Sami Parliament to act in ways so that the whole Sami people can support it' (*Nordlys* 10 October 1989).

In December the same year, SLF stated in a press release that the association was reconsidering its policy towards the parliament - SLF was in fact discussing the possibility of participating in the next election (*Sagat* 2 December 1989). The reason for the boycott was, according to the statement, that SLF did not want to get into conflict with the established political parties by participating in the election. While accepting the direct election to parliament, SLF was nevertheless formally opposed to the present regulations for the Sami elections. Instead SLF proposed to extend the voting requirements in two ways. Firstly by redefining the requirement from having at least one Sami-speaking grandparent to include anyone with at least one Sami-speaking great

grandparent, and secondly, by including all persons who are connected to a Sami community through marriage, residence or childhood. SLF wanted to extend the right to all who are living in the electoral district, ie all who are eligible for nomination in a municipal election. The association also stated that it would contact representatives in the parliament, as the representatives from Labour, in order to propose amendments to the regulations for the election. However, so far, the issue of the Sami register has not been finally decided on by the parliament. Apparently, over time people may get more used to this as well as the Sami Parliament.

Certainly, if one considers the debate within SLF, time may eventually work in favour of greater openness towards a Sami register. In fact, not only NSR, but also SLF are starting to reconsider its basic policies. In Porsanger, Finnmark, the largest local association of SLF supported a letter from a veteran member criticising the policies pursued by the LSF leadership (fighting against the Sami Parliament). The letter states that the Sami Parliament is a fact and that SLF should try to make the most out of the situation. But even more important, the letter states that:

SLF should not be afraid of thoughts about the future rights of Sami to land and water. Development here in the north suggests that tourism is what the authorities believe in. We all know what the stream of tourists really means for local communities here in Finnmark. Experience shows that local communities only get scraps and garbage to cope with when tourists have left. In the light of this development which seems to be on its way here in the north, I will welcome the Sami's rights to land and water. I think the future Sami Parliament can be the 'board of safety' for many small, local communities in northern Norway (Sagat 11 November 1989).

The tasks of the new body are vast and complicated. The resources of the parliament, in addition to the political support and qualifications of its representatives, are mainly the secretariat, formerly the Norwegian Sami Council's administration in Karasjok. When the government proposed the Sami Act in 1987, the staff, then of eight persons, was supposed to be increased with an additional six positions. At present, the secretariat comprises twelve positions, including the position of the President (from June 1990) and a Director. The revenue of the parliament comes from the central authorities (Ministry of Municipalities).

For 1990 the overall budget is funded from an item 'Special measures for the Sami population' in the state budget and comprises the following, in millions of NKr (*Sametinget* 1990):

	NKr
Wages	3.66
Goods and services	5.47
Sami Development Fund	8.2
Sami associations	2.35
Sami handicraft development	2.85
Total	22.53

From the outset, the administration of the parliament appears to be seriously understaffed. According to the President in his opening speech to the second assembly in May 1990, this is 'the major obstacle of the Sami Parliament' (*Klassekampen* 2 June 1989). The economy of the administration, being of the same size as the administration of a middle sized municipality, does not provide the most basic activities. The plenary meeting of parliament is supposed to be held four times per year, each lasting three days.

The parliament is divided into six major committees: Education/Research; Livelihood/Nature/Environment; Legal Rights; Social Welfare/Health; Culture/Language; and Organisation/Constitution. In June 1990 the Director of the Secretariat, Per Edvard Klemetsen, stated that due to the present level of funding for the Sami Parliament, the major committees would probably not be able to convene, except during the plenary assemblies (*Klassekampen* 2 June 1989).

In the first meetings the parliament established a set of basic policies - or structured goals - for its activities, which provide a constitutional-like framework for its activities. Its purpose is to ensure: 'cultural continuity based on the status and rights of the Sami as a people and indigenous population.' This is to be fulfilled by the following four major goals: 1. To ensure strong and viable Sami communities with stable residence and a varied economic and societal life, 2. To work for Sami autonomy and influence in society, 3. To develop and continue Sami identity, language and cultural inheritance from one generation to the other, and 4. to develop a high level of Sami competence and satisfactory knowledge about Sami in society at large (*Sametinget* 1989a).

The Government's plan for reform in the public service, 'The New State', requires that all public institutions shall produce their individual plans of activities in 1990. Thus, the Ministry of Municipalities requested the Secretariat to design such a plan for the Sami Parliament for 1990. In other words, the institution and development of the Sami Parliament is taking place within a highly professionalised and structured administrative regime. The parliament, an instrument of Sami self-expression and autonomy, is being developed along guidelines for the public service; in fact, it is also part of that very public service.

The arctic cod fishery and the Sami Parliament: crisis in national management and the emergence of a regional Sami estate

The recent emergence of Sami politics at regional and national level in Norway, as well as the solidarity among Sami in the adjacent northern regions of Norway, Sweden and Finland, greatly changes and challenges the course and assumptions of regional and national policy-making. It may be useful to take a look at the current crisis in Norway's 'northern development' policy for an example. As in other countries like Australia and Canada where similar changes have come in northern regions, the new dimension may not be immediately evident to - let alone accepted by - the conventional political actors. It is nonetheless real, and significant for the future.

In contrast to the turbulence of the Alta conflict, the actual implementation of the new policies on Sami issues following the proposals of the Sami Rights Commission has been referred to by Norwegian politicians as a 'quiet revolution'. Laws and regulations which implied a major reversal of former governmental policies towards the Sami were made without much public interest or debate. The opening of the first Sami Parliament, however, was muted by yet another conflict between national institutions and regional interests in the north.

In the Fall of 1989 newspapers shocked the population of northern Norway by stating that the Arctic cod stocks, the backbone of the northern fisheries and the regional economy, were at their lowest level ever and that the very future of the cod fishery was at stake. To the northerners the economic situation had been deteriorating for several years with a rising level of bankruptcies within the fisheries and elsewhere and a regional population on the decline.

From 1945 to 1989 the cod stocks had been gradually reduced from a total of about seven million tonnes to less than 700 000 tonnes - the present size of cod stocks

corresponding to some 30% of the population during the mid-1970s (*Nordlys* 5 October 1989). The newspapers also reported how the dramatic decline had been discussed the previous year: some scientists warned of the decline, proposing an unprecedented low quota of 170 000 tonnes. However, their warnings were ignored, the total quota was set to 300 000 tonnes. In October 1989, however, the reports were even more gloomy and a quota of 110 000 tonnes was proposed - a quota that was to be shared between boats from Norway, USSR and the European Economic Community (EEC).

To the fishing fleet, which only some years earlier had been promised a total quota of 700-800 000 tonnes, this was a disaster. In 1988 the quotas were reduced by two-thirds from the previous year. In 1989 they were further slashed by another two-thirds, the total quota for cod that year amounting to 178 000 tonnes. The total quota for cod that was negotiated for 1990 came to only 113 000 tonnes. Quotas will remain at a minimum for subsequent years in order to achieve a build up of the cod stocks in the Barents Sea.

Thus, the Sami Parliament was established against the background of a regional economy in crisis - a crisis that was a direct outcome of the dismal failure of the national system to provide sustainable management of the marine resources. Fishing boats were being sold and moved elsewhere. For those that remained, the issue became a matter as to who had the right to participate in the fishery and their respective shares, a matter that renewed the conflict between the regional and outside fishing fleet, the trawlers, and the smaller coastal fishermen.

In northern Norway, where people had already experienced similar mismanagement and devastation of the fisheries for capelin and herring, fishermen, politicians and people at large demanded that the fish stocks were to be managed as a regional resource. However, following the recent change of government after the September election the new Minister of Fisheries, S Munkejord, only reiterated the long-established view of the Fisheries authorities when he commented on the uproar in the North:

The fish don't belong to any particular areas. The crisis is a national one. We must look for national solutions. It's contrary to our way of thinking to conceive of fish as the wealth of regions or counties (S Munkejord to Nordlys 18 October 1989).

The severity of the situation was not new. Before the election to the parliament in September, an expression of the regional unrest in the communities of northern Norway was the formation of an association for coastal fishermen as well as a separate regional political movement, opposing the politics of the national political parties. This populist grassroots movement achieved enough votes to get a seat in parliament for their leader, Anders Aune, the district commissioner of Finnmark. The seat was won at the expense of the Labour Party, whose government was replaced by a coalition government. In early November an emergency meeting was called in Tromsø for the county councils of Nordland, Troms and Finnmark - the first time ever these councils were convening into a common assembly.

Not surprisingly SLF as well as other Sami associations voiced their concern for the coastal Sami and how a new system of quotas could possibly exclude the smaller boats (less than nine metres). In a separate policy statement SLF branded the 'total absence of a responsible policy in the state's resource management' as:

the largest infringement ever against the Sami! If the scientists' estimates of the cod stocks are correct, SLF is of the opinion that this is the largest environmental, economic and cultural catastrophe which has ever impacted the coastal Sami. It is a threat against Sami culture infinitely larger than the Alta case (Sagat 2 December 1989).

If no emergency measures were taken to protect the interests of the coastal Sami, SLF stated that:

... Sami culture will be lost forever. The Sami language which developed in a fishing environment will disappear; food traditions, knowledge and experiences which have been accumulated throughout the ages will be lost. These experiences and traditions, which in contrast to those of trawlers and factory ships, have taken due consideration of the marine resources. SLF also stated as their most resolute demand that the coastal Sami fjords be protected against bottom-scraping and active fishing gear and that the population of these areas are ensured a just share of the cod quota.

The fact that the smallest fishing boats were in danger of being excluded by the quota regulations was, according to SLF members, seen as violating the new Sami policies of the Norwegian state. Thus, members of SLF, an association which had been the most active opponent to any formal separation of the Sami, were now referring to the special legal protection provided the Sami as an ethnic minority and indigenous people: 'the members of the SLF conference pointed to how Norway as a state, according to section 27 of the UN convention, is obligated by international law to pursue an economic policy which safeguards the material basis for Sami culture and settlement' (Sagat 1989). Even the Sami article in the Constitution, which SLF repeatedly had brushed aside as insignificant and racist, was now referred to by SLF members as an instrument for protecting the livelihood and culture of coastal Sami.

Thus, facing an ecological and economic crisis in the coastal communities, SLF members argued for protection of the interests of the coastal Sami, apparently without conflict over their basic policies. The political dilemma was temporarily resolved by not including these matters in the policy statement. Having excluded itself from the Sami Parliament, the association demanded to be represented in the national and international boards regulating the fisheries.

For many members of SLF, however, the crisis in the coastal economy not only exposed the weaknesses in the national management of the fisheries, it also revealed that the uncompromising anti-parliament policy of the SLF's leadership was becoming an increasing burden for safeguarding Sami interests. Dissidents from Porsanger in Finnmark even argued for moving the secretariat from Tana to Tromsø, the regional capital, or Lakselv in Finnmark (Sagat 29 November 1989).

For the Sami Parliament, the crisis was one of the first major issues on its agenda. It brought up very fundamental issues in Sami politics such as the extent to which the Sami had any interests over the coastal and marine resources - a matter that had consistently been flatly refuted by the authorities within the Department of Fisheries as well as within the National Union of Fishermen. In the field of commercial fisheries, the fish stocks were considered a national estate, regardless of any local, regional or Sami interests. If the Sami Parliament was to challenge any national rules, the issue of maritime and coastal fishing rights, quota regulations etc constituted probably some of the most difficult areas to get any recognition of Sami claims.

However, the Sami Parliament and the new legal principles for Sami policies had created a situation that provided some openings. In fact, the Sami Rights Committee's emphasis on International Law had already provided the first signs of a changing climate. In 1987 the committee established to prepare a new 'Law for anadromous salmon fish and inland fish' commented on Article 27 in the UN convention on civil and political rights, that the fishery for these species was important in the 'material basis of culture' for Sami in

Norway. The committee concluded that 'the authorities must pay attention to this in future regulations' (NOU 1987, 2, 74). Being freshwater based species, however, they were managed, not by the Ministry of Fisheries, but by the Department of Agriculture.

In the second round of meetings from 30 January to 1 February the Sami Parliament made a statement on the issue of the crisis in the coastal economy. The statement is of historic significance, as it instigated a process of change which better than any political rhetoric may illustrate how the Sami Parliament is effecting a transference of authority. The statement refers to how the coastal Sami are being affected by the new regulations for the cod fishery for 1990:

Many fjord and coastal fishermen have during the last years had no opportunity to fish the quota which is demanded by the Directorate in order to get access to participation in the next year's cod fishery. The proposed regulation will affect certain geographical areas as well as certain categories of fishing vessels. Fjord fishermen, who often combine fishing with small farms, will not be able to fulfil the requirements which are proposed by the Directorate as entry to the fishery. Thus, to the coastal Sami population conditions are not made to safeguard Sami culture and societal life. This will be a grave injustice, as those who have used conventional fishing gear in the fjords and who did not cause the fishery crisis, are the ones who are hit hardest.

The Smith Report (1990) on Sami rights and fishing regulations

The statement also asks the Ministry of Fisheries to make an inquiry into how fishery regulations are affected by the legal obligations of the state towards the Sami. In March 1990 the Department requested Professor Carsten Smith of the University of Oslo to make a report on the matter, which was finished in July the same year (Smith 1990). The report is unique by being the first study of the legal obligations of Norwegian authorities concerning its policies towards Sami with regard to a particular livelihood.

The report emphasises the development of Sami law during the 1980s. Norwegian authorities are obligated not only to provide for cultural expressions, but for the material basis of culture, this implying a legal claim of Sami to the exploitation of natural resources. The Sami are also entitled to positive discrimination, especially in areas which are significant for the maintenance of Sami culture.

Presently there are no legal rights, either in International Law or domestic law, which refer to the rights of Sami fishing along the coast or in fjords. Thus, their possible rights to fishing must be based on the rights of Sami to exploit natural resources. On the other hand, the state's regulation of fisheries is not as such an infringement into the material interest of Sami, but rather a protection of their collective interests. However, the protection of Sami culture entitles the Sami to positive discrimination, as provided by International Law and the Constitution.

A critical issue here is to what extent this entitlement shall extend only to 'culturally specific livelihoods', ie like reindeer herding which in northern Norway is exclusively protected as a Sami form of livelihood. According to Smith, however, one cannot limit special protection only to forms of livelihood which are predominantly Sami in character. Although fishing is a traditional indigenous activity of the Sami, it is not exclusive to the Sami in the sense that it has been more important to Sami than Norwegians living along the coast.

The issue of economic activities which are traditional, but not culturally exclusive was referred to in the Report of the Sami Rights Commission (NOU 1984, 18 283-284). The issue was discussed in terms of cultures having a 'core zone' according to Article 27 in the UN convention for civil and political rights. This legal interpretation of 'culture' seems to provide more protection for a livelihood like reindeer herding, which is both traditional and culturally exclusive than an activity like fishing which does not have the same amount of exclusivity. Thus, reindeer herding is within the 'zone' of protection, while the position of fishing is apparently more 'marginal'.

However, Smith, in a very significant discussion, disputes this distinction between more or less exclusive or culturally specific forms of livelihoods:

The point is that both Article 27 as the other legal material referred to, does not address what forms of measures state authorities are using, but the result to the minority of the state measures. The state is obligated to provide certain measures - or refrain from measures - to the extent necessary for the protection of culture.

What measures are needed, what can be accepted and what cannot be accepted, will depend on the position of the minority culture.

For the Sami culture it is of special importance to emphasise two circumstances, both being so well known that they don't need further documentation. Firstly, Sami culture is strongly related to nature in the Sami areas of residence and occupancy. Secondly, Sami culture is at present in a very critical situation (Smith 1990, 21).

The Sami have from time immemorial been a coastal people. The marine and coastal resources have always been significant, even if none of the related activities was exclusive to Sami. Thus, if protection of livelihoods was dependent on a demand for Sami exclusivity, a significant part of the material basis for Sami society was deprived of protection. However, the economy of Sami coastal communities has been characterised by Sami households combining different forms of livelihood, or economic activities. The report states also that this feature may provide a basis for regarding Sami fishing as something different from non-Sami fishing.

The fjords and the coastal areas of northern Norway are old Sami areas of resource use and occupancy. Fishing is still significant for the settlements in these Sami areas, partly due to the lack of other major sources of employment in the coastal communities. However, due to the relatively small and scattered population, the areas present problems for larger scale enterprises. The advantages of large-scale operations are difficult to achieve without considerable changes in the Sami pattern of residence and the structure of society at large. Thus, both the Sami pattern of fishing and residence are vulnerable to outside pressures. If protection should be provided to the reindeer herders - some 10% of the Sami in Norway - Smith emphasises that this would not be sufficient to maintain Sami culture in the future.

In other words, a necessary condition for protection and development of Sami culture is the maintenance of viable Sami local communities. The future of these communities depends to a large extent on fishing. Thus, fishery regulations imply a form of control which is of crucial significance to the basis of culture.

As to non-Sami fishermen, any positive discrimination of the Sami in terms of regulations in fishing can be experienced as injustice for those who do not obtain any shares, or get them reduced. Also, Smith admits that the livelihood of Norwegian fishermen is maintaining their culture as well:

This comparison is a difficult point in all minority laws and minority politics. However, one must emphasise that the Norwegian state has no obligation for its Norwegian, non-Sami citizens as it has for its Sami citizens. When positive discrimination is necessary for the protection of the minority culture of Sami, the interests of other citizens has to recede.

A crucial question for the state concerns whether an infringement of fishery regulations has a magnitude or level of impact to make positive discrimination necessary. Here Smith is applying the new principles established in the government's and the parliament's discussions of the Sami law in 1987 and the constitutional amendment in 1988. These principles clearly state that the minimum requirement for considering whether an infringement constitutes a 'blatant and very damaging intrusion' (according to Article 27), has to be considered in terms of a total evaluation of the overall effects of governmental policies on the Sami. Thus, Smith concludes that:

Consequently it is not sufficient only to state that fishery regulations are not threatening the culture of Sami. Or formulated differently: what is decisive is not only the magnitude of the infringement, but what cultural basis remains after the infringement.

Smith emphasises that the authorities may within certain limits compensate an infringement in one sector with positive measures in another. However, he also states that there are definite limits for such a policy today. What is a critical safeguard for Sami culture today is the maintenance of residence in local Sami communities:

Without such maintenance it is difficult to imagine Sami culture as a living culture. This requires that compensation has to be in terms of measures which contribute to such settlements and which protect environment and culture at the same time. This also entails that it is hard to find measures which, at least in the short run, can in a legal valid way replace fishing rights.

Furthermore, when it comes to discussing the total situation of a minority facing an outside infringement, Smith also stresses how in certain situations small infringements can have different effects. Apparently insignificant events, if seen in the context of a majority population, may on the other hand present threats to the very survival of a minority population. When it comes to the situation of Sami, Smith states that:

The situation is to-day such that any infringement which threatens occupation (or residence) in Sami areas, is of an essentially negative nature. However, today the Norwegian state is in a situation where it has to implement strong measures to ensure the Sami the opportunity to maintain their culture and thus to fulfil the legal duty of the state on behalf of the Sami people.

The report also provides a further clarification of the sensitive issue of the eligibility to the special provisions made for the Sami. Sami are, according to the need to protect their cultural basis, provided a certain privilege to engage in a livelihood like fishing. However, the eligibility of this privilege does not come from the right to enrol in the Sami register. As stated by the Sami Rights Committee, and confirmed in the Ministry of Justice's proposal for the Sami Act, the Sami register's definition of Sami has no implication for the rights to natural resources. Moreover, it is also emphasised that rights to natural resources ought to be collective rights. Thus, the committee has emphasised that the individual can be the subject of claiming a violation of rights. The subject of the rights (the subject that can enjoy the rights), however, are the collectivity of individuals.

According to Smith, it is up to the state to decide which form of rights is best suited to fulfil the obligations of International Law and the Constitution. Smith also states that in as much as the ultimate purpose of a different positive treatment of the Sami is to provide 'the Sami as a people with means for the protection of a shared culture of the people. This is not a measure primarily for the economic benefit of the individual Sami, even if it may in fact have this function. Collective measures will to a larger extent provide unification and hence maintain culture'.

Hence, Smith proposes special policies for Sami areas of settlement, in particular local or regional quotas. Such measures will have to comprise non-Sami fishermen as well. However, Smith emphasises that such ethnically mixed measures will not go against Article 27 in as much as they are directed towards Sami areas to protect Sami local communities. In spite of the fact that this entails a different treatment of Norwegian (non-Sami) fishermen, this would possibly be most acceptable to the coastal population. Moreover, as emphasised earlier, this is a proposal which is also in line with the policies of the major Sami associations.

The report states that the present available data are insufficient to consider the legality of the present regulations in the fisheries. However the gross national figures clearly show that the fishery with conventional gear has been reduced from about 250 000 tons in 1981 to about 115 000 tons in 1989. In the major Sami counties, Finnmark had in 1987-1989 a total catch of 16 833 tons. However, the 1990 quota for Finnmark is as low as 9691 tons. As to Troms county, the average catch for 1987-1989 was 27 131 tons with 1990 quota set to 12 695 tons. Thus, the reductions of the quotas in relation to earlier catches for the major Sami counties is of such a magnitude as to make the Ministry of Fisheries consider special measures.

The report concludes that at the moment it is difficult to be precise about Sami rights to natural resources. Thus, the state authorities have to exert a fair measure of common sense (*skjønn*) in making new regulations. However, as emphasised by Smith, this has to be done in light of the Constitution (Paragraph 110a) as well as International Law.

The report also recommends that the Sami Parliament should get any proposed regulations for review before they are ratified. The Sami Parliament would also participate in the allocation of fishing quotas in areas of Sami settlement. The state is not, according to the letter of the law, obligated to make any such transference of power. However, as emphasised by the Smith report, to do so would be a natural implication of the new Sami policy of the Norwegian state.

The Ministry of Fisheries' response to the Smith report, as stated in a letter to the Sami Parliament (12 July 1990), is particularly interesting. According to the Ministry, attempts will be made to incorporate the report's conclusions in the forthcoming regulations of the fishery. The report has established that the Sami Parliament will be reviewed concerning fishery regulations which are of significance to the livelihood of Sami. The Ministry states that as part of its evaluation of the current regulations, it will investigate the possible impact of the new regulations for Sami areas of settlement. It is also to consider if the extent of the next year's regulations warrant any special measures for the Sami population.

Events like this do not create much public interest. However, they do show how the new principles established by the Norwegian Parliament are just starting to make their impacts on the operations of state agencies like the Ministry of Fisheries, ie state agencies which never formally were important in Sami policy making. Thus, regardless of the fact that the Sami Parliament is still not having any control over any natural resources and that major Sami groups are still not being represented in the parliament,

the Sami are gradually working themselves onto a variety of administrative and political agendas.

Hindsight on constructing Sami self-government in Norway

The Alta-Kautokeino riverway, running from the interior plains to the coast, has provided sustenance for Sami hunters, gatherers and herders for thousands of years. The river and the struggle over it came to constitute a major watershed in the history of the Sami people. The struggle over hydroelectric development of the river ended, as we have seen, rather paradoxically with the construction of the Norwegian electricity monopoly's dam and power station, as well as the establishment of the Sami Parliament, two hours drive from the very dam site.

Even if the construction of the dam project was a victory for the government and the state, it was a victory government did not want to repeat. Thus, it became an uncelebrated victory, a victory without honour. The only celebrations worth mentioning were led by the acting chief of police in Alta who had broken up the Stilla demonstration in January 1980. The celebration was held on the police ship accommodating the 600-strong police force. Cakes were eaten. The chief of police, Henriksen, continued to pose as a victorious hero. When the operation came to an end he distributed souvenirs from Stilla to police forces who had participated. The souvenirs were mounted pieces of the chains used by the demonstrators serving round-the-clock guard duty, locked into chains that were claimed to be unbreakable.

Some ten years later, there is little left of the victory. According to Gro Harlem Brundtland, who became Prime Minister at the height of the Alta conflict (3 February 1980), the Alta project should not have been built:

It is now apparent that the development of the Alta riverway was an error of judgement. But this is something one can only say in hindsight (Vårt Land 25 August 1990).

The statement is remarkable, not only for its frankness, but also as an expression of the change in political thinking during the last decade. It may also illustrate the fact that one cannot take anything for granted when it comes to governmental decision-making. The demonstrators were correct in most of their predictions on the project, as admitted by Brundtland. However, this does not necessarily imply that governments make the right decisions.

In retrospect, it is clear that the Sami protestors won a major moral victory against the government. Most importantly, this victory was confirmed and strengthened by the Sami Rights Committee under the leadership of Carsten Smith. Prior to the Alta conflict, the Sami had their 'Magna Carta' in the Lappeticodil of 1751 as well as the political program of the Nordic Sami Council. However, it was the Report of the Sami Rights Committee which managed to present the Sami issues in language and concepts that were in fact the very language and concepts of politicians and administrators themselves. Thus, the committee and its report created the legal basis and political legitimacy of the Sami Parliament and a new overall policy towards the Sami.

Today the Alta dam is a fact, supplying surplus energy which is being exported at reduced prices. After the Alta conflict, the Alta project (with an output of about 600 kw) has become a standard measurement; the scale of energy savings or new hydro development projects are described as 'so-and-so many Alta-projects'. The Sami Parliament, however, is also a fact, but is still in the process of being constructed, its powers developing. In this struggle the Sami politicians are facing a paradoxical

situation. Whereas the Sami Rights Committee gave its major attention to developing the legal basis for the parliament, little thought was given to administrative requirements - in terms of funding - matters which are normally the hard core of any political agenda. Thus, the parliament, which is based on the recognition of the material basis of Sami culture, is still dependent on financial support from the government.

Transforming the Norwegian Sami Council into a secretariat for the Sami Parliament has taken place without any significant increase in administrative staff. However, in spite of a 16% increase in the overall funding of Sami matters (about thirty-six million NKr) the administration and sessions of the parliament have been underfunded from the start. Today six officials are responsible for the daily running of the secretariat, corresponding to the staff of a minor municipality in Norway. The Parliament has asked for funding for an additional three staff workers, pointing with increasing bitterness to the municipality of Kautokeino of some 3000 inhabitants and a public administration of some eighty persons. The government, however, has so far stated that it will not fund any extension of the Sami Parliament's operations until the transfer of administrative tasks to the Parliament has been settled. Sami politicians are getting increasingly concerned over what they see as the tendency of the central authorities to weigh them down with minor administrative functions at the expense of the major political tasks of developing self-government.

According to the President of the Sami Parliament, OH Magga, the financial situation has been a major problem, necessitating a reduction in its activities. To him the Sami are waking up to the harsh reality that the Sami Parliament and Sami issues in general are being reduced to a minor detail in national budgets. 'The government barely lets us breathe. This is a clipping of wings we must protest' (*Klassekampen* 5 October 1990). Magga also has hindsight. A year after the establishment of the parliament, pointing to the continued and questionable existence of the Sami Rights Committee, as well as the delays in the handling of the Sami Language Act, he concluded:

After ten years we are still waiting for the State to fulfil its promises. We would never have been so moderate without the promises of the state. We had to endure severe criticism from within our own ranks for not being more aggressive. It is easy to have hindsight, but I am appalled by how little has happened during all these years (Nordlys 16 October 1990).

Some days later - on 20 October 1990 - the Sami Language Act was finally passed. The Act originated in the Committee on Sami Culture and Language established during the Alta conflict, together with the Sami Rights Committee, in 1980. The mandate was to 'review the principles on which [Norwegian] cultural and educational policy towards the Sami people shall be based, and discuss measures that will promote Sami culture and enhance the use of Sami language'. The committee published three reports, the last in 1987.

The Sami Language Act has been the major achievement of the committee. However the actual proposal, in contrast to the relative ease of making the earlier Sami Act, has been long in coming, being presented by the government to parliament early in 1990. However, the proposal, quite unusual in the law-making process, was withdrawn for a second round of hearings, several of the measures proposed for enhancing Sami language giving rise to heated debate.

One of these, and the most significant part of the Act, concerned the establishment of special Sami language areas where Sami and Norwegian are formally instituted as equal languages in the public administration of the municipality in question. In these municipalities Sami can demand to be answered in Sami in their dealings with the public service. In these areas public servants can get up to one year's leave of absence with pay

to attend Sami language courses. Language skill is a basic requirement for employment. Originally, the law proposal had designated four municipalities - Gouvdageaidnu, Karasjok, Tana and Nesseby - to come under this section of the Act. However, in the process, the Sami Parliament also proposed to include Porsanger in Finnmark and Kåfjord in Troms. This led to a heated local debate, in particular in Porsanger, a stronghold of SLF and anti-Sami sentiments. Thus, the administration was opposed to being designated as a special Sami area. However, in a local-level revolution, the municipal council reversed the vote. All six municipalities are now included in the Act.

Another breakthrough in this Act concerns the position of Sami language in the primary schools. The Act provides, in probably the most controversial section, that the municipal council, on the recommendations of the school board, has the right to decide that Sami-speaking pupils are provided Sami as a separate subject of study. In the final parliamentary handling of the Act, an attempt was made to remove this section, politicians advocating that language should be a matter of voluntary choice. However, the attempt failed (fifty-eight versus twenty-seven votes), with a growing understanding that minority languages do not enjoy an equal social standing with other languages and cannot survive in terms of individual responsibility alone.

It is a major victory that this has been achieved in a nation where notions of equal rights and equality have probably been more destructive for Sami society and culture than outright racism. Still, many obstacles and problems confront the Sami - the present state of an ongoing 'quiet' revolution may yet lead to new conflicts and confrontations when Sami policies and authority have to be accommodated with other national, regional and local interests. At the moment, the Sami Parliament is establishing a Sami voice - an event that is, as we can see, also changing the Norwegian as well as the Sami worlds.

The establishment of the Sami Parliament was not just a direct outcome of a steady growth in Sami consciousness. In fact, the very idea of a Sami parliament - and Sami self-determination - has been the source of a political debate which not only expresses conflicting political points of views among Sami, but also ambiguity and ambivalence as to the significance of Sami consciousness and self-determination. The Sami Parliament did not emerge as a response to a united Sami opinion; the Sami public is still debating the idea and scope of Sami self-determination. The Norwegian Parliament came to institute a parliament for the Sami, not only advocating some Sami interests against others, but at a time when the idea of self-determination was still the main point of contention.

Therefore, the establishment of the Sami Parliament was not just a way of giving in to Sami demands. The Norwegian State could, through the Sami Parliament, realise some of its own needs. An important concern for Norwegian authorities was to get some cover for its Sami policies *vis-a-vis* other interests. In Norway, and internationally, new perspectives on justice and politics for minorities and indigenous peoples were being entrenched. In fact, Norway was pursuing an active policy on behalf of indigenous minorities in Latin America and elsewhere. Sami self-determination is a two-way process, involving a Sami and a Norwegian side, where different needs and perceptions on self-determination are debated. This is crucial if we are to understand the special problems that confront self-determination for indigenous minorities like the Sami people. In contrast to nation-building in Europe and the Third World countries, building self-government in a Fourth World context involves dominance and control by a nation state and a majority population. The Sami Parliament was established as an attempt to accommodate both Sami and Norwegian needs and interests; it was created without a large scale popular Sami movement. It was initiated by Norwegian authorities before there had been a major Sami debate about the issue; it grew out of a fairly closed world of committees and offices. Thus, the establishment of the Sami Parliament is only one step in Sami self-determination.

References

- Aikio P, 1987. Experiences drawn from the Finnish Sami Parliament, in IWGIA 1987, 91-102.
- Björklund I and Brantenberg T, 1981. *Samisk reindrift - norske inngrep*. Universitetsforlaget, Oslo.
- Björklund I, 1985. *Fjordfolket i Kvaenangen*, Universitetsforlaget, Oslo.
- Brantenberg OT, 1985. The Alta Kautokeino conflict, Sami reindeer herding and ethnopolitics, in Brøsted J et al (eds), *Native power: The Quest for Autonomy and Nationhood of Indigenous Peoples*, Universitets forlaget, Bergen, 1985, 23-48.
- Bratrein HD, 1984. Fra samisk 'overhøyhet' til norsk i Tromsen len på 14/1500-tallet, *Acta Borealia*, 2.
- Bratrein HD, 1986. Samiske rettigheter til jord i Nord-Troms på 1500-tallet, *Ottar 6*, 163, 3-8.
- Eidheim H, 1985. Indigenous peoples and the State: The Sami case in Norway, in Brødsted J et al (eds), *Native power: The Quest for Autonomy and Nationhood of Indigenous Peoples*, 1985, 155-71.
- Hansen LI, 1985. Sami Title to Land in Southern Troms, Norway. Approach, Method and Data in reconstructing Sami rights of the Past, *Acta Borealia*, 1/2.
- Hansen LI, 1986. 'Finneodelen' i Sør-Troms på 1600-tallet: En garanti for samiske rettigheter til jord, *Ottar 6*, 163, 9-18.
- International Work Group for Indigenous Affairs, 1987. *Self Determination and Indigenous Peoples. Sami Rights and Northern Perspectives*, IWGIA Document 58, International Work Group for Indigenous Affairs, Copenhagen.
- Jull P, 1986. *Politics, Development and Conservation in the International North*, CARC Policy Paper 2, Canadian Arctic Resources Committee, Ottawa.
- Jull P, 1988. *Lapland: The Native North in Norway*. Report prepared for the Aboriginal Rights and Constitutional Development Secretariat, Government of the Northwest Territories (NWT), Yellowknife.
- Korpjaakko K, 1986. Samenes rettigheter til jord i Sverige-Finland, *Ottar 6*, 163, 39-46.
- Norske Samers Riksforbund, nd. Informasjon om Sametinget, Karasjok.
- Norwegian Sami Rights Committee, nd. *Summary of the First Report*, Justice Department, Oslo.
- Nystö SR, 1989a. Samepolitiske muligheter og utfordringer for Nordland fylkeskommune ved etablering av Sametinget, foredrag på Nordland fylkeskommunes samiske konferanse, Innhavet 27-28 April.

- Nystö SR, 1989b. Den politiske organiseringen av samisk selvstyre i Norge, foredrag på seminar om selvstyre for urbefolkninger i Norge og Nicaragua 2-3 September i Alta.
- Nystö SR, 1989c. Sametinget er valgt - Perspektiver for kommuner og fylkeskommuner. Foredrag på Finnmark fylkeskommunes fylkeskulturkonferanse 16-18 November på Tana bru.
- Paine R, 1982. *Dam a river, damn a people? Sami (Lapp) livelihood and the Alta/Kautokeino hydro-electric project and the Norwegian Parliament*, International Work Group for Indigenous Affairs, Copenhagen.
- Paine R, 1985a. Ethnodrama and the 'Fourth World': The Sami Action Group in Norway, 1979-1981, in Dyck N, *Indigenous Peoples and the Nation state: 'Fourth World' Politics in Canada, Australia and Norway*, Social and Economic Papers 14, Institute of Social and Economic Research, Memorial University of Newfoundland, St John's.
- Paine R, 1985b. Norwegians and Sami: Nation-state and Fourth World, in Gold G (ed), *Minorities and Mother Country Imagery*, Institute of Social and Economic Research, Memorial University of Newfoundland, St John's.
- Pedersen S, 1986. Staten, Samerettsutvalget og jordeiendomsforholdene i Finnmark, *Ottar* 6, 163, 26-38.
- Pedersen S, 1987. The Lappcodicill of 1751 - Magna Charta of the Sami? *Mennesker og Rettigheter* 3, 31-38.
- Pedersen S, 1989. Modern Technology and the Devastation of the Resource Base of the coastal Sami, in Broadbent Noël D (ed), *Nordic Perspectives on Arctic Cultural and Political Ecology*, Miscellaneous publications 9, Center for Arctic Cultural Research, University of Umeå, Umeå, 61-71.
- Pedersen S, 1990. *State or Sami Ownership of Land in Finnmark? Some remarks on Sami rights and historical evidence*. In press.
- Sami Instituutta, 1990. *The Sami People*, Davvi Girji OS, Karasjok.
- Smith C, 1986. Samerett og samepolitikk, *Nytt Norsk Tidsskrift* 2, 32-48.
- Smith C, 1987a. The Sami Rights Committee: an exposition, in IWGIA, 1987, 15-56.
- Smith C, 1987b. Samerett - gamle rettskilder og ny rettsdisiplin. Forelesning ved åpningen av Institutt for rettsvitenskap, Universitetet i Tromsø 25 Mars.
- Smith C, 1987c Sami Register and Protection of Individuals, unpublished.
- Smith C, 1990. Samiske interesser in fiskerireguleringssammenheng, Det Kongelige Fiskeridepartement, Oslo.
- Stordahl V, 1985. Samer sier nei til kongen. En analyse av norske samers riksforbunds utvikling og vilkår som etnopolitisk organisasjon, M.A.thesis, Universitetet i Tromsø, Tromsø.
- Stordahl V, 1987. Samething and Sami Committees - a Useful Political and Administrative Solution for the Sami in Norway?, in IWGIA 1987, 57-70.

Thuen T, 1983. Meaning and Transaction in Sami Ethnopolitics, in Grønhaug R (ed), *Transaction and Signification*, Universitetsforlaget, Bergen.

Tønnesen S, 1972. *Retten til land i Finnmark*, Universitetsforlaget, Oslo.

Source Material - Public Documents

Finnmark fylkeskommune 1989, Fylkesplan for Finnmark 1989-91.

Innst. O. nr. 79 (1986-87), Innstilling fra justiskomiteen om lov om Sametinget og andre samiske rettsforhold (Sameloven).

Innst. S. nr. 147 (1987-88), Innstilling fra utenriks- og konstitusjonskomiteen angående forslag fra Stein Qrnhöi, Einar Förde, Mons Espelid, Ragnhild Queset Haarstad, Hallgrim Berg og Hans Olav Tungesvik til ny 82 i Grunnloven, alternativt endring av Grunnlovens 98 eller ny 110 a (Samiske rettigheter).

Innst. S. nr. 238 (1989-90), Innstilling fra kommunal- og miljøvernkomiteen om 'Framtid i Nord'. Levekår og framtidsutsikter i Nord-Troms og Finnmark (St.meld. nr. 32).

Kommunal- og arbeidsdepartement, 1988. Valg av Sameting 1989 - Valgregler m.m. Rundskriv, Oslo-Dep., 6-10.

Norges Offentlige Utredninger, 1984. Om samenes rettstilling, *NOU 1984*: 18, Universitetsforlaget Oslo.

Norges Offentlige Utredninger, [1985]. Summary of the first report from Norwegian Sami Committee, Oslo.

Norges Offentlige Utredninger, 1987. Lov om anadrome laksefisk og innlandsfisk, *NOU 1987*:2.

Norges Offentlige Utredninger, 1987. Samisk kultur og utdanning, *NOU 1987*: 34.

Sametinget, 1989a. Sametinget. Foreløpige mål og strategier for perioden 1989-1993 med utkast til virksomhetsplan for 1990.

Sametinget, 1989b. Tilråding fra administrasjonen om fullmaktene for Sametingsrepresentantene og vararepresentantene på det ordinære Sameting for perioden 1989-93. Vedlegg 1.

Sametinget, 1990. Sametingets virksomhetsplan 1990.

Ot. prp. nr. 33 (1986-87), Om lov om Sametinget og andre samiske rettsforhold (sameloven).

Ot. prp. nr. 60 (1989-90), Samisk språk. Lov om endringer i I) Lov 12. juni 1987 nr. 56 om Sametinget og andre samiske rettsforhold (Sameloven). II) Lov 13. juni 1969 nr. 24 om grunnskolen. III) Lov 13. August 1915 nr. 5 om domstolene.

CANADA: CURRENT DEVELOPMENTS IN ABORIGINAL SELF-GOVERNMENT

Jackie Wolfe

We're not trying to get recognition of our right to govern ourselves, to be self-determining, as an 'end' goal. Had we been victorious (at the Constitutional Conference on Aboriginal Constitutional Matters) it would have given us the tools we need to address the very real problems of our people - the social problems, the economic problems, the housing problems. We have all come to the conclusion that we can do the job better ourselves; that's what the constitutional battle is all about. Georges Erasmus, National Chief, Assembly of First Nations (Canadian Arctic Resources Committee 1988, 51)

The notion of self-government for minorities within a national state tends to generate strong responses. At one extreme is the idea that self-government is an historical and moral imperative to redress wrongs and to reestablish governments which have never lost their authenticity in the eyes of their supporters. At the other is the view that any form of greater self-government for minorities destroys state unity and violates the principle of equality for all members of the state regardless of their affiliation. Canada lies somewhere between these two, since its federal structure already does much to accommodate the distinct society of French Canadian Quebec, though not enough for many Quebequois today; and it has several provinces which accommodate ethnic, linguistic and religious differences through public funding for 'separate' institutions, including separate, though public, educational institutions.

Functional self-government has a number of requisites. Four are particularly important: legitimacy, recognition, decision-making authority, and adequate and appropriate resources. Legitimacy, in this setting, means that the government is supported by and has the respect of its constituents. Essential as this is, by itself it is insufficient. To function effectively the government must have recognition as an authentic government by governments external to it. It must also have decision-making authority for matters of central importance to the group. And it must have sufficient resources to be able to implement its decisions in a meaningful fashion, which means having financial resources including some measure of budgetary control, and having the competence to carry through with its decisions. This examination of aboriginal self-government in Canada will draw on these four as measures of greater self-government.

Clarity on the concepts of self-determination and self-government is central to an understanding of aboriginal interests in and practice of self-government. An overriding issue revolves around how much freedom of choice a group can exercise in determining its government. Self-determination refers to the right, and the ability, to choose freely about the extent, and the forms, structures and processes, of conducting governmental activities. In any political system, however, the freedom of choice by any group is constrained and limited by the constitution and statutes determining the powers of levels of government of the state within which the group is located. Greater self-determination may, therefore, require review and revisions to the constitution, or statutory amendments, new legislation, or a fundamental reconfiguration of the state itself. Groups seeking self-determination pursue a variety of short term tactics and long term strategies to attain their objective.

Autonomy, in turn, refers to how much independence of action is permitted, or is possible. Minority groups can sometimes exercise considerable autonomy within a given system, if the constraints of the system are flexibly interpreted, and/or if the group uses the system to its advantage, and if it pushes the system to its limits and beyond. Conversely, if the limits are rigidly interpreted, or if the groups have had numerous negative experiences with the way in which external authorities exercise control over them, they will be reluctant to take on any more functions than those which they are compelled to carry out.

The terms self-determination, self-government and self-management are widely and often loosely used. The prefix 'self-...' has different interpretations depending on the positioning of the interpreter within the system. Upper tiers of government and bureaucrats use it to convey to aboriginal communities the notion that 'you may exercise government or management over those things which we decide are appropriate and for which we consider you have the capability, using those structures and ways we consider from our experience will work best, and which fit within our systems. If we feel you do not have the capacity in certain areas, we will retain control over those matters, or we will train you in our ways so that you can accomplish the tasks efficiently and effectively according to our understanding of efficiency and effectiveness'.

By way of contrast, the aboriginal peoples to whom the prefix 'self-...' is applied understand the 'we get to govern, or manage, or administer ourselves, in our own ways and over matters of our choosing'. Deep misunderstandings, oftentimes inadvertent, but sometimes deliberately created, arise from such contrary interpretations.

Accordingly, self-government exists when people have effective control over their governments, and when they have, to a considerable measure, determined its structures and mechanisms so that they can direct its business as a means of furthering group goals and meeting group needs. Self-management, on the other hand, involves groups being given responsibility for the management and administration of programs and functions which are delegated from an upper tier of government. The powers delegated may be decided unilaterally from above, or decided on through a process of negotiation.

Self-management by aboriginal communities is promoted by upper tier governments as a training and proving ground for aboriginal communities, decision-makers and staff en route to greater aboriginal self-government. However, since the structures, functions and modes of operation are determined from outside the aboriginal community, success in this type of self-management is primarily a demonstration of adaptation to external systems. It may facilitate the interface between the community and external agencies. It may contribute to material improvements in the provision and maintenance of physical services such as water, waste removal and housing. What it does not do is address the critical issue of the relationship between the new management structures and their priorities, and the management and decision-making structures and processes which already exist within the community. The practice of effective aboriginal self-government has to deal with the degree of compatibility and level of integration possible between indigenous and external systems.

In Canada, unlike Australia, self-government has been a prime agenda item for national, regional and local aboriginal organisations throughout the 1980s. Since the beginning of the decade national level aboriginal organisations (Indian, Inuit and Métis), whatever other differences divide them, have been united in a common goal: to gain Constitutional recognition of the aboriginal right of self-government.

While this goal has not been achieved many aboriginal groups in Canada have gained a considerably greater measure of self-government than they had at the beginning of the decade. They exercise a large number of powers, have responsibility for an ever

increasing range of policies and programs, and, in many cases receive block funding so that they can allocate budgets according to their own priorities, a significant element in functional self-government. They consider themselves and are considered by their constituents as legitimate and effective governments, and are increasingly, though often grudgingly, treated as such by other levels of government.

From the 1960s onwards, Canadian aboriginal organisations have been drawing a distinction between self-government and self-management. Self-government, they argue, exists when people control their governments: when they determine its structures and mechanisms, and direct its business as an instrument for sustaining group values and furthering group goals. Self-government, Canada's aboriginal people assert, is theirs, by right of prior existence of their governments by right of historic recognition of those governments, and by the reality that such governments exist and function today. It is, they consequently contend, not something which central government can bestow; rather it is something which central governments must affirm. Nonetheless, what they seek are forms of government, which they will determine and are already determining, within the framework of the Canadian state.

Although they have not succeeded in getting constitutional recognition of aboriginal self-government, they have, over the past decade been increasingly successful in exercising greater practical and effective self-government at the local level. They have been taking responsibility, and in some cases full authority including policy-making and fiscal responsibility, for a wide range of powers and functions of their choosing. In this they are using delegated powers which have been determined through a process of negotiation with the federal government and provincial governments and brought about by groups pushing current jurisdictional constraints to their limits. What they have achieved is greater functional self-government.

Self-management, which is, they contend a misnomer anyway, is viewed as involving groups in delivery of services and administration of programs whose priorities, scope and purpose are set externally and over which they have no budgetary control.

Jurisdictional, cultural and economic differences among Canada's First Nations and government policies are drawing them into negotiating greater self-government under a wide variety of legal, constitutional and jurisdictional settings and rules. For example, some aboriginal groups in the Territories, British Columbia and Labrador are demanding the inclusion of local self-government negotiations in their Comprehensive Land Claims Final Agreements; the Cree-Naskapi of James Bay and the Sechelt band in British Columbia have operated since the mid 1980s under federal Acts affording self-government; some Indian bands under Treaty are negotiating greater self-government with the federal government through the Indian self-government (currently being re-named as Community Negotiations) process; and some are negotiating Alternative Funding Arrangements (AFA) through the Department of Indian Affairs.

In the 1990s more Canadian aboriginal groups will find ways of attaining greater self-government. Many others will be living with the consequences of increased greater responsibility for local government functions and a wide range of social programs, local accountability for financial expenditures, and, in some cases, authority for determining citizenship, developing and implementing policy and enforcing laws. The Canadian polity will, in its turn, be adjusting to ever increasing diversity and complexity in jurisdictional and governmental arrangements with its aboriginal peoples as some groups take advantage of these opportunities, and others do not. Both federal, provincial and municipal governments will be making adjustments to new and different types and levels of relationships with aboriginal institutions, which reflect shifts in power and local authority. These are likely to cause strain since these governments have resisted such changes for so long. And despite the wide range of options for greater self-management

the 1990s are likely to see continued pressure by Canadian aboriginal groups for constitutionally protected aboriginal governments.

Much has been written on this topic over the past decade, in the form of government policy statements, government and quasi-independent reports, books and monographs. My own interests in Canadian aboriginal governments stem from the work I do at the tribal council and local Indian band and Inuit hamlet level, where chiefs, council members and community leaders and organisations are seeking to gain greater control over the programs, services and decisions which so directly affect the quality of their lives. I have also done a study on Aboriginal and mixed local government in the Northern Territory of Australia and continue to pursue that theme, at least in part, in my present work on the growth and development of the towns of Newcastle Waters and Elliott, down the 'track'. Since much has been written about Aboriginal government in the Northern Territory, and it was a major theme at the 1989 NARU conference, I will not be giving a comparative paper. My purpose is to introduce you to the Canadian aboriginal government scene because of its relevance, similarities and differences, with the Australian and Northern Territory scene, which I will leave it for you to infer. Even then I cannot, in the time available, provide an in-depth analysis. Rather, my purpose is to outline, for an Australian audience, the several paths to greater self-government and more effective community level management which Canada's aboriginal peoples are either pursuing voluntarily or being drawn into by government policy. I intend to provide a more detailed and critical examination of current Canadian options for greater aboriginal self-government and self-management using the framework outlined above in a second paper.

This paper is presented in four sections. First there is an historical introduction, which is as brief as possible, but which is essential in order to clarify historic jurisdictional differences between the Australian and Canadian aboriginal context. Second, events from 1969 to the present are reviewed. The third section outlines current options for greater aboriginal self-government or self-management at the local level. The final section presents some comments on the Canadian approaches to greater aboriginal self-government.

I will be dealing primarily with the 400 000 or so status Indians (those who come under the terms of the *Indian Act 1876*, most, but not all of whom are under the terms of historic treaties) for whom the federal government carries prime and direct responsibility. I will also be dealing with those Indian, Inuit (Eskimo) and Métis people with whom a current round of treaty making, known as Comprehensive Land Claims, is being held. I will not be referring directly to the non-status Indians (Indian women and their offspring who have lost their legally recognised status as Indians through reasons of past marriage to a non-Indian; or those and their descendants who, again in the past, enfranchised as full citizens and thus relinquished their legal Indian status) or most Métis (those descended from European fur traders and Indians). They do not have a land base, and are not likely to have one in the foreseeable future. They, like most other citizens of Canada, come most immediately under the jurisdiction of a province for the purposes of local or regional government. Though numerically larger than status Indian and Inuit, their prospect for gaining distinct and legally recognised governments is remote.

Recognition, protection and assimilation: past history of policy relating to aboriginal government

It is '... just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of our Dominions

and Territories as, not having been ceded or purchased by Us, are reserved to them or any of them, as their Hunting Grounds' (King George III, Royal Proclamation of 1763)

Aboriginal peoples were, they claim, self-governing before the arrival of Europeans. There is substantial evidence, they say, that groups had well-developed rules of conduct, ways of exercising social control over group members, and methods for upholding the law and arbitrating disputes. They had institutions for managing and allocating land and its wildlife resources, and they had mechanisms for entering into and carrying on intergroup trading and other relationships. Often these were intimately interwoven with other social and economic arrangements, without the separation into governmental and non-governmental or public and private spheres which characterises contemporary society. Thus they may not be as easy to identify as those of other peoples where these spheres are more firmly demarcated. Though altered and damaged through prolonged contact, many of these institutions and mechanisms have survived. They are an integral, though until recently hidden, part of Canadian aboriginal society.

Such mechanisms are well documented for Indian peoples of the west coast and many parts of the east. Two examples illustrate the most sophisticated of indigenous systems of governance. The Council meetings and dispute arbitrating mechanisms of the Six Nations of the Iroquois Confederacy were, Indians and some historians claim, a model which the Fathers of the United States Confederation drew on in designing the basic structures of the US government. Lengthy discussion by spokespersons, referral back to the people, and consensus building was the customary mode of decision-making among Canada's aboriginal peoples. Also, some Indian groups had formalised the proper relationships between groups. The Two-Row Wampum or Gus-Wen-Tah of the Mohawk nation depicts such a relationship. One row represents the Mohawk people, in one canoe, following one waterway, staying on their route, while the other row represents neighbours or visitors who were expected to stay in their vessel on their route. The two rows do not meet. The Mohawk people would not make laws for others. Similarly others would not interfere or make laws for Mohawk. Neither side would impose anything on the other. This is, in their view, effective coexistence. The majority of indigenous groups did not, however, have systems of governance dealing with regional or wider matters at anything like this level of sophistication.

Nevertheless, at no time was the North American continent regarded as *terra nullius*, as the Australian continent has frequently been. The Royal Proclamation of 1763 by George III is a document frequently referred to as giving formal recognition to the existence and status of Indian peoples as independent and sovereign nations. It also stated that purchase of Indian lands by the Crown, and only by the Crown, should be through a 'public meeting or assembly of the said Indians, to be held for that purpose'. This has been interpreted by some as calling for nation to nation negotiations. While providing a basis for recognition of the nationhood of Indian tribal groupings, the Royal Proclamation, in a duality which has marked all subsequent dealings between aboriginal groups and central governments, also placed Indian people under the 'Sovereignty, Protection and Dominion' of the Crown.

The Treaties, which cover most but not all of Canada south of 60 degrees north latitude (excluding most of Labrador, northern Quebec, the Northwest Territories, Yukon and British Columbia), perpetuated the duality of protection and recognition. Signatories to Treaties obtained small areas of land reserved in perpetuity, in exchange for extinguishment of any further claim to the land covered by the Treaty. However, Treaties are also interpreted by aboriginal groups as agreements, albeit imposed agreements, made on a government-to-government basis between sovereign nations. The Treaties have been held up in the 1987 First Ministers Conference on aboriginal Constitutional Matters as 'a collection of mutual guarantees, a political and social

compact, and a protocol for dealing between nations'. A number of recent court decisions across Canada have been upholding Indian treaty rights to traditional livelihoods (renewable resource harvesting) on areas covered by treaty lying beyond the lands set aside as reserves.

As far back as 1867 the *British North America Act* (the Act outlining the powers of government of Canada) gave the federal parliament jurisdiction over Indians and lands reserved for Indians. This continued the special relationship between Indian people and the Crown first outlined in the Royal Proclamation of 1763, and, although ambiguously, involves the Crown, now the Canadian federal government, in legal, moral and political obligations for administering Indian affairs.

The prime tool of administration of status Indian and Inuit people is the *Indian Act 1876*. The Act, a consolidation of previously existing legislation, and its many subsequent amendments, notably the 1951 revisions, gives the Minister for the Department of Indian and Northern Affairs Canada (INAC) ultimate control over virtually all aspects of Indian individual and community life. The *Indian Advancement Act 1884* provided for, and I quote, 'more advanced bands of Indians in Canada', to elect chiefs, with, and I quote again, 'a view to training them for the exercise of municipal powers'. Over the last one hundred or more years the Crown, through the instrument of the *Indian Act* has held ultimate governing authority, while gradually extending to Indian bands deemed to be fit and ready, the right to establish and elect a formal band council and chief, and to carry out a narrowly prescribed range of local government-type functions.

In brief, federal policy with respect to Canada's aboriginal people is a contradiction of **recognition** (of aboriginal governments and the special status of aboriginal people in Canada), **protection** (the special relationship with the federal government, the reserve system, and specific Clauses of the *Indian Act*), and **assimilation** (the classic mechanisms of Christianity, residential schools, extension of citizenship to those with formal education and income or property, suppression of traditional modes of governance and their replacement by alien 'elected and representative' councils, and the contemporary mechanisms of mainstreaming of services coupled with increased local government responsibilities for band councils). 'The contradiction between the federal government's goals of providing a protective framework for the exercise of the Indian way of life and, at the same time, imposing uncustomary and alien forms of government on Indian peoples continued throughout the last part of the nineteenth century and the early twentieth century' (Cassidy and Bish 1989, 6).

Self-government or municipal government: contrasting aboriginal goals and federal policy

The federal policy toward Indian self-government as it has emerged in the postwar period has been at best a confused and contradictory one (Cassidy & Bish 1989, 19)

The contradictions have continued unabated over the last two decades. Gradually from 1945, then as deliberate policy in the 1960s, the Department of Indian Affairs was devolving local government type service functions and specific departmental program administration and delivery to band councils using the terminology of community development. It also sought increasingly to involve the provinces in delivery of services such as education to Indian people. Aboriginal organisations challenged the government's moves to normalise the position of Indian peoples within mainstream federal-provincial service delivery arrangements as renegeing on their special relationship with the Crown, and as yet another mechanism of assimilation. Nevertheless devolution and mainstreaming of services through provincial institutions continued.

Operationally, the persistent stance of successive federal governments and Indian Affairs bureaucrats has been that Indian governments should be treated as a type of municipal government, operating with powers delegated from the upper tier, either the federal or the provincial level, and delivering local government type services and administering upper tier programs, as the upper tier sees fit. In the late 1970s a series of papers linking the band council and local government models was produced. The papers clearly represented the departmental view of the time, that changes to band governments should be directed to bringing them into closer conformity with municipal governments.

Indian communities have not, however, been passive recipients of shifting government policies. In 1964 Walpole Island band in southern Ontario demanded that the Indian agent be removed, and with the assistance of a band manager (the first to be appointed in Canada) the band began to push the Department of Indian Affairs to extend its powers under the *Indian Act* to the limit. In the late 1960s and 1970s many small bands in Ontario, Manitoba and British Columbia, in particular, began to group together into tribal councils as a means of exerting leverage on the Department of Indian Affairs to play a greater role in community infrastructure development, band government services, economic development programs, education and social services. The Dakota Ojibway Tribal Council, for example, was incorporated and recognised by the government of Manitoba in 1974, followed over the next decade by many others across the country.

Moreover, bands and tribal councils have been selective regarding those services, programs and policy areas over which they have sought to exert greater control. In the mid 1970s the National Indian Brotherhood (the NIB) produced an influential policy document on *Indian Control of Education*, asserting that 'band Councils should be given total or partial authority for education on reserves, depending on local circumstances, and always with provisions for eventual complete autonomy, analogous to that of a provincial school board *vis a vis* a provincial department of education'. Other programs and services which councils have sought, and in some cases succeeded, in obtaining control over include reserve policing, child welfare services, and economic development, and more recently social services to youth, women and the elderly, public health, and in some instances medical services. These, even more than physical infrastructure development and maintenance, are regarded as essential to group survival and cultural revival and therefore vital elements for aboriginal governments to control.

However, even while gradual devolution and greater self-management were ongoing, successive federal governments were seeking to terminate protection and special status, and eliminate Indian governments, however weak. The 1969 White Paper, developed under Minister of Indian Affairs and Northern Development Jean Chretien during the Trudeau Liberal government's first term in office, proposed repeal of the *Indian Act*, dismantling of the Department of Indian Affairs, termination of the special and separate status of Indian people, and positioning of Canada's aboriginal people as regular citizens of Canada under the immediate jurisdiction, as all other citizens are, of the province of residence. In the words of the White Paper 'Indian people must be persuaded, must persuade themselves, that this path will lead them to a fuller and richer life'. Indian response to the White Paper was swift, unequivocal, unified, and totally opposed to termination without having stronger constitutional protection in place. They saw the White Paper as the ultimate tool of assimilation.

Recognition and affirmation in the constitution of their right to determine the nature and extent of their forms of government as inherent jurisdictions not subject to alteration on the part of other governments (whether those governments be municipal, provincial or federal), has consequently come to be regarded by Canada's aboriginal peoples as the true meaning of and only fully guaranteed protection for aboriginal governments in Canada. But when Constitutional amendments were being negotiated in the period

leading up to the repatriation of the Canadian Constitution in 1982, Canada's aboriginal organisations were unable to articulate a clear or consistent position of aboriginal government - indeed at the beginning of the decade they did not have one. They did, however, succeed (in Sections 25, 35 and 37) in getting matters important to them entrenched in the constitution. These were: constitutional **recognition and affirmation of existing aboriginal and treaty rights**; and constitutional **recognition of Indian, Inuit and Métis** as aboriginal peoples. They were also promised a **special constitutional conference** with the First Ministers (federal and provincial) to discuss 'matters that directly affect the aboriginal peoples of Canada, including identification and definition of the rights of those peoples to be included in the Constitution of Canada'.

The first 1983 conference resulted in the extension of constitutional protection to the contemporary Comprehensive Land Claims Settlements (contemporary treaties) which are being or have been negotiated with aboriginal groups across the northern non-treaty areas of Canada. In all, four conferences were held, in 1983, 1984, 1985 and 1987, without agreement being reached. While the aboriginal right to self-government was not originally identified as the prime agenda item, it quickly became the key issue.

The aboriginal position was strengthened when a special committee on Indian affairs of the federal parliament under the chairmanship of Liberal MP Keith Penner released its report on Indian Self-Government in Canada in 1983. The report, greeted by aboriginal leaders and academics alike as a landmark document, advocated **constitutional amendments** to entrench the right of Indian people to self-government in the Constitution and establishment of Indian governments as a third order of government (alongside the federal and provincial); and, as a lesser, but necessary interim step, recommended passage of **Indian Self-Government Legislation** and other supporting legislation to immediately recognise the First Nations and to establish the legal framework for their operation. The Penner Report identified as less satisfactory, since they do not address the central issue, **individual Acts** of the federal parliament enabling greater self-government for individual bands or tribal councils, and **administrative or policy changes** possible under existing legislation. The latter could include: devolution of greater powers and responsibilities under existing band government arrangements; amendments to the *Indian Act*, which, however flawed and inadequate, should remain until substantial viable alternatives had been put in place; and policy changes by both federal and provincial departments.

Bill C-52, enabling legislation to allow for individual federal Acts of self-government was drawn up along the lines suggested, but it died on the order paper when Liberal Prime Minister Trudeau dissolved parliament and called an election, which the Liberals lost. The bill has not been reintroduced in original or modified form. While the Assembly of First Nations, then the major aboriginal umbrella organisation in Canada, supported the proposed legislation as providing a strong interim option which could be utilised by any band or tribal council while constitutional entrenchment was being negotiated, some tribal governments and communities were opposed on the grounds that the legislation did not acknowledge local differences.

Throughout the 1980s aboriginal self-government has continued to be the prime issue articulated with increasing clarity by national level aboriginal leaders, overriding even such critical issues as the comprehensive land claims process (the contemporary land and resources treaty negotiations for those groups without rights to land); specific land claims, for those in areas covered by the historic treaties but left out of the historic process; restitution to groups who claim that their interests and their special trust relationship with the federal government have been violated; and division of the Northwest Territories into Denendeh in the west, Mackenzie Valley section and Nunavut in the eastern arctic, and establishment of an aboriginal/Inuit controlled public government by virtue of its over 80 percent Inuit population

The Constitutional Conferences, and the periods between them, have served to bring clarity to the aboriginal position on self-government. The aboriginal position is no longer, to paraphrase statements made in the early 1980s, 'a full box of rights and responsibilities which we will unpack when and how we see fit': a position which frustrated the federal governments and their few provincial supporters, and irritated their many provincial critics and opponents. They now assert that the jurisdictional powers of their governments within the sovereign state of Canada are:

- inherent, being a gift of the Creator
- based upon traditional law and custom
- grounded in the special relationship aboriginal peoples have with the land
- constitutional, including the right to determine citizenship and particular political constitutions
- functional, including provision for the social, economic, cultural, political and spiritual well-being of their people
- fiscal, including the right to tax and collect revenues
- independent of the jurisdictions of other levels of Canadian government
- and assumed and asserted as these governments choose to do so
(adapted from Cassidy and Bish 1989, 38)

At the last First Ministers Conference in 1987 provincial premiers were supportive of the concept of aboriginal self-government. However, they could not agree among themselves or with the aboriginal negotiators on how to bring this about. Those provincial premiers willing to move furthest on aboriginal self-government, notably Ontario and Manitoba, were agreeable to entrenchment of the right in **principle** and to a process for negotiating its regional and local application. They were not willing to concede to aboriginal leaders demands that the right be worded in such a way as to equip the courts with the ability to **enforce** the right (John Merritt, Canadian Arctic Resources Committee 1988, x).

Having gained media and public attention for almost a decade constitutional entrenchment is likely to slip down the public agenda, especially in view of the continuing constitutional crisis/debate over the relationship between Canada and Quebec. In the early 1980s Quebec's anomalous position outside of the Canadian Constitution was a much higher national political priority than that of aboriginal governments. In 1987 the Meech Lake Accord to bring Quebec into the Canadian Constitution is regarded by many as having been again of much greater consequence to the First Ministers than resolving aboriginal self-government issues. And it is certain, with the failure on 23 June 1990 of the Meech Lake Accord to incorporate Quebec in the Canadian Constitution, that Quebec will continue to preoccupy the national political agenda.

The failure of two of Canada's ten provinces to ratify the Accord, which was to bring Quebec into the Constitution as a 'distinct society', opened up a brief political opportunity for Canada's aboriginal people to get national and international political and media attention for their own 'distinct society'. The province of Manitoba, with a minority government, failed to ratify because its lone Cree Indian MPP refused to make Manitoba's vote unanimous. The consequences of the failure of the Accord and urgency to reexamine the nature of Canadian federalism will doubtless continue to consume the national political energy in the 1990s. It is possible, though, that there may be an opportunity, in the future re-constitution of the Canadian federation, for that recognition which aboriginal peoples seek.

In the meantime aboriginal groups are taking advantage of those non-constitutional avenues available to them and are pushing them to the limit.

Varied and bureaucratic options: greater aboriginal self-government and self-management in the late 1980s and 1990s

For aboriginal peoples, the 'self' in self-government means much more than delivering programmes and administering policies designed by other government and non-aboriginal peoples. It means defining, through the practice of government, how aboriginal government can be used to come to terms with important problems and objectives in aboriginal communities... (Cassidy 1990, 85)

Several options for greater self-government have emerged recently and are being pursued vigorously by aboriginal groups. They include: 1. guarantee of negotiations directed to local self-government, as a clause in comprehensive land claims agreements; 2. greater self-government under an Act of the federal parliament; 3. greater self-government through the Community Negotiations process (formerly and inaccurately called Self-Government Negotiations) of the Department of Indian Affairs; 4. tripartite agreements between an aboriginal group, a province and the federal government; 5. Alternative Funding Arrangements (AFA) through the Department; and 6. Amendments to the *Indian Act* to increase the scope of band authority. In many instances these are not pursued as separate and distinct alternatives, but in combination.

Local Self-government as part of Comprehensive Land Claim: the Council for Yukon Indians Agreements

Several of the aboriginal groups participating in Comprehensive Land Claims negotiations (these have included the Inuvialuit of the central coast of the NWT, the Tungavik Federation of Nunavut in the eastern arctic, the Dene-Métis of the Mackenzie Valley, and the Council for Yukon Indians) have pressured the federal government during negotiations leading up to Final Agreement for settlement of their claims, to include self-government as a clause in the Agreement. The federal government has consistently refused, since the Comprehensive Land Claims Agreements, like the Treaties which preceded them in the south, now have constitutional protection. Inclusion of a self-government clause in Comprehensive Land Claims Final Agreements which have constitutional guarantees would, federal negotiators have claimed, set precedents not agreed upon by the country's First Ministers. Consequently the 1987 revisions to the Comprehensive Claims Policy did not provide for self-government. (The Agreements generally guarantee outright ownership of part of the land covered by the agreement; cash compensation for loss of land and past damages; a voice in the management of land, wildlife and renewable resources in the claim area through participation in and membership on management boards; and preferential or exclusive hunting, fishing and trapping rights over specified lands)

However, in March 1989 the federal government ratified the Council of Yukon Indians' (CYI) Comprehensive Land Claim Agreement in principal. It included an obligation by government to negotiate self-government agreements with the member bands. On 1 April 1990 the government and the CYI initialled the Umbrella Final Agreement, which circumvented the constitutional issue by including a clause **committing** both the government of Canada and the Yukon government to **negotiating self-government agreements** with those Yukon First Nations (generally speaking, small local bands of Indians) that request such arrangements.

The agreement is regarded as a practical concession to the CYI. Its importance should not, however, be underestimated. It means that the powers conferred (and protected) through the Claims Agreement can be exercised by an aboriginal government. Consequently each member nation of the CYI with an established government has the opportunity to administer the rights conferred by the claim, even though that government

is not protected by the constitution. In previous Claims Agreements, such as the Inuvialuit claim, rights bestowed by the claim settlement have been exercised by a specially constituted corporation, not by a government. In some cases (notably the Makivik corporation and the Kativik Regional Government in northern Quebec) the corporation has commanded power through its control over the compensation funds, and its role in land and resource management, and the government has had to operate from a relatively weak base. Aboriginal people do not wish to separate land and resource management, which they view as critical to their economic and cultural survival, from their exercise of government.

While the CYI clause does not guarantee the bands constitutionally protected self-government, it is regarded as a significant opportunity for the CYI member bands to markedly expand their governmental authority and determine the form of their government. The self-government agreements currently being negotiated allow for the creation of First Nations governments under Canadian statute (in much the same manner as the *Sechelt Act* discussed in a later section of this paper). There may also be a need for Yukon statutes, providing the governments with certain powers. The present Yukon Territory government is in power with Indian support. It appears to hold the view that creation of stronger aboriginal governments can only improve the relationship of Yukon Indians with the Territory and local governments, because it will provide them with substantial democratic instruments through which to exercise government, and structures to exercise the management rights conferred by the Claims Agreement. CYI members see it as a means of strengthening both their powers and their voice. Since some of the bands are located adjacent to hamlet boundaries negotiations will inevitably have to involve the existing level of municipal government, and necessitate the development of cooperative arrangements between the two adjacent or overlapping sets of local governments. (I hope to spend some time in the Yukon in the next year doing research on these emerging relationships.)

Greater self-government special federal legislation

(much of the factual information for this section is drawn from Cassidy & Bish 1989, 135-145)

Although umbrella federal legislation enabling aboriginal groups to take on greater levels of self-government does not exist, two pieces of special legislation have been enacted by the federal government: the *Cree Naskapi (of Quebec) Act 1984*, and the *Sechelt Indian band Self-Government Act 1986*. The *Cree-Naskapi Act* of 1984 is held up as the first case of special federal legislation putting in place greater self-government than that possible under the *Indian Act*.

Cree-Naskapi legislation

The Act, supplementing as it does the *James Bay and Northern Quebec Agreement (JBNQA) 1975* and the *Northeastern Quebec Agreement 1978* is too complex a case to describe in any detail in this paper. Suffice it to say that one of the more innovative institutions to emerge from the JBNQA was the Kativik Regional Government and Cree regional government structures such as the Cree Regional Authority, Cree Regional Board of Health Services and Social Services, and the Cree School Board (Rostaing 1984).

The *Cree Naskapi Act*, which was finally passed nine years after the Agreement, applies to what are called Category 1-A lands, that is, the relatively small and discontinuous lands beneath and immediately surrounding Cree (and the one Naskapi) settlements. The Act provides for a measure of local self-government for the communities. The

community governments have approximately the same range of authority as that of the Sechelt band, which is described in the following section.

The *Cree Naskapi Act* is exceptional in that the Cree claim it has constitutional status as an instrument of aboriginal self-government. While the federal government denies it, the Cree assert that the *Cree Naskapi Act 1984*, being a supplement to the JBNQA, has constitutional protection as an instrument of self-government, and that parliament cannot unilaterally amend the Act (as it can other acts which are not constitutionally protected). This is, they claim, because the JBNQA comprehensive land claims agreement acquired constitutional entrenchment when comprehensive claims were extended constitutional protection like that given to historic treaties through the Section 35 revision to the *Constitution Act 1982*.

Sechelt band legislation

In 1986 a British Columbia band situated on the outskirts of Vancouver finalised agreement on the *Sechelt Indian band Government Act* with the federal government. The Sechelt band sought the ability to act as a more or less equal partner with the federal government and the province in such issues as taxation and land use controls. Throughout the negotiations the band played a significant role in determining and designing its relationship with the federal and provincial governments and in determining its powers. Powers set out in the Act are, however, delegated powers, not inherent rights, and the Act is specific, applying only to the Sechelt. The Act gives the Sechelt council much wider jurisdiction than is possible under the *Indian Act*. It is not subject to specific disallowance on the part of the Minister of Indian Affairs.

The powers, responsibilities and duties of the band are set out in a constitution which was subjected to a referendum of the electorate. The constitution establishes the composition of council, its terms of office and tenure, the electoral system, system of financial accountability, and membership code. The constitution also sets out the specific legislative powers of the Sechelt council which the band has selected from the general function options laid out in the *Sechelt Act*.

The band has fee simple title to all of its reserve land, with power to dispose of those lands according to the terms of the constitution which requires that such disposition be approved by a referendum of the band membership. The band can make laws across twenty-one classes of matters, including access to, and residency, building, zoning and planning on Sechelt lands. It also has responsibility for education, health, and social and welfare services; public order and safety; management of natural resources including fish and other wildlife; and regulation of commerce.

Nine months after passage of the *Sechelt Act* the Province of British Columbia proclaimed the *Sechelt Indian Government District Enabling Act*. British Columbia, where few historic treaties were signed, holds strongly to the principle that Indians and Indian lands are a federal responsibility. It also holds that view that greater Indian self-government should occur within existing legislation without recourse to constitutional entrenchment or even special federal legislation. Consequently it did not participate in the federal-band negotiations, even though it had an interest in the outcome. After passage of the federal *Sechelt Act*, the province began to negotiate with the band for an arrangement which would allow the Sechelt to proceed with municipal-style government and normalise band council's relationship with the province and surrounding municipalities. The provincial legislation recognises the band council as the governing body, in provincial terms, the District Council, of the Sechelt Indian Government District — thus ensuring that selected provincial laws and benefits normally applying to municipal governments also apply to it. Consequently, using two slightly different

names, the Sechelt band council governs under both provincial municipal law and special purpose federal law.

The Sechelt band's pioneering of special legislation to greatly expand the degree to which it is self-managing and self-governing has been criticised by some Indian organisations and academics as compromising aboriginal demands for the constitutionally recognised right to self-government, since it operates under authority delegated from the federal government, and since it also operates under provincial municipal legislation. By some, therefore, it is regarded as an extension of the municipal model, because it does not create a distinct third order of government with inherent authority. It is also seen as a concession to a widely held provincial position that greater aboriginal self-government can, and should, be achieved through municipal-type structures, functions and legislation, without recourse to constitutional entrenchment. By others, however, it is regarded as a logical extension of the drive by Indian communities to put effective Indian government into practice using all existing mechanisms.

Special federal legislation through community negotiations (formerly self-government negotiations)

Since 1987 the federal government has implemented a program of 'community-based negotiations' and optional special legislation. Bands and tribal councils negotiate with the federal government via the Self-Government Negotiations Directorate of Indian and Northern Affairs Canada acting for the federal government. The program rationalises a policy presaged by the *Sechelt Indian band Government Act*. Through the community negotiations process bands and tribal councils can assume responsibilities and exercise authority beyond the limitations of the existing *Indian Act*. The arrangements define the jurisdictional powers of Indian governments and the relationship of these governments to other governments.

Some Indian people continue to regard this as merely an extension of *Indian Act* government, even though it increases band and tribal authority and powers and, in some cases, operates under new special legislation. It is, they assert, not a separate and distinct third order of government, since it continues to involve a negotiation process, delegated powers, and controlled administration. The department's statements confirm this, and I quote: 'self-government negotiations will not alter the division of powers between the federal and provincial governments but will, through practical measures, attempt to accommodate Indian government within the existing constitutional framework' and 'the negotiation of new self-government arrangements in areas which are presently regarded as fields of provincial jurisdiction, or which extend beyond the present reserve base, will require the cooperation and involvement of the provincial government concerned' (Annex C, Parameters for Self-Government Negotiations, Department of Indian Affairs and Northern Development, 1988). Currently all provinces but the province of British Columbia are cooperating with the federal and Indian governments.

Nevertheless a number of the country's 590 or so bands and tribal councils have expressed interest in the Stage 1 Developmental phase, and 20-30 are moving into the Stage 2 Framework establishment phase and Stage 3 Substantive phase. In Ontario these include United Mississaugas and New Credit, and Akwesasne in the south, and Big Trout Lake, Whitefish, and Anishanabe-Aski in northern Ontario. Should there continue to be no movement on constitutional issues into the 1990s, as appears likely, there will be increasing pressure by existing Indian governments to enter this negotiation process. Furthermore, there will be renewed pressure for some umbrella enabling legislation in the form of a renewed and reworked Bill C-52 (the bill which died on change of federal governments).

The minimum set of matters which may be dealt with in the Indian local level government negotiations includes:

- institutions of government
- membership
- land title and land management
- political and fiscal accountability
- continue under the *Indian Act* or negotiate special legislation
- implementation plan

A full range of powers and functions, such as that dealt with by the Alexander band, includes:

- institutions of government
- legal capacity
- elections
- membership
- financial accountability
- land title and land management
- federal financing and implementation
- administration of justice
- community services
- education
- health
- social development
- renewable resources
- non-renewable resources
- business and trades
- environment

The matters are negotiated in prioritised sets. The first priority area, in the Alexander band case, involved legal status, institutions of government and financial accountability, because they are the primary components of greater self-government. The next grouping involved the electoral system and determination of membership. Land and land management, considered by many groups to be of critical importance, was treated next, followed by education, health and social services, then cultural matters, economic development and natural resources, taxation, and environment, followed by community infrastructure and administration of justice. Finally financial arrangements and implementation was negotiated. The program and service provision agreements are, of course, subject to federal eligibility and access regulations and minimum performance standards.

Tripartite agreements

As noted above, tripartite agreements may be required to deal with inter-governmental issues of jurisdiction and service delivery. In the province of Ontario a tripartite process, under the Indian Commissioner of Ontario (in the late 1980s noted Indian female lawyer Roberta Jamieson) has been developed to enable Indian tribal councils and bands take over substantial control of social programs and expand their jurisdiction over management of land and natural resources. The Anishanabe-Aski nation of north-central Ontario, having throughout the decade rejected the Department of Indian Affairs municipal model, has been an active negotiant since January 1990.

Administrative and policy changes through existing legislation: alternative funding arrangements

The policy enabling Indian band and tribal councils to assume a greater role in operating federally-sponsored programs was approved by Cabinet in late 1987 (Indian & Northern Affairs Canada, 1986). The policy has four main features: greater accountability of chief and council to the membership; optional multi-year funding; local flexibility to transfer funds between programs; and local authority to modify or re-design federally-funded programs. There is no detailed auditing by the department. Rather, bands in AFA are required to submit an annual report audited by an accredited auditing firm acceptable to council and the federal government.

The multi-year funding option makes possible funding agreements for up to five years, and should improve the ability of councils to plan long-term programs with some certainty that funds will be available (subject to annual appropriations by parliament). This, combined with the transferability of funds enables councils to establish their own priorities. For example, councils could choose to allocate all funds to one program or project in one year, and then to another in subsequent years without obtaining departmental permission. The exception is capital funds, which must be used exclusively for construction or purchase of capital assets. Year-to-year unspent balances may be retained. Councils have greatly expanded authority to develop policies which reflect the needs and values of the local community by redesigning programs and adopting suitable standards acceptable to the community.

However, the Minister's overall accountability to parliament for funds and programs remains intact. Councils under AFA do not receive any more funding than they would outside the program. Further, bands or tribal councils have to apply for entry, and eligibility for the AFA program is determined by senior regional departmental officials. The terms of each agreement and an implementation plan are negotiated between departmental officials and the council. Implementation may require establishment of a management training plan to strengthen the competence of the band decision-makers, staff and general membership to carry out their expanded responsibilities.

While AFAs do increase the extent of Indian council self-management, they are subject to departmental determination of 'readiness'; specific terms and agreements negotiated by councils with the department; federal regulations on eligibility and accessibility and minimum performance standards of service provision; and auditing and reporting requirements. Furthermore there is no untied funding.

Amendments to the Indian Act

Specific sections of the *Indian Act* have been amended during the 1980s to enable those groups which remain under the Act to exercise greater local discretionary powers. The passage of Bill C-31 in 1985, in addition to aiming to eliminate discrimination against women who married non-Indian men, and their descendants, and returning Indian status to those who had lost it because of the discriminatory impact of the Act, also gave bands the right to set and administer their own membership code and greater powers to control reserve residency. Further amendments in 1988 provided bands with expanded financial powers, including the right to levy property taxes and control development on reserves.

Commentary

Self-government can take many forms. Some would argue that it can occur only following full constitutional recognition of the inherent right of aboriginal peoples to govern themselves. Others would contend that self-government can take place within the current framework of federal-provincial powers, that it can be a matter of a degree and not just a fundamental state of being. Still others would maintain that it is an existing reality, that it is continuing to emerge in a variety of ways, and that this reality has yet to be fully recognised and accommodated in the Canadian constitutional order (Cassidy 1990, 85)

Constitutional entrenchment of the right to self-government is a principle of overriding practical and symbolic importance to Canada's aboriginal peoples and their organisations. It would provide national recognition that aboriginal peoples had existing and effective governments prior to conquest, and that elements of those governments continued to survive. It would also provide aboriginal groups with the contemporary right to determine the form, structures and powers of their governments, and act as a third and equivalent order of government alongside the federal and provincial governments. And, perhaps most importantly, it would afford them protection from unilateral repeal or amendment by later federal governments. It is, however, not an end in itself. Rather, as the opening quotation by Georges Erasmus states, aboriginal government of aboriginal people is necessary because other mechanisms of government of aboriginal peoples have failed to provide adequately for their needs. It is, they claim, critical to their cultural, economic, political and spiritual survival within the Canadian federal polity and cultural mosaic.

In the meantime aboriginal governments have made significant gains in terms of an increase in the scope of their powers and their functional exercise of self-government. Some are moving out from under the control of the Minister and Department of Indian Affairs into positions where they are designing their own local governing systems. They now have access to untied, multi-year block funding and consequently can set their own program priorities and manage their own budgets. Many others are gaining control over those key policy and program matters, land and renewable resource use and management, education, social services and child welfare, health, and law and order. And aboriginal groups continue to push both levels of government, federal and provincial, for more authority across an increasingly wide range of powers and functions.

It is not unlikely, in the future re-constitution of Canadian confederation following the failure of the Meech Lake Accord to recognise Quebec as a 'distinct society', that aboriginal governments with their distinct societies will be provided with a constitutional amendment they have been seeking. It is also possible that this may occur without the argument and acrimony which has marked efforts in the 1980s, because they will have demonstrated workable intergovernmental relationships and the practical effectiveness and competency of their governments.

Meanwhile, however, there continue to be constraints on greater aboriginal self-government. The federal government has created a complex web of 'opportunities' for increased aboriginal government management and local self-government. The matters to be addressed on a one by one basis with each participating band or tribal council are lengthy and complex, and involve not only the federal government, but a provincial or territorial government, and in many cases adjacent municipal governments as well. While some provincial governments are cooperative, a few continue to block aboriginal aspirations of any kind. In Canadian fashion, these issues are 'negotiated', which takes a considerable length of time, demands a great deal of community as well as departmental energy, and is costly. Aboriginal governments are, in turn, expected to take advantage of

options made available. But only a limited number can be accommodated at any one time. At the present or even somewhat accelerated pace of negotiation and settlement it would take a couple of decades or more for all bands and tribal councils to complete the process of 'community negotiations'. The establishment of Alternative Funding Arrangements alone is rather more speedy, since it involves only a community and the federal government. However, the process, the timing, and so-called 'band readiness', continue to be set by the Minister and the Department.

What is emerging is a complex of small local governments all with slightly different systems and/or constitutions; different powers and levels of authority; and different relationships with federal and provincial governments and local authorities. Consequently aboriginal governments are being drawn into an increasingly bureaucratic system, with multiple relationships with other levels of government, and with numerous committees, management boards and advisory boards, as well as policy and decision-making councils.

In some respects, the emerging aboriginal governments tend to mirror the organisations which have administered them. This may be a consequence of what they have been drawn into and become accustomed to, or what the Department is continuing to advocate, or what seems to make most sense to a community in order for it to effectively interface with other levels of government and the elaborate surrounding bureaucracy. In other respects they operate using the modes of communication and decision-making which are an inbuilt part of community custom. Whatever the combination of causes the new governments are a complex of elected representative structures and bureaucracy from the external system and consensus decision-making, interpersonal relationships and informality from community tradition.

The majority of the aboriginal governments which are extending their powers beyond the constraints of the *Indian Act* are pragmatically accepting and putting into practice something much more akin to self-government than the conventional municipal model, although less than their ideal. As a consequence a very large number of tiny communities are developing governments which exercise authority over a range of functions which no municipality, however large, administers, let alone has policy-making responsibility for. It is, therefore, essential that programs be developed and adequately supported financially to build the competence of band decision-makers, staff and general membership to handle this complex and important range of responsibilities, and to build that competency in a way that effectively respects and links the traditional modes of interaction and decision-making with the technical and analytical modes from the external system. It is also critical that other levels of government and external agencies recognise the range of matters that these small governments are becoming responsible for and respond by making adjustments in the way they deal with the communities.

References

- Canadian Arctic Resources Committee, 1988. *Aboriginal Self-Government and Constitutional Reform: Setbacks, Opportunities and Arctic Experiences*, CARC, Ottawa.
- Cassidy F, 1990. Aboriginal Governments in Canada: an Emerging Field of Study, *Canadian Journal of Political Science* 23, 1, 73-99.
- Cassidy F and Bish RL, 1989. *Indian Government: its Meaning in Practice*, Oolichan Books and the Institute for Research on Public Policy, Victoria, BC.

- Indian Affairs and Northern Development, 1989. *Agreement on an Agenda and Process for the Negotiation of Indian Government Arrangements Between Self-Government Negotiations, Department of Indian Affairs and Northern Development and the Alexander Tribal Government, Ottawa, July 6.*
- Indian and Northern Affairs Canada, 1986. *Alternative Funding Arrangements: A Guide*, Indian and Northern Affairs Canada, Ottawa.
- Penner K, Indian Self-Government in Canada, 1983. *Indian Self-Government in Canada. Report of the Special All-Party Committee (Penner Report)*, Ministry of Supply and Services, Ottawa.
- Rostaing J-P, 1984. Native Regional Autonomy: the Initial Experience of the Kativik Regional Government, *Inuit Studies* 6, 2.

YUKON AND NORTHWEST TERRITORIES: THE EMERGING NORTH OF NATIVE AND NON-NATIVE SOCIETIES

Ken Coates

The last two decades have seen a quiet revolution in the Canadian North. Native people have emerged from the political background and have taken a place at the forefront of contemporary debates. Territorial residents no longer quietly accept the restrictions of their colonial status, and approach Ottawa with new vigour and forthrightness. Remarkable internal changes have also taken place. Native people, once shunned by non-Native immigrants, are now more closely integrated into the social and economic mainstream. Past patterns of racism and discrimination have been replaced by greater accommodation and an evident search for understanding and cooperation.

But underlying these positive changes are signs of a serious, even desperate struggle. While governments and non-Native advocates point to improved health, more sensitive educational systems and an open political structure, most Natives are only too familiar with the rampant unemployment, difficulties with drugs and alcohol, health problems and the gradual but inexorable disappearance of aboriginal languages and cultural traditions. Government programs and generous expenditures do not compensate for pain and suffering of this magnitude. On an even broader scale, the North's sensitive ecosystem is threatened by expanding prosperity and resource development; the true wilderness of pre-World War II is rapidly being replaced by an artificial, tourists' wilderness, in which the North is put on display for visitors and in which a desire for rapid development takes precedence over environmental considerations.

It is difficult, therefore, to decide on the appropriate tone for a discussion of the contemporary North. On the one hand, one sees many reasons for optimism: Native activism, the settlement of land claims, renewed environmental awareness, a reduction in the paternalism of church and state, massive increases in federal transfers to the territorial governments, and the notable prosperity of the North's major cities. But there is another side to the modern North that must be noted as well: staggering rates of crime, alcohol abuse, foetal alcohol syndrome and teenage suicide, particularly (but not exclusively) in the Native communities, ecological change, the poverty that is endemic in the smaller settlements and the intrusions of external culture, particularly through television and radio. There is no obvious balance, no clear sign that the North is either on a dangerous or positive course. The region has, however, become more intricately linked with North American society, becoming decidedly less northern in the process. The North is clearly in the midst of a major transition, one which will irreparably sever the region from its past and determine the region's future options.

The search for stability: economic activity in the new North

One of the more positive signs of the maturity of the Canadian North is the effort to stabilise the regional economy. In the past, promoters and businessmen have placed their hopes on major mineral discoveries - the Pine Point mine in the NWT, Cyprus-Anvil in the Yukon and the oil and gas discoveries in the Beaufort Sea and Arctic Islands. While this boosterish ethos remains in evidence, particularly among the territorial Chambers of Mines and urban Chambers of Commerce, it is now tempered by

a more realistic and long-term approach to regional economic development. The goal now, at least in some quarters, is to seek economic stability and, even more, to ensure that northern residents, particularly Native people, gain a much larger share of the benefits of northern development.

The Mackenzie Valley Pipeline Inquiry represented a watershed in this reconceptualisation of the northern economy. With the pairing of oil and gas discoveries in the Beaufort Sea and the possible construction of a highway down the Mackenzie River valley, it appeared that the North was set for another boom. But, aided by Thomas Berger's insistence on community meetings through a Royal Commission on the pipeline project, northern Natives rejected this prodevelopment plan and demanded that their needs and interests be taken into account. The Dene/Métis of the Mackenzie successfully stopped the pipeline proposal, which then shifted to a similar plan for a pipeline along the Alaska Highway. That project, which seemed inevitable in the late 1970s, foundered in the face of falling oil prices and high interest rates, although the possibility of construction has resurfaced in the early 1990s.

The drastic collapse of northern mining in the early 1980s provided further incentive for those rethinking the future of the regional economy. In the early 1980s, the Cyprus-Anvil mine closed. The entire Yukon Territory felt the repercussions, as hundreds of unemployed workers left the Territory, the White Pass and Yukon railway closed down and business fell into a deep depression. Other mines followed suit, victims of weak world markets and the continued development of mineral properties in the Third World. By the mid-1980s, mines at Faro, Pine Point, Elsa, Tungsten and elsewhere had closed, some only temporarily. The region-wide collapse raised questions about the logic of basing an economy on variable, non-renewable commodities. This had been the North's lot for years, and many assumed that a peripheral economy had no option but to ride out the downward cycles of a boom and bust industry.

From the early 1970s, northern promoters had hoped that oil and gas development would bring yet another boom to the North. The recommendations of the Berger Inquiry quelled enthusiasm for the Mackenzie River pipeline, but generated great excitement about the alternative route along the Alaska Highway. Yukoners braced for a major expansion and dreamed of another construction boom. Declining oil prices and high interest rates in the early 1980s killed that project as well, further deepening the recession.

Oil and gas exploration continued apace, supported by generous government grants and tax subsidies. Major multinationals, including Shell, Esso, Texaco and Gulf, and the darling of Canadian economic nationalists, Dome Petroleum, poured millions of dollars into the Beaufort Sea. They discovered oil, but not the enormous strikes that promoters had forecast. The Norman Wells oil field, first developed in the 1930s, was expanded in the 1980s and was even linked to the southern pipeline grid in 1985. Grandiose plans died slowly, dampened by a more realistic assessment of the economic prospects for arctic oil development and by federal government intervention.

The most sustained effort to stabilise the northern economy has come through the cooperative movement. Cooperatives in the North date back to the late 1950s, when missionaries and government agents introduced the concept to Inuit communities in the eastern arctic. The idea quickly took hold and expanded in a variety of forms. The artists' cooperatives at Cape Dorset, Holman Island, Baker Lake and elsewhere have spearheaded the international marketing of Inuit carving and prints. Cooperatives, organised under the Arctic Cooperatives Limited, are now involved in virtually all aspects of the regional economy: gas and oil, retail stores, marketing furs and handicrafts, and housing.

The cooperative option has made less of an impact in the Yukon than the Northwest Territories, due to the nature of the communities and the lack of early organisational activity. Even here, however, the existence of several community cooperatives and Yukon Native Products suggest that the alternative to entrepreneurial and capitalist enterprise is taking hold. It is important not to underestimate the contribution of cooperatives in the North. Together cooperatives are the second largest employer in the North (to the government). Perhaps more significantly, the cooperatives give northerners a measure of control over the economy that is seriously lacking in other sectors.

As governments and political parties sought to come to terms with the recession, which was partially offset by increased federal transfer payments, greater consideration was given to a diversification of the regional economy. In the Yukon this took the form of an innovative program of community consultation called Yukon 2000. The initiative, which involved participation from all Yukon interest groups and communities, sought to identify potential strengths and weaknesses, and to seek ways of diversifying the territorial economy. The process did not provide magical solutions - participants called for improved access to financial capital and greater import substitution among other things - but it did identify a surprisingly wide community consensus on the need to create greater local opportunity and to avoid the roller-coaster ride of the mining economy. Federal and territorial governments have financially supported a baffling array of economic development schemes, from greenhouses to canoe factories, in an attempt to provide more jobs and balance off the North's resource dependent economy.

Ironically, discussion of the region's future has forced a reconsideration of the value of the harvest of wild game, the old element in the northern economy. Studies in the Yukon and Northwest Territories have concluded that aboriginal hunting, fishing and gathering contribute millions of dollars worth of food (when the value of wild game consumed is converted into store-bought alternatives) each year. The assignment of a monetary value to such harvesting, which plays an important cultural role within the Native communities, has raised the profile of this sector and encouraged greater effort to protect aboriginal harvesting rights.

The resurgence of aboriginal harvesting has coincided with a sustained international effort to destroy the economic foundations of hunting and trapping. Animal rights organisations developed hysterical but effective campaigns against trapping and the fur trade, and convinced politicians to close off the European market to Canadian furs. The closures had a devastating impact on many northern communities, particularly those in the eastern arctic heavily dependent upon the marketing of seal skins. While specialised fur markets, especially for lynx and fox, remain relatively strong, there is growing concern that the anti-trapping crusade will further erode the market for wild pelts and undermine the fragile economic base of northern Native settlements.

Native people have become increasingly active in the non-traditional economy. While this developed partly as a result of affirmative action programs and hiring quotas, the more significant changes originated with a growing number of joint ventures and Native-owned corporations. This development has assumed greater significance with the signing of land claims settlements, which have transferred or will transfer millions of dollars into aboriginal hands. Native corporations have made more inroads in the Northwest Territories, including some important joint ventures with oil and mining companies, than in the Yukon. Native companies have enjoyed little success in the Yukon, except for several of the ventures started by the Champagne-Aishihik band and the development efforts of Kwanlin Dun Enterprises.

Tourism has provided the North with considerable economic opportunities. Southerners have, from the time of the Klondike Gold Rush, been captivated by the 'Land of the

Midnight Sun' and wealthy travellers visited the region in droves. The construction and subsequent improvement of the Alaska Highway democratised access to the North, and resulted, by the 1960s, in a substantial expansion in tourist traffic. The Yukon has been able to capitalise on continued fascination with the Klondike Gold Rush, aided substantially by the federal government's decision to designate Dawson City as a National Historic Site. The Northwest Territories lacks such an historic attraction, and has had instead to market its wilderness and wildlife resources.

The net result has been a dramatic expansion of the tourism industry. Both territories prepared popular pavilions for Expo 86 in Vancouver, and generated much interest in northern travel. The tourism sector, operating almost exclusively in the summer, has responded. To the big game hunters that have marketed northern experiences for several generations have been added bus tours, new hotels and wilderness adventures of every conceivable type. Arctic College and Yukon College have joined in, sponsoring a variety of educational travel study programs that have drawn visitors from across the continent. Native organisations have lately jumped on the tourist bandwagon, offering a number of aboriginal tours for those interested in Native culture and lifeways.

The growth of the tourism industry has permitted the North to capitalise on its many natural endowments: majestic mountains on Baffin Island and in the southeast Yukon, the Kluane glaciers, Nahanni water falls, placid rivers for the family canoeist and raging rapids for experienced kayakers and white water rafters, flower-filled alpine meadows, tundra lands and animals - musk ox, caribou herds, polar bears and moose. The suggestion is repeatedly made that such industries are non-consumptive and not destructive, bringing economic return without damaging the North's fragile ecosystem. It seems, on the surface, like a perfect combination of job creation and environmentalism, providing a steadily growing economic base that is not subject to the same market cycles that characterise the mining sector.

Tourism and the commercial exploitation of the wilderness are not without problems, however. Promoting wilderness works only if travellers can experience it; that, in turn, requires roads and airfields, puts many more people on the rivers and lakes and turns the wilderness from a living organism to a zoo exhibit. As Morgan Sherwood has written about Alaska in the post-World War II period, 'Alaska lost its frontier innocence and wilderness became a word, not a place.' This clearly applies to the Canadian North, although the process is not as advanced nor is the number of visitors as large as in Alaska. The growth of tourism has forced a reconceptualisation of the northern frontier; what was once untouched expanse is now, without change, an economic opportunity. As tourism grows, and there is every sign that it will continue to do so as pollution, despoliation of southern wilderness areas and urban growth increase the uniqueness of the Canadian North, new demands will be placed on the people and resources of the region.

The tourism industry has been able to build on a relatively modern and extensive transportation infrastructure. Renovations to the Alaska and Mackenzie Highways, new roads linking Carcross and Skagway, Dawson City and Inuvik, Fort Nelson and Fort Simpson, numerous town and village airports and an extensive array of national and regional airline services, connect the far-flung settlements of the north and ensure rapid and regular service to major centres and, from there, to the south. The proliferation of air services represents an attempt to overcome the vast distances between settlements in the Canadian North; it also reflects the different points of reference for the various regions of the North. Whitehorse, for example, has regular connections to Vancouver and, through Fort St John, to Edmonton, Alberta. Edmonton dominates air travel to the Mackenzie River valley, which has very poor flight connections with the Yukon. Iqaluit is the transportation hub of the eastern arctic, but the main service flies south to Ottawa, Toronto and Montreal. The most significant improvement in air travel, however, is

within the North - small airlines like Air North, Alkan Air, First Air and others provide regularly scheduled services to virtually every community in the region. Even the most geographically isolated settlements like Old Crow, Grise Fiord and Pelly Bay now have regular access to large centres.

Despite these improvements, the region faces significant barriers to economic diversification. The high costs of northern transportation, the relative absence of highways in the Northwest Territories (only the upper Mackenzie River valley has a suitable road network), the small number of well educated or trained workers, a scattered population, limited access to southern markets and the serious limitations of subarctic and arctic climates all reduce the economic viability of many commercial ventures. Without economies of scale, and with little prospect of ever locating such markets, it is unlikely that such ventures will provide much economic spin-off.

Realistic appraisals of the prospects for northern development recognise the limited flexibility and small number of options available. This is particularly true in isolated Native communities which, in capitalist-industrial terms, have virtually no economic prospects. Even the largest centres present artificial economies that rely very heavily on sustained government expenditures that are completely out of step with national *per capita* spending. Northern minerals will, as they have from before the Klondike gold rush, continue to attract attention, but largely from southern speculators and developers who return little of their profit to the territories.

Perhaps there is no better example than the Canadian North of the difficulties inherent in considering the development of a regional economy in strictly economic terms. The higher priorities in the North have recently become assuring aboriginal people of a better share of the region's wealth, providing a measure of stability and using the revenue from extracted resources to build a stronger, more permanent society. In recent times, politicians and government agents have placed cultural, environmental and social concerns equal to, if not slightly ahead of, purely economic matters.

If one was to contemplate the Canadian North on a cost-effective basis, the results would be striking. Most communities would shut down, people would be urged to move south and governments would significantly decrease their investment in regional infrastructure. The resource industries would continue, but with a southern-based, transient workforce, along the lines of the non-Native workers in the Beaufort Sea, Nanisivik and Polaris Mines in the Northwest Territories. But Canadians and northerners have rejected a purely economic approach to the region; instead, the enhancement of aboriginal culture, the development of a stable society, both Native and non-Native, a concern for environmental protection have assumed equal, if not greater priority. The future course of the northern economy, therefore, will be determined by such standard factors as the availability of resources, world prices and demand, transportation costs, shortage of skilled workers, and climatic limitations of economic activities. But these concerns will be balanced by social, cultural and environmental considerations and by a desire to avoid the boom and bust cycles that have characterised the past.

Northern society: struggle and change in a period of transition

The Canadian North is an oddly unbalanced society. Urban centres and mining camps are filled with a largely transient non-Native population, while aboriginal peoples dominate the smaller, often isolated settlements. The northern communities bear little resemblance to the social systems common in urban centres to the south, although the general pattern conforms closely to that in the subarctic rim south of the 60th parallel.

In the Northwest Territories, the 52 000 people (1986 figures) are scattered through dozens of communities, from Baffin Island to the Mackenzie Delta, and from Port Smith to Grise Fiord. Yellowknife, with a population of close to 12 000 residents, contributes 20% of the total; other regional centres, including Hay River, Iqaluit and Inuvik have over 3000 residents. Native peoples dominate the NWT, with the Inuit making up 35% and the Dene an additional 23%. This aboriginal dominance is particularly striking in the eastern arctic, which has only a small non-Native population among the Inuit majority. There are more non-Natives in the Mackenzie River valley, where resource extractive industries are more prevalent.

The Yukon Territory has a much smaller population, about 28 000 people, over two thirds of whom live in Whitehorse, the capital city. Only three other major centres, Faro, Watson Lake and Dawson City, have over 1000 residents. The smaller communities, as in the NWT, are predominantly aboriginal, although a few towns along the Alaska Highway have sizeable non-Native populations. The Yukon is also a predominantly non-Native territory, with Natives contributing approximately one quarter of its population.

Northern society has several distinguishing characteristics: a rapid growth rate, close to doubling between 1961 and 1986, an exceptionally high birth rate (particularly in the aboriginal communities), a young average age, permanent Native populations and transient non-Native residents. These characteristics, coupled with the quick transition of the Native communities from a hunting-gathering lifestyle to a sedentary, welfare existence, have forced rapid, traumatic changes on the Native peoples. The situation is markedly different among the non-Native population, which is better educated, more highly paid and remarkably transient. Non-Natives, for the most part, perceive the North in southern, urban terms, and attempt to recreate southern lifestyles in the subarctic and arctic. Buoyed by substantial government expenditures, the major communities enjoy urban amenities and service significantly out of proportion to the size and complexity of the cities.

Northern birth rates are particularly revealing of the rapidly changing demographic patterns in the region. The Yukon and Northwest Territories have extremely high birth rates, although the advance over the national average has been dropping over the last decade. As well, a comparatively high percentage of infants in the North are being born to single women: in 1986, 143 of 483 new mothers in the Yukon and a full 737 of 1507 mothers in the NWT were single. (The national average, to provide some context, was 63 000/365 000.) The high birth rate has been accompanied by a striking decline in infant mortality. Expanded medical care throughout the North and better maternal nutrition have contributed to this decline, which accounts for a significant portion of the population increase in the Canadian North.

Death rates nonetheless continue to reflect the nature of northern Canadian society. Statistics from 1986 point out that infant mortality remains a serious problem in the North. The Yukon's rate for deaths of children under the age of one year stood at 23.5/1000; the NWT was significantly better, at 16.1/1000. The Yukon figure appears to be something of an anomaly; the previous year it was only 9.3 and in 1983, it stood at less than half the 1986 figure. Conversely, the Yukon's death rate for persons over the age of seventy pales in comparison to national statistics. This reflects two separate phenomena: the low life expectancy of Native people and the fact that most non-Natives leave the Yukon upon retirement, finding more salubrious climates for their golden years. Native people in the NWT, conversely, tend to stay until death. Overall, and reflecting the general youthfulness of northern society, the Yukon and Northwest Territories had the lowest death rates per 1000 population in Canada in 1986: the territories' rates of 3.5 compared to a national average of 6.5 per 1000 people.

The improved treatment of pregnant women and infants, however, carries some substantial social and cultural costs. Government officials in the Northwest Territories actively discourage Native women in smaller communities from having their children at home. Most women are flown to a major centre — Yellowknife, Iqaluit or Churchill, Manitoba — in the later stages of pregnancy. They have their babies, remain for several more weeks, and only then are reunited with their husbands and families in their villages. The separation of the birth process from the communities may be justified on purely medical grounds (although there is much criticism on this account, and numerous suggestions that nurses/midwives be hired to handle births in the smaller centres), and it causes considerable trauma for the mother and the family remaining behind.

Within this diverse social system - of isolated Native villages and modern urban centres, an Inuit-dominated region and almost exclusively non-Native mining and oil drilling camps, civil servant enclaves and tourist operations - are some significant societal problems. While it is inappropriate to linger unduly on the negative, there are elements of northern society, particularly those affecting the Native communities, that demand analysis. The impression may be - appropriately - of aboriginal societies in social crisis. It is important to note, however, that significant measures have been undertaken by governments and Native organisations to redress many of these problems. While it is too early to say with confidence that they have been solved, there is no question that the many crises of northern life are now receiving much overdue attention.

Suicide, always a tragic and serious problem, has assumed epidemic proportions in some northern villages. The number of people, mostly male and often teenagers and young adults caught in an increasingly complex and even hostile world, who have taken their own lives has increased markedly over the past three decades. In 1973, for example, five males and one female killed themselves in the Yukon; eight men committed suicide in the Northwest Territories. In 1986, and in keeping with the pattern for that decade, the number of suicides stood at eight males and two females in the Yukon and thirteen men and two women in the Northwest Territories. Some small Native villages have experienced the devastation of epidemic suicide, in which a number of young people kill themselves one after the other. It is difficult to calculate the human cost of such tragic acts of desperation. The all-too-frequent occurrence of suicide and suicide attempts, however, points to the entrenched unhappiness and personal isolation among young northern Native people.

Much the same applies to the conspicuous use of alcohol and drugs in the North. While the abuse of alcohol is typically described as a Native problem, the difficulties extend throughout the region and across ethnic barriers. (Commentators have repeatedly observed that Native drinking differs significantly in intent from non-Native drinking; drinking to become intoxicated appears to be general priority in Native settlements.) Northerners, with a rather absurd sense of priority, have long bragged about national drinking statistics which place the Yukon and Northwest Territories at the forefront (in 1985, in fact, British Columbia had, on a per capita basis, the highest average number of drinks per week; the Yukon was a close second). Resource camps, dominated by young men earning high incomes and having few ways to spend their money, have particular problems with illegal drugs, alcoholism and alcohol-related problems. A 1985 survey, for example, indicated that fully 15% of Yukoners over the age of fifteen had used marijuana or hashish in the previous year; the national average was only 5.6% and the next highest jurisdiction, British Columbia, stood at 8.7%. These data reflect the general youthfulness and prosperity of the non-Native population and a certain degree of frontier liberalism that is shared with neighbouring Alaska (which legalised the possession of marijuana for personal use).

With the Native communities, however, alcohol remains the drug of choice. Until 1960, Native people in Canada were legally interdicted from possessing and consuming

alcohol. As a consequence, hundreds of Native people found themselves facing fines and jail terms for participating in what was, for non-Natives, a relatively harmless recreation. Critics of aboriginal life often claim that the legalisation of drinking caused the social decay and dislocation that has characterised Native communities over the past three decades. It is likely more accurate to turn that equation around, and to argue that the impact of government programs, forced relocation, an end to a nomadic lifestyle, residential schools, economic and social discrimination, and efforts to discredit aboriginal culture and language created intense social dislocation. This cultural and economic turmoil, in turn, made Native people more vulnerable to the transitory escapism offered through drinking.

Alcohol abuse is widespread in northern Native communities. Most criminal activities, wife and child abuse and acts of violence are related in some fashion to alcohol. Native people spend a disproportionate amount of money on liquor; a small number of public drinkers in the main communities have come, in the minds of visitors and some non-Natives, to symbolise Native people generally. The depth of the problem varies from one community to another: Pelly Crossing, in the Yukon, has particular problems with alcohol, as do a number of Native villages in the upper Mackenzie River valley. The problem is pervasive and affects life in every community in the North.

Native leaders and government officials are only too aware of the depth of the problem. Within the past five years, several political leaders have encountered personal difficulties with liquor that brought their public careers to a rapid halt. Territorial governments have devoted hundreds of thousands of dollars to alcohol awareness programs, rehabilitation (particularly in connection with incarceration) and personal counselling. Much of this effort, sadly, seems to miss the point. Reflecting the southern and capitalist origins of the entire self-help initiative, such programs emphasise individual responsibility and take little account of the societal forces aligned against aboriginal people. In the absence of a systematic reorganisation of Northern society, however, alcohol treatment and education serves as a stop-gap measure.

Several Native communities in the Northwest Territories have gone one step further and have declared themselves officially 'dry'; others, perhaps more realistic, have imposed temperance rather than prohibition. Efforts to prohibit or limit the sale and consumption of alcohol within village boundaries have enjoyed differential success. Communities on highways, for example, encounter great difficulty enforcing such band by-laws; isolated settlements with such regulations often experience a significant increase in bootlegging. Band regulations, however, have the effect of removing community sanction from public drinking and drunkenness, and represent a significant advance from earlier efforts at externally-imposed regulation. More directly, and following the well publicised example of Alkali Lake, British Columbia, northern Native people are taking greater and direct responsibility for attempting to control alcohol consumption in their communities.

Attempts at temperance and prohibition also signify a growing awareness of the social and cultural costs associated with persistent drinking and drunkenness. Efforts to politically mobilise Native people or to revive aboriginal cultures continually flounder in communities where alcohol consumption is commonplace. Difficulties extend beyond the violence, crime, death and community disintegration tied to frequent bouts of drinking. The recent discovery of the impact of maternal drinking on unborn foetuses has had a sobering impact on the North. A study undertaken in 1983-1984 by Dr KO Asante, the first major inquiry in the North into the impact of mothers' drinking on children, produced disquieting results. The survey in the Yukon and northern British Columbia suggested that 30% of the children examined (two thirds of children surveyed were Native) suffered from foetal alcohol syndrome or the less severe foetal alcohol effects; most of those with the symptoms were Native.

The implications of this data are staggering. Even if the survey overstates the case (and this does not seem likely), a substantial percentage of Native infants are being born with serious physical and mental disabilities. Already disadvantaged by their race, location and socioeconomic condition, these children will face the additional disabilities associated with FAS or the less severe Foetal Alcohol Effects. The full cost of these problems will not be evident for many years, as the children move toward maturity, placing exceptional demands on the health and social welfare systems and unable, in many cases, to participate fully in the economy and society. The release of data of this type - even though it tends to confirm stereotypes of Native drinking habits - has had a positive effect, forcing aboriginal organisations to take a more public and forthright stance on the consumption of alcohol.

The North also faces startling statistics on sexual abuse and sexually transmitted diseases. A recent study by the NWT Native Women's Association and the Social Services Department reported some shocking claims: 80% of Native girls and 50% of Native boys under the age of eight being victims of sexual abuse. Alice Hill, an executive with the Women's Association, noted

I've lived in the North all my life and I could count on one hand the number of native women I know who were not sexually abused as children.

The report was criticised by some officials, who claimed that it overstated and sensationalised the incidence of abuse; no one, however, denied that the sexual abuse of children was a serious problem in the Northwest Territories. Reports from the Yukon suggest similar patterns. Twenty-nine child sexual abuse cases were reported in the Yukon in 1986, twenty-three involving incest.

Northern society seems, due in some measure to the high incidence of child abuse and the resulting alternation of sexual values and practices, to be more promiscuous than Canadian society generally. A review of sexual activity in the Northwest Territories disclosed that 65% of Grade eleven students had had sexual intercourse at least once; the national average was 47%; in addition, NWT youths were far more likely to have had multiple partners than in the south.

The high incidence of sexual activity among youths, and a pattern of general promiscuity, particularly in the Native communities, has a number of implications. Northern rates of teenage pregnancy are far in advance of those in the rest of Canada. The same is true for sexually transmitted diseases. The incidence of gonorrhoea in the North in the early 1970s was staggering: over 1.4/1000 people in the Yukon and close to 4.8/1000 in the Northwest Territories. Improved public health and sex education since that time contributed to a rapid reduction. In 1983, gonorrhoea rates of over 8 per 1000 were reported in the NWT and over 6.5/1000 in the Yukon; the national average was less than 2/1000. The situation had improved across the board by 1987, the NWT and Yukon rates dropping to slightly more than 5/1000, and with the Canada-wide ratio standing at less than 1/1000. Promiscuity, and the high rates of STDs, accounts for widespread medical and government concern about the potential transmission of Acquired Immune Deficiency Syndrome (AIDS) among young northerners. There has only been a tiny number of reported AIDS cases in the territories, but health officials worry that such an illness would spread quickly throughout the young, sexually active population.

There is a tendency, caused by frank and widely publicised reports of Native promiscuity, to see sexually transmitted diseases as an aboriginal problem. Data from the Yukon Territory suggest that, although the per capita rate is somewhat higher in the Native population, non-Native people are equally vulnerable to such illnesses. In 1988, 100 cases of gonorrhoea were reported in the territory; over half involved non-Natives.

Much the same was true for cases of cervicitis/urethritis, with non-Natives accounting for 114 of 200 cases. Clearly, sexual promiscuity and the diseases related to unprotected sexual activity are not limited to the Native population and instead are commonplace across the North.

The non-Native population shares many problems, such as high rates of alcohol and drug use and Canada-high incidence of sexually transmitted diseases, with the aboriginal people. The largely migrant white population also creates social problems of its own, as the North seeks to find a measure of social stability. These problems are related to the nature of the North economy, particularly the dependence on mining, and the structure of non-Native northern communities.

Social problems are particularly acute in company towns, which tend to be substantially male, young and exceptionally transient. Even the towns themselves are mobile. Clinton Creek, opened in the Yukon in 1968, operated for little more than a decade. The entire municipal apparatus, including homes and public buildings, was removed from the site. Much the same is now underway in Pine Point, a mining community along the south shore of Great Slave Lake in the NWT. After operating profitably for over two decades, the Consolidated Mining and Smelter Company closed the mine in 1989 and moved out the workers and their families. Faro, the town built in the late 1960s to support the Cyprus-Anvil Mine, experienced a different pattern. The town was the Yukon's second largest for most of the 1970s, but suffered through a mine closure in 1981. Almost all the workers left the town, and the territory. The mine reopened, on a reduced basis, in 1986 and hundreds of workers arrived in town once more.

There have been novel efforts, particularly in the Northwest Territories, to break this cycle. The Nanisivik Mine, on the northwest corner of Baffin Island, was developed by a private-government consortium. From the beginning in 1976, operators involved the Inuit residents from nearby Arctic Bay in the workforce, with differential results. The purpose was to reduce the reliance on imported southern workers, who move in and out of the mining town on rotation. The Polaris mine site on Little Cornwallis Island operates on a different basis. The entire mine is transportable, and will be barged out when the resource is depleted. The workforce is recruited in the south and comes in for several weeks at a time and is then flown south on leave. Planned mining operations in the Macmillan Pass area, straddling the Yukon/NWT boundary east of Ross River, are designed to avoid the inevitable dislocations of company towns while still involving local workers. The concept is to construct temporary camps at the mine sites, instead of expensive towns, and fly workers from nearby communities to the various work stations. This would permit miners to establish permanent homes in nearby Ross River or even Whitehorse, flying to work for several weeks at a time.

This reconceptualisation of the pattern of mine labour represents only a single attempt to deal with transiency, one of the most persistent problems among the non-Native population. The uncertainty of the northern economy, the inherent mobility of the resource extraction sector, and the often short-lived excitement about living in the true North, contribute to a rapid turnover of non-Native people. A few statistics point to the magnitude of the problem. Outmigration from the Yukon and NWT occurred at a rate of 91/1000 and 96/1000 respectively in 1987; this was, of course, offset by substantial in-migration — 114/1000 in the Yukon and 62/1000 in the NWT. Across the country, the mobility rates stood at fifteen out of 1000 people. Alberta, a province noted for the mobility of its population, had an in-migration rate of 23/1000 and an out-migration rate of 39/1000 in 1987. There are many reasons for these exceptionally high rates. Many southerners who venture North are repelled by the longer winters, the tough realities of small town life, or their distance from family and friends. Many organisations, including the Anglican church, the Royal Canadian Mounted Police and the federal government

contribute to this movement with employment standards that limit the amount of time an individual spends in a particular community.

These statistics understate considerably the magnitude of the annual population shifts. Both the Yukon and Northwest Territories have what are essentially summer economies. Much of the work in the tourism and resource sectors occurs between May and October. Many thousands of workers - geologists, scientists, university students seeking employment in the service sector - migrate North each summer, and leave again in the fall. They compete with northerners for the relatively small number of jobs, take most of their earnings with them when they leave, and usually maintain both a southern residence and orientation. Seasonal workers would not, however, show up regularly in the migration statistics.

Mobility of this magnitude is largely restricted to the non-Native population; although among the Native people there is a similar movement evident between the communities and the major centres, particularly Whitehorse, Yellowknife, Inuvik and Iqaluit. Transiency unquestionably carries significant social costs. It is likely that the relative absence of political protest or sustained labour radicalism in the North can be traced to the combination of high wages and the tradition of leaving the region as soon as possible. The northern workforce is characterised by instability, constant turnover and a consequent lack of continuity. Many northern workers and businesses, following a well established pattern, export their earnings to the south and reinvest outside the region. Continued transiency also provides graphic evidence that the get-rich-quick attitude which had dominated thinking about the North remains very much in evidence.

Northern society, therefore, contains two distinct components: a large permanent Native population that, until recently, has been confined to isolated communities, and a transient non-Native cohort that dominates the government, professional and resource sectors, resides primarily in the major communities and is notable for its lack of commitment to the region. The actual situation is not quite as stark as this suggests. A growing number of non-Natives, particularly in the Yukon, are staying put, replacing the sojourners' attitudes of old with a sincere commitment to the region; multigenerational families are not as rare as they once were among the non-Native population. The two main groups, however, approach their lives in the North in very distinctive ways, have different needs and expectations and, in the evolving political culture of the territorial North, present very different visions of the future.

Relations between the two main sectors have been improving, but retain many of the tensions and hostilities of the past. Racial discrimination, once institutionalised in government policy, segregated educational systems and residential patterns and community attitudes, remains in evidence. Native people, for example, have difficulty securing work in certain key sectors, particularly mining and the service industry. Moreover, residential separation continues, with Native people typically living on official reserves distinct from non-Native housing areas. The simple reality that most persons in positions of authority in the North, including police officers, church officials, teachers, medical personnel, conservation officers, and most government officials, are non-Native serves to perpetuate social distance between the races in the North.

This said, observers are almost unanimous in suggesting that race relations in the North have improved significantly over the past two decades. The explanation is multifold: the passage of human rights legislation barring discrimination, affirmative action programs in the civil service, greater cultural sensitivity on the part of enforcement officers and the education system, higher educational attainment by Native people, and their consequent recruitment into the professional workforce have all contributed to a significant easing of tensions. Residential integration, spotty at best in the early 1970s, has become commonplace in most of the larger northern communities - although the typical gap

between the standard of living of the small number of professional non-Natives and the rest of the population in the isolated Native communities remains a bone of contention.

Northern Justice

The extension of Canadian jurisprudence into the North occurred slowly through the first half of the twentieth century. As the non-Native population in the region increased after 1950, however, the flexibility and cautious approach of early years was replaced by a more rigid application of the law and more rigorous prosecution of northern offenders. Cases involving Native people preoccupy the police and dominate the court registers. Most of the charges, in turn, involve alcohol consumption.

The link between alcohol and crime is well established in the North. Before Native drinking was decriminalised in 1960, Indians and Inuit were arrested for simply possessing or consuming alcohol. They did not have to be drunk, disorderly or violent; merely having beer, wine or hard liquor in their possession was sufficient for incarceration. Aboriginal peoples recognised the absurdity of regulations that punished them for doing what non-Natives did with impunity. They were hardly intimidated by the threat or arrest or imprisonment, and seldom embarrassed when being sentenced for alcohol offences. (The problem was exacerbated in the main centres by the much more generous attitude of the police to non-Native offenders who, if drunk in public, were often escorted home to 'sleep it off'. Natives in the same condition were put in gaol.) Natives invariably pleaded guilty to the charges, accepted their penalties and served their time in gaol with little complaint.

This early experience with the judicial system - and offences related to the possession and consumption of alcohol massively outdistanced all other charges against Native people until the late 1950s - did much to establish the relationship between Natives and Canadian criminal law. Arrest, sentencing and imprisonment did not have the same significance in Native societies as they did among the non-Native population. The community disapproval and sanctions that the police and courts relied on to re-enforce their actions were most often missing in aboriginal communities, particularly over liquor-related offences. As a result, dozens of Native people secured long arrest records, almost all convictions due to alcohol, but they felt little of the stigma or societal disapproval that would accompany such a record in non-Native society.

This pattern has carried over to the present, even though possession and consumption are no longer legally interdicted. The vast majority of Native offences involve alcohol, most northern prisoners are Native (far out of proportion with their share of the population), and the Native communities continue to react very differently from non-Native ones to arrest, sentencing and incarceration. This suggests that northern Natives have yet to internalise the Canadian judicial system, and continue to see it, correctly, as an imposed structure that takes little account of aboriginal values and traditions. Native organisations are anxious to break this pattern, that has claimed so many of their young people (particularly men) and drained so much energy from their communities.

Both territories have extensive modern policing and judicial systems. The Royal Canadian Mounted Police provide policing services in both territories, maintaining a pattern of service that dates back to the 1890s. The RCMP maintains thirteen detachments in the Yukon employing over 146 members. They have abandoned some of their traditional functions, such as conducting lengthy patrols by dog team, but remain an integral part of northern society.

Until recently, the RCMP was overwhelming non-Native, a factor which added to tensions between the police and the host communities. In an effort to redress this

imbalance, the force participates in the Native Special Constable Program, started in 1973 and funded by the Department of Indian Affairs and designed to gradually reduce the racial barrier between the police forces and the communities. Native applicants are not required to match the same educational and personal requirements as other constables, receive less training and are typically assigned to predominantly Native communities. In 1987 thirteen Native special constables were employed in the Yukon: six in Whitehorse and one each at Carmacks, Dawson City, Haines Junction, Mayo, Ross River, Teslin and Watson Lake. The system has not been uniformly successful. Native constables faced unusual pressures from both their superiors and communities, and often find themselves pulled between cultures in conflict, trying to obey both legal and ethnic codes and responsibilities of family and kinship. As one report noted:

The Indian special constable is caught in the position where he has one foot in each world and responsibilities to both. As a result, sometimes it is very difficult to find a place 'to lay one's head'. All too frequently the result is that the Indian Special becomes more and more isolated from meaningful contact with their world.

Recruitment efforts in the Yukon and on Baffin Island have generally been less successful than elsewhere in the North, suggesting that special constables in these areas have encountered particular difficulties.

The national police force is generally applauded for their northern work, which has become an integral part of the RCMP's international image, but there are some difficulties. Officers receive little training in cross-cultural situations, and are not always well prepared for the difficult conditions in small isolated Native settlements. The force contributes to this problem by insisting upon the regular rotation of personnel. Most members, who are often sent North early in their career, stay only a few years in each community. This contributes to a lack of continuity and cultural misunderstanding.

The actions of external agents of control, be they RCMP officers, conservation officials or other government representatives, have caused considerable tension in northern communities. Consider, for example, the regulation and management of wildlife resources. Aboriginal people legitimately claim extensive knowledge of, and concern for, local game stocks.

They have increasingly found themselves in confrontation with government agents, who are struggling to enforce national or territorial regulations. Native people resent the intrusion into what they define as their affairs, and often resist efforts by enforcement officers to control their hunting or fishing activities. The problem is particularly acute when the Natives believe that they maintain unsundered aboriginal rights to harvest resources.

The police, therefore, find themselves imposing a wide array of regulations and criminal laws on the aboriginal peoples of the North. Some of these laws conflict with Native practices and traditions, creating additional tensions. That most police officers are not from the North, and have little experience with or knowledge of aboriginal cultures only compounds the difficulties. As well, Native people clearly respond to arrest and imprisonment differently from non-Natives, removing the community moral sanction against criminal activity that is such an important component of the national law enforcement enterprise. The continuing struggle of Native communities with alcohol abuse further complicates matters, for drunkenness creates numerous potentially volatile situations and repeatedly forces police officers into dangerous family and community situations. Northern law enforcement, therefore, is much more than simply a struggle between conflicting value systems, although differences in Native and non-Native customs and attitudes do much to determine the functioning of the judicial system.

And it is a sizeable judicial network. The Yukon Territory maintains a Supreme Court, based in Whitehorse and a three member Territorial Court (although all three positions have not been filled for several years, a matter of much controversy in the Yukon). The Territorial Court moves about the Territory, holding sessions in eleven different communities during the course of the year. The Yukon government also has a staff of thirty-seven Justices of the Peace, who handle minor cases, and a Sheriffs Office to supervise aspects of civil law. The Northwest Territories has two Supreme Court Justices and three Territorial Court Justices, plus a complementary set of Sheriffs and over 100 Justices of the Peace, half of whom are Native.

The courts, particularly in the Northwest Territories, have made a concerted effort to take cultural and community norms into account. Rather than simply applying the letter of the law, based on British legal custom and developed for southern, non-Native society, the courts have been trying to ascertain community standards and judge cases accordingly. This has led to some controversy, but has generally been applauded as being more sympathetic and relevant than the existing legal framework.

This effort is aided by the courts' willingness to move to the communities, rather than simply bringing the accused to major centres. Judge Jack Sissons, the first justice of the Supreme Court of the NWT, established the circuit court concept in his jurisdiction, moving the entire court - including judge, clerk, reporter, sheriff, and crown attorney - around the Territory. The initiative certainly demystified the court process, although cultural and linguistic barriers remain, for the Supreme Court sessions are held in such places as bingo halls, school gymnasiums and community centres. A similar system operates in the Yukon, where Territorial Court judges visit each community four times per year.

Both territorial systems recognise, with varying degrees of success, the special problems associated with enforcing the law in a North and largely Native environment. In 1975 the NWT Native Courtworkers Association was established specifically to assist aboriginal people with court matters. (The program was initially designed for only criminal cases, but has since expanded to include civil affairs.) Interpreters are generally available to assist unilingual Natives with their court appearances, although again the NWT programs are significantly ahead of those available in the Yukon.

The police and judiciary handle sizeable case loads. Crime rates in the Yukon and Northwest Territories are consistently higher than the national average, although the context of crime discussed above must be taken into account in making such comparisons. As well, it is crucial to differentiate between criminal activity relating to substance abuse (principally alcohol), which according to a 1986 Yukon report figured in excess of 80% of all crime, and other breaches of the law. The situation in the Northwest Territories is equally dramatic: nearly half of the prison population is under twenty-four, 85% are Native and over 90% were sentenced for substance-abuse related offences. Criminal activity has not, however, increased significantly in the past decade. The total charges against Yukon adults has fluctuated from 1319 in 1983 to 1456 in 1987. In the Northwest Territories, charges dropped from 3714 in 1983 to 3252 in 1987. There has been one important exception. The number of adults charged with violent crimes in the Yukon increased from 161 in 1983 to 361 in 1987. Comparable figures for the Northwest Territories were 627 and 975.

The prison experience of Northern people, particularly Natives, suggests more persistent problems. In the Yukon, for example, the rate of incarceration, expressed on a per capita basis, has been from three to five times the national average over the past five years. (The national rate is slightly less than 1/1000; in the Yukon, the rate has varied from approximately 3/1000 to over 5/1000.) A very high percentage of these prisoners are

repeat offenders. Dozens of Native people, particularly young men, have become habitual offenders, committing a series of relatively minor offences (public drunkenness, breaking and entering, car theft) and rarely spending much time outside prison walls. Neither territory has a federal penitentiary. As a result, all prisoners serving terms of longer than two years are sent outside for the duration. Between 1984 and 1989, thirty-eight individuals, twenty of them Native, have been sent to southern penitentiaries.

Those sentenced to less than two years remain in the territories, although often many miles away from their villages. There have been increasing efforts to add special programs, particularly relating to substance abuse, in an attempt to limit the current high recidivism rate. After some resistance (also reflected in the national prison system), officials also allowed Native cultural and spiritual practices within the institutions (although some of these, like the sweetgrass ceremony, are not indigenous to the North). In addition, vocational, educational upgrading and self-help programs have been added to the usual round of makework and recreational activities.

The gradual realisation that gaol sentences have limited deterrent value among the northern population has resulted in greater consideration being given to alternative forms of sentencing. Among options available in the North are community service orders, restitution, probation and specialised treatment programs (especially alcohol and drug rehabilitation). Work camps have been established, particularly for young offenders, and offer programs to enhance personal work ethic and sense of responsibility. There is particular flexibility in sentencing juvenile offenders under the Young Offenders Act, which encourages the use of alternative sentences. It is as yet too early to judge if these alternative sentences will result in a significant change in recidivism rates.

Particular interest has been expressed in community-based systems of social control. Watson Lake, suffering with a high crime rate in the late 1970s and served by occasional visits by two Justices of the Peace, petitioned the government for support for a community program. An inter-agency committee, with representation from the Native bands, the ministerial association, the RCMP, probation officers, and substance abuse workers, was established. The community also established a diversion committee, designed to intercept offenders before they became entangled with the legal system, directing them to community service and treatment programs before they had serious problems. Reviews of the Watson Lake experience suggest that it holds considerable promise for reducing the very high incidence of crime in the community.

Native people are hoping that, as part of their general demand for greater self-government, they will be able to re-establish systems of tribal justice. Establishing such a program will undoubtedly prove very difficult, for federal and territorial governments are unlikely to surrender much control over the legal system; but Native people are convinced that community-based sanctions (such as threat of banishment) will carry much greater weight than current forms of punishment. There have been some moves in this direction. On a practical level, the Kwanlin Dun band established its own police force, Native controlled and administered, but with powers only on the reserve. Other bands have developed proposals for tribal judicial systems, but implementation will have to await final settlement of land claims.

The criminal justice system plays a vital role in the operation of northern society. The basic contradiction - a largely non-Native police and judicial system that is dealing primarily with Native offenders - has become increasingly evident. Native organisations and communities are demanding that the legal and court operations be made more representative and are seeking to exercise greater control. Federal and territorial governments, however, can be expected to guard their legal responsibilities very carefully.

The incidence and nature of crime in the North also demonstrates that criminal activity is deeply imbedded within the broader society and reflects the problems and tensions that exist throughout the region. There are serious shortcomings in the existing structure: difficulties between Native peoples and non-Native enforcement officers, questions about the relevance of some national laws and sentences to northern conditions, problems with the formal structures of the court system, and the seeming inability of the prisons to successfully rehabilitate offenders.

Changes In the aboriginal North: Native and North American cultures In conflict

The improvement in racial relations in the North is due, in large measure, to a greater appreciation of the value and potential contribution of aboriginal culture. For decades, non-Natives viewed Native languages and cultural traditions as the remnants of an endangered race. Cultural elements, the assumptions went, were due to disappear in the face of the superior, technically advanced and Christian culture of western civilisation. This simplistic and Eurocentric view of the world proved remarkably persistent (and has not completely disappeared). More recently, however, non-Natives have begun to recognise, and even celebrate, the distinctiveness of Indian, Métis and Inuit lifestyles and culture. Aboriginal art, music, dance, theatre, and story-telling have become central elements of a resurgent northern cultural life.

Ironically, this new interest coincides with a deep crisis in Native culture. Removed through government fiat and economic necessity from the land that sustains and contains their culture, Native people fell into social despair, as evidenced by the incidence of drinking, abuse and suicide. Native languages, the cornerstone of culture, were actively discouraged through a colonial education system and were further undermined by the sweeping impact of North American popular culture, introduced through radio and television. Forty years ago, most northern Natives spoke their traditional language; a minority could also converse in English or, in some settlements in the NWT, French.

Much of this has now been lost. The number of young people speaking an aboriginal language has been declining steadily. Some languages, including Tagish and Han in the Yukon Territory, are in imminent danger, and will disappear within a decade. Most of the other Native languages are spoken only by adults over the age of thirty; few teenagers and children have much competency with their indigenous language. Efforts are now being made to preserve and enhance northern aboriginal languages. Rescue linguistics, involving the extensive recording of Native elders, preservation of cultural traditions and the preparation of dictionaries, is underway across the North. The Yukon Native Languages Project is one of the finest in the country, and similar initiatives are underway in the Northwest Territories.

The education system is playing a vital role in language development. Indigenous language instruction is now available in most elementary schools in the North, and some high school programs have been developed. The Northwest Territories considered making competency in an aboriginal language mandatory for graduation, but backed off under pressure from non-Native parents. The North's two postsecondary institutions, Yukon College and Arctic College, are furthering this effort, providing training for Native language teachers and teachers' aids.

Not all northern Native languages are on the precipice. Inuktitut is the most common aboriginal tongue, and remains the first language for thousands of Inuit in the Canadian arctic. G'wich'in, spoken in the northern Yukon and the lower Mackenzie River remains in wide use, as do Kaska, Tutchone and several of the Dene languages in the Mackenzie River valley. In these cases, however, most children speak English, learned in school

and the primary means of communication with government officials and business, and there is no assurance that aboriginal languages will remain in popular use.

The Natives, supported by territorial and federal governments, are making an effort to keep their languages alive. The Inuit are the most advanced. They have developed a common orthography for the Canadian North (and are working on one with Greenland), produce a variety of publications in Inuktitut (and English), and demand government services in their language. Community radio stations are typically operated in Inuktitut, and the Inuit Broadcasting Company has developed a range of Inuit language programming. The task is more difficult in the linguistically diverse regions of the Mackenzie and the Yukon. The Yukon Territory, for example, has eight language groups (Han, Tagish, G'witch'in, Tagish, Kaska, Tlingit, Northern Tutchone, Southern Tutchone); English is common to all groups and has become the primary means of communication. The same is true of the Mackenzie River valley, where the language of the immigrants has become standard.

The decline of aboriginal languages, and the concerted and expensive struggle to sustain them, is of more than passing interest. Language is more than a means of communication; it is, instead, a means of cultural preservation and tradition. Within the aboriginal languages are the place-names, concepts, perspectives and understandings of the world that separate the Native world view from that of the colonisers. This does not mean that aboriginal peoples who no longer use their language cease to be Native, but rather that key elements of their culture are intermingled with their means of communication. To lose competency in the language, therefore, is to lose part of their identity and connection with the past.

The problem is equally troubling on a broader scale. Aboriginal languages, like all methods of human communication, developed in connection with the people's adaptation to their particular environment and thus became one element in the human understanding of the world and nature. The loss of aboriginal languages, therefore, represents a serious loss of knowledge within the world community, and not just for the Native groups involved. Until very recently, little was done to stop the erosion of aboriginal language use; there are signs that, in many cases, the current effort may be too late.

The territorial governments, aided by federal funding, are attempting to address the problems of aboriginal languages. The Government of the NWT has given official status to Dene and Inuit languages and is making a concerted effort to ensure that aboriginal speakers have access to all government services. Culture and language centres have been established across the Northwest Territories, and attempts have been made to integrate language use into elementary and secondary school classrooms. The Government of Yukon has historically been less supportive, and efforts to promote aboriginal language and culture have emerged primarily from the Council of Yukon Indians. A federally-funded program for language enhancement has begun, but the Yukon lags considerably behind the Northwest Territories in actively integrating aboriginal languages into government services.

The cultural decline extends throughout aboriginal societies in the North. Native elders, long the repository of knowledge and wisdom within the communities, have seen their status and responsibilities eroded steadily. The establishment of band council administration by the Department of Indian Affairs, for example, altered traditional means of community control. Instead of relying on hereditary leadership, the government arranged for the election of chiefs and council. The new structure brought some major changes over the past two decades, leading to a decline in the role of elders, the emergence of women into leadership positions, and the democratisation of cultures that previously worked on a consensus basis. Some bands are moving back to the old ways. The Teslin band in the Yukon, for example, has re-established the selection of

leaders by clan, rather than by general vote, and other communities are considering a return to traditional forms of leadership.

Efforts are underway to preserve more than languages. Traditional knowledge - of natural medicines, aboriginal spirituality, animal movements, climate, human relationships, and other aspects of the natural and physical composition of the North - is much in demand. Some of this interest is transitory, as in the tourists who come North to sample Native wisdom, but much of it emerges from the sincere desire of young Natives to understand their past and of non-Native people anxious to learn of a different perspective on the world and its inhabitants. There are, therefore, numerous efforts to gain access to this knowledge, through programs on Native medicines, Native participation in scientific research, story-telling festivals, recording of legends and oral history, and greater integration of aboriginal and Christian spirituality. These initiatives often take the form of attempting to convert oral tradition and understanding to a written form. While this is partially successful, and clearly better than losing the information entirely, it lacks the direct, participatory aspect that remains an essential element in cultural transmission among non-literate peoples.

There is a certain desperation about the current recourse to the wisdom of Native elders and the importance of aboriginal languages. The number of people raised on the land, conversant with the language, and retaining the stories, history and culture of earlier generations is dwindling rapidly. While elders like Angela Sidney, the last remaining Tagish speaker, are deservedly honoured and much in demand for ceremonial and cultural occasions, their lives are enveloped in the sadness of inevitability. The problem is less acute in the Northwest Territories, although even here there is a vast gulf in the experiences of the very old and the young. Who will take the place of the traditional elders? Younger generations were raised off the land, often in residential schools, influenced by contemporary popular culture, lacking their Native language, and with fewer of the stories and cultural skills of those who are currently sharing themselves and their knowledge with all who will listen. They will, in the fullness of time, have the wisdom of age and experience; how much traditional knowledge they will have to share is a matter of concern.

The emphasis on aboriginal culture and language suggests that northern Native people are reluctant to adapt to changing times. It also implies that unless indigenous peoples retain their traditional knowledge base they have somehow become less Native. Both propositions are false. All cultures change, sometimes on their own accord and often due to external factors. Contemporary northern Native society represents a blend of traditional and modern, Native and non-Native, creating societies that are very different from the precontact situation, but equally separate from non-Native cultures.

The emphasis on cultural change, loss and dislocation, while describing actual situations, can easily overstate the case. Aboriginal societies in the North are changing rapidly, and the pace of change is worrisome to many Native elders and leaders. Still, more is being done in the North than virtually anywhere else in the country to give aboriginal peoples greater control of their culture. Programs for language preservation, the integration of traditional knowledge into the school systems and recording of aboriginal culture, combined with story-telling festivals, the celebration of elders and aboriginal customs through Native-controlled media and special government funding for language initiatives have done much to stabilise the rate of culture change. These activities may not stem the tide, but they do counter the pervasive impact of southern popular culture and are likely to ensure that the pace of transition will be controlled by the Native people of the Canadian North.

The North presents Canada with perhaps its best opportunity to reverse the long-establishing pattern to discrediting and undermining aboriginal cultures. In southern

Canada, language loss, culture change and the disappearance of traditional knowledge is even more advanced than in the Yukon and Northwest Territories. That northern Natives still retain much access to the land and resources also ensures a logical connection with the values and customs of the past, a connection that is largely missing in the densely settled and developed south. Native people across the country, therefore, look northward with hope, seeing in the struggle between aboriginal and North American cultures the possibility that Native perspectives, languages and skills will remain an important and vibrant element in Canada's cultural mix.

Northern education

Education has been an essential component in the colonisation of the Canadian North. From the late nineteenth century, when the Anglican and Catholic churches opened the first residential schools, missionaries and government have attempted to alter aboriginal culture and values through the training of non-Native children. Community-based day schools had little effect, for parents routinely removed the students when hunting, fishing or travel dictated a move from the village. The Catholics and Anglicans both petitioned the federal government for financial support for residential or boarding schools, a method of instruction and control falling into disfavour elsewhere in the country.

Residential schools provided the missionaries with the control and authority they required. Children were separated from their parents for months, if not years. Under the influence of a 'total' institution, the students often lost their fluency in their language, fell out of touch with their culture and learned to disdain the lifestyle of their community. Until the 1950s, however, only a small percentage of the total student age population were integrated into the residential and day school systems. After that date, enhanced government regulations and the controls created through the Mothers' Allowance and other financial aid programs gave territorial and federal officials power to compel attendance. The federal government also constructed a series of large residential schools across the North, providing the facilities necessary for the complete education of northern children. By the mid-1950s, almost all eligible Native children in the Yukon Territory attended school; by the early 1960s, a similar claim could be made for the Northwest Territories.

Beginning in the 1950s, efforts were made to integrate Native and non-Native students in the classroom. This was not a particular problem in the Northwest Territories, where Native students vastly outnumbered non-Native children. The opposite was the case in the Yukon. Non-Native parents, particularly in Whitehorse, Dawson and Mayo, had traditionally opposed the integration of races in schools. (In the smaller centres, where schools often had only a dozen or so students, such segregation was not possible.) Native children were not welcomed into the territorial schools until the mid-1950s, and the education system remained largely segregated for another decade after that.

The situation was very different for non-Native children. Where Native parents resented the intrusions of a colonial education system, non-Native families routinely petitioned territorial and federal authorities for improvements to elementary and secondary schools. In the major centres, schools were quickly established and, to the degree financially possible, properly maintained and staffed. The increase in non-Native population throughout the North brought a steady improvement in territorial education, including the construction of major new schools in Whitehorse, Yellowknife, Inuvik and Iqaluit, and smaller facilities where population warranted.

Efforts were made through the 1960s to establish primary schools in communities wherever student demand warranted. Smaller settlements could not, however, produce

enough students for proper instruction. In these instances, children were removed to the closest large community. By the late 1960s, most communities had elementary schools in situ; conversely, the territories had few secondary schools. Children from smaller settlements wishing to pursue an education were required to relocate to the nearest large town, where they lived in a boarding house while attending school.

The demise of the residential school system encouraged further centralisation. Native parents had continuously resisted the compulsory removal of their children, and argued for the elimination of the residential school program. The federal government had gradually taken over control of the schools through the 1950s (although continuing to rely on the cheap labour provided by missionary teachers, especially in the Roman Catholic schools). The transition from church to secular institutions brought few positive changes. In fact, the residential schools became large, more formal and less personalised than the initial schools, generating considerably hostility among the student population. Native people bitterly resented the rigorous efforts by school teachers and administrators to stamp out Native language use and to bring their students up to Canadian standards.

Residential schools were eliminated in the Yukon Territory by the late 1960s, but remained in place in the Northwest Territories. The Lower Post, BC (Catholic) facility was boarded up; the Anglican church attempted to transform the Carcross Residential School into an alternative education facility, but that experiment failed and the school was shut down. Native children were able to pursue secondary school instruction at one of the high schools in the territory. The dispersal of population in the NWT and the large number of small (less than 1000 people) villages prevented the extension of the secondary school network. Children could be educated through the primary grades in their home community, but they then had to be relocated to one of the major centres for secondary school.

The removal of students for their senior grades required another form of boarding arrangement. Since the goal was to integrate the Native children into the territorial schools, the residential school model would no longer do. Instead, the government and the churches constructed a series of boarding complexes in the major centres. Students roomed in these facilities, which were carefully controlled and monitored, and attended the regular high schools. The new system represented a partial step away from the residential school model, integrating the students into the territorial school system but keeping the children away from their parents and under the control of church or government administrators.

Native students confronted an education system that gave little attention to aboriginal cultures and traditions. Territorial educational administrators adhered closely to provincial education systems; the Yukon follows the BC curriculum, while the NWT adopts the Alberta system. This ensured non-Native parents that their children had a comparable education to students in southern Canada. Native children, conversely, found very little familiar in the curriculum. Native languages were not taught and were, in fact, actively discouraged. Aboriginal views of history, the environment, spirituality and human relations were systematically ignored. It was more important, educators decided, to indoctrinate Native children in the values and customs of British-Canadian society.

The results were predictable. Non-Native parents and children were generally pleased with the school system, although offerings and quality in the smaller villages were, understandably, not always up to standard. Students graduating from territorial high schools had little academic difficulty transferring to southern colleges and universities, thus establishing the credibility of territorial instruction. But a remarkably high percentage of Native students did not make it through the system. Drop-out rates of 85%

were routine, and generated surprisingly little concern within the political and administrative hierarchy. Desmond Sparham of Cape Dorset commented:

Surely there has got to be something wrong with a system which seems to have as its chief effect the breeding of a sense of failure, which in its turns brings a sense of worthlessness and demoralisation.

In the individualist ethos of contemporary Canada, the drop-out rate was ascribed to personal failure, and not to a system-wide inability to relate to an entire cultural strata. The Northwest Territories fared rather better than the Yukon in this regard, if only because the preponderance of Native students in the schools forced a detailed consideration of the children's difficulties.

For much of the postwar period, non-Natives simply assumed that the children's poor performance in school related to the Natives' lack of enthusiasm for education. While Native parents unquestionably had difficulties with the lack of relevance of the curriculum, most were anxious for their children to receive the skills necessary for participation in the changing North. Many, of course, had had unhappy experiences with residential schools and carried a deeply imbedded animosity toward education. Over time, it became clear that Natives were not opposed to education, but rather to the style of education being offered in northern schools.

Major barriers remain to be overcome. Native people across the North remain suspicious of education, and do not value formal instruction in the same fashion as non-Natives. Native children, therefore, do not look to school with much enthusiasm, and generally receive little encouragement from their parents. Three NWT schools in 1981 experienced less than 50% regular attendance; in nineteen other schools, less than 70% of the children attended regularly. The territory-wide average was about 75%, forcing the NWT government to consider sweeping measures to encourage attendance. The effort appears to be working, for attendance at NWT schools increased to 82% by 1986. Fort Liard, which had recorded only 33% attendance in 1981, jumped to 85% by 1986; Repulse Bay attendance jumped from 47% to 71% in the same period.

As a result of these educational experiences, there is currently an enormous gap in educational attainment between Natives and non-Natives in the North, a situation which ensures that non-Natives continue to get the high paying and prestigious jobs and that Natives have great difficulty breaking into the workforce. In 1981, for example, 55% of non-Native adults in the Yukon and Northwest Territories had some form of university education or non-university diploma; around 15% of Native people had attained a similar level. At the opposite end, around 60% of Natives had Grade 8 or less, compared to less than 10% for the non-Native population. This imbalance has shifted a bit of late. Federal government programs for Native university students, combined with territorial subsidies and the development of northern colleges, have encouraged aboriginal people to continue their education beyond high school. The increase in Native participation in postsecondary schooling has been dramatic. From around 75 NWT Native students in the early 1980s, the number jumped to over 200 in 1987. (A total of almost 740 NWT students received government support, indicating that non-Native enthusiasm for postsecondary remains very high.)

The education system in the North has been studied extensively; a tacit recognition that it is failing properly to educate many of the children in the region. Native organisations have offered regular and bitter critiques of territorial schooling, and have repeatedly petitioned for greater aboriginal control over the schools. In 1987, the Yukon government and the Council of Yukon Indians sponsored a Joint Commission on Indian Education and Training to consider the continuing difficulties in the system. The final report, produced only after much controversy, *Kwiya: To Grow Wise*, recommended

sweeping changes in the educational structure, including the transfer of significant powers to Native organisations and communities. *Kwiya* was not greeted with uniform enthusiasm, particularly from conservative members of the community who dismissed it as a form of apartheid, conveniently forgetting that the North long had a segregated school system - but only when it suited the interests of the non-Native population. Change appears to be proceeding faster in the NWT, where the Native majority has been able to convince government and school administrators to amend the education system to make it more relevant for Native children.

Largely as a result of agitation by Native parents and education, serious steps have been taken to accommodate aboriginal demands. Native language instruction has recently appeared in the school system, although largely restricted to the elementary grades. The Northwest Territories proposed making studies in an aboriginal language a requirement for graduation, but backed off in the face of widespread opposition, particularly from non-Native parents who questioned the relevance of such instruction. To assist with this initiative, Yukon College and the Yukon Native Language Centre have established an extensive aboriginal language training program, designed to specifically prepare Native speakers for classroom work.

The effort to incorporate the aboriginal perspective is more broadly based. Elders are invited into classrooms to share their knowledge, and to offer training in aboriginal handicrafts. Increasingly, school training includes time on the land, being instructed in traditional ways by community elders. In some schools, like Old Crow, the school year has been altered to accommodate community hunting and trapping schedules. Inuit in the Northwest Territories have taken this initiative one step further, establishing outcamps for school children, providing them with extended instruction in the ways of the elders. Significantly, this is occurring outside the southern-model of formal classrooms and school discipline, providing the children with far greater access to the complexity of traditional aboriginal life.

A similar educational revolution is under way at the collegiate level. For decades, northerners interested in pursuing postsecondary studies had no option but to leave the territories. Colleges and universities in the south attracted dozens of students every year, most of them non-Natives supported by territories grants. The transition was, for many, difficult and painful. To the inevitable change from high school to college was added the even more traumatic relocation from small northern town to huge southern city. Many could not cope, and stayed only a few months before leaving for home.

Proposals to provide proper postsecondary institutions for the Canadian North foundered on the typical problems of a society with a small, widely scattered population. The Yukon had, from 1963, a small vocational school based in Whitehorse, providing instruction in secretarial skills and industrial trades. A similar school, the Adult Vocational Training Centre, opened at Fort Smith in 1968. Preliminary efforts were also made in both territories in offering some forms of adult basic education, hoping to address the educational deficiencies of a large portion of the adult Native population. Moving beyond the vocational school, however, seemed difficult. Advocates did create the University of Canada North, formally chartered in 1971, with the dream of creating a research and teaching institution which would reach across the North. University of Canada North stalled at that stage: a good idea without financial or administrative support.

Shortcomings in the school system played a major role in continuing efforts to create a northern college system. Realising that southern raised and trained teachers had great difficulty adapting to northern conditions and with few northern-based adults having the proper credentials, school administrators sought means of training northerners to become teachers. Programs affiliated with southern universities were started in both the Yukon

and Northwest Territories. Interest in postsecondary education was, however, greater than could be contained within the teachers' education program, and the territorial government encouraged an expansion of offerings. The Whitehorse and Fort Smith vocational schools were transformed into colleges, and amalgamated with the teachers' education programs. By the mid-1980s, Yukon College and Arctic (earlier called Thebacha) College were offered a wide variety of programs. Yukon College differed from its eastern counterpart because of its emphasis on university transfer programs (first two years), plus adult basic education and vocational courses.

The North has welcomed the expansion of postsecondary academic and technical training with enthusiasm. Arctic College now has three separate campuses - Fort Smith, Iqaluit and Inuvik. Yukon College opened a magnificent facility in Whitehorse in 1988, and has now established community learning centres at thirteen sites throughout the Territory. Both territorial governments have supported the institutions enthusiastically, providing new buildings, expanded teaching and support staff and financial backing. The Yukon government went one step further, endowing Yukon College's Northern Studies program with a \$1 million grant. Official enthusiasm has been matched by student interest. Many non-traditional students, including adults and Native people, have been attracted into postsecondary classrooms; as well, students traditionally lost to southern universities upon graduation are choosing to take at least part of their program in the North.

The vision of University of Canada North was premature, not naive. The Canadian North requires a university, with all the attending economic, cultural and intellectual benefits. In its stead, the North now has two colleges, Yukon and Arctic, that are more oriented towards upgrading and vocational instruction than university level teaching and research. But unlike University of Canada North, the colleges have widespread community support and participation and enjoy the ongoing commitment of their territorial governments. The development of these colleges has also challenged southern-based institutions to reconsider their activities in the North, and to seek means of integrating the facilities, staff and opportunities of the northern colleges into their teaching and research activities. The colleges were not established with research in mind, although Yukon College has provided some encouragement of research activities by staff and southern academics. In time, the colleges may develop into degree-granting institutions; for the present, they provide the North with an entry into the complex and crucial world of postsecondary education.

Northern research

One major element still missing, despite the development of Yukon and Arctic College, is scholarly research. Academic research is an integral part of the colonial pattern that has long dominated the southern approach to the North. The North has been, traditionally, an object of research, rather than a supporter of, or participant in, scholarly investigations into their physical and human landscape. The research agenda for the North, therefore, has tended to favour southern, academic concerns and has not been as well connected to the region as university research has been in other parts of the country.

The North, particularly the arctic, has long been a scientific and academic curiosity. The search for the Northwest Passage, for example, rested primarily on the British determination to explore and map the frozen northland. Subsequent explorations by V Stefansson, Roald Amundsen, and many others represented a curious blend of academic inquiry and adventurism. Stefansson's major undertaking, the Canadian Arctic Expedition of 1913-1918, ran into major problems on this score, for the more cautious academics with the project disagreed vigorously with Stefansson's promotional approach to northern investigation.

In the wake of Stefansson, a small group of remarkable scholars carried academic inquiry into the North. These individuals, often poorly funded, willingly spent many consecutive summers (and often more than a few winters) travelling across the region and living with the aboriginal people. They were, in the main, charting unknown territory: describing curious geographic phenomena and continuing the geological investigations begun by the Geological Survey of Canada; but the Native people attracted the most attention. Pioneer ethnographers, including Diamond Jenness, Cornelius Osgood, Fredrica de Laguna, Catherine McCrellan, and John Honigman, lived with the aboriginal people, recording their languages, experiencing their culture and providing a base line from which most subsequent assessments of Native life in the North have emerged. A similar group of northern scientists, like Kenneth Hare and M Dunbar undertook the first extended scientific investigations of the northern ecosystem. Early in the twentieth century there was a profound scientific and academic ignorance about the Canadian North; by mid-century, these dedicated academics had partially addressed the problem.

This research initiative has been supported by a number of southern-based research organisations, including the Arctic Institute of North America (formerly at McGill but now at the University of Calgary), Centre for Northern Studies (Lakehead University), the Boreal Institute of Northern Studies (University of Alberta), Centre for Northern Studies (McGill), Institute for Northern Studies (University of Saskatchewan) and Laval's northern studies program. The effort is not limited to Canadian institutions. The Scott Polar Institute at Cambridge University is one of the foremost northern studies centres, and Canadian scholars have worked closely with research institutes in the United States, Denmark, Sweden and Norway. These institutes, plus individual scholars and government researchers, sponsored an array of academic inquiries on the North. Most studies, and bulk of the financial support, have been in the sciences. Social science and humanist research on the region has traditionally fallen far behind that in the 'hard' sciences.

The military, a major source of research funding and initiative in the United States, has provided comparatively little to encourage northern research in Canada. A joint Canadian-American research station, specialising in rocketry, operated for a time at Churchill, Manitoba, but beyond that, the Canadian armed forces have devoted few resources to the North. The Distant Early Warning System, an international radar net built across the arctic at the height of the Cold War, stands out as an exception. Before work could proceed, considerable scientific work on arctic communications, electrical and magnetic fields, oceanography and other related aspects had to be conducted. The result was a short-lived burst in northern scientific research, most of it funded and controlled by the United States government. Not until the great pipeline debates of the 1970s would the North again witness such an explosion in northern research.

The federal government has made several modest efforts to support northern research. In 1962 the Advisory Committee on Northern Development established a program of grants for student research in the North. This program eventually became the Northern Scientific Training Grants program, designed to encourage southern students, particularly scientists, to undertake research in the North. In its first year of operation, over \$20 000 was divided among the six participating universities. In 1988/89 twenty-six universities applied for assistance, dividing a fund of \$750 000 among them. The NSTG system has typically attracted student scientists. In 1987, for example, 38% of the funds went to those in the physical sciences, 36% to the life sciences and less than one quarter to the human sciences (which includes the humanities and social sciences). By all accounts, the NSTG program has achieved its primary objective, which was to train a cadre of northern scientists.

Scientists have been assisted in other ways. The Polar Continental Shelf Project, a major and ongoing research initiative, has helped dozens of scientists with their northern research, through the provision of financial and logistical support. The federal government has been studying other ways to encourage arctic research and has announced the establishment of a Polar House, to foster northern specialisation and provide liaison with the numerous government departments with arctic responsibilities. Cooperative research activities have become increasingly common, and institute or departmental research stations are routinely shared with other researchers. The North now has a variety of research stations, including the AINA's facilities at Kluane Lake and Devon Island, McGill's Axel Heiberg Island and Sub-arctic Research Stations, the Polar Bear Pass High Arctic Research Station, Churchill Northern Studies Centre, Eskimo Point Arctic Research Station and more than a dozen others across the North. These stations are located with reference to specific biological or geographical conditions and cover most of the ecological zones in the subarctic and arctic. They are not designed to serve the needs of researchers interested in human relationships.

The established patterns of research are not without limitations. Academic researchers have become like migratory birds, arriving in the late spring, spending much of the summer in the subarctic or arctic, and then returning south before the university year begins - and before winter sets in up North. Much of the work by scientists is self-contained and takes place in research camps and stations far removed from settlements. Little of the money and wages associated with these projects remains in the region, going instead to graduate students and research associates attached to the researchers' universities.

The research agenda also reflects the southern orientation of most scholars. Topics for investigation are typically determined by southern or national priorities (including government and business concerns) and only rarely by the specific needs of northern communities. The result has been excellent research production for Canadian arctic scientists are among the best in the world - but a certain unease in the northern communities about the relevance of the scientific or scholarly enterprise. The problem is particular acute in the social sciences, which have a more immediate bearing on northern peoples. The dozens of social scientists and humanists (including anthropologists, sociologists, communication specialists, historians, human geographers, and others) who come North each year typically pursue research of their own design and target an academic audience. The consequence has been an abundance of scholarly investigation in particular fields - leading to the standard joke that the average northern Native family consists of a mother, father, three children and an anthropologist - and limited research in areas of particular concern to northern peoples. The problem can be particularly acute. In some isolated settlements, several social scientists arrive each year, studying yet again Native communities that have been examined extensively in the past. The residents do not always enjoy the intense investigation and have, on occasion, become rather short tempered or dismissive of these academic birds of passage.

Efforts are under way to redirect part of the academic enterprise towards northern and aboriginal needs. The various northern land claims have made a tremendous contribution to this reorientation. Detailed research into such themes as place names, hunting and trapping territories, aboriginal languages, local geography and potential land use is an integral part of the land claims process, providing the Native bands and organisations with the base line data required to make a systematic approach to government. Importantly, this research has been funded by Native groups (using money advanced against the final settlement) and is under their control. The Native organisations decided who to hire, helped determine the shape of the research activity, often encouraged the hiring of local Native assistants and owned the final results.

This form of research required a different perspective on the part of the academic, and not all were able to make the transition from independent inquiry to Native-controlled investigations. Much first-rate research has been accomplished through these joint enterprises, in which southern expertise and training was combined with specific northern needs. Major mapping projects, community assessments, cultural research and other initiatives have been, and are being, undertaken on behalf of northern Native groups.

Territorial governments are increasingly getting into the research game as well. Until recently, the governments of Yukon and NWT commissioned little of their own research, relying instead on the work provided by federal departments. Devolution of administrative responsibilities to the territorial administrations has resulted in a significant shift in research functions. Both territorial governments now sponsor considerable research in their own right, particularly in education, economic development, archaeology and heritage preservation. The Prince of Wales Heritage Centre and the Yukon Territorial Archives, as well as the two northern colleges, provide the facilities, records and forums for northern research.

Cooperative research, in which academic inquiry is melded with community requirements, has also taken firm root in the North. The Science Institute of the Northwest Territories actively encourages southern-based scholars to train and utilise northern research assistants, and assists academics in sharing the results of their research with northerners. The Yukon Science Institute is more promotion, than research, oriented, but provides a valuable service in making scholarly work available to the general public. Both organisations seek to make scholarly research relevant to northern residents and to ensure that southern academics include community concerns in their planning and activities.

Perhaps the best example of cooperative research is the Yukon Native Language Project established in the 1970s by linguist John Ritter. The centre initially engaged in 'rescue linguistics,' attempting to record and document rapidly disappearing aboriginal languages. While that work continues, the YNLP now trains interpreters and Native language teachers, assists with the development of school curricula, records the stories and language of elders, encourages aboriginal cultural activities and otherwise assists with the preservation and enhancement of Native languages. At the same time, researchers associated with the Yukon Native Languages Project have completed some exceptional works of scholarship, adding considerably to academic understanding of northern Native people.

There are other examples of successful cooperative research. The Fort Selkirk Culture History Project, initiated by the Selkirk band and the Yukon Heritage Branch, combined community requirements and a special opportunity for scholarly inquiry. Under the direction of two trained archaeologists, Norm Easton and Ruth Gotthardt, Selkirk band members conducted an extensive oral history and archaeological research project pertaining to the Fort Selkirk site on the Yukon River. The research included the training of a band members for field work, the participation of elders as facilitators and instructors in aspects of aboriginal culture, and involved other Selkirk Natives as camp workers. Project inquiries were very wide ranging, from Yukon prehistory and early contact with Europeans to plant medicines, preparation of hides and making of wooden tools. The methodology and intent of the Fort Selkirk initiative differs greatly from the standard academic research, in that the training and participation of community members was a top priority; the results, however, promise to make a significant contribution to scholarship.

The colonies strike back: politics in the new North

Northern Canadians, even those without a well-developed sense of history, are aware of their region's colonial status. Symbols of federal dominance abound - in the large number of federal government offices and employees, the routine trips by territorial workers and Native representatives to Ottawa, the widespread evidence of the importance of federal grants in the northern economy and the remarkable power of the Minister of Indian Affairs and Northern Development over the Yukon and Northwest Territories.

Federal and provincial politicians provided a remarkable example of the powerlessness of the territorial North in 1987. Meeting at the Meech Lake government retreat outside of Ottawa, Prime Minister Brian Mulroney and the ten premiers agreed on a series of constitutional amendments designed to accommodate Quebec's demands for constitutional change. Aside from the non-demographic nature of the sweeping alteration of political and legal power in Canada, the Meech Lake Accord generated sustained hostility from across the country. Northern Canadians had particular reason to be concerned, for the accord altered the arrangements for the creation of new provinces. Instead of the earlier arrangement which required the would-be province to negotiate directly with Ottawa, the accord required unanimous support from the provinces, giving each an effective veto over the future evolution of the Yukon or Northwest Territories toward provincial status.

The Meech Lake Accord quickly fell on hard times, attacked by a variety of pressure groups, including Native people and women's organisations, and was soon becalmed by changing Canadian political realities. The Accord was saved through desperate negotiations in the summer of 1990; the North remained on the outside looking in. Northerners have learned, once more, a painful lesson. Other Canadians, duly represented by their federal and provincial governments, are prepared to deny the territories those basic political rights enjoyed by all other citizens, including the right to dream of eventual political equality within Canada.

Provincial status for the territories, a hot item in the 1970s, had been pushed to the back-burner in the following decade. Numerous studies of the issue have presented convincing evidence that a move to provincehood would carry considerable costs for territorial residents and, because it would alter the territories' relationship with Ottawa, would actually weaken the region's political clout. Few northern politicians now argue for an imminent move to provincial status, although all would like to keep the dream of full partnership alive. This accounted for the region's hostility to the Meech Lake Accord and the strong, unified regional response to the federal-provincial proposals.

The shocking emergence of the Meech Lake Accord - territorial representatives were not invited to the meeting and did not know that the constitutional future was being debated - provided another reminder of the North's political vulnerability. The territorial North has had difficulty bringing its concerns to the forefront of national politics. Only in the late 1950s, when John Diefenbaker led his party on a political crusade based on new vision of the North, has the region enjoyed much of a political profile.

The task of carrying the regional message to Ottawa unquestionably rests with the Members of Parliament from the Yukon and Northwest Territories. The Yukon was represented by Erik Nielsen from 1957 to 1987. Nielsen has maintained a consistently high profile, from his days in opposition in the 1960s when he was at the centre of a series of major political scandals to his term as Deputy Prime Minister under Prime Minister Mulroney. Nielsen was not, however, a particularly outspoken advocate of northern affairs. As a close adviser to Prime Minister Joe Clark during his short term, Nielsen did secure a significant increase in federal grants for the territories and a promise

to see the territories move quickly toward provincial status. Nielsen, however, maintained a low profile on regional issues and, as he found himself coping with a successive series of political scandals, his influence over territorial matters seemed to weaken.

Surrounded by controversy and tiring of the political wars after thirty years, Nielsen accepted a patronage appointment to the Canadian Transportation Commission and resigned his seat. Yukoners voiced their dissatisfaction with the Conservative government, the Meech Lake Accord and Nielsen's style of politics by returning Audrey McLaughlin, a New Democratic Party member, in the 1987 by-election. McLaughlin proved herself an influential regional advocate, breaking with her party over the Meech Lake Accord and speaking out freely on the need for regional autonomy. Her profile rose quickly, as she was named chair of caucus in 1988. When Ed Broadbent resigned as party leader, Audrey McLaughlin mounted a successful campaign to replace him, becoming the first Northern Canadian and the first woman to lead a national political party.

The Northwest Territories, in contrast, has not enjoyed such political continuity or profile. Two of the region's Members of Parliament, Peter Ittinuar and Dave Nickerson, became embroiled in personal controversies and were subsequently rejected by the electorate. Voting in the NWT has been all over the political map: the region has sent a number of New Democrats to Ottawa, elected two Conservatives in the 1984 Conservative landslide and voted for two Liberals in the 1988 election. The experience of Tom Suluk, PC member for the eastern arctic suggests some of the difficulties facing Northern representatives. Suluk, not a particularly ideological man, agreed to run for the Conservatives in the 1984 election. He moved his family to Ottawa, only to discover that his wife and children were very uncomfortable in the large city. They returned to Rankin Inlet while Suluk commuted between his home and the House of Commons. He was soon disillusioned with the political process and found that, as a government backbencher, he had little opportunity to influence party policy. Further, he discovered that the rules developed for southern politicians had little application in the North, further complicating his life. With little hesitation or sadness, he decided not to stand for re-election and returned to Rankin Inlet. It remains to be seen if the new representatives from the NWT, two Liberals, will enjoy greater success in adapting to political life in Ottawa and bring their territory's concerns to the attention of federal bureaucrats and politicians.

In recent years, the locus of political change has shifted from Ottawa to the territorial capitals. The federal government remains omnipresent, if only due to control of territorial finances, but the devolution of administrative responsibilities from the federal to the territorial governments has significantly altered the political balance. Devolution - or the transfer of government responsibilities from the central government to the peripheral administration - began in the early 1970s. In 1972, for example, the federal government transferred responsibility for the territorial portions of the Alaska Highway to the Yukon government. The process has proceeded slowly since that time, subject to lengthy negotiations and repeated demands from the territories that they be given the financial and legislative resources to properly manage their new responsibilities.

A major constitutional change occurred in October 1979, with the transmission of the Epp letter. Jack Epp, Minister of Indian Affairs and Northern Development, accepted territorial demands for a lessening of federal power, particularly the power of the Commissioner. In a letter to Yukon Commissioner Ione Christensen, Epp outlined his government's desire to grant the Yukon greater responsibility for its own affairs and ordered Christensen to accept a consequent reduction of her authority. Christensen resigned, and then ran for the Liberal Party in the 1980 election, losing a close battle to incumbent Erik Nielsen. Epp's action had, however, granted the Yukon *de facto*

responsible government, giving the Territory much greater authority over territorial affairs.

The process of devolution has continued apace since 1979, and now covers a range of programs: highways, health, timber, wildlife management, water and a variety of other government programs. The stumbling block remained control of natural resources, the cornerstone of any jurisdiction's claim to political autonomy. So long as Ottawa controlled the North's natural resources, particularly oil and minerals, the territorial administrations remained essentially powerless, unable to determine the pace and direction of resource development in the North. In 1988 Prime Minister Mulroney signed a 'Northern Accord' with NWT Government Leader D Patterson, indicating a willingness of both sides to divide control over, and revenue from, territorial resources. A similar accord is being negotiated with the Yukon government.

Devolution will not end until that date, in the distant future, when the Yukon and Northwest Territories secure full provincial powers. It is evident, however, that Canada and its territories have reached an accommodation between colonial status and full provincehood. These arrangements, which will change as the territories mature and expand their administrative capacity, go a long way toward addressing the serious constitutional and governmental imbalance that has long characterised the governance of Canada's colonies.

The shift in power to the territorial level has resulted in a similar re-orientation of political emphasis. Through the 1950s and 1960s, when territorial administrations had little status or authority, the assemblies in the Yukon and Northwest Territories held little attraction for politically active people. As devolution began, and as regional demands for autonomy picked up in intensity, more people were drawn to territorial politics. Within a decade, political life in both territories underwent a significant revolution, although the path differed significantly between the Yukon and Northwest Territories.

In the Yukon, party politics emerged relatively early in the game. The political affiliation of most territorial politicians was well-known in the Yukon, but before the mid-1970s, no formal party mechanisms had been established. The 1974 decision of the New Democratic Party to run a slate of candidates in the territorial election, however, convinced the Liberal and Conservative Parties to organise at the territorial level. The first election run on party lines took place in 1978. The Conservatives won this election and continued their domination of territorial politics through the first half of the 1980s, advancing a prodevelopment program and demonstrating little sympathy for aboriginal land claims. The New Democratic Party, the main opposition to the Tories, called for more government control of the economy and promised full support for the demands for Yukon Natives for a settlement of their land claims.

Quirks in the territorial electoral map, which gave a majority of seats to the communities outside Whitehorse, and dissatisfaction with the Conservative government, resulted in the election of an NDP minority government in 1985. The administration led by Government Leader Tony Penikett held on through a three year term, and won a narrow majority government in the February 1989 election. The Tories struggled in opposition, but no more so than the Liberals, who lost their leader to a criminal conviction and were unable to elect a single member in the 1989 election.

Party politics are firmly entrenched in the Yukon Territory, with the two main combatants, the NDP and the Tories, representing strongly contrasting views of the role of government in the North. In office, the Conservatives placed much hope on resource developments and the construction of the Alaska Highway pipeline. They hoped to encourage more mining activity, and saw the land claims process as an impediment to economic growth. In many ways, Yukon Conservatism remained a bastion of

individualism and the free enterprise ethic, although party members were often among the first to complain when federal monies did not flow northward fast enough. The New Democratic Party proceeded through its first term very cautiously, negotiating the reopening of the Faro mine, encouraging mineral exploration and investing in a series of major government construction projects. The government's major initiative, an innovative program of community consultations on economic development, called the Yukon 2000 process, provided clear evidence of the party's belief in the need for planning and more carefully managed development. The NDP priorities were clearly different from the Tories, however, for the party believed in central control of the economy, a more flexible approach to aboriginal land claims and advanced social legislation (including controversial human rights legislation).

The situation in the Northwest Territories is markedly different. The NWT has lagged consistently behind the Yukon in political development. The territorial council remained Ottawa-based until 1967, when it was moved to Yellowknife, and appointed officials remained very influential until the mid-1970s. Not until 1975 did the NWT have a fully elected territorial council. Territorial politicians, however, repeatedly resisted suggestions that party politics, modelled on southern systems, be introduced into the territorial arena. From the beginning, they have argued that the Northwest Territories requires a different political style, one in keeping with the cultural diversity of the region and consistent with aboriginal desires for consensus.

As a consequence, a uniquely NWT political system emerged. Individuals are elected on a constituency basis; their political affiliation is a matter of minimal consequence. Once elected, the members of the territorial assembly select a leader (the position rotates among elected members) and an executive committee. Decisions are reached by consensus and the structure is such that, unlike in a parliamentary system, if a government measure is defeated the government itself does not have to surrender power. The system has its flaws, and there have been many suggestions that political parties should enter territorial elections. To date, however, those pressures have been resisted.

The Northwest Territories' political structure has proven reasonably responsive to aboriginal needs. The NWT is the only political jurisdiction in Canada with a majority of Native (Métis, Inuit, Inuvialuit and Dene) members, ensuring a sympathetic hearing on aboriginal issues. This has, in turn, led to some tensions between the NWT government (and its politicians) and Native organisations, both of which claim to speak for the aboriginal population. The NWT government's support for pipeline construction and development of oil and gas resources, for example, is currently in conflict with some Native groups, who first demand settlement of land claims and who support a slower exploitation of non-renewable resources.

Political life in the Northwest Territories is dominated by a distinctive issue: division and the creation of Nunavut. The Northwest Territories is an artificial entity, the land leftover after the provinces had extended their boundaries and the Yukon had been created. As such, it lacks geographical or cultural logic. From early times, the Inuit of the eastern arctic have argued for a separate administration from that governing the Mackenzie River valley. This demand escalated with the relocation of the territorial capital to Yellowknife, which placed many eastern communities hundreds of miles from the seat of power.

Residents of the eastern arctic pressed for the division of the Northwest Territories and the establishment of Nunavut, the eastern portion of the territory, as a new self-governing territory itself. A number of concerns quickly emerged: were all Inuit to be collected into a single unit, or would the Inuvialuit of the Mackenzie delta prefer to remain with the western jurisdiction; where would the boundary be drawn; who would gain control of the oil and gas rich Beaufort Sea; how would resource revenues be

shared, if at all? In the spring of 1982, people across the NWT voted in a plebiscite on the issue. Division passed with 56% of the vote, although support was far stronger in the east than the west. The close vote did not settle the matter once and for all. Dozens of meetings were held and two organisations, the Western Constitutional Forum and the Nunavut Constitutional Forum, were created to negotiate a formal division. An agreement was signed on 15 January 1987 setting out the formal terms of a separation. An impasse developed, however, over the boundary between Inuit and Dene lands and as a result of accusations by the Inuvialuit that they had not been properly consulted on the issue. Division, once seen as inevitable and as a solution to many of the NWT's political problems, languished.

Canada's colonies have, indeed, fought back. In the mid-1960s territorial administrations exercised little real authority and shared power with a number of appointed officials, most notably the Commissioners. Regional politics attracted little attention and was marked by impassioned rhetoric and federal inattention. As regional protest coalesced into a more sophisticated critique of federal policy, and as Native people emerged into the political forefront, the federal government permitted a gradual devolution of authority to the periphery. This process escalated under the Clark administration, when the Yukon moved to responsible government, and continued apace following the election of Brian Mulroney and the Conservatives in 1984.

The Yukon and Northwest Territories remain colonies, as was graphically displayed by the complete ignorance of territorial issues during the Meech Lake constitutional negotiations and by the refusal of the provinces to include the territories in First Ministers' meetings. Ottawa retains power over territorial lands and resources (although some sharing of this control seems imminent), and retains legal authority over territorial legislatures. In practical and regional terms, however, major change is evident. The Commissioners have been reduced to ceremonial figures, the northern equivalent of Lieutenant-Governors in the provinces. Cabinet-style governments, including the Yukon's traditional party-based and the NWT's consensus administration, manage most territorial matters and have gained steadily in power and effectiveness over the past two decades. Just as the territorial governments emerged from under Ottawa's shadow, however, they now face the prospect of sharing their power with Native people as a result of the aboriginal land claims process.

Native organisations and land claims

The response to colonialism in the Canadian North has not been restricted to electoral politics. In fact, the most sustained and most severe critique of Canadian policy and attitudes towards the territories has come through the various aboriginal organisations. Much has been made of the recent gestation of Native activism in the North, the suggestion being that the level and intensity of Native activism is actually due to the work of non-Native organisers. There is an element of truth to this assertion, particularly on the organisational level, where non-Native activists played an important early role in developing and expanding Native organisations. The accusation does not, however, provide the full story. Native political protests, in fact, emerged from deep-seated problems within the aboriginal communities and from their desire to break loose from the paternalistic and suffocating administration of the federal government. Aboriginal anger and frustrations are very real, as is the determination of northern Native people to achieve a just settlement of their aboriginal claims.

Aboriginal organisations emerged in the North in the mid-1960s, coincident with the expansion of political protests among North American Indians generally and with the activities of such non-Native activists as the Company of Young Canadians. By the early 1970s, umbrella organisations had emerged among the different Native groups in

the North: including the Yukon Native Brotherhood (which superseded the Yukon Indian Advancement Association and later amalgamated with the Yukon Association for Non-Status Indians and renamed the Council of Yukon Indians), the Métis Association of the Northwest Territories, the Indian Brotherhood of the Northwest Territories (renamed the Dene Nation), the Committee for Original Peoples' Entitlement or COPE (representing the Inuvialuit, Inuit of the western arctic) and Inuit Tapirisat of Canada (the national Inuit association) and the Nunavut (eastern arctic) land claims body, TFN (Tungavik Federation of Nunavut). These associations provided a focus for aboriginal protests and a mechanism for approaching federal and territorial governments. The Natives finally had a vehicle for presenting their claims, demands and dreams.

The organisations ranged widely in orientation and origin. For the Inuit, for example, much of the training and organisational impetus came out of the cooperative movement, which had drawn the widely scattered communities together and provided the Inuit with a sense of common purpose. Other organisations, particularly the Métis Association and Yukon Native Brotherhood, represented the effort of a small cadre of committed advocates, who struggled for years to develop a pan-Indian approach to political problems, despite the cultural and linguistic barriers that stood in the way of territory-wide arrangements. The Dene Nation, and particularly under George Erasmus, one of the early leaders, was the most radical of the group and given to controversial statements.

The Native organisations faced two battles in the late 1960s: the immediate problem of responding to the federal government's 1969 White Paper on Indian Affairs and the longer term question of settling aboriginal land claims. In the first instance, northern Natives participated in a nationwide aboriginal protest against proposals by the Liberal government to eliminate the Department of Indian Affairs and to transfer responsibility for Native matters to provincial and territorial governments. The rapid mobilisation of aboriginal peoples, coupled with the evident weaknesses in the government's position resulted in the withdrawal of the White Paper; the Native organisations formed in response to this crisis, empowered by their ability to change government policy, remained in place, determined to continue the struggle against federal initiatives.

The Canadian government's unwillingness to address the question of aboriginal title to the land remained a matter of great concern. Under the Royal Proclamation of 1763, the British government committed itself to negotiate treaties with Native peoples before taking possession of their traditional lands. This had been done across much of the country (with the important exception of British Columbia, where provincial officials continually refused to discuss the issue). But from the beginning, the federal government drew the line in the North, believing that the vast, non-agricultural lands of the arctic and subarctic would never attract sizeable non-Native populations. For those regions north of the agricultural belt, the government decided to implement the treaty process (it would be misleading to call it negotiation) only when significant economic development seemed imminent.

For many of the Native peoples north of the 60th parallel it appeared as though the time for negotiation would never come. Only the Natives of the Mackenzie River valley were drawn into treaty, and then only because the discovery of oil at Norman Wells in 1920 raised the prospect of a rapid development of the region. Through the 1960s, the federal government continued to reject the notion of land claims negotiations with the remaining Natives of the North, even though, under established British and Canadian law, title to the land seemed to remain with the Native people. The government's resolve dissolved in 1973 with a Supreme Court decision in the Calder case which seemed to accept the legitimacy of aboriginal claims to the land. Faced with this rebuke from Canada's highest court, the Trudeau administration agreed to open negotiations with a limited number of aboriginal organisations. The first to the table was the Yukon Native Brotherhood which, in 1973 published its opening salvo in the land claims debate,

Together Today for Our Children Tomorrow: A Statement of Grievances and an Approach to Settlement by the Yukon Indian People.

In the Yukon, Mackenzie River delta and eastern arctic, the land claims issue was straightforward. The federal government had never negotiated a formal surrender of aboriginal title, leaving the Native people with a legitimate claim to their traditional lands. The Mackenzie River valley, covered by Treaty 11, was a different matter, for the Dene had been living under treaty provisions for fifty years by the time land claims negotiations began. Court cases in the 1960s, however, challenged the legitimacy of the treaty negotiations and demonstrated that the federal government had not honoured its commitments under the treaty. Under these circumstances, the federal government agreed to negotiate with the Dene and the Métis Association for a final resolution of outstanding claims.

The resolution of these Native claims took many years of tough, often acrimonious negotiations. The Council of Yukon Indians appeared to have reached an accord in 1976, and again in 1984, only to have the agreements rejected by the Native communities or become entangled in federal political concerns. The Dene/Métis claim was even more convoluted, as internal squabbles, federal rejection of alleged aboriginal radicalism and the competing demands of major oil and gas developments complicated an inevitably difficult process. Negotiations proceeded more quietly in the eastern arctic, as the Tunagik Federation of Nunavut and the federal government worked through a complex series of subagreements.

Only one claim, that involving the Committee of Original Peoples' Entitlement (Inuvialuit), proceeded to completion within the first fifteen years of negotiations. The Inuvialuit and the federal government ratified a final accord in 1984, signing a deal that provided the Natives with land, financial compensation, additional funds for economic and social development and a share of resource revenues from all lands covered by the settlement. Most importantly from the government's perspective, COPE negotiators agreed to surrender their claim to aboriginal title in exchange for the compensation package; the other northern claimants, particularly the Dene and CYI, hoped to retain some portion of their aboriginal rights under a settlement. Aboriginal demands for self-government presented another stumbling block, although the willingness of both territorial administrations to consider some measure of power-sharing helped resolve this thorny question. (In the Yukon, this did not happen until after the election of the NDP in 1985.)

In the late 1980s, the federal government moved quickly to conclude the costly land claims process, although their urgency rested primarily on a desire to prepare the region for further resource development. In the summer of 1988 a framework agreement (which left a large number of specific details to be ironed out, primarily through band by band negotiations) was arranged with the Dene/Métis Association of the NWT. Later that fall, a similar accord was announced for the Council of Yukon Indians. Formal agreements were signed in April 1990, with the Council of Yukon Indians gaining control of 16 000 square miles of land and \$232 million (\$4 million of which is owed to the federal government to cover the costs of negotiations). The Dene/Métis have also settled; they are slated to receive \$500 million in compensation and some 70 000 square miles of land. The TFN discussions were also concluded in the spring of 1990. These high profile announcements, which spoke of hundreds of millions of dollars and thousands of acres of land passing to Native hands, are somewhat premature. The discussions are not over, however. Several years of negotiation will inevitably follow the acceptance of the Framework Agreements, before the land claims issue in the Canadian North is finally settled.

Natives in the two territories are not alone in their insistence upon a settlement of aboriginal land claims. In 1977 the James Bay Cree and Inuit of northern Quebec signed a complex arrangement which permitted the construction of a series of major hydro-electric projects. The Innu/Naskapi of Labrador are demanding federal and provincial recognition of their aboriginal land rights. Lengthy but sporadic discussions, stretching over a century, have been underway involving the Nishga people of northern British Columbia; a preliminary agreement was signed in 1989, but the refusal of the provincial government to participate continues to undermine the process. Natives elsewhere in the western portion of northern British Columbia have unresolved land claims; Treaty 8 covers large sections of the northeast of the province, but many land issues remain unsettled in this area as well.

Northern Native people, however, have been able to resolve their land claims, ironically because of the colonial status of the territories. Although the Yukon and NWT governments have been involved in the negotiations, their inclusion is more a matter of political courtesy than legal necessity. The federal government has the authority to grant the Natives whatever lands and monies they desire; the division of powers with territorial authorities, particularly in the aftermath of devolution, has to be negotiated more cautiously and requires territorial involvement. Negotiations dragged through the years of Liberal rule, frustrating Natives and non-Natives alike and creating a cloud which dampened development plans throughout the North (particularly during discussions of northern pipelines). The Conservative administration, after a very unwelcome start that effectively scuttled an agreement in principle signed with the Council of Yukon Indians in 1984, made the resolution of land claims a government priority. Beginning in 1984, the land claims proceeded more expeditiously, raising the prospect of final resolution of an issue that has dominated northern political and Native affairs since the early 1970s.

Native political organisations, therefore, emerged in the political turmoil of the 1960s, scored a major success over the 1969 White Paper and have been mired since that time in prolonged negotiations over land claims. Born in controversy and raised in the often hostile atmosphere of land claims discussions, these organisations have a reputation for conflict, inflammatory rhetoric and a staunch defence of aboriginal causes. The resolution of land claims, if the Framework Agreements indeed become the foundation for a permanent settlement, will force these institutions to change goals, rhetoric and tactics very quickly. The Committee for Original Peoples' Entitlement did not make the change fast enough after the 1984 agreement, and found its role as the most powerful voice of the Inuvialuit usurped by the Inuvialuit Regional Corporation, although only after a bitter internal struggle. The other Native organisations - Dene/Métis, CYI and TFN - face a similar transition from the combat-readiness demanded by the land claims process to the management-oriented and more cautious style dictated by the terms of the settlement agreements. The CYI is in the midst of such a reorganisation, as it seeks to define a role for a central aboriginal organisation in the years after land claims.

Conclusion

This survey of conditions is selective, rather than comprehensive. It attempts to illustrate the complex and rapidly changing conditions in the Yukon and Northwest Territories, particularly among the Native population. The last fifteen years have seen remarkable changes in almost all spheres. Perhaps the most significant is the peaceable and mutually beneficial accommodation reached between the Natives and non-Native people. Although relations are far from perfect, the contemporary situation represents a significant advance over previous conditions.

The Canadian North still has little control over its destiny. The federal government controls the North's constitutional agenda and finances; international markets determine

the viability of territorial resource developments; the world's fickle tourism industry will determine the success or failure of dozens of service projects; the escalating campaign of the animal rights organisations threaten the fragile viability of Native harvesting activities. The Yukon and Northwest Territories have gained greater control over their internal affairs, but this provides little protection from the vagaries of external forces and processes.

The Canadian North is currently in an unusual situation where optimism is offset by social crisis, an innovative legislative program is met by economic uncertainty, and excitement about the long overdue settlement of aboriginal land claims clashes against the social and cultural malaise that affects all northern Native settlements. Tremendous energy has been exerted over the last three decades in beating back the entrenched values, structures and positions of the past and creating a present that, for the first time since the nineteenth century, provides Native people with a legitimate share of regional authority. The challenge for the next decade is to consolidate the hard-won improvements and to use the resources and authority gained through the processes of land claims and devolution to provide the social and economic stability that northerners seem to desire. Only time will tell if the North and Canada have the political will, financial resources and cultural openness to deal with the problems and create a more harmonious, inter-racial society in the Yukon and Northwest Territories.

Recommended readings

- This article is based on: Coates K & Powell J, 1989 *The Modern North: People, Politics and the Rejection of Colonialism*, Lorimer, Toronto; and Coates K & Senkpiel A, (forthcoming) *Approaching the North: an Introductory Text* (tentative title), University of British Columbia Press, Vancouver. Other titles of value are listed below:
- Berger T, 1977. *Northern Frontier, Northern Homeland: the report of the Mackenzie Valley Pipeline Inquiry*, Minister of Supply and Services, Ottawa.
- Brody H, 1987. *Living Arctic: Hunters of the Canadian North*, Faber, London.
- Coates K & Morrison WR, 1989. *For the Purposes of Dominion: Essays in Honour of Morris Zaslow*, Captus University, North York.
- Cox BA (ed), 1988. *Native People/Native Lands: Canadian Indians, Inuit and Métis*, Carleton University Press, Ottawa.
- Dacks G & Coates K (eds), 1988. *Northern Communities: the Prospects of Empowerment*, Boreal Institute for Northern Studies, Edmonton.
- Dacks G, 1990. *Devolution and Constitutional Development in the Canadian North*, Carleton University Press, Ottawa.
- Damas D (ed), 1984. *Handbook of North American Indians, v5, The Arctic*, Smithsonian Institution, Washington.
- Dosman EJ, 1975. *The National Interest: the Politics of Northern Development, 1968-1975*, McClelland and Stewart, Toronto.
- Duffy RQ, 1988. *The Road to Nunavut: the Progress of the Eastern Arctic Inuit Since the Second World War*, McGill-Queen's University Press, Montreal and Kingston, Ontario.

- Hall S, 1987. *The Fourth World: the Heritage of the Arctic and its Destruction*, Knopf, New York.
- Helm J (ed), 1981. *Handbook of North American Indians*, v6, *The Subarctic*, Smithsonian Institution, Washington.
- Honderich J, 1987. *Arctic Imperative: is Canada Losing the North?*, University of Toronto Press, Toronto.
- Joint Commission on Indian Education and Training, 1987. *Kiwaya: to Grow Wise*, Whitehorse.
- McMahon K, 1988. *Arctic Twilight: Reflections on the Destiny of Canada's Northern Land and People*, Toronto.
- Osherenko G & Young OR, 1989. *The Age of the Arctic: Hot Conflicts and Cold Realities*, Cambridge University Press, Cambridge.
- Page R, 1986. *Northern Development: the Canadian Dilemma*, McClelland and Stewart, Toronto.
- Wonders W (ed), 1988. *Knowing the North: Reflections on Tradition, Technology and Science*, Edmonton.
- Zaslow M, 1988. *The Northward Expansion of Canada, 1914-1967*, McClelland and Stewart, Toronto.

POPULATION GROWTH IN NORTHERN AUSTRALIA: IMPLICATIONS FOR THE 1990s

Philippa Hudson

Introduction

Population changes in rural Australia continue to influence government investment and policies, particularly in small towns. Because so much emphasis is placed on whether towns and rural areas are growing or declining, the first part of this paper will attempt to clarify and update rural population changes*, focusing on the more remote north. In the second section some indications for population changes in the 1990s are discussed.

For nearly two decades a vast body of literature and media reporting on small towns has focused on decline, decay and losses (Burnley 1979, 1981, 1989; Holmes 1979, 1981, 1988a; Jensen 1982; Musgrave 1982; McSwan 1983, Smailes 1989). Accordingly, there has been a tendency to dismiss research showing important rural turnaround trends (Jarvie & Browett 1980; Jarvie 1981; Hugo 1983; Hugo & Smailes 1985; Hudson 1987; Hugo 1987; Taylor 1989). Hugo & Smailes (1985), for example, showed an unprecedented increase this century in the growth of the two smallest settlement categories for the 1971 to 1981 period. Hugo (1983, 19) had previously noted that many of the most rapidly growing towns of 5000 people or more were a considerable distance from metropolitan centres.

In southern Australia, some recent academic literature is again emphasising rural decline and the turnaround growth seems to have been dismissed as a temporary aberration in a continuing cycle of rural town decline. The *Rural Settlement Project* being undertaken by the Planning and Research Centre, University of Sydney, focuses in its Overview and Summary (1989) on settlement decline. Evidence is presented that although there was a turnaround with population expansion in rural settlements between 1976 to 1981, the 1981 to 1986 period shows net migration losses in 'selected centres'. In contrast with these studies, 1986 census information from Victoria demonstrates that the rate of population growth within Melbourne urban area continued to fall behind the rest of the state; also that there are strong indications of a slowing of rural-urban migration with a general stabilisation of small towns population levels (Henshall Hansen Associates 1988, 6, iii). The latter consultancy study, undertaken for the Department of Agriculture and Rural Affairs, highlights the variable nature of rural change. It notes new rural activities which have strengthened the role of a number of small towns, the significance of small towns as dormitory settlements for provincial and larger town employees, as well as towns affected by the decline in the relative importance of the agriculture sector or job losses in manufacturing industries. The towns most at risk are identified as those with less than 1000 people. A conclusion is drawn that, given the continuation of outward population movements from the metropolitan area and large provincial centres and the apparent relative stability of the rural population, the outlook for small towns is certainly not all doom and gloom (p 11).

* This section contains work submitted to *Urban Policy and Research* for publication

Studies which focus on the problems facing declining rural towns are very important, particularly when they identify how government decisions are contributing to a spiral of decline and make recommendations about how to possibly reverse or stabilise this process. Both the above studies have done this. Unfortunately, research which highlights rural settlement decline, inadvertently contributes to a negative picture of small rural towns. The media tend to publicise the theme of struggling country towns. Others have incorrectly extrapolated from localised material to the rest of rural Australia. For example, at a recent conference in Townsville, a startling prediction was made of a further 30% decline in rural population. This prediction was based on a perceived trend of continuous decline over the past two decades. The speaker had worked in western Queensland, one of the few areas of sustained rural depopulation in northern Australia.

Northern Australia has received little attention in discussions on rural population changes. Using evidence of population growth in north Australian statistical divisions as well as in remote small northern towns, part of this paper aims to demonstrate that rural decline is not a universal phenomenon.

Northern statistical division and small town population changes

When dealing with population changes, it is necessary to be clear about which population is under discussion as this can alter the magnitude of population considerably. This point is demonstrated in the northern Australian evidence presented below. Population changes can be assessed in three different ways: net migration changes, which do not account for natural population increases or losses; enumerated census counts, which include all people at a particular location on census day; and usual place of residence data, obtained by removing visitors and including usual residents who were elsewhere at census time. In the north, it is useful to separate out residents from visitors because visitors have a significant effect on both growth and decline (see tables 1 and 2). The inclusion of visitors is most relevant when discussing infrastructure requirements. In the discussion here, usual place of residence census data is more appropriate but it is only available from 1976. Also, it is not available at the town level for intercensal estimated populations.

Northern Australia had a sustained period of net migration between 1961 and 1981 for all regions except western Queensland (figure 1), but between 1981 and 1986, the Pilbara reverted to a net migration loss (figure 2). However, figures 1 and 2 do not account for natural population increases or net international migration. High birth rates are a characteristic of many northern areas, particularly those with Aboriginal populations. Thus, although a reduction in mining activities in the Pilbara caused a net migration loss in the last intercensal period, usual place of residence data shows a 3.7% growth in the Pilbara resident population during this period (table 3).

It can be seen that in all northern statistical divisions (SDs) in Western Australia, the number of usual residents has grown since 1976 (table 3). The Northern Territory followed a similar pattern until Darwin lost population in 1987-88 following a reduction in Commonwealth funding. The remainder of the Territory continued to expand, however (table 3). Northern Queensland has had a variable pattern of resident population changes with steady growth in the far north SD but losses in the north-west and central-west, although even here there are more positive signs in the last few years (table 3). ABS estimated resident populations for 1987 to 1988 show that when Cairns is excluded, only three out of 24 Statistical Local Areas (SLAs) in the far north and north-west lost population. Only the central-west continued a trend of decline with Longreach being the only SLA to increase its resident numbers.

A closer analysis of the ABS census data for the central-west and north-west SDs reveals that the bulk of this population loss has occurred outside rural towns with the majority of country towns in western Queensland displaying a degree of stability or even increase in their population levels. While the rural shire population fell by 2.1% in these two SDs, country towns increased by 8.4% between 1981 and 1986 (Taylor 1989, 10).

Increases in the populations of country towns are found right across the outback north, that is, the income tax Zone A land area which covers approximately half the Australian continent. Of the 94 settlements (over 200 people) in this zone, 66 expanded between 1981 and 1986 (figure 3, enumerated data). All but six of the 28 settlements which had declined were either mining towns or Aboriginal settlements (Hudson 1989, 43). These towns are inherently less stable than service centres. The north is characterised by small towns; only six of the 94 settlements had populations greater than 6000 in 1986. By 1989, two more had joined this group: Broome and Katherine. Settlement expansion was also confirmed by an analysis of usual resident population changes for the most recent intercensal period in all outback towns with less than 10 000 people which found that of the 89 towns, 49 had increased in size, 15 were stable and 25 had decreased (Taylor 1989, 14,15). The major increases in town sizes were in the Northern Territory and northern Western Australia (figure 4).

Similarly, populations in rural locations with less than 200 people expanded in the Territory and northern WA (table 4). In contrast, rural depopulation continued in western Queensland but even here small towns increased their share of the regional population from 57.1% to 60.2% (Taylor 1989, 15). In addition, there has been a thickening of some smaller settlements which have developed from the fragmentation of larger centres in the NT (Taylor 1989, 23).

Thus, although western Queensland has shown consistent population losses at the aggregated level, if towns are considered separately, growth is the predominant trend. This is demonstrated in table 5 which uses enumerated data to enable comparisons back to 1971. Six of the eight selected towns have shown a turnaround from decline to growth and one town was static. Only the prawning village of Karumba recorded a significant recent loss due to cessation of prawn processing activities but, when viewed over the longer term, this village has increased its population by 67% since 1971, despite the loss of its prawn factories. The major reason for Karumba's growth is its attractiveness as a coastal location for fishing enthusiasts and the growing influence of tourism. There is also increasing evidence of retirement migration from Mt. Isa. Evidence of a 'bottoming out' is further suggested in the SLA resident count for 1987 to 1988 (table 6).

In summary, northern Australia has experienced considerable population expansion since 1971. Growth rates in the Northern Territory and northern Western Australia have been far in excess of national averages for over two decades. Although these high growth rates represent a smaller increase in absolute numbers than in many other areas of Australia, they are primarily employment-led (Taylor 1989, 10) and have had considerable local impacts (Hudson 1989, 1990). Furthermore, it has been pointed out that depopulation of western Queensland was largely a rural phenomenon with towns continuing to increase their share of the regional population.

It is important that governments, academics and the media recognise this northern population expansion so that policies do not act as deterrents to this process. Very variable patterns of change are occurring throughout rural Australia and the growth of the north is certainly not a unique example of positive changes in country regions. Within a broader Australian context, rural settlement decline needs to be balanced against settlement expansion patterns so that a warped view of rural changes does not occur.

It is necessary, however, to move the discussion beyond mere numerical analysis. Growth is not necessarily synonymous with progress or development and sustainable development has to take account of social and environmental costs. Where growth is too rapid it can be destructive to both the local community and the surrounding physical environment. The north has a very special and fragile environment which can be easily destroyed.

Another problem in rural town analyses is that small towns are often discussed as isolated entities, notably within narrow departmental rationalising frameworks. In the light of increasing economic scrutiny of government expenditure, Holmes (1988b), for example, has questioned the levels of government investment to geographically isolated peoples and the assumption that 'Those living in remote areas seek access to an increasingly wide array of basic services of a comparable quality and price to those granted to city dwellers' (p 309). The cost of providing even basic services to isolated rural people, such as mail, appears to be questioned in this paper (p 318). Such approaches ignore issues of social equity, ignore urban cross subsidies (the railway system is one example) and fail to consider service delivery in a wider economic context.

The contribution made by mining and agriculture to the Australian economy is well known but rural towns are not placed within a comprehensive regional framework. For example, in the 'declining' western Queensland belt, it is pertinent to point out that agricultural production for the 1986/87 year amounted to \$204 million in the central west and \$199 million in the north west and Gulf shires. Mining amounted to \$868 million and fishing \$130 million in these regions (Cummings 1989, table 6). In view of the interrelationship between town and country, an approach which separates production from regional service needs is not acceptable and in the eyes of rural people, not just.

Goals of social equity and a new concern for rural poverty (McKenzie, cited in Lawrence 1990, 3) forces the extension of rural analysis beyond population numbers and cost efficiency measures. As the University of Sydney study points out 'Many country centres are quite dependent on public sector employment, and sudden and/or large reductions in the size of the public sector are likely to have serious implications, particularly for smaller towns' (1989, 4). Proponents of the market forces school who criticise the 'propping up' of ailing towns 'ignore(s) the costs to government of failing towns and also ignore(s) social and economic factors which hinder the adjustment process in country towns' (1989, 10).

Indications for population changes in the 1990s

Population predictions are highly risky because people can be as unpredictable as economic trends or shifts in government policies. Furthermore, global economies have a significant influence on our national economy and state and local governments are being increasingly affected by the former. Bearing this in mind, a few population indications will be discussed, mostly using case study examples in the north of Western Australia.

Tourism

Tourism has undoubtedly stimulated economic development and population expansion in northern Australia. It has been held up by some to be the 'panacea' for northern development. Compared with the agricultural and mining industries, however, the importance of tourism in the northern economy is a relatively recent phenomenon. The

stability of this new industry is yet to be tested, as are its local impacts. Two case studies are described below. The information is based on field work during 1989, continuing local contact and newspaper reports.

Broome, a town of approximately 8000 people on the Kimberley coast of north Western Australia, changed substantially during the 1980s. This was largely due to the input of a major tourist entrepreneur who established luxury resort facilities and emphasised the importance of preserving Broome architecture and buildings. His renovations and constructions were of a high quality and this set a standard followed by other developers. The town doubled its population (table 1) and its business, service, industrial and residential sectors expanded considerably. Broome was portrayed as a relaxed northern tropical paradise with 22 kilometres of white sandy beaches, turquoise water and an idyllic climate in which to escape southern and overseas cold winters. It looked set to enter the 1990s as an international tourist destination and by the turn of the century, a projected population of 15 000 was being predicted.

Four main occurrences have altered this scenario. Firstly, there was growing community opposition to some of the changes. The town had changed socially and culturally. Environmental concerns became more prominent. The power and control of an overseas developer was questioned by some and this attracted wider media and political attention. Secondly, the pilot strike towards the end of 1989 caused a set back which changed the fortunes of businesses right across Broome and is attributed with sending 30 to the wall. Thirdly, the new international airport, upon which the anticipated future growth hinges, appears uncertain and the main tourist developer is now scaling down his Australian tourist interests and his Broome assets are up for sale. Finally, it is evident that a number of Broome businesses over capitalised in anticipation of a continuing tourist boom and they are now in serious financial trouble.

Although many in Broome will be concerned about the indicated slowing of its development, particularly those whose employment depends on continued tourist expansion, another group of residents will welcome a breathing space for a solid evaluation of the development process. This latter group contains many of the longer term residents, such as the Aborigines who generally have been marginalised by development; the conservationists who are concerned about environmental impacts; social welfare workers who deal with the elderly, domestic violence, poverty, accommodation crises and alcohol related problems, all of which have increased with the boom growth; as well as people who feel the loss of the older character and heritage of the town. A consolidation period would provide a chance to salvage some of the very special elements of this fascinating multicultural pearling town. Already two historic buildings, the old pearling shed and the Japanese club, have been pulled down. The previous slower pace of life has definitely gone, along with some of the community spirit which was reported to be more of an aspect when the town was smaller. Such may indeed be the price of 'progress' but the question remains: progress for whom? There is every indication that had the rate of change been slower, a wider variety of local interests and people could have been accommodated within the development process. This is precisely what is happening in Exmouth, a town on the North West Cape peninsular of Western Australia (see figure 3 for location).

Exmouth began as a joint Australian/US defence telecommunication base in 1963 and for many years was a single economy town until tourists discovered this 'idyllic' holiday location. The local environment includes a coral reef and white sandy beaches, spectacular canyons, turtles, dugongs and whales in particular seasons, and an important variety of wildlife and fish. It is the fishing for which Exmouth has in the past been best known. Caravan parks are overflowing with regular six month southern retirees who leave their winter and come north to fish. Jet setters fly in to go game fishing along with local enthusiasts. Simultaneously, professional fishers, which includes prawners, moved

into these waters in increasing numbers until regulations and licences were adjusted due to a steady depletion of the fish and prawn stock. Reduced fish catches has become a hotly debated local issue with recreationalists blaming professionals and vice versa. During more recent years, the coral reef has received considerable attention and it is now protected within the first WA marine park, Ningaloo Marine Park.

The pressure on the Cape's very fragile ecology has intensified as tourist numbers grow. By 1986 visitors represented 50% of Exmouth's shire population of 4336 (ABS 1986 census enumerated data). There is now a new emphasis on tourism but this has conflicting elements. At the economic level, the town requires diversification. Its very existence has been dependent on the continuation of the defence base. Also, due to the extent of state and commonwealth land in the form of national parks and the defence land, the shire has a very small rating base. Thus, the opportunity to expand into tourism is welcomed as it has the potential to stabilise the future of the shire. At an environmental level, however, there are concerns about just how many tourists or local residents this unique setting can withstand without irreparable damage. A decision to bulldoze a dirt road through the centre of Cape Range National Park, and now a proposal to seal it, has turned into a heated local controversy which exemplifies conservation concerns about insensitive and ecologically damaging changes to accommodate more tourists.

Community reaction to tourism has been mixed. Residents express a strong feeling that they 'do not want another Broome' but they recognise they need a larger resident population and a more diversified economic base. There is also an acknowledgement that they should be prepared to share their local wonders with other people. How to control development and balance it against preservation of the environment is proving an involved community exercise which is outlined elsewhere (Hudson 1990).

Initially, tourist ventures began on a smaller scale than in Broome but a WA government announcement in 1989 to build a marina heralded the first large scale development. This was followed by a future proposal for a five star international resort, linking the interests of this developer with his tourist assets in Broome. The stage was now set for a new level of tourism in this remote part of the state. Then, like Broome, this appears to have changed. The WA government has acknowledged it has insufficient funds for immediate commencement of the marina and consequently the international resort will now be deferred. Again the delay in building the marina may well be another breathing space, permitting a more detailed assessment of environmental impacts. On the other hand, it will be a setback to population growth in the town. Unlike Broome, Exmouth experienced little residential growth between 1981 and 1986 (table 1), and the marina was seen as the required boost for a larger business, service, industrial and residential sector. The town had been constrained by land shortages and the marina subdivision was allowing for over 300 residential blocks. There is a nervousness among some local people about being tied to the fortunes of defence policy and this delay will possibly intensify uncertainty as many hopes had been raised by the imminent marina.

Thus the indications from the case studies of Broome and Exmouth are that the upmarket and large scale tourist projects are experiencing setbacks which will slow down population expansion within these towns. It is suggested that too heavy an emphasis on tourism can be destructive rather than constructive. Other research indicates that where tourism exceeds 30% of a town's economic base, there are not only negative impacts for the local community but there are also real dangers involved with such a heavy dependency on what can be a fickle industry (Long, Perdue & Allen 1990).

The current economic downturn and unforeseen events, such as the 1989 pilot's strike, may already have shifted tourist behaviour and hence further industry adjustments will be necessary. Information from the Northern Territory, for example, suggests that

currently there are more caravaners and campers this year. It is still to be assessed whether this represents a swing from expensive tourist accommodation to simpler and less expensive holidays. This would be in line with a response to economic circumstances but another factor may be the growing awareness that to see the north it is necessary to have more wilderness type experiences. It could also reflect a lack of confidence in the airline industry. Broader patterns of population changes due to shifts in tourist behaviour are hard to predict at this stage. A larger proportion of budget travellers may well benefit more smaller businesses in the north but there will be fewer employment opportunities in the larger scale tourist resorts. Environmental impacts are an unknown cost in this equation.

Government Investment

Another factor which will affect northern populations is the level and direction of government spending. The impact of reducing government infrastructure and services in country towns has already been discussed. It is clearly evident in the town of Wyndham, the oldest service town in the eastern Kimberley of WA. Kununurra, a neighbouring town 100 km from Wyndham, was the focus of growth in this region during the 1970s and 1980s (table 1). Its growth was stimulated by tourism, mining and agriculture and Kununurra became the focus of government regional expenditure. The consequence of Kununurra's expansion has been Wyndham's further decline. Services and government personnel were increasingly centralised in Kununurra, a considerable number being removed from Wyndham for this purpose. The long term costs associated with further undermining a struggling town were apparently not seriously considered in government decisions. Neither were the social and economic costs transferred to local Wyndham people who now suffer reduced opportunities and a declining standard of living. Only now are the consequences of these policies receiving some attention. Whether this concern is shared by central government authorities or even by those living in a competitive neighbouring town, where the shire headquarters is located, remains to be seen. Sharing resources and spreading benefits within this region was not part of the 1980s philosophy. A similar situation existed between Broome and Derby but Derby had a much sounder foundation as the obvious regional location for health and other services. Even though Broome became the favoured location for much of the government investment during the last decade, Derby has continued its slow growth (table 1).

Longer term thinking would indicate that the most desirable pattern for the Kimberley is a more stable town hierarchy. One line of argument suggests that the role of governments should be to allow private investment to stimulate boom growth, redirecting government money to encourage a share of the development process in the more vulnerable towns. This need not be seen as 'propping up' ailing towns but rather as providing a means of stabilising towns until sounder economic bases are found. The boom and bust attitudes are still remarkably evident. Broome boomed, Wyndham is going bust. Fortunes can change rapidly and some would argue that government policy should be geared to spreading resources more evenly between existing towns, not chasing and helping to maximise the most recent growth, in towns like Broome and Kununurra. Some services were it seems unnecessarily taken from Derby and Wyndham and relocated in these expanding centres when their functions were quite appropriate in the smaller centres.

Government expenditure remains crucial to stabilising northern populations. Southern areas have had a long period of government input compared with the north. A sealed road around Australia was only completed in the bicentennial year. The Kimberley obtained its first senior high school only last year and its educational opportunities are

still very limited. This remains a major reason why non Aboriginal residents leave the Kimberley once their children reach teenage years (survey 1989). Aborigines represent 45% of the Kimberley population yet the lack of appropriate educational programmes and facilities or employment opportunities contribute significantly to the difficulties facing these people.

Health, on the other hand has received a greater emphasis but now there seems to be a rationalisation of this service. There is an increased focus on a more centralised curative system with improved technology and specialist emphasis. Such a policy may improve health care for those towards the end of their illness cycle but it fails to consider the importance of funding preventative and more localised primary health care. The appalling health statistics for Aboriginal people are well known, yet health care is being reduced in Wyndham, for example, a town which serves a large Aboriginal population. Such trends do not bode well for the north in the 1990s. There is a renewed emphasis on rationalising the periphery when much more fundamental questions need to be asked about the amount of specialist health expenditure and central bureaucracy costs.

The pastoral industry

Finally, changes in rural populations could significantly alter the northern scene. Events in the pastoral industry indicate that there may be changes to pastoral holdings. Some analysts have suggested that the marginal nature of some pastoral zones and land degradation indicates that a reassessment be made of northern pastoralism with a view to alternative land uses (Holmes 1986, 1988b). The suggested alternative uses include Aboriginal land rights, tourism, national parks, defence and disease buffer-zones (Holmes 1988b, 321). Putting aside the question of just what is marginal (as pastoralists disagree with evidence presented on this issue), should this occur there would be considerable impacts, not just in terms of a decreased rural population but also for the country towns which service those living in the rural hinterland. Lower levels of productivity within the north and reduced export income would also be another major component of change. In the Northern Territory alone, cattle production amounts to \$143 million per annum, 70% of which goes to export (Hon John Kerrin, letter to *Conservation News*, September 1990, 14).

There are some areas where it appears that pastoral properties are actually preserving parts of the environment better than neighbouring national parks. Ningaloo Station next to Exmouth's Cape Range and Ningaloo Marine Park is one example. Here the reef is protected from tourist pressure and the old narrow sandy road only permits slow vehicle travel. Much wildlife can still be seen in this station. On the other hand, soil erosion is one of our most serious national problems but pastoralists would argue that complete abandonment of grazing raises other problems such as pests and noxious weeds, associated with lack of land care. Degradation also occurs with uncontrolled four wheel drive cars combing the outback. It may in fact be undesirable to encourage an increased number of visitors to fragile northern environments. Tourist damage includes litter, water pollution, human wastes, firewood collection, disturbance to wildlife, damage to archaeological sites, impacts from roads and other tourist infrastructure (Buckley & Pannell 1990). A good argument can be mounted to keep at least large parts of the north more remote and untamed, so that a pristine wilderness is preserved for future generations and those prepared to trek rather than drive.

Those who suggest a decreased pastoral role in parts of northern Australia, have not discussed what will happen to all the people who now live and work on the pastoral stations. The evidence from the Kimberley (figure 5), for example, shows a substantial number of family owned stations. There seems to be a shift away from absentee

company ownership. The major block of absentee company stations (nine in Derby-West Kimberley Shire) are on the market. Similarly in the gulf country in north western Queensland, there has been changeover in Carpentaria Shire since 1989 (figure 6) with the sale of three absentee company properties to family owned concerns. Recent absentee company owners have been described as 'real estate smarties'. Local pastoralists from both the Kimberley and Carpentaria cited absentee run stations which have been steadily destocked, some merely capitalising on the Brucellosis and Tuberculosis Eradication Campaign funding, others selling breeding stock to cover their interest and other expenses while they wait for capital gain. They have apparently injected little money into the land or into bores, fences or other improvements. These properties are considered by many to be not viable at the over inflated selling price. Local owner/operated pastoralists are concerned about the effect this is having on their industry and their future on the land. It has to be remembered that many of these people have strong ties to the land, and they have worked hard in a difficult climate to establish their life style and future. Landed people do not relocate easily as their skills are industry specific and suggestions for elimination of pastoral enterprises need to be treated with a great deal more care and consideration than sometimes appears to be the case. The number of families involved in northern pastoral enterprises is evident in figures 5 to 7 and, as already pointed out, these seem to be increasing in number. From my field work in 1989 there is also evidence of a latent desire among northern rural townspeople to be able to obtain their own land and undertake more diversified forms of rural employment, as has occurred on southern hobby farms. Such opportunities have the potential to further stabilise rural town populations.

The 1990s also appears to be an uncertain time for pastoralism in the north. Again, industry production will be matched against environmental concerns but the difference here is that pastoralism is an established industry with many rural people directly or indirectly dependent on its continuation. This contrasts with the newer industry of tourism where dependencies are only just being established. A change in land use away from pastoralism would have many economic and social consequences for the north. This is not to say that the problems of land degradation should not be tackled with much greater resolve.

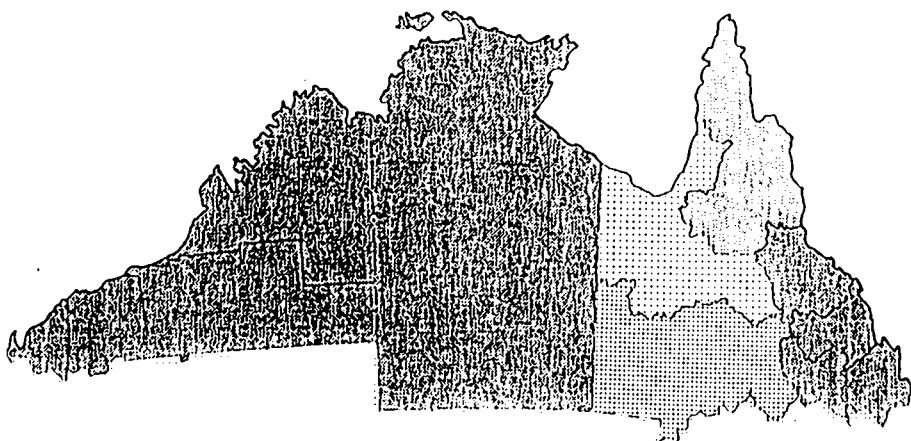
Conclusion





This paper has drawn attention to the past pattern of population expansion throughout northern Australia. In spite of this, the current economic downturn threatens rural Australia if government attitudes and policies do not adopt a longer term national strategy. A newly developing stability of northern populations is being undermined by funding shortages and rationalisation of peripheral services and infrastructure. Boom and bust patterns of remote resource extraction is typical of exploitative policies associated with core versus periphery systems. The more recent development of the north has occurred within a philosophy of sharing government expenditure with those who live outside metropolitan centres, in the regions where much of the national wealth is created. The 1990s indicates that government fiscal constraints have the potential to turnaround the former population growth experienced in the north. The only conclusive population expansion for the north will be among the Aborigines whose birth rates exceed the national average. How they progress in an economic recession remains to be seen.

The indications for the north are linked to the changes in southern rural Australia. In the past, the national rural turnaround highlighted people's desire to live in rural areas and for a decade rural population expansion was the dominant change. More recently in the south, this movement appears to have slowed and in some cases reversed. The rural

sector has been through cycles of natural disasters, growing financial pressures from rising costs and high interest rates, which have squeezed out a number of small farmers, uncertain markets and falling export prices, to name just a few of their difficulties. Yet the rural industry remains one of the least subsidised in the world and receives half the subsidy given to Australian manufacturing industries. Furthermore, it is still a very important industry to the Australian economy. Rural depression and poverty is again emerging as a major concern but this time we are being told that there will be less money for welfare or social equity policies. It seems reasonable for the lay person to ask how a government can allow private debt to amount to such a crisis point that those who live in the regions which produce the balance of payment credits can no longer expect equal access to basic services and needed welfare provision. The implications of this question flow up to the north.

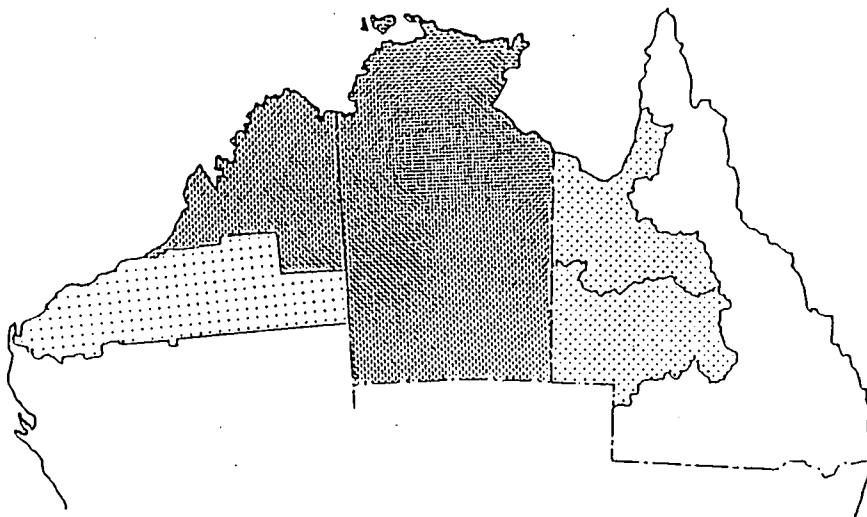
Figure 1
Australia: net migration trends in statistical divisions
1961-71 and 1971-81






- | | | |
|-------|---|---|
| 1 ++ |  | positive growth 1961-71/1971-81 |
| 2 - + |  | negative growth 1961-71/positive growth 1971-81 |
| 3 -- |  | negative growth 1961-71/1971-81 |
| 4 + - |  | positive growth 1961-71/negative growth 1971-81 |

source: Hugo & Smailes 1985

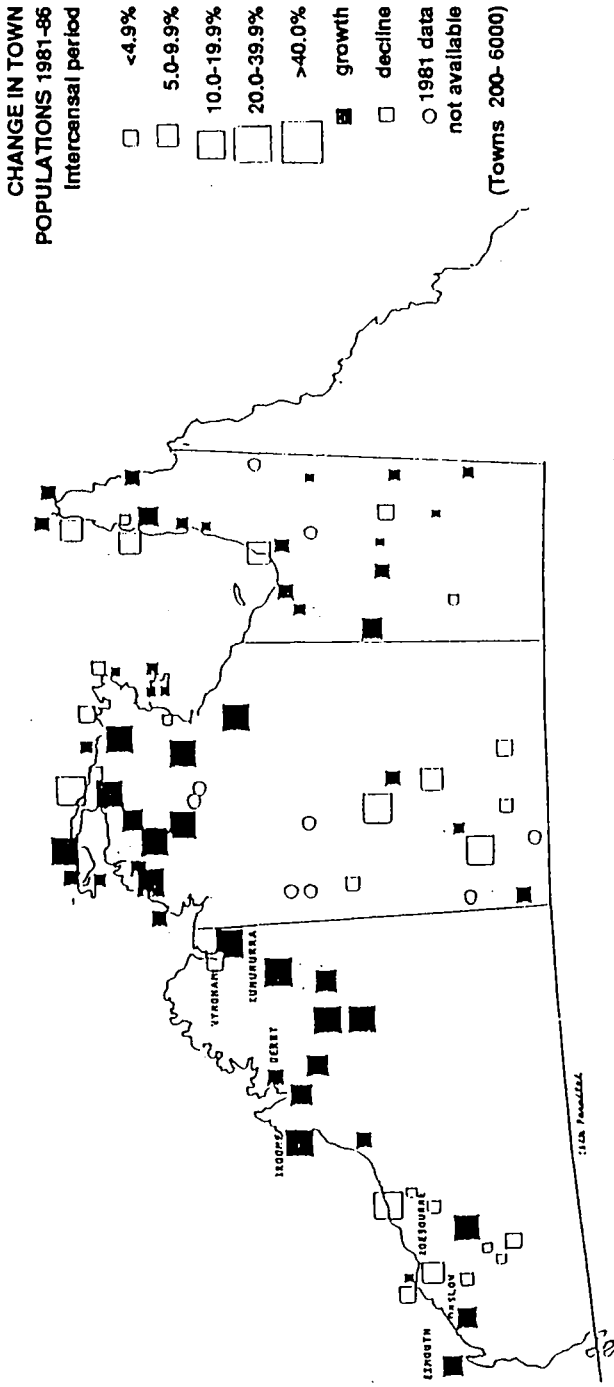
Figure 2
Net migration trends in northern Australia
1971-86



- ++  positive growth 1971-81/1981-86
-  negative growth 1971-81/1981-86
- + -  positive growth 1971-81/negative growth 1981-86
(calculated using vital statistics method)

source: Taylor 1989, 12 (adapted from Hugo & Smailes 1985)

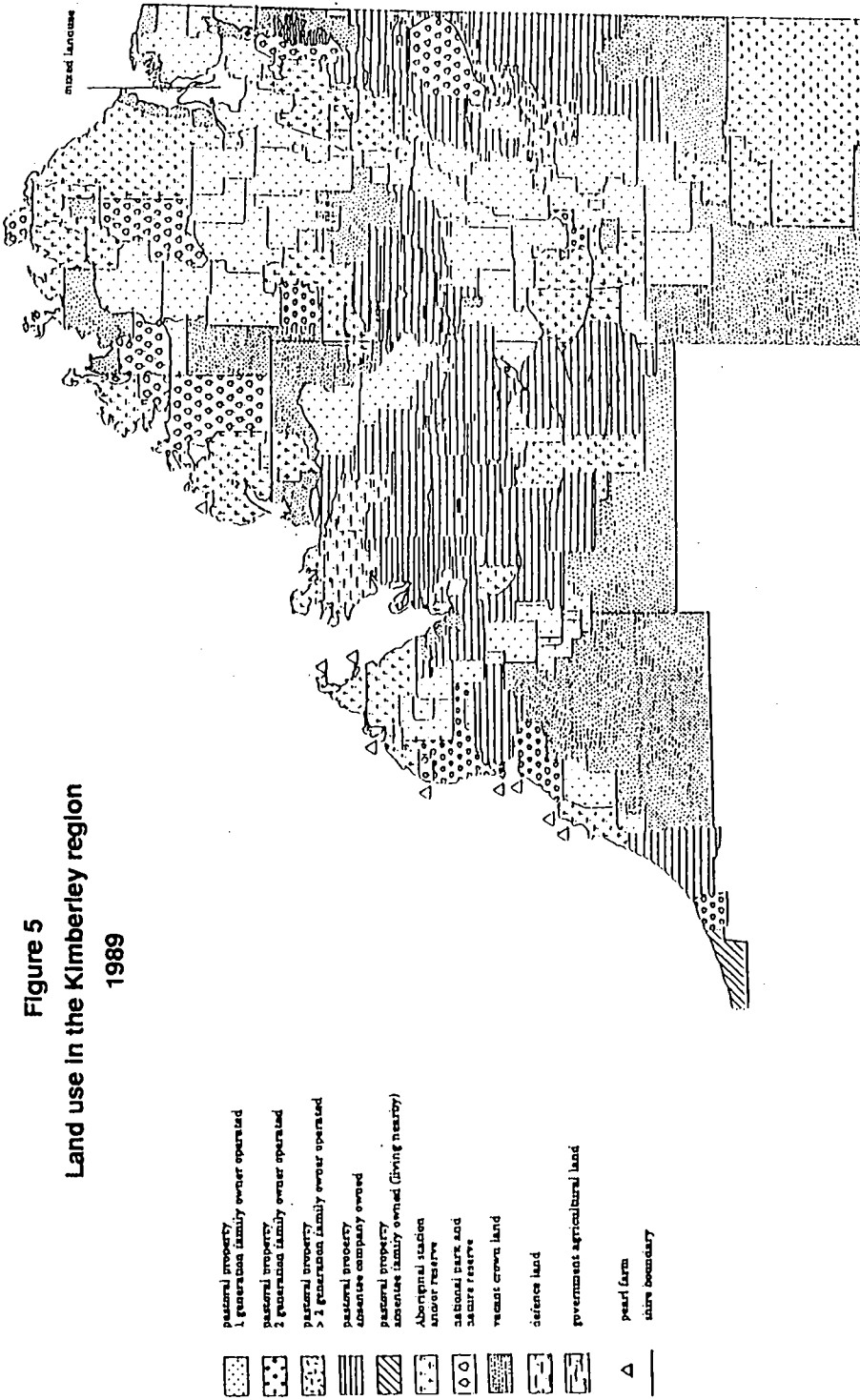
Figure 4
Population changes in small towns in northern Australia
1981-1986



1986 census ABS enumerated data

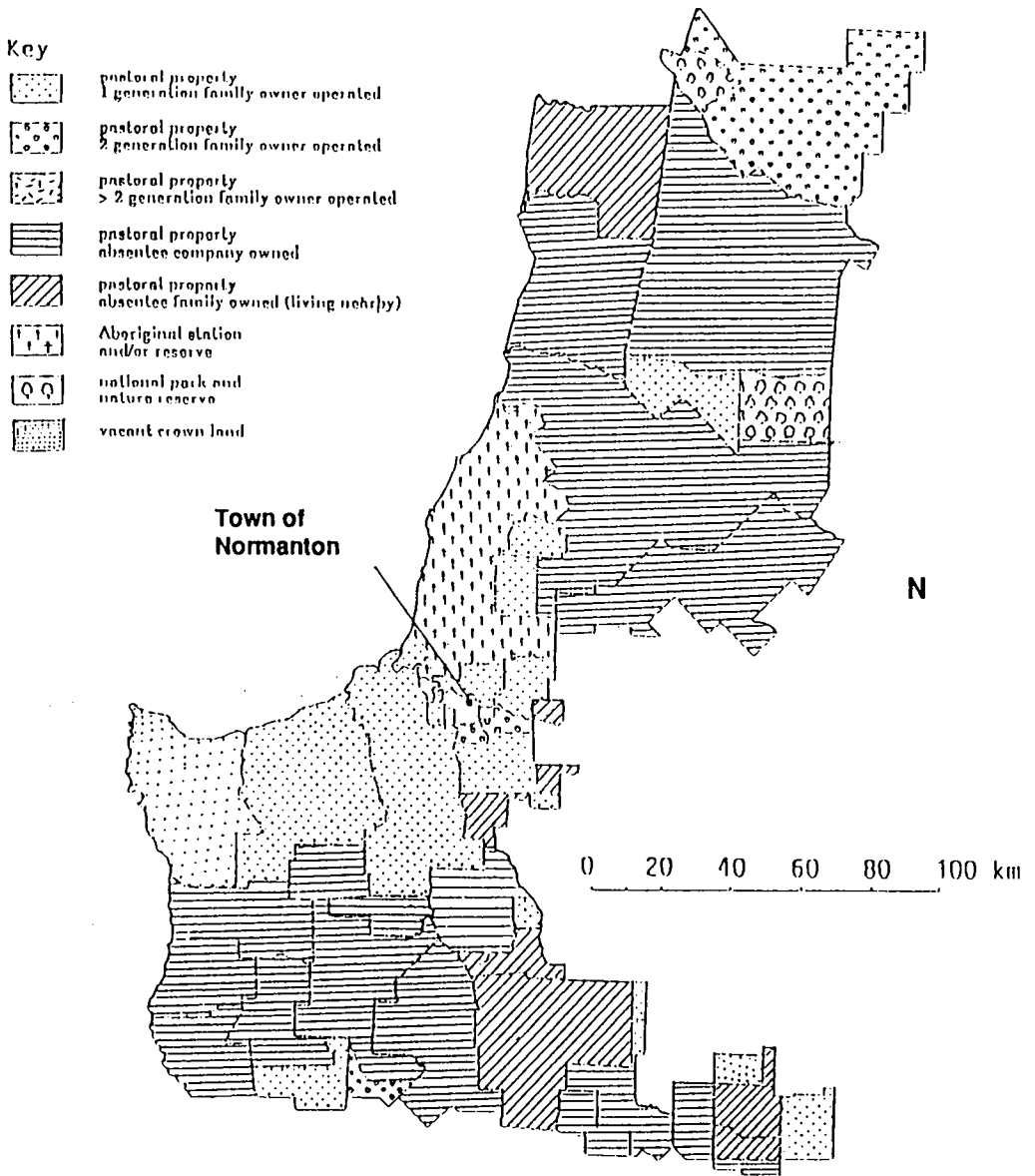
source: Hudson 1989, 44

Figure 5
Land use in the Kimberley region
1989



Sources: local residents; local shire councils; WA government departments

Figure 6
Land use in Carpentaria Shire
1989



source: local residents; Carpentaria shire councils; Queensland government departments

Figure 7
Land use in Boullia Shire
1989

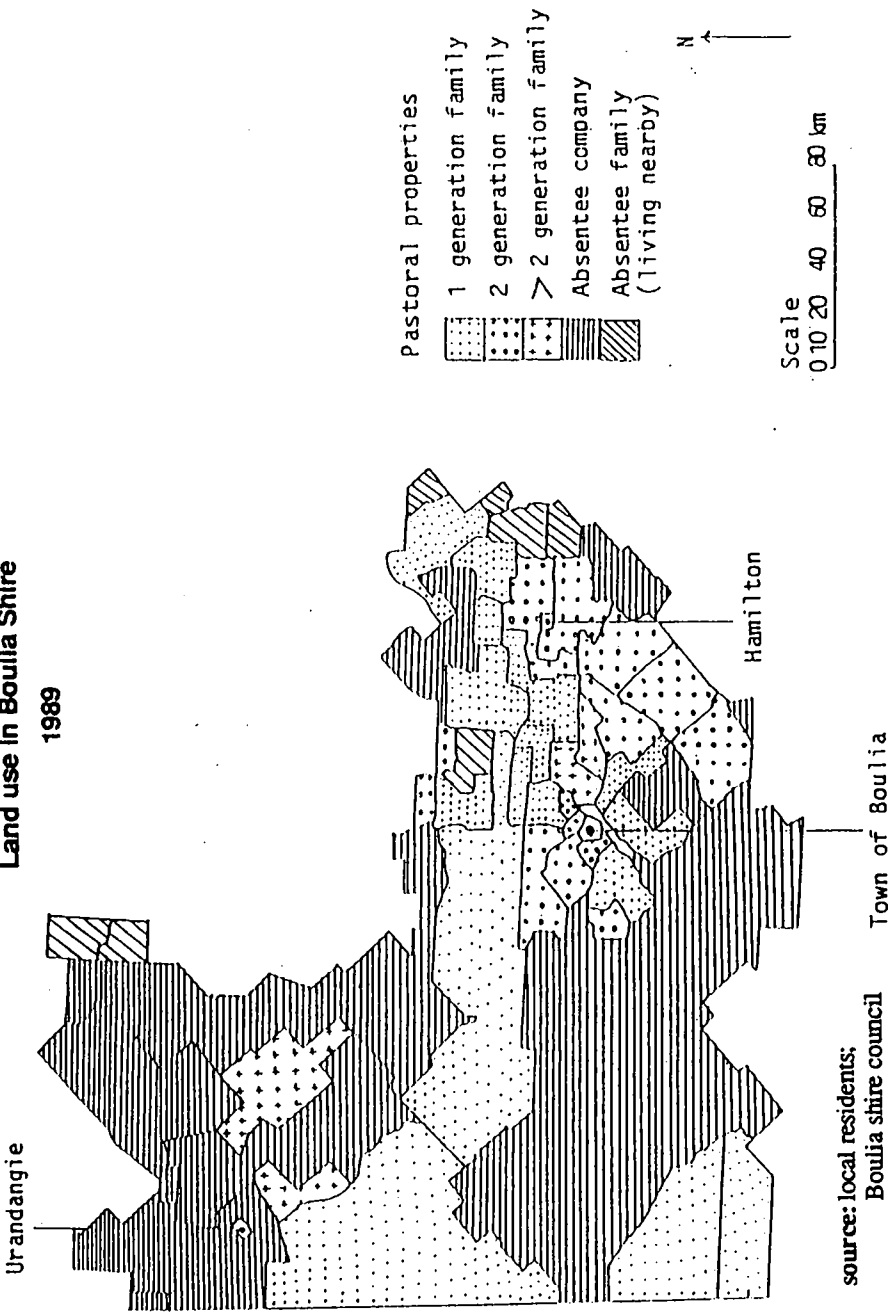


Table 1

Usual place of residence and visitor counts for selected WA towns
1981-1986

	Usual resident count		visitor count		total enumerated population count	
	1981	1986 & change	1981	1986 & change	1981	1986 & change
Broome	2447	3950 61.4	923	1828 98.1	3666	5778 57.6
Derby	2226	2659 19.5	574	600 4.5	2933	3258 11.0
Kununurra	1782	2530 42.0	250	607 142.8	2081	3137 50.7
Exmouth	1760	1780 1.1	757	1733 128.9	2583	3514 36.0
Onslow	470	524 11.5	117	226 93.2	594	750 26.3
Roebourne	1304	1135 -13.0	289	133 -54.0	1688	1269 -24.8
Wyndham	1247	1109 -11.1	202	220 8.9	1509	1329 -11.9

Sources: ABS 1981 and 1986 Census

Table 2

Usual place of residence and visitor counts for selected Queensland towns
1981-1986

	Usual resident count		visitor count		total enumerated population count	
	1981	1986 & change	1981	1986 & change	1981	1986 & change
Boulia	237	247 4.2	52	42 -19.2	292	287 -1.7
Burketown	191	185 -3.1	19	48 152.6	210	232 10.5
Cloncurry	1674	2092 25.0	215	206 -4.2	1961	2297 17.1
Karumba	426	392 -8.0	188	142 -24.5	670	535 -20.1
Longreach	2638	2909 10.3	287	248 -13.6	2971	3159 6.3
Mt Isa	20687	21758 5.2	2107	1590 -24.5	23679	23348 -1.4
Normanton	704	996 41.5	204	111 -45.6	926	1109 19.8
Winton	1019	1055 3.5	223	222 -0.4	1259	1281 1.7

Sources: ABS 1981 and 1986 census

Table 3

Population change in usual residents in selected statistical divisions in northern Australia
1976-1988

Northern WA Statistical Division	Population change (%)			W Queensland Statistical Division				
	1976 1981 1986 1987 1988	1976 1981 1986 1987 1988	1976 1981 1986 1987 1988	1976 1981 1986 1987 1988	1976 1981 1986 1987 1988	1976 1981 1986 1987 1988		
Central	9.3	10.1	2.4	2.7	1.7	-5.1	-0.9	-0.1
Pilbara	35.2	3.7	3.3	0.9	11.9	15.4	2.6	3.5
Kimberley	29.9	22.7	3.4	3.1	-5.1	-3.9	-0.4	0.5
WA	10.3	12.2	2.8	3.0	12.1	11.9	2.0	2.5
NT								
Statistical Division								
			Population change (%)					
			1976	1981	1986	1987	1988	
			1981	1986	1987	1988		
Darwin								
Statistical Division			27.5	32.6	0.7	-3.2		
Balance								
Statistical Division			22.4	20.4	2.3	2.0		
TOTAL								
Northern Territory			24.8	25.9	1.5	-0.5		

Sources: 1 ABS WA 1976 and 1981 Census; 2 ABS Queensland 1986 and 1988 Census;
3 ABS, Estimated resident population of selected areas, NT 1983-1988 Census

Table 4

Usual resident population and % population change in selected SLAs in NW Western Australia
1976-1988

SLA	Usual resident population at 30 June			Population change (%)						
	1976 ⁽¹⁾	1981 ⁽²⁾	1986 ⁽²⁾	1987 ⁽³⁾	1988 ⁽⁴⁾	1976	1981	1986	1987	1988
Exmouth	2120	2175	2398	2505	2543	2.6	10.3	4.5	1.5	1.5
Roebourne	9810	14668	16572	17741	17787	49.5	13.0	7.1	0.3	0.3
West Pilbara*	6820	8752	8800	8658	8754	28.3	0.5	-1.6	1.1	1.1
Wyndham-										
East Kimberley	3620	4794	6049	6180	6289	32.4	26.2	2.2	1.8	1.8
Broome	3410	4275	6253	6505	6926	25.4	46.3	4.0	6.5	6.5
West Kimberley**	4850	6328	6846	7138	7301	30.5	8.2	4.3	2.3	2.3
Western Australia	1178340	1300056	1459019	1500507	1544806	10.3	12.2	2.8	3.0	3.0

* Changed to Ashburton in 1988; ** Changed to Derby-West Kimberley in 1981

Sources:

(1) ABS WA 1976 and 1981 Census;

(2) (3) (4) ABS, Estimated resident population, WA 1986-88 Census

Table 5

Population changes in eight NW Queensland towns (1971-1986)

Town UC/RL	Pop* 1971	Pop 1986	% Change 1971-76	Pop 1981	% Change 1976-81	Pop 1986	% Change 1981-86
Boulia	298	272	-8.7	292	7.4	287	-1.7
Longreach	3455	3354	-2.9	2971	-11.4	3159	6.3
Normanton	745	817	9.7	926	13.3	1109	19.8
Karumba	359	418	16.4	670	60.3	535	-20.1
Cloncurry	2215	2079	-6.1	1961	-5.7	2297	17.1
Camooweal	229	322	40.6	251	-22.1	315	25.5

Sources: ABS 1981 and 1986 Census; *ABS Queensland 1971 Census

Table 6

Usual resident population and % population change in selected statistical divisions
Queensland, 1976-1988

Statistical Division	Usual resident population at 30 June			Population change (%)						
	1976	1981	1986	1987	1988	1976	1981	1986	1987	1988
Central-west	14080	14320	13590	13466	13446	1.7	-5.1	-0.9	-0.1	-0.1
Far-north	125210	140170	161760	166005	171850	11.9	15.4	2.6	3.5	3.5
North-west	42320	40170	38600	38451	38635	-5.1	-3.9	-0.4	0.5	0.5
Queensland	2092400	2345200	2624600	2676765	2743765	12.1	11.9	2.0	2.5	2.5

Source: ABS 1986 and 1988 Census

References

- Buckley R and Pannell J, 1990. Environmental impacts of tourism and recreation in national parks and conservation reserves, *The Journal of Tourism Studies* 1, 1, 24-32.
- Burnley IH, 1979. Background notes on population change in country districts of Australia, *Australian Communities in Danger Conference*, University of New England, Armidale.
- Burnley IH, 1981. Population change and social inequalities in sparsely populated regions in Australia, in Lonsdale R & Holmes J (eds), *Settlement Systems in Sparsely Populated Regions*, Pergamon Press, New York, 105-24.
- Burnley IH, 1989. Paper presented at Australian Institute of Geographers Conference, 13-16 February, Adelaide.
- Cummings (WS) Economic Research Services, 1989. *Queensland's Gulf Savannah Territory Developmental Strategy Report*, Cairns.
- Henshall Hansen Associates, 1988. *Small Towns Study in Victoria*, prepared for Dept Agriculture and Rural Affairs, Melbourne.
- Holmes JH, 1979. The country town: growth, stability or decline, *Australian Communities in Danger Conference*, University of New England, Armidale.
- Holmes JH, 1981. Sparsely populated regions of Australia, in Lonsdale R & Holmes J (eds), *Settlement Systems in Sparsely Populated Regions*, Pergamon Press, New York, 70-104.
- Holmes JH, 1986. *The pastoral lands of the Northern Territory Gulf District: Resource Appraisal and Land Use Options*, Department of Lands, Darwin.
- Holmes JH, 1988a. Private disinvestment and public investment in Australia's pastoral zone: policy issues, *Geoforum* 19, 3, 307-22.
- Holmes JH, 1988b. Remote settlements, in Heathcote RL, *The Australian Experience: Essays in Australian Land Settlement and Resource Management*, Longman, Melbourne, 68-85.
- Hudson PB, 1987. Processes of adaptation in a changing rural environment: a comparison of four rural communities in New England, NSW, PhD thesis, Macquarie University, Sydney.
- Hudson PB, 1989. Diversity in small service towns in north Western Australia, in Loveday P & Webb A (eds), *Small Towns in Northern Australia*, NARU, Darwin, 40-79.
- Hudson PB, 1990. Stress in Small Towns in North Western Australia: The Impact of Tourism and Development, Paper presented at Australian Institute of Geographers Conference, 23-27 September, Armidale.
- Hugo GJ, 1983. *Interstate migration in Australia 1976-1981*, National Institute of Labour Studies Working Papers, 50, Flinders University of South Australia, Bedford Park.

- Hugo GJ, 1987. Australia's changing non-metropolitan population, in Byrnes J (ed), *Rural Australia Symposium*, Rural Development Centre, University of New England, Armidale, section 8, 1-29.
- Hugo GJ and Smailes PJ, 1985. Urban-rural migration in Australia: a process view of the turnaround, *Journal of Rural Studies* 1, 1, 11-30.
- Jarvie WK and Browett JG, 1980. Recent changes in migration patterns in Australia, *Australian Geographical Studies* 18, 135-45.
- Jarvie WK, 1981. Internal migration and structural change in Australia 1966-71: some preliminary observations, *Papers of the Australian and New Zealand Section of Regional Science Association*, 25-55.
- Jensen RC, 1982. Economic problems facing small towns in the arid zones of Australia, in Golany G (ed), *Design for Arid Regions*, Van Nostrand Reinhold, New York, 201-22.
- Lawrence G, 1990. Centre news, *Rural Welfare Research Bulletin*, 4 April, 3.
- Long PT, Perdue RR and Allen L, 1990. Rural resident tourism perception and attitudes by community level of tourism, *Journal of Travel Research* 28, 3, 3-10.
- McSwan DI, 1983. Consequences of decline in small towns of central Queensland, PhD thesis, James Cook University, Townsville.
- Musgrave WF, 1982. Rural Adjustment in Williams DB (ed), *Agriculture in the Australian Economy*, Sydney University Press, Sydney, 292-307.
- Musgrave WF, 1987. Economic, demographic and other influences in Byrnes J (ed), *Rural Australian Symposium: Contributed Papers*, 6-8 July, Albury, NSW, section 1, 1-15.
- Smailes PJ, 1989. The impact of the rural crisis of 1985-89 on a rural local government area and its wider implications, presented at Australian Institute of Geographers Conference, 13-16 February, Adelaide.
- Taylor J, 1989. Migration and small town population change, in Loveday P & Webb A (eds), *Small Towns in Northern Australia*, NARU, Darwin, 8-25.
- University of Sydney, Planning and Research Centre, 1989. *Rural Settlement Project*, vols 1-3, Sydney.
- Urban Policy and Research, 1988. *Forum* 6, 1, 41-7.

AUSTRALIA, CANADA AND ALASKA: LAND RIGHTS AND ABORIGINAL ENTERPRISE DEVELOPMENT

Elspeth Young

Introduction

Contemporary policies designed to promote development for indigenous minority groups such as Inuit, Indians and Aborigines in North America and Australia stress approaches variously described as self-determination, self-management and community development, all of which operate in social, political and economic contexts. The economic context is particularly important. Without the opportunity for economic self-sufficiency efforts directed at political independence and the maintenance of socio-cultural beliefs are unlikely to succeed in achieving self-management goals. Land rights play a vital part in this. Control over land, under both traditional law as recognised by indigenous peoples and under the conventional legal systems of each country, theoretically provides people not only with social stability and increased political power but also with the means to economic self-sufficiency through the use and management of natural resources. The realities, however, may be somewhat different.

Land rights agreements vary nationally, provincially or on a state basis, and may be specific to particular groups. Hence the extent to which such agreements allow for self-determination also varies. Important questions relating to the economic contribution of land rights agreements to native advancement include the following:

- (a) what control the claimants obtain over renewable resource use, particularly for subsistence purposes
- (b) whether land claims include subsurface rights or are restricted to surface rights
- (c) whether cash compensation/payments play a part in agreements
- (d) following on from (c) how cash payments are invested/distributed and what restrictions are imposed within this process
- (e) the internal mechanisms set up to deal with the cash itself, plus the developments emanating from this.

Other questions concern the extent to which the agreement, almost inevitably a compromise, accords with the needs and perceptions of the indigenous group concerned; actual land granted, for example, may not correspond with the whole area needed for subsistence, and places of religious significance may be excluded because other interests gain precedence. Moreover, although the economic value of the land acquired may be minimal government authorities and others expect native landowners to make commercial profits from its use. In addition the importance of the non-monetary contribution to the economy has generally been disregarded and hence the value of land for subsistence purposes is underestimated.

Land rights agreements between indigenous groups and the state all have important implications. The granting of wildlife harvesting or fishing rights clearly supports the subsistence base; and the possibility for commercial profit from resource development is

always present. Moreover many agreements include financial compensation or the opportunity for raising revenue through taxation or royalties. Variations between these agreements therefore play a vital role in understanding differences in the patterns and levels of economic development.

Land claim settlements

Alaska

The history of recent land claim settlements in Alaska, as Thomas (1986) has clearly summarised, reflects unresolved conflicts over land use and ownership dating from earlier Russian and US settlement. Claims subsequently lodged following the achievement of statehood in 1959 overlapped, extended across the Canadian border, and in total accounted for an area exceeding that of the whole state. In 1966 all land conveyances within Alaska were frozen to allow just consideration of native needs, but only one year later the discovery of commercial quantities of oil at Prudhoe Bay on the arctic slope and the subsequent demands for permission to construct the trans Alaskan pipeline between Barrow and Valdez made land settlements essential. Thus, as many including Thomas (1986), Morehouse (1988) and Anders (1989) have pointed out, the *Alaska Native Claims Settlement Act* (ANCSA) of 1971 came about under pressure exerted by the unlikely alliance of native people, the mining companies and the state of Alaska. The original terms of ANCSA were as follows:

- Allocation of 40 million acres of land (12% of the State of Alaska) to native people.
- Payment of \$962.5 million, \$500 million of which was to come from the State, through mining revenues earned from development on federal and state lands; and \$462.5 million from the federal government. These payments, to be made within ten years of settlement, were respectively completed in 1980 and 1981.
- Establishment of 12 regional native corporations to operate on a profit making basis as the vehicles for the investment of the cash, and the generation of employment and income for the Alaskan natives. An additional corporation was established to cater for the interests of native Alaskans living outside the state.
- Establishment of over 200 native village corporations, which could be either profit making or non-profit making: the former, once incorporated, received funding through their regional corporations; the latter, only seven in number, opted to accept fee simple title to their existing reserve lands in preference to a share in the cash pay out.
- Extinguishment of all outstanding aboriginal land claims in Alaska.

Although the majority of Alaskan native groups (511 out of 567 representatives at the Alaska Federation of Natives (AFN) meeting on 18 December 1971) voted to accept the settlement, concern was expressed about its outcome in terms of native socio-economic development. These concerns have since been justified. According to all conventional indices such as employment, income or literacy, Alaskan natives are still economically disadvantaged compared to non-native Alaskans (Alaska Review 1984). The terms of settlement did not provide them with stability either in land ownership, in access to resources, or in economic support. Berger's inquiry, carried out in 1983/4 on behalf of the Inuit Circumpolar Conference, brought many of the problems into focus: the exclusion of the 'after-born' (natives born after the settlement of 1971) from participation

as shareholders in the settlement; the fact that Native Corporations would be liable to tax on undeveloped land after 1991; and the fact that, at the same time, restrictions on non-native ownership/voting rights on stock would be lifted, their stock would be liquidated and new stock issued without voting or sale restriction. This could enable non-native people to buy out the corporations (Berger 1985). For Alaskan natives this was particularly threatening because control of the land granted to them under the settlement of 1971 was tied to shareholding in the corporations. Moreover, as Gallagher (1988) points out, while natives gained control of 12% of Alaska under the 1971 settlement, the extinction of their aboriginal rights effectively meant that they could be denied the use of resources in the remaining 88%. Since the areas actually ceded did not cover all territories needed for effective subsistence activities, natives could be said to be worse off after the settlement, and certainly would be if they later lost the land they had been granted. These concerns have led to amendments to ANCSA, passed in February 1988 by the US Congress. These include the maintenance of the original restrictions on stock ownership/control, unless the majority of shareholders in a corporation vote otherwise; the possibility for a corporation to issue stock to the after-born, if shareholders so wish; and the continuation of taxation protection on undeveloped land after 1991 (Thomas 1988).

Canada

Land rights agreements in the remote Canadian north, as in Alaska, reflect both the change from assimilationist to self-determination development policies, and conflict over the use of resources such as oil, gas, minerals, and water, wildlife conservation and the growth of tourism. Together these pressures have led to the lodging of claims over much of the Northwest Territories, the Yukon and northern parts of Quebec and other provinces (fig 1), only a few of which have as yet reached final agreement. These claims fall under Canada's Comprehensive Claims policy, based on traditional use and occupancy of the land in areas where aboriginal title has not been previously dealt with by treaty. The Comprehensive policy has been applied even in the case of the Dene of the Mackenzie Valley, where Treaties Nos. 8 and 11 were signed in 1899 and 1921 respectively. These treaties, along with any existing title, will be abrogated in favour of new rights legally recognised through the claim. Such new rights are based on protracted negotiations between government and native Canadian groups.

The first Canadian claim to be settled, the James Bay Cree-Naskapi agreements, arose from conflict over the proposed Quebec government development of Cree and Inuit territory for hydroelectric generation. Under these agreements, signed in 1975 and 1978, the Cree and Inuit in the James Bay area accepted financial compensation of \$225 million over a ten year period, outright ownership of 13 300 sq km of land and hunting rights over a further 135 000 sq km (Morrison 1983, 87-95). In return they accepted the extinction of all other aboriginal rights to land. In 1984 the second Canadian claim, the Inuvialuit or COPE (Committee for Original Peoples' Entitlement) claim to the Mackenzie delta and neighbouring areas of the north slope and arctic islands was finally settled. Its terms included a grant of 90 650 sq km of land in fee simple absolute, which not only meant that hunting and trapping required native consent but also gave the Inuvialuit Land Administration the right to negotiate rents, participation agreements and other compensation from resource development. Inuvialuit people also gained outright mineral rights to 15% of this area. The accompanying compensation payment, to be paid in varying amounts to the Inuvialuit Regional Corporation over the 15 years from December 1984, amounted to \$152 million (Inuvialuit Claim 1984, 106).

Both of these claim settlements have been perceived by other Canadian native groups to be deficient, particularly with regard to the extinction of all aboriginal rights, a condition of both settlements. Since December 1986 comprehensive claims have operated under a revised federal policy which enforces surrender of aboriginal title but not of other rights

such as freedom in the use of language, or adherence to customary behaviour. Subsequent claims have, somewhat reluctantly, accepted these provisions. Comprehensive claims now under discussion also include tacit recognition of the institution of native self-government.

The Dene/Métis of the Mackenzie valley, whose claim is now in the agreement-in-principle stage and should be completely settled by 1991, have consistently requested that negotiations include eventual recognition of political autonomy. Their determination has stemmed partly from the existence of earlier treaties - Treaty 8 signed in 1899 and Treaty 11 signed in 1921 - interpreted by the Dene as pacts of peace and friendship rather than as a cession of aboriginal rights. Their provisional agreement includes the transfer of 181 230 sq km of land in fee simple, 10 097 sq km of which would have subsurface as well as surface rights. Actual selection of this land is yet to be negotiated. Any development of mineral resources on Dene/Métis land to which subsurface rights are not held by native people would be subject to consultation, as would the plans of the developers themselves and thus it is anticipated that native people would gain considerable control over these activities. Government negotiated royalty agreements within these areas would also be shared by the Dene/Métis, at a rate of at least 10%. This is in addition to a capital transfer of around \$500 million within 20 years from the expected settlement date of 31 January 1991; \$75 million of this would be in respect of the Norman Wells proven area, a region of oil and gas development in which some Dene groups are already involved. As with other agreements this settlement includes exclusive hunting and trapping rights, and rights of first refusal which will allow increased participation in commercial wildlife/fish harvesting and in tourist related ventures associated with renewable resources.

The Inuit have expressed similar desires in their negotiations over the Nunavut claim to the eastern arctic, now also in its agreement-in-principle phase. This claim covers 350 000 sq km of land, 10% of which will be held in fee simple, including subsurface rights. Mining companies operating within those parts of Nunavut to which Inuit only hold surface rights would have to consult with a surface rights board over issues such as compensation in the form of employment, capital for native business ventures and preferential contracts. Inuit would also expect tourist operators to consult with them over their plans, and discuss possible joint venture arrangements. The Tungavik Federation of Nunavut (TFN), the negotiating body, have also reluctantly accepted surrender of aboriginal title on the grounds that settlement of their claim will legalise their position in those areas granted to them. A capital payment of \$580 million over 14 years accompanies the land grant.

The other major claim currently in process in northern Canada covers the Yukon Territory. The agreement-in-principle, signed in March 1989, provides for \$232 million in cash compensation; 40 000 sq km of land, 25 000 of which will include subsurface rights; participation of Yukon natives on various lands and wildlife boards and an obligation on the part of the government to enter into discussions over self-government agreements with any Yukon First Nations groups requesting this (DIAND 1989).

Although the details of these Canadian agreements vary, there are some important common characteristics. All include specific reference to subsistence resources, with extensive harvesting and foraging rights; all include some degree of control over resource development within specified areas, and all include the payment of considerable sums of compensation monies. Theoretically at least these elements provide the basis for development aimed at enhancing economic self-sufficiency.

Australia

Aboriginal land rights settlements in Australia date from the passing of the federally administered *Aboriginal Land Rights (Northern Territory) Act 1976*. Outside the Northern Territory, such legislation remains a state responsibility and hence its structure and conditions vary widely on a regional basis. While land rights settlements, granting freehold and perpetual title, are the goal of all Aboriginal groups concerned, Aborigines do hold title to land under other forms of tenure - pastoral leases, other special purpose leases and reserves. By 1989 their total holdings in the more remote areas (Northern Territory, parts of Western Australia, Queensland and South Australia) amounted to over 900 000 sq km of land. Land within the Northern Territory, South Australia and Queensland was held largely under freehold (similar to Canadian fee simple) or leasehold but much Aboriginal land in Western Australia was still classified as reserve (fig 2). Aboriginal freehold land in the Northern Territory provides unalienable rights for Aboriginal groups able to prove traditional ownership. This ensures that this land will remain perpetually in Aboriginal hands and provides as far as possible for the preservation of its significant religious sites and the maintenance of subsistence hunting and foraging rights. The right to veto the exploration for and exploitation of minerals on that land, although now somewhat modified following amendments to the Act, also exists. In South Australia, where freehold land has been granted under the Pitjantjatjara and Maralinga Lands Acts (1981 and 1984), similar freehold tenure has been granted but here the agreements reflect the specific issues raised by each group and each region rather than those included under an all-embracing state legislative framework. In both cases control over the activities of resource developers, usually mining companies, gives Aborigines the opportunity to negotiate for royalty type agreements. However, as in the Northern Territory, freehold title is unalienable and hence the land cannot be sold or used to raise finance for other purposes. This has obvious economic implications.

Aboriginal leasehold land consists of pastoral leases acquired through government purchase since the early 1970s and also of land granted under specific legislation. Leasehold rights are generally more restrictive. In the Northern Territory most Aboriginal-held pastoral leases have already been converted to freehold under the terms of the Act; but in other states, where no such provisions for conversion exist, severe restrictions may apply. There Aboriginal pastoralists are forced to comply with rules governing stocking levels and the maintenance of improvements such as fences, bores and wells and are indirectly hindered from introducing alternative forms of land use. Moreover they do not have the right to deny access to outsiders with entry permits, mining companies can hold exploration and development licences within their lease boundaries, and developers are not obliged to negotiate royalty agreements or pay compensation.

Aborigines in Western Australia and Queensland also now hold large areas of land under specific leasehold. In both cases these leases have been transferred from former reserve land, in perpetuity in the case of Queensland and for 99 years in Western Australia. Although such leases theoretically provide Aborigines with greater security of tenure than in the past, people are concerned that these titles, like those on pastoral leases, still exclude full control over the activities of mining companies. Remaining reserve lands in Western Australia are similarly administered. Although the government appointed Aboriginal Lands Trust is eligible to collect a proportion of statutory mineral royalties paid to Western Australia the amounts involved have generally been minimal and, as McDonald (1981, 226) points out bear no relationship to a fair compensation due to those groups whose land is being mined.

The economic effects of land claim agreements

Important economic issues arising from this brief summary of North American and Australian land rights agreements include: those relating to control and use of renewable resources; those concerning the granting of subsurface and surface rights; those covering the payment of cash sums in compensation for land lost and the extinguishment of earlier rights; and the rules governing the use and distribution of these cash payments. All agreements recognise aboriginal rights to hunt and forage freely on land granted to them, although such rights may be more restricted on state/federal held lands; and many, such as more recent Canadian agreements, give preference to native landowners in the development of natural resources. Protection of subsistence is thus apparently assured. Similarly, Canadian and Australian agreements include some areas of subsurface as well as surface rights, thus forcing developers to negotiate with aboriginal owners before they can proceed, and ensuring that, where relevant, royalty type arrangements will be made. In both cases granting of subsurface rights to areas of proven mineral wealth has been excluded, but the possibilities of subsequent discovery of deposits in areas selected is high. These provisions therefore offer important avenues to support economic self-sufficiency without the government welfare sector. These avenues include the use of royalty monies to finance new projects, purchase shares in existing commercial operations or even establish investment corporations to support future development. But Australian claims settlements, unlike those in Alaska and Canada, do not include the payment of compensation monies. Such funds are extremely important because they complement the land grant with an economic base which is not dependent on resource exploitation. Lack of this component in Australian land claims agreements has affected both subsistence and monetary enterprises in remote Aboriginal communities and has undoubtedly hindered the growth of economic independence. Only those groups with commercially valuable mineral deposits on their land are able to gain access to capital without borrowing from public sources.

Indigenous groups with access to significant cash payments, either through resource royalties or through compensation monies, must establish appropriate organisations to manage the capital. These have usually taken the form of investment corporations or companies designed to promote commercial development. The operations of these bodies have been only partially successful and their experiences pinpoint some important issues affecting the economic contributions of land rights agreements.

Alaska, through ANCSA, currently provides the clearest example of the operation of organisations established primarily to promote economic development through land claims. The Native Corporations, now in existence for well over a decade, have been only partially successful. A recent analysis shows that from 1974 to 1984 only four of the regional corporations providing financial performance indicators had produced profits for their shareholders (Robinson, Pretes & Wuttunee 1989, 269). Village corporations, for which information is incomplete, fared even worse, a situation attributed by Thomas (1986) to their lack of an initial economic base and the fact a high proportion of their establishment monies went towards setting up their bureaucracies and paying legal fees rather than organising commercial enterprises. Disparities between relatively successful corporations, most of which have had resources to exploit or are in advantageous locations for development, and the others have also caused jealousies. The former have generally supported the existing ANCSA system, although they have perhaps resented the rule forcing them to share 70% of revenues from resource development with other corporations (Thomas 1986; Morehouse 1988); the latter have blamed the terms of ANCSA for their failure.

If ANCSA has not provided people with much direct benefit from dividends, how has it contributed to employment? Anders (1989, 296-7) argues that people have gained little. High earners in the regional corporations have been non-native professionals (lawyers,

accountants etc) and a small number of native entrepreneurs and leaders occupying the limited number of privileged positions. Redressing the balance by promoting rural based, labour intensive enterprises is hindered by the pressures for the corporation to generate high profits. Other problems include conflicts between corporations in the kinds of enterprise they wish to embark upon, and between commercial and subsistence interests within corporations. In a region as isolated and as environmentally limited as Alaska the range of entrepreneurial opportunities available is quite small and there is a distinct danger that people will set up in competition to each other. Also, as Anders and Anders (1987) point out, available investments in resource development may well run counter to subsistence interests. It would not be impossible for a regional corporation to want to invest in offshore oil drilling, while most of its shareholders saw such activities as detrimental to their whaling and fishing interests.

As this brief summary suggests, ANCSA has not provided the economic benefit which native people in Alaska anticipated would come from land rights. This means that people are still to a large extent welfare dependent; their subsistence base, far from being ensured, may be continually eroded by interests from other organisations and groups such as National Parks, sports fishermen and game hunters; and employment opportunities cannot expand sufficiently rapidly to keep up with growing population needs. Perhaps the main benefit, as Morehouse (1988) suggests, has been the emergence of native political leadership as a result of having to cope with ANCSA and its problems. Alaskan experiences with Native Corporations and economic development certainly provide important lessons for Canadian aboriginal groups, where development corporations are of more recent origin.

Settlement of the Canadian James Bay and Northern Quebec Agreements led to the establishment of two investment corporations - Makivik for the Inuit and the James Bay Regional Authority Board (JBRABC) for the Cree. Both are non-profit associations with no share capital but they differ in organisation. Makivik combines the role of investing compensation payments with that of financing community development, while JBRABC separates these roles. As Robinson *et al* (1989) point out, problems can arise in either case: on the one hand the priorities of community development and financial investment may well be in conflict; on the other, separating these roles may prevent a holistic approach. Information of the financial performances of the two corporations, according to Robinson *et al* (1989, 21), is very limited but it appears that JBRABC's assets returned 8.6% in 1988, largely from investment. Neither corporation had yet paid dividends, partly because, at this early development stage, they wished to reinvest all profits and also, in the case of JBRABC, because of concern over the 'welfare-like effect' of such payments elsewhere (Robinson *et al* 1989, 23).

The Inuvialuit Development Corporation (IDC) was incorporated in 1985 following the settlement of the Inuvialuit (COPE) claim. It aims to handle business investments made from the capital sums paid in compensation for loss of land and aboriginal rights. Between 1982 and 1987 IDC made investments in retailing and wholesaling; oil and gas exploration and development; real estate; and transportation, including the acquisition of 50% equity in Northern Transportation Company Ltd (NTCL), the barge company servicing communities around the Arctic Ocean shores and on the Mackenzie River. Many of these investments are locally based and that, combined with the varied range of the portfolio has led Robinson *et al* (1989, 33) to suggest that IDC have created a more secure financial base than they would have had if they had limited their interests. While it is still too early to predict the future, it seems that IDC's early performance has been more successful than that of the Alaska Regional Corporations.

These examples demonstrate the basic pitfalls facing such aboriginal financial organisations in remote communities. These include underlying conflicts between economic and social goals; between commercial valuation of land and its spiritual value;

between European perceptions of lifestyle and those held by many native people; and a general lack of appropriate managerial and financial experience among the native population. While Australia as yet provides no strictly comparable examples, corporations established to administer monies from resource development royalties have, as discussed below, encountered similar problems.

Enterprises

The economic implications of development corporations established to administer claim compensation are not restricted only to these bodies themselves. They are, through investment, handed on to the enterprises or activities which members have chosen to support. The remainder of this paper considers some example of the types of enterprise which have been established on aboriginal controlled lands. Enterprise is here defined in its broadest context, encompassing the encouragement of either monetary (cash) or non-monetary (subsistence) activity which contributes to the sustenance and survival of human groups. Cash enterprises, perceived as an important mechanism for increasing employment opportunities, raising incomes and living standards for aboriginal peoples, are currently encouraged in the aboriginal development policies of both North America and Australia; subsistence enterprises, although less commonly discussed, undoubtedly warrant as much consideration. Not only do they directly contribute to survival but also they are potentially important in achieving the aims of sustainable development in remote parts of these continents. These and other questions are here examined with reference to examples drawn from remote parts of rural Alaska, northern Canada, and northern and central Australia. Examples include enterprises based on renewable resources either for subsistence or commercial use (for example, food gathering/hunting, trapping), those based on the husbandry of introduced species such as cattle, those based on service industries such as tourism, and those based on industrial development of non-renewable resources (mining).

The broad definition of enterprise adopted in this paper, encompassing both cash and non-cash activity contributing to human survival, reflects important characteristics of Indian, Inuit and Aboriginal societies. Not only are daily food and clothing needs obtained through both cash and non-cash economies but other activities also, such as the manufacture of arts and crafts, or the provision of services to 'foreign' tourists are based on these two components. It thus becomes difficult, and at times irrelevant, to distinguish rigidly between monetary and non-monetary enterprises, and this can have an important bearing on the way in which land claim settlements affect enterprise development. As the above summary has suggested, settlements involving capital payments, such as ANCSA or the Canadian claims have usually stressed the monetary form of enterprise channelled through the support of development corporations; bodies disbursing royalty payments, like those in the 'Uranium Province' of Australia's Top End, have similarly concentrated on activities which are primarily part of the commercial world. But elsewhere, as in most other parts of Australia, lack of capital has restricted such developments and enterprise growth has occurred in a less structured way (Ellanna *et al* 1988). Consideration of specific types of aboriginal enterprises highlights many important comparative issues.

Subsistence and subsistence-related enterprises: hunting, fishing and trapping

Indian and Inuit communities in northern Canada and Alaska still depend heavily on subsistence hunting and fishing, and many people also trap fur bearing animals for their pelts. These two activities are interdependent rather than discrete, with pelts being used for subsistence (in the form of clothing), and trapped animals providing meat for human

and animal consumption. All such activities are vitally affected by land rights and are enshrined in the land claim agreements outlined above. For the most part the provisions included within such agreements merely legally define rights which native people have always emphasised and practised. However there are some deviations from this pattern. In both Canada and Alaska where native groups select certain lands within the broader region claimed the total areas used for subsistence may often exceed those actually granted. Thus the Inupiat of the Kobuk area in north west Alaska hunt caribou from the herd whose territory ranges from the Brooks Range in the north to lands south of the river. Although each Inupiat group only hunt within part of the huge range covered by the herd, their land grants still do not cover all the areas which they need for subsistence. Native use of this vital food source thus depends on mutual agreements with other land holding bodies such as National Parks, and conflict with other interests, such as big game fishing/hunting, or tourism is only too likely. Similarly the COPE claim in northern Canada has covered only part of the territory of the Porcupine caribou herd which is an important subsistence resource for Inuvialuit people in that region. Examples of similar conflicts from Australia are less dramatic because wildlife species are less affected by seasonal migration, but Aborigines also are commonly faced with the need to negotiate with neighbouring land owners in order to practice subsistence effectively.

Important connections between land rights and subsistence enterprises include the opportunities offered for reoccupation of areas formerly abandoned under assimilationist policies; and the specific recognition of hunting and foraging as a way of life. First, land claim agreements have given people unalienable rights to reoccupy their traditional country. This has resulted in dispersion of population from the large centralised settlements either on a seasonal or permanent basis. While this movement has not always awaited the settlement of claims, the support given to those wanting to move away from larger groupings has often been very limited until settlement is achieved. Moreover it is possible for people to use cash resources emanating from the land claims to establish the services needed for these more remote communities. The example of Fort Good Hope, a northern Dene community on the Mackenzie River, illustrates this situation. In 1984 about one third of the total population of about 450 from Fort Good Hope moved out to winter trapping camps between September and April. Although sale of the pelts obtained might gross approximately \$15 000 per family, the costs of obtaining this income were considerable. Initial travel, in the autumn before the freeze-up, involved hiring a plane, and additional costs were incurred for snowmobiles, traps and guns. People obtained some financial support through a grant from the Government of Northwest Territories (GNWT) outcamp program (\$12 000) but otherwise paid their own expenses through contributions to the local Hunters and Trappers Association (HTA). This cooperative body acted as a 'bank' into which people paid money while they had it, and in return coordinated transport, provided bulk supplies of dry goods and hunting and camping equipment. But its operations, so important to Fort Good Hope families, were continually hampered by financial insecurity. Land claim settlements are likely to provide more reliable support for bodies such as the HTA both to monitor the use of subsistence resources within native land, and also to disseminate some of the cash made available for the support of such subsistence enterprises. Such a development has already occurred in the Inuvialuit settlements where each village group now has an incorporated Hunters and Trappers Committee, administratively funded by GNWT and responsible for carrying out wildlife harvest studies and setting hunting quotas. This work has been funded through capital payments made as part of the settlement of the COPE claim.

Land claim settlements have also given specific recognition to hunting and foraging as a way of life. The clearest example of this occurs in connection with the James Bay Cree settlement, which enshrines programs designed to minimise problems arising from income fluctuations in subsistence enterprises, and generally encourages the continuation of hunting and trapping as a 'way-of-life' (La Rusic 1982). Similar types of program are

now under discussion for other native groups in the NWT (Ames *et al*, 1989) where government authorities themselves are now coming to recognise how important a contribution subsistence can make to achieving economic self-sufficiency and carrying out resource husbandry in remote regions.

Hunting and gathering for Aboriginal subsistence in remote Australia, in contrast to such activities in north America, is much more exclusively aimed at food production than the generation of cash profits. It therefore substitutes for cash rather than earns cash in its own right. Land rights have had a major impact on Aboriginal hunting and gathering. Although such practices were not excluded when land was alienated for uses such as cattle grazing, Aborigines were easily discouraged from using resources on their ancestral country if the pastoralist was openly antagonistic. Moreover access to areas remote from the large centralised settlements was very difficult for many people and their opportunities for foraging and hunting were limited. Land claim settlements, at least in the Northern Territory, have given people the confidence to reoccupy those areas which they formerly abandoned and, through the structure of royalty type agreements, some monetary support to assist such reoccupation. Since the early 1970s the Aboriginal population in central Australia has undergone a major redistribution, with larger Aboriginal towns declining in size and a large number of outstations forming (Young and Doohan 1989, 32-3). A major factor behind this change is improved access to bush tucker. As Fisk (1985, 21) summarises, people in outstations can provide for a much higher proportion of their sustenance directly from the land than can those living in centralised settlements; the difference may be of the order of 70% in productive parts such as coastal Arnhem Land, compared to 5% in nucleated population groupings.

Pastoralism

The cattle industry, introduced into remote Australia as a method of generating cash in an arid and harsh environment, grew under non-Aboriginal control and Aboriginal involvement was restricted to the stock camp, where Aboriginal skills were highly prized although not necessarily rewarded in cash terms. Although primarily commercial in orientation cattle enterprises have always included a subsistence element because they produce a commodity also used for human sustenance, and therefore they share some of the characteristics of trapping. As McGrath (1987) has documented, Aborigines developed a considerable affinity for and pride in stock work, and land rights agreements affecting former pastoral leases now under Aboriginal ownership have enabled people to express this in establishing alternative forms of pastoralism where the cattle station operates in both subsistence and commercial spheres. In general small communities, such as outstations on Aboriginal freehold land, emphasise the subsistence element of pastoralism, raising animals primarily to provide themselves with 'killers', while larger communities on former or existing pastoral leases under Aboriginal tenure carry out both commercial and subsistence cattle raising. In the latter case land tenure is of prime importance. In Australia's Northern Territory many of these properties have now been converted to Aboriginal freehold under the terms of the Land Rights Act. Some, such as Utopia, a station about 250 km to the northeast of Alice Springs, have abandoned pastoralism in favour of subsistence foraging and hunting and enterprises based on artefacts and crafts; others, such as Mount Allan, 300 km northwest of Alice Springs, have maintained a healthy commercial interest along with limited subsistence; and still others fall between these two extremes. In contrast, in the East Kimberley area of Western Australia, where the absence of state land rights legislation prevents tenure conversion, stations such as Doon Doon and Bow River are obliged to continue commercial operations, even although success may be impossible in practical terms (Young 1988a).

Land tenure is of course not the only factor affecting Aboriginal pastoralism. As I have documented elsewhere (Young 1981; 1988b; 1988c), past misuse of the land, levels of

financial support, the social structure of the Aboriginal community and its historical interaction with non-Aborigines, lack of managerial experience, and the economic state of the beef industry in general are also extremely important. Many Aboriginal pastoralists operate on land already badly affected by over grazing and subject to soil erosion and pasture depletion. They lack the capital to install the requisite improvements or carry out maintenance necessary to combat these problems. Their communities, many of which exceed 200 people, include many individuals with little interest in commercial pastoralism, and their tightly structured kinship networks and systems of reciprocity are mirrored in the structure of their boards of directors and workforce, often to the detriment of efficiency. Many have been subject to considerable exploitation and affected by the paternalistic attitudes of former non-Aboriginal 'bosses', and the self-confidence of Aboriginal pastoralists has been grossly undermined. Few people have gained any experience in managing the enterprise, particularly in financial terms, and hence their understanding of an industry which is significantly affected by external market fluctuations is very limited. In addition all pastoralists in the Northern Territory have for the last decade been forced to undergo testing under the Brucellosis and Tuberculosis Eradication Campaign (BTEC) and herd sizes and structures have been radically changed in the process. It is scarcely surprising under these circumstances that few Aboriginal pastoral enterprises could be termed commercially successful, and certainly none are sufficiently productive to provide cash support for all the families who live there.

If land rights legislation had included compensation payments, then some of these problems might have been solved. Certainly it is possible that undercapitalisation would pose less of a threat, and it would also have been possible for the cattle enterprises to operate without periodic injections of government funds from organisations such as the Aboriginal Development Commission (ADC). At present the only financial benefit which Aboriginal pastoralists have gained through land rights agreements has come through grants from the Aboriginal Benefits Trust Account (ABTA), a fund derived from royalty type payments from Ranger Uranium. These amounts are small compared to the total investment needed if Aboriginal cattle stations are to reach commercial viability. Although Aboriginal pastoralists may not place complete emphasis on that goal, it is the one towards which they are conventionally channelled by both public and private sector authorities.

The artefact industry

Art and craft traditions, in the form of paintings and carvings, and the manufacture of a great array of objects used both on daily and on more special ceremonial occasions are strong in Aboriginal, Inuit and Indian societies. These traditions depend on access to materials from the land - weaving materials, bark, ochres for paint, stone, wood and ivory for carving, and animal skins for making clothing - and their products originally fell entirely within the non-monetary sector of the economy. However in recent decades such items have acquired value elsewhere and hence land rights, through influencing access to these raw materials, has an important bearing on the industry. This has been particularly apparent in remote parts of Australia where the dispersal of the Aboriginal population to outstations has improved people's access to raw materials, and almost certainly led to an increase in the numbers of producers participating in the artefact industry. Blanchard *et al* (1987) stress the importance of the artefact industry in providing employment and some sort of independent economic base for people in such isolated areas. Altman's recent report on the Australian Aboriginal Art and Craft industry (1989) further emphasises this point. While it is important to acknowledge the increasing contribution made by these enterprises to Aboriginal cash economies, it must also be stated that this by no means stems from land rights legislation alone; increasingly efficient marketing, and a growing appreciation and awareness of the value of Aboriginal art both within and beyond Australia's shores are vital factors. The Mutitjulu

community, the home of many of the traditional owners of Uluru in Central Australia, combines both factors. Through the land claim agreement and subsequent lease back arrangement with Australian National Parks and Wildlife Service (ANPWS) Mutitjulu people not only have stability of tenure to their land, including access to raw materials, but also have the power to make decisions on park organisation. The current success of Maruku, their artefact enterprise, is due in no small part to their freedom to choose a sales outlet in a prime location for visitors, the Park Ranger Headquarters.

Land claim agreements can also provide protected access for native producers to raw materials, such as soapstone, the subject of a special clause in the agreement-in-principle of the Nunavut claim. However even such assurances need not mean that native artefact enterprises flourish; the continuing battle over the sale of products made by Inuit and Indians from sealskin and other pelts is clear evidence of the control which marketing policies exert within this important industry.

Non-subsistence commercial enterprises

Non-subsistence enterprises, such as tourism and the mining industry, are generally perceived to be the economic mainstays of life in isolated areas, particularly for the non-Aboriginal population. Perceptions such as these also affect development policies towards native people, who are expected to use these enterprises as the major channel towards economic and social advancement. Such assumptions not only discount native aspirations, but also disregard the fact that native people have had very limited opportunities to participate in these enterprises except in a menial capacity. They can only gain these opportunities through increased profit sharing and assistance in management and financial training. Land claim agreements play a key role in this.

Mining

Australian Aborigines have had minimal direct benefit from mining on their traditional lands. Subsurface rights, for all except those living in the Northern Territory, remain outside their control, and promises of employment and training have generally come to very little, even when such measures have been officially sanctioned. The mining industry today is capital intensive and demands highly skilled workers and few Aborigines from remote communities are qualified to participate. In 1982 in northern Australia, where Aborigines form 10% of the population, only 2% of employees in mining operations were Aborigines (Cousins 1985, 80). Argyle Diamond Mines, exploiting the rich East Kimberley deposits in Western Australia, gave initial undertakings to train and employ Aborigines from Glenhill, the community most affected by the project, but in 1987 had only ten Aboriginal workers out of a total labour force of around 300; all except one were casual labourers planting trees and shrubs to stabilise and beautify the sides of the opencast site. Company spokespersons explained this by emphasising that theirs was the most modern mine in Australia, and hence required a particularly highly skilled and technologically competent workforce. Watkins (1977, 88-9) comments on a similar situation for Dene in the vicinity of Norman Wells in the Mackenzie valley in the early 1970s.

However, principally because of land rights negotiations, there are signs that the situation is changing. Land claims in both Canada and Australia have given some aboriginal groups direct access to the profits of the mining industry because they have been granted subsurface rights, and hence mining developers must negotiate with them before proceeding. This usually involves the drawing up of royalty type agreements. In the Alligator Rivers uranium province in the Northern Territory, royalty income paid to the local Gagudju Association had by the end of 1985 amounted to \$12 million, over 50% of which had been invested in local developments such as tourist facilities in

Kakadu National Park and the neighbouring town of Jabiru (O'Faircheallaigh 1986; 1987). The terms of the NT Act also extend benefits beyond local traditional owners. Through the ABTA, an account into which up to 30% of royalty monies from uranium are paid, many small Aboriginal outstation groups have obtained finance for basic transportation needs, and larger communities have been able to construct new store buildings and community facilities, or have been able to purchase new animals for their cattle projects. Benefits such as these are likely to be more significant than direct employment by a mining company. Some of the enterprises owned by Gagudju also provide jobs, and the use of ABTA money for outstation vehicle purchase effectively supports the important subsistence sector in such areas.

Indirectly, the land claims process has demonstrated that aboriginal peoples now have a voice in what happens on their traditional lands, and that that voice is heard not only within the outback but also in Ottawa or Canberra. Mining companies have been forced to approach consultation in a much more positive and conciliatory way than formerly, and as a result an increasing number of joint venture arrangements with aboriginal groups have been formulated. NANA's Red Dog mine, north of Kotzebue in northwest Alaska, is a joint venture with Cominco. This ensures NANA participation in decisions over those parts of the project which have local socio-economic effects, and Cominco's commitment to ensuring that these effects are positive as far as native people are concerned. In 1987/88, while Red Dog was still in its construction phase, over 160 NANA shareholders had jobs in the project, and training programs for heavy equipment and diesel mechanics, welders and electrical technicians were already in operation (NANA Annual report 1988, 10-1). Once the production phase begins, probably in 1990, royalty incomes to NANA will begin to increase.

While NANA is a development corporation established as a direct outcome of ANCSA, other corporations have been formed and have entered into formal joint venturing arrangements without this direct linkage to the land claims process. In Canada's Mackenzie valley in 1987 the Dene/Métis Fort Good Hope Development Corporation signed a joint venture agreement with Chevron Oil for oil and gas exploration in the vicinity of their community. This agreement includes compensation for detriment to land and resources as well as equal representation on committees concerned with environmental impact and a 20% option on licences arising from the discovery of minerals. By November 1987 Fort Good Hope had set up a gravity and survey corporation with 16 employees. Seasonal jobs on the venture, numbering almost 100 in 1987/88, were expected to double in 1988/89. This new venture precedes the final settlement of the Dene/Métis Land Claim but may well be a prototype for future development in the Mackenzie valley region. It is not the first of its kind, being preceded in 1983 by the establishment of Shehtah Drilling Ltd., a joint venture between Dene/Métis and Esso operating at Norman Wells. Shehtah's contribution to providing training and employment opportunities for native people extends beyond Norman Wells because it has enabled workers to obtain sufficient skills to seek employment at other mining sites through Northwest Territories or even further afield. As these types of development suggest, there are ways in which native people can gain entry into direct benefits from the mining industry, provided lengthy negotiations are accepted, and some compromise is acceptable. Clearly if land claim provisions do contain clauses giving rights to control mining developments the prospects for such joint arrangements are much better.

National Parks and tourism

As the Gagudju experience shows, private capital obtained through mining royalty agreements has enabled some Aborigines to find the financial backing for projects in the burgeoning tourist industry of northern Australia. However more direct involvement has come about through agreements to grant aboriginal peoples positions in management

boards of parks developed for tourists on aboriginal freehold land. In the Northern Territory of Australia a number of agreements of this type are in place. Kakadu and Uluru National Parks are both run by a federal body, the Australian National Parks and Wildlife Service (ANPWS), under lease back arrangements from the traditional owners of the land; Gurig (Cobourg) and Nitmiluk (Katherine Gorge) National Parks are run under agreement with the Conservation Commission of the Northern Territory. Uluru (formerly Ayers Rock) was granted as freehold land to the traditional Aboriginal owners in October 1985 and immediately leased back to ANPWS. Aborigines are in the majority on the Uluru-Kata Tjuta Board of Management, and have therefore had an input in deciding which parts of the park are accessible to tourists and which are restricted, informing and educating ANPWS staff on important cultural and ecological issues to be recognised in devising management strategies, and taking advantage of the training and employment opportunities to be made available to them under the agreement. In addition they receive an annual rental of \$75 000 and gate monies equivalent to 20% of all entrance fees collected. Altman (1988, 138) estimated that by 1990, when these financial arrangements are to be renegotiated, this would be worth between \$106 000 and \$199 000 per annum, depending on visitor numbers. In 1986, the Mutitjulu community of about 150 people spent their total of approximately \$100 000 on the purchase of non-Mutitjulu interests in Malpa Trading Company, the operators of the local retail store; provision of reticulated water to outstations; purchase of community vehicles; and small payments to traditional owners residing outside the Mutitjulu community (Altman 1988, 139). While none of these are directly in the tourist arena, they are investments which improve the community's services and infrastructural control, and then create a better basis for direct involvement in tourist enterprises if the people so desire.

The situation at Kakadu National Park is somewhat different. Here, although similar lease back agreements between the traditional owners and ANPWS occur, the major income received by traditional owners is not from rental and a share of gate monies, but from their share of the royalty payments coming from Ranger Uranium. A high proportion of that royalty money, amounting to approximately \$3 million per year in 1986, was invested in tourist related enterprises and, as Altman (1988, Ch 6) comments, this made it virtually impossible to isolate the direct impact of the land rights agreement on tourist enterprises. Basically, if Ranger did not have an operational uranium mine on Aboriginal land surrounded by the Park the local Gagudju people would be receiving little capital to buy into the tourist industry. As it is, they are in a unique position for Aborigines, and their hotels, store, tour company and other investments give them employment and vital financial interests.

Gardner and Nelson (1981), in a direct comparison of the interaction between park agencies and indigenous minorities in USA, Canada and Australia, highlight some important contrasts between the Australian and Canadian situations. In particular Parks Canada, unlike ANPWS, requires public ownership of the land; but its legislation also has scope to include consultation with native groups and the creation of a joint management system. Weaver (1984, 20) points out that until July 1984 no agreements on joint management had actually been reached (or disclosed) in Canada, but that the COPE land claim legislation, including the establishment of North Yukon National Park, contained provision for joint management. North Yukon Park, operated and managed by Parks Canada, has subsequently been established on 10 000 sq km of the arctic slope on the western edge of the Inuvialuit lands area, and abutting on to the Alaskan border. It is still in the process of becoming fully operational, but training programs to involve Inuvialuit in park management and ensure their high level of participation in the park labour force are established. In 1987/88 77% of all park positions in Inuvik were held by Inuvialuit claimants in the land settlement (DIAND 1988, 12). Under the agreement Inuvialuit are promised retention of game harvesting rights and participation in the north Yukon advisory board. One tricky problem yet to be settled is the question of the Porcupine caribou herd, a major food source for native peoples in the north Yukon area

and also in neighbouring Alaska. Seasonal movements of the caribou include their Alaskan calving grounds and their wintering grounds in Canada's Yukon; the former are under threat from mining interests, pushing for further explorations for oil and gas in this area close to the rich Prudhoe bay deposits. As Sheldon (1988) implies, oil prices will ultimately determine the outcome. Altogether the arrangement for the North Yukon Park signifies a departure for Parks Canada because the concept of the park includes not only wilderness, conservation and tourist use, but accepts the establishment of native living areas within its boundaries. While full acceptance of these principles is by no means complete, it is now recognised that the establishment of parks in northern Canada is inextricably bound to the land claims process, and unless some such compromises are accepted nothing will be achieved. Dene negotiations over the establishment of a new park covering the treeline areas adjacent to the east arm of Great Slave Lake, take such ideas further in demanding not just representation on an advisory board but majority on a full board of park management, more akin to what exists in Uluru (Griffith 1987).

Conclusion

Land rights agreements have had highly significant economic implications for Indian, Inuit and Aborigines in remote Australia and North America, and the opportunities they provide for enterprise development are a major component of this. But these are affected by important variations between agreements, including the granting of surface/subsurface rights, controls over land use, and the inclusion or exclusion of cash compensation packages. Particular needs include the recognition of the contribution to subsistence enterprises, and their linkage to the cash economy; encouragement for native groups to develop enterprises in ways appropriate to their own lifestyles rather than conforming to those of the majority society; and acknowledgement that most forms of enterprise will need additional cash support if they are to succeed. Ultimately the success of land rights for the indigenous people of North America and Australia must be gauged not only in terms of the amount of land returned but also in the capacity of that land to provide them with an independent economic base. That capacity must be realised in ways which are congenial with indigenous attitudes and values. Finding the appropriate channels, whether these include native owned financial corporations or the development of alternative enterprises which combine subsistence with commercial activities is a major challenge for the future.

There is currently no universally accepted collective term for those groups, appropriate to all three countries. Alaska commonly refers to Eskimo and Indian people as 'natives'; Canada also uses the term 'native', but has also recently begun to refer to Inuit, Indians and Métis as the 'aboriginal' peoples of Canada; and in Australia the conventional terms are Aborigines and Torres Strait Islanders. The term 'indigenous' has been adopted by global groups such as the World Council of Indigenous Peoples. In this paper I use the terms 'indigenous', 'native' and 'aboriginal' interchangeably.

Figure 1
Canada - Land claims

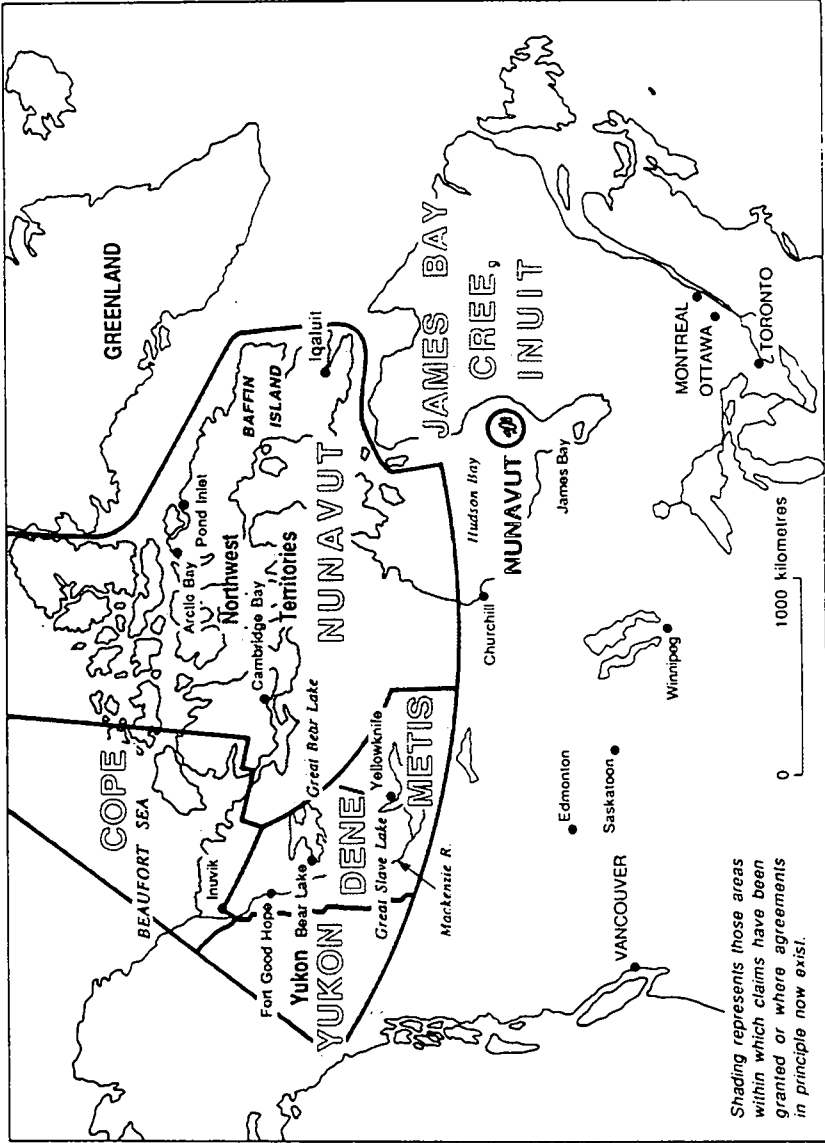
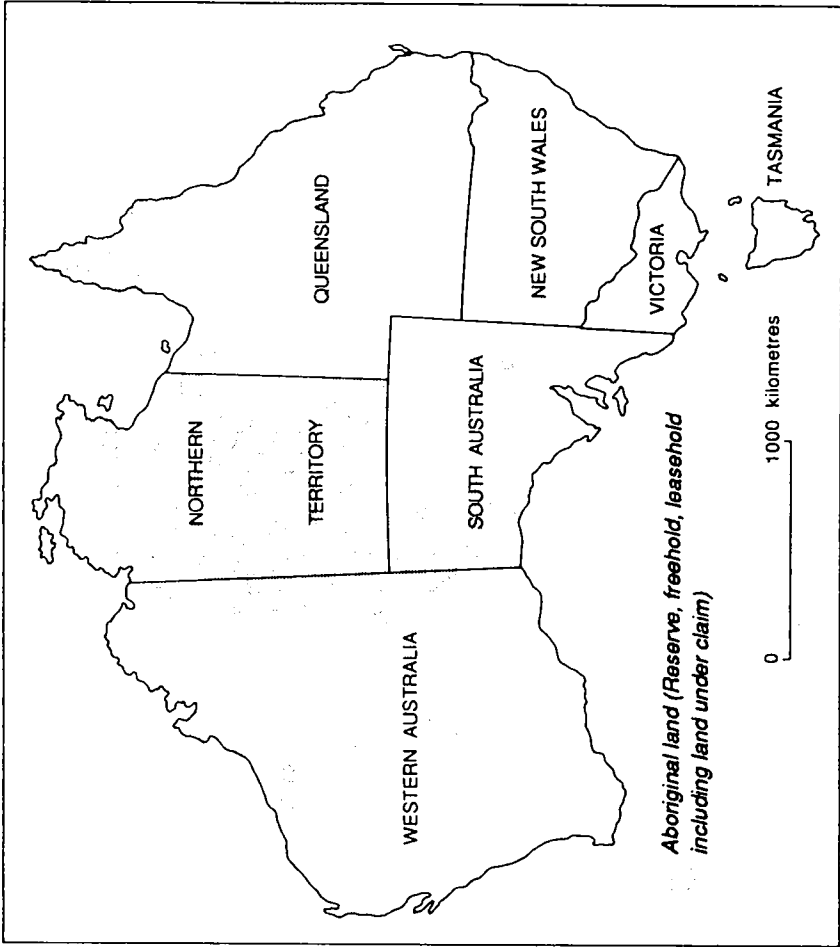


Figure 2
Australia - Aboriginal land



References

- Altman JC, 1988. *Aborigines, Tourism and Development: the Northern Territory Experience*, NARU, Darwin.
- Altman JC, 1989. *The Aboriginal Arts and Crafts Industry*, Report of the Review Committee, Department of Aboriginal Affairs, AGPS, Canberra.
- Ames R *et al*, 1989. *Keeping on the Land*, Canadian Arctic Resources Committee, Ottawa.
- Anders G and Anders K, 1987. Incompatible goals in unconventional organizations: the politics of Alaska Native Corporations, in Lane T (ed) *Developing America's Northern Frontier*, University Press of America, New York, 133-57.
- Anders GC, 1989. Social and economic consequences of federal Indian policy: a case study of the Alaskan Natives, *Economic Development and Cultural Change* 37, 2, 287-303.
- Berger T, 1985. *Village Journey*, Hill and Wang, New York.
- Blanchard CA, 1987. *Return to Country: the Aboriginal Homeland Movement in Australia*, Report of the House of Representatives Standing Committee on Aboriginal Affairs, AGPS, Canberra.
- Changes in the well-being of Alaska Natives since ANCSA, 1984. *Alaska Review* 21, 3, 1-12.
- Cousins D, 1985. Aboriginal employment in the mining industry, in Loveday P and Wade-Marshall D (eds), *Economy and People in the North*, NARU, Darwin, 178-93.
- Department of Indian Affairs and Northern Development (DIAND), 1988. Western Arctic (Inuvialuit) Claim Implementation: *Annual Report 1987-88*, Minister of Supply and Services Canada, Ottawa.
- Department of Indian Affairs and Northern Development (DIAND), 1989. *Council for Yukon Indians: Comprehensive Land Claims Agreement in Principle*, Ministry of Supply and Services Canada, Ottawa.
- Ellanna L *et al*, 1988. *Economic Enterprises in Aboriginal Communities in the Northern Territory*, NARU, Darwin.
- Fisk EK, 1985. *The Aboriginal Economy in Town and Country*, George Allen and Unwin/Australian Institute of Aboriginal Studies, Canberra.
- Gallagher TJ, 1988. Native participation in Land Management Planning in Alaska, *Arctic* 41, 2, 91-8.
- Gardner JE and Nelson JG, 1981. National parks and native peoples in northern Canada, Alaska and northern Australia, *Environmental Conservation* 8, 3, 207-15.
- Griffith R, 1987. Northern park development: the case of Snowdrift, *Alternatives*, 26-30.

- Inuvialuit Claim, 1984. *The Western Arctic Claim: the Inuvialuit Final Agreement*. Department of Indian and Northern Affairs, Ottawa.
- La Rusic I, 1982. *Income Security for Subsistence Hunters*, Research and Evaluation Branch, DIAND, Ottawa.
- McDonald G, 1981. Western Australia, in Peterson N (ed) *Aboriginal Land Rights: a Handbook*, Australian Institute of Aboriginal Studies, Canberra, 221-53.
- McGrath A, 1987. *Born in the Cattle*, George Allen and Unwin, Sydney.
- Morehouse TA, 1988. *The Alaska Native Claims Settlement Act 1991 and Tribal Government*, Institute of Social and Economic Research, University of Alaska, Anchorage.
- Morrison WR, 1983. *A Survey of the History and Claims of the Native Peoples of Northern Canada*, DIAND, Ottawa.
- O'Faircheallaigh C, 1986. The economic impact on Aboriginal communities of the Ranger Project: 1979-1985, *Australian Aboriginal Studies* 2, 2-13.
- O'Faircheallaigh C, 1987. Uranium royalties and Aboriginal economic development, in Wade-Marshall D and Loveday P (eds), *Northern Australia: Progress and Prospects. Vol 1, Contemporary Issues in Development*, NARU, Darwin, 155-81.
- Robinson M, Pretes M and Wuttunee W, 1989. Investment strategies for Northern Cash Windfalls: learning from the Alaskan experience, *Arctic* 42, 3, 265-76.
- Robinson M *et al*, 1989. *Coping with the Cash*, Special Committee on the Northern Economy, Legislative Assembly, Government of the Northwest Territories, Yellowknife.
- Sheldon JF, 1988. Oil versus caribou in the Arctic: the great debate, *Polar Record* 24, 149, 95-100.
- Thomas ME, 1986. The Alaska Native Claims Settlement Act: conflict and controversy, *Polar Record* 23, 142, 27-36.
- Thomas ME, 1988. The Alaska Native Claims Settlement Act: an update, *Polar Record* 24, 151, 328-329.
- Watkins M, 1977. From underdevelopment to development, in Watkins M (ed), *Dene Nation: the Colony Within*, University of Toronto Press, Toronto, 84-99.
- Weaver S, 1984. The role of Aboriginals in the management of Cobourg and Kakadu National Parks, Northern Territory, Australia, Unpublished paper presented at NARU, Darwin.
- Young EA, 1981. *Tribal Communities in Rural Areas*, The Aboriginal Component in the Australian Economy Vol 1, Development Studies Centre, ANU, Canberra.
- Young EA, 1988a. *Aboriginal Cattle Stations in the East Kimberley: Communities or Enterprises?*, EKIAF Working Paper No 21, Centre for Resource and Environmental Studies, ANU, Canberra.

- Young EA, 1988b. Aborigines and land in northern Australian development, *Australian Geographer* 19, 1, 105-16.
- Young EA, 1988c. Land use and resources: a black and white dichotomy, in Heathcote RL and Mabbutt J (eds), *Land, Water and People: Geographical Essays in Australian Resource Management*, George Allen and Unwin, Sydney, 102-24.
- Young EA and Doohan K, 1989. *Mobility for Survival: a Process Analysis of Aboriginal Population Movement in Central Australia*, NARU, Darwin.

RESOURCE EXPLOITATION AND INDIGENOUS PEOPLE: TOWARDS A GENERAL ANALYTICAL FRAMEWORK

Ciaran O'Faircheallaigh

1 Introduction

As minerals have been developed in increasingly remote parts of the world, their exploitation has had a growing impact on 'indigenous', 'native' or 'aboriginal' peoples, on groups which have had only limited contact with industrial society and which retain a significant part of their pre-industrial economic, social and cultural structures. A substantial amount of research has now been conducted into the effects of resource development on indigenous peoples, but the existing literature is overwhelmingly empirical and case study in nature, outlining the impact of individual mining projects (1) on specific populations or areas. Relatively little has been done to develop general theoretical frameworks which could form the basis for a broader analysis of the processes at work (2). It is important to develop such frameworks, for a number of reasons.

First, they are essential to a complete understanding of empirically-observed effects, to a knowledge of why resource development affects indigenous populations in specific ways and of why its impact takes specific shapes in particular circumstances. Second, they are indispensable to a predictive capacity in relation to the likely effects of proposed resource developments and of policy measures applied to existing or new developments. This point is of crucial importance if researchers are to provide indigenous peoples (and also governments and resource corporations) with reliable information about the likely consequences of particular sorts of resource developments, and about the likely impact of the various actions and policies which are available to them. In the absence of appropriate theoretical frameworks, researchers can have little confidence that their policy prescriptions will assist indigenous people in maximising the benefits they extract, and minimising the costs they incur, from mineral exploitation.

It could be argued that general theoretical frameworks would be difficult to apply because of the very substantial differences which exist between the economic, social and cultural characteristics of individual indigenous peoples. However, while these differences should be kept in mind, it is clear from a review of the literature that all indigenous peoples have a great deal in common in terms of their experience of large-scale mineral development. As Jean Jackson has noted:

Generalizations [about indigenous peoples] should be made cautiously, given the great variation in ecological setting, history and type of contact undergone ... Nevertheless, all these peoples share a position at the end of the scale of socio-techno-political complexity opposite from that occupied by the vast state and multinational institutions contacting them. In many respects this shared position makes the crucial difference (1984, 3).

Assuming that the enterprise is both important and feasible, how can or should relevant theoretical frameworks be developed? The first step is to achieve an understanding of the various ways in which mineral development affects indigenous people, to establish a categorisation of impacts which ensures an awareness of the full range of effects and of the nature of those effects. A major purpose of this paper is to develop such a categorisation, based on a review of existing literature (3).

The second step is to develop a set of hypotheses which offer an explanation for empirically-observed effects and provide a basis for prediction. Explanatory hypotheses could be developed in two ways. They could be derived from existing bodies of theory which either seek to explain the effects of mineral development in general (of which effects on indigenous peoples would form a subset), or seek to explain social and economic change in general (of which change in indigenous societies affected by mineral development would form a subset). Such an approach could be termed 'top-down', in that it involves moving 'downwards' from the level of general theory to that of specific hypotheses relating to mineral development and indigenous people. The paper critically reviews the utility of some relevant bodies of general theory; it argues, on the basis of the available empirical evidence, that none is adequate, though some do offer useful insights.

Another (or 'bottom-up') approach would involve systematic, comparative studies of the effects of mineral development in a range of specific cases. Such studies could, in turn, provide a basis for generalisation and so for the development of explanatory hypotheses. The paper argues that such an approach is essential if we are to create an adequate body of theory, and concludes with some practical suggestions as to how it might be undertaken.

As mentioned above, a major purpose of the paper is to establish the full range of effects which need to be considered in examining the impact of resource development on indigenous peoples. These effects are examined under separate headings such as 'economic', 'social', 'cultural' and 'environmental'. Such a division is appropriate for analytical purposes, but it must be stressed that it makes little sense in the context of most indigenous societies, in which economic, social, cultural, and environmental factors are inextricably interwoven.

The amount of space devoted to specific issues reflects, to some extent, the content of the available literature; in certain areas little useful information is available, and the paper seeks to highlight these deficiencies.

2 Economic Impacts

Loss of economic resources

Loss of economic resources occurs for two reasons. The first involves destruction of agricultural land for mining itself, for associated infrastructure (roads, towns, railways, ports) and for disposal of tailings and other mine wastes. While the total amount of land lost to mining may not be large in comparison, for example, to cattle ranching or cash crops, individual communities can lose most or even all of their land, the destruction of land is complete, and the impact on indigenous peoples who depend on subsistence farming is devastating. Much of the resentment which lay behind the recent armed rebellion by landowners on Bougainville Island in Papua New Guinea (Filer 1990) resulted from the destruction of land at the Panguna copper mine, at the site of a new port established to ship copper concentrates, and in the valley of a river into which tailings were disposed. In the Philippines, substantial quantities of farming land have been destroyed by Atlas Mining Corporation's operations (McAndrew 1983, Chapter IV). In Panama, the Guaymi people face the prospect of losing much of their agricultural land as a result of the Cerro Colorado project (Gdorjng and Wali 1982, 24), while in the Ikpe area of Nigeria large areas of agricultural land have been rendered useless by quarrying (Ekpenyong 1984, 267; see also Hyndman 1987, 28-9; Howard 1988, 118, 125-72; Hughes and Sullivan 1989, 38-9).

Mining companies sometimes provide replacement land elsewhere, but this may not fully compensate for the economic losses involved. In most cases the best agricultural land is already under cultivation, and land available for purchase by mining companies is of poorer quality (see, for example, TAPOL 1984, 35-6, on the experience of the Amungme people relocated from Freeport's Indonesian copper mine). In addition, social and cultural factors may mean that people are unwilling to use land away from their traditional farming areas. Where tree crops are involved, a substantial time may elapse before replacement trees start to generate an income.

Cash compensation is also sometimes provided, but it is often not adequate to provide alternative food sources. On Bougainville, for example, people who lost land were paid an 'occupancy fee', but initially this was only A\$1 per acre per year (O'Faircheallaigh 1984, 220). Subsistence farmers affected by gold and copper mining in the Philippines have also received minimal compensation (McAndrew 1983, 7, 49), as have Wopkaimin people who lost land as a result of the Ok Tedi project in Papua New Guinea's Western province (Hyndman 1988, 290-1). More fundamentally, compensation payments tend to occur only as long as mining continues, whereas the loss of agricultural land is permanent.

The second major way in which economic loss occurs is when mining and associated developments affect hunting and gathering activities. Many indigenous people depend on such activities either for a large part of their total food supply or as a vital source of protein (Brody 1981, 190-213; Cox 1985). Hunting and gathering can be affected through pollution of waterways, destruction of habitat, competition for game from mineworkers, dispersal of game and/or disruption to their breeding as a result of industrial activity, and introduction of domestic pets which go feral and decimate native animals.

There is a great deal of case study material which documents the adverse effects of mineral exploitation on hunting and gathering activities. On Bougainville tailings disposal killed all life in two river systems which had been major sources of fish and shellfish (Brown 1972). In north Australia fear of radiation pollution from uranium mining has led Aboriginal people to stop collecting a number of food items (Australian Institute of Aboriginal Studies 1984, 184). In the Soviet Union, oil exploration and development have polluted streams and rivers fished by indigenous people and damaged reindeer habitat, while the influx of outsiders associated with it has resulted in extensive destruction of wildlife (Aipin 1989, 138, 140-1; Pika and Prokhorov 1989, 128). Unnecessary hunting by miners in the Amazon basin has depleted the food resources of the Yanomani people (Lazarin 1988, 21-2). In Alaska, pipeline construction and particularly oil exploration have had a major impact on hunting and trapping (see, for example, Brody 1987, 65), while in Greenland early break up of ice by ore ships has interfered with hunting (Dahl nd, 10-11; for other, similar cases see McAndrew 1983, 44; Hyndman 1988, 285; Jackson 1982, 121-2; Macpherson 1978a, 93; 1978b, 129-30).

Creation of additional economic resources

Indigenous people are often badly in need of the additional economic opportunities which mining can generate. Their cash incomes are typically low. For instance, in the early 1970s the average per capita income of the Navajo Indians was only 17 per cent of the United States figure, and their relative position was deteriorating over time. Their low incomes reflected very high unemployment rates (six times the national average) and a concentration of the employment which did exist in the lowest paid, least skilled and most unstable job categories (Robbins 1977; Owens 1979, 317-26). It was estimated in the mid 1970s that 87 per cent of the native population of northern Saskatchewan were living below Canada's official 'poverty line' (Bartlett 1981, 16), while in the late 1980s

average incomes in Western Arctic Dene communities were a little over half the Canadian average (Dickerson, Pretes and Robinson 1989, 2-3).

As Brody demonstrates, cash incomes may not be a reliable guide to economic welfare, because subsistence production can generate a high proportion of food requirements (1981, 200-13). However in many cases subsistence activities are no longer capable of fully meeting basic needs, because of the impact of industrial society and of high rates of population growth (Clemmer 1984, 83; Churchill and LaDuke 1986, 54; Dickerson, Pretes and Robinson 1989, 3; Schneider 1990, 2). Even where this is not the case, some cash will usually be required to purchase labour-saving devices for use in subsistence activities (see below) or to buy 'luxury' goods (ie items not required for basic subsistence) (Cox 1985, 398; Schneider 1990, 3).

Mineral development is often the only industrial activity which is economically viable in the remote regions where indigenous people usually live, and so represents one of the few opportunities they have to earn cash.

Employment and Wage Incomes - Direct Effects: Mineral exploitation has the potential to generate substantial wage incomes for indigenous people, because labour needs are often large in relation to the surrounding population and because wages are typically often higher-than-average.

However in practice indigenous people frequently benefit little from the employment created by mineral development. This is illustrated, for example, by the pattern of Aboriginal employment in mineral projects in north Australia. Aborigines account for only a small proportion of total employment and they tend to occupy positions as labourers and semi-skilled workers. In the early 1980s, the Aboriginal share of employment in eight north Australian mining projects examined by Cousins and Nieuwenhuysen averaged only 2.6 per cent, ranging from a low of 0.4 per cent to a high of 7.8 per cent; in every case Aborigines were underrepresented in the mining workforce compared with their share in the total area population (1984, 2). In March 1985 the Northern Territory's two uranium mines, both of which are located in areas populated predominantly by Aborigines, employed 520 workers; only 33 of these, or 6.4 per cent, were Aboriginal, and no local Aborigine was employed in a skill category higher than that of heavy equipment operator (4).

This pattern is also found in many mining projects in Canada. Harding reports that in the early 1970s native people held only 2 per cent of jobs in seven mines in northern Saskatchewan and northern Manitoba, regions in which they constituted a majority of the population. This proportion had risen by the early 1980s, but indigenous people were still severely underrepresented, especially in the more skilled job categories. Harding estimated that in 1984 a maximum of 18 per cent of jobs in Saskatchewan uranium mines were held by natives, whereas they accounted for 80 per cent of the total population in the uranium mining region. In one of the mines he examined, only 14 of the 143 jobs held by 'northerners' fell in the more highly-paid job categories, and some of the individuals holding them were not natives (Harding 1988/89, 126,129,132).

A similar pattern of employment (or lack of it) has been documented in relation to oil in the Soviet Union (Pika and Prokhorov 1989,130), to copper mining in Indonesia (TAPOL 1984, 34), to natural gas, base metals and oil in Canada's North (Jelliss 1977, 69-70; Macpherson 1978a, 89, 1978b, 128-29; Dene Nation 1986), and to energy development in Alaska (Kruse 1982, 100).

Where native people have a long history of involvement in commercial activity, their capacity to obtain employment may be enhanced, but they are still likely to occupy only unskilled and semi-skilled positions. For example, substantial numbers of Montagnais

people, who had engaged in fur trading with Europeans since the mid seventeenth century, were employed in iron ore mining in Quebec during the 1960s and 1970s, but they held positions in only the lowest six of 17 skill categories (Vakil 1983, 138-39).

Two factors are crucial in explaining the general failure of indigenous people to exploit the employment potential created by mineral exploitation (5). The first relates to the nature of available employment and to the skill levels and workplace experience of indigenous people. Modern mining projects tend to be capital intensive and technologically sophisticated, and consequently to create high demand for professional and skilled manual labour but relatively little demand for unskilled labour (6). Indigenous people usually lack the required skills and also the basic formal education which is a prerequisite for obtaining them. As Schneider notes, indigenous people can become locked into a vicious circle; their lack of formal education excludes them from employment, and the apparent absence of employment opportunities removes the incentive for them to stay at school or to acquire formal training (1990, 4). Indigenous people also often have very little experience of working in an industrial environment, and if they are employed may find it difficult to adapt to the work routine of a large, mechanised mining project, which requires them to keep regular hours and stay in employment for extended periods of time (7). This difficulty often leads to irregular attendance at work and poor time-keeping, which may result in dismissal of individual workers and may also make employers reluctant to hire indigenous people.

The second factor is the desire of indigenous people to maintain existing social and economic pursuits such as hunting, ceremonial or religious activities, a desire which often clashes with the demands of formal wage employment. This is partly a matter of personal preferences. Most indigenous people would prefer to go hunting with family or friends than stay in a work environment which is frequently noisy, dusty, and takes place in a cultural context with which they are unfamiliar (see, for example, Williamson 1974, 115-16; J Jackson 1984, 9). But it is important to note that an unwillingness to abandon traditional pursuits may represent entirely rational behaviour in purely economic terms. Mineral exploration activities are often temporary and do not lead to the establishment of mines or oil fields; the mineral resources of a particular region are finite; and mineral markets are notoriously unstable. For these reasons there is no guarantee that mineral exploitation will provide a source of livelihood in the longer term, and it is entirely rational for indigenous people to try and keep their existing economic and social structures intact.

Their desire to do so does not imply a lack of interest in obtaining cash income. Indeed as indicated above many will have to earn cash because the impact of industrial society has already made it impossible for them to meet all of their needs through subsistence production. The literature makes it abundantly clear that many (though certainly not all) indigenous people do in fact wish to take advantage of the employment opportunities generated by mineral exploitation (Williamson 1974, Chapter VIII; Hobart 1982a, 54, 61; Graham 1982, 12)(8). Rather the point is that they face a range of barriers in taking advantage of employment opportunities, both because of the nature of those opportunities and because of their own characteristics and preferences.

While indigenous people usually find it difficult if not impossible to overcome these barriers, it is clear that they can do so in certain circumstances. This is illustrated, for example, by the Cluff Lake uranium mining venture in northern Saskatchewan, established in 1980. By 1985, 50 per cent of all employees were recruited from the local area; nearly all of these were indigenous people, and a significant number of them were moving into skilled and supervisory positions. Their total income in that year amounted to C\$4 125 000, equivalent to an average per capita income of C\$33 000; given the economic status of native communities in northern Saskatchewan, availability of wage income on this scale was clearly very significant (Amok Ltd, 1986). Bougainville

Copper Ltd (BCL) has also enjoyed substantial success in training and employing indigenous people, establishing a major training facility at Panguna and sponsoring students to obtain higher level education both in Papua New Guinea and overseas. By 1989 some 1000 Papua New Guineans had completed trade apprenticeships with the company and a further 400 had undertaken graduate and postgraduate studies with its assistance (BCL 1990).

Some oil exploration companies in northern Canada have also generated substantial high-wage employment for local people. In the early 1970s, wages paid by Gulf Oil to Inuit from Coppermine resulted in a doubling of wage income in the community and an increase of 75 per cent in its total cash flow (Kupfer and Hobart 1978, 60). Between 1976 and 1980, Dome Petroleum increased its employment of northerners from 127 to 338, and in the latter year paid its northern employees \$3.5 million in wages. Over this period, northern employment in semi-skilled categories grew from 16 to 86 and in skilled categories from 6 to 86. This reflected the commitment of substantial resources to training; the company increased the number of northerners on formal training courses during the winter months (when no drilling was possible) from 15 in 1976 to 100 in 1981. (Dome Petroleum 1981; for other examples see Mary Collins Consultants Ltd 1977, 47; Hobart 1984, 117).

Three policy issues are particularly important in determining the extent to which barriers to indigenous employment are overcome. The first relates to requirements governments may place on resource developers to give local people preference in employment and to establish training and employment programs for them. Such requirements have been applied to most recent resource projects. In some cases, they appear to have been very effective. For instance, under its mineral lease agreement with the Saskatchewan government Cluff Mining established a system of rotation employment, flying native workers to the mine from six native communities for seven days at a time, then returning them home for seven days leave, giving workers the opportunity to maintain traditional social and economic activities. The company established an extensive technical training program for its native workers, with eight full-time training staff involved in 1985; this has allowed it to provide new recruits with expertise they lack, and also to upgrade skills over time so that native workers have been able to move into more highly skilled and supervisory positions. Cluff also created a scholarship program to allow native staff to attend university and technical institutes. Similarly the Canadian oil exploration company, CANMAR, established a very active employment and training program under a development agreement negotiated with Canada's federal government (Amok Ltd 1986; Cluff Mining nd; Mary Collins Consultants Ltd 1977).

In other cases, training and employment agreements appear to have had little impact on native employment. Such agreements existed for both the Pine Point and Cyprus Anvil mines, for example, but Macpherson shows that indigenous employment levels were still very low after they had been in force for some time (1978a, 89; 1978b, 128).

On the basis of the available evidence, failure of government-mandated indigenous employment programs occurs for one or more of the following reasons. First, the relevant provisions may be flawed, for example by setting unrealistic targets, by being too vague regarding mining company obligations or by failing to provide sanctions for non-compliance (9). Second, governments may lack the capacity to effectively monitor compliance; in the early 1980s, for example, the Papua New Guinea government was unable to even respond to BCL's proposed training programs, let alone monitor their implementation and effectiveness. Third, mining company staff may be less than enthusiastic in pursuing native training and employment, either because they perceive indigenous people as unreliable or lacking education and skills (Schneider 1990, 3; Willy 1987, 85) or because they believe they may 'train themselves out of a job' (10). Fourth, other company policies (for example regarding the duration of rotation cycles or

provision of accommodation) may be unacceptable to native workers. Fifth, the training methods used may be inappropriate, given the social and cultural context within which they must operate, a point discussed in detail by Abele (1989). Finally, external constraints may exist, for instance an insufficient number of suitably-qualified recruits (Macpherson 1978a, 87-8; 1978b, 128-9; Deprez 1973, 59-60, 74-76; Hobart 1984, 121; O'Faircheallaigh 1986a, 52-3; 1988a, 55-6).

However, there has been no general, systematic examination of employment and training agreements and of indigenous employment policies generally, and consequently our understanding of this area is limited. Frances Abele (1989) has compared seven training programs implemented in northern Canada, attempting to identify factors which contributed to, or detracted from, successful outcomes and to use this as a basis for designing more effective training programs. However only some of the case studies refer to resource exploitation and they are limited to a single region.

Where the jurisdiction of indigenous people over their land is recognised in Western law, they may not have to depend on government initiatives to encourage indigenous training and employment. For example during the 1970s the Navajo Tribal Council successfully negotiated and enforced local hiring provisions in mineral lease agreements, while the Navajo Nation developed training agreements with the AFL-CIO and within Navajo-established trade unions, and granted allowances against tribal taxes for firms using Navajo labour (Robbins 1978, 38, 41-2; Owens 1978, 52).

In some countries governments do not even attempt to ensure involvement of indigenous peoples in mining projects, and neither do the people themselves have legal means at their disposal to ensure their participation (Swenson 1982; Hyndman 1988, 285-7). In these cases, there is little likelihood that wage income will represent an important benefit to indigenous people from exploitation of minerals on their land.

More generally, indigenous employment opportunities and particularly the possibility of moving into more skilled positions depend on the availability of educational facilities, which raises the second major policy issue. Many indigenous peoples have only limited access to formal education, which may make it difficult or even impossible for them to enter mining company training programs. The latter has been the case, for instance, in Australia's uranium province, where educational services for Aboriginal people have been very poor (Australian Institute of Aboriginal Studies 1984, 167-8), with the result that the training programs which do exist have been dominated by Aboriginal people from outside the region. During 1982-85, for example, local Aborigines held only 3 of the 27 training positions offered by the Ranger uranium mine in skilled manual and clerical categories (O'Faircheallaigh 1988a, 30). A similar absence of adequate educational facilities affects indigenous people in north Australia as a whole (Cousins and Nieuwenhuysen 1984, 3), in the Soviet Union (Aipin 1989, 139), the United States (Anders 1980a, 58-9), Canada (Wojciechowski 1982, 28; Graham 1984, 15; Schneider 1990, 4), and Papua New Guinea (Jackson 1982, 164).

Educational levels are not set for all time, and can be raised if indigenous people have the necessary motivation and governments are prepared to commit the resources required. For example, the willingness of the Libyan government to fully fund schools for oasis dwellers has enhanced their capacity to grasp employment opportunities provided by oil development (Mason 1978, 766). Unfortunately, indigenous education is not always high on the list of budget priorities.

The third issue involves corporate employment and training policies. As indicated above, resource companies vary substantially in the degree of enthusiasm they display in implementing government-mandated employment programs, and in their willingness to go beyond formal requirements and to initiate programs themselves where such

requirements do not exist. One particularly important question involves the willingness of mining companies to devise flexible hiring and employment practices which allow indigenous people to both accept wage employment and maintain traditional activities. One such practice is the modification of rotation schedules to make them more acceptable to native workers, an initiative taken by a substantial number of companies in northern Canada and Alaska (see, for instance, Cominco 1980, 3). Another example is provided by Williamson, who describes how a mining company operating in Canada's Northwest Territories used a workpool system to ensure that absenteeism by Inuit workers did not disrupt production; the mine had on payroll and on call a larger number of men than were required at any one time, and if one worker did not turn up another was obtained from among those not scheduled to work on that day (1974, 118). A third example is provided by CANMAR, which in 1977 initiated a special 'hunting and fishing' leave for its Inuit oil exploration workers, allowing them to take an extra week's leave without pay at any time during the drilling season (Mary Collins Consultants Ltd 1977, 55).

At the Nabarlek uranium mine in Australia's Alligator Rivers Region, Queensland Mines Ltd was prepared to hire local Aborigines for fairly short periods of time, allow them to resign, and then rehire them later, and it was prepared to repeat this process with the same workers indefinitely. This meant that Aborigines could work at the mine during the monsoonal 'wet' season, when game was scattered over the flood plains and hunting was poor and when flooding restricted movement and so ceremonial and religious activities. When the 'dry' season commenced, they could leave the mine to hunt and travel on 'traditional' business, often using the cash they had accumulated to buy hunting and fishing equipment and to help finance ceremonial activity. With the onset of the next 'wet', they would return to the mine once more (O'Faircheallaigh 1988a, 25-8).

However it is clear from the literature that some mining companies are not willing to adjust employment practices or work schedules in order to facilitate indigenous employment. For example, the Iron Ore Company of Canada refused to relax standard rules regarding formal educational qualifications for its native employees, effectively excluding them from a range of employment and training opportunities and preventing them from obtaining 'permanent' employment status (Vakil 1983, 138). Three of the eight north Australian projects examined by Cousins and Nieuwenhuysen refused to acknowledge any distinction between their Aboriginal and non-Aboriginal workers, and so did not even consider allowing variations in hiring or work practices; none of the eight modified employment conditions in essential parts of the mining operation to facilitate indigenous employment (1984, 3,8; see also Macpherson 1978a, 88-89; Abele 1989, 118-20).

In addition, opportunities for flexibility decline dramatically as one moves into more skilled occupational categories. Aboriginal workers at Nabarlek were allowed considerable flexibility because the work they performed was not essential to maintenance of production (at least in the short term) and because their low skill levels meant that any individual worker could quickly be replaced; the same situation existed at the mine described by Williamson. Workers with higher skill levels are more vital to production and harder to replace. Thus a dilemma exists for indigenous peoples. While they perform low-skilled, low-paid jobs, they may enjoy the flexibility which will allow them to combine a cash income with traditional pursuits; as soon as they begin to upgrade their skills and seek more rewarding positions, flexibility declines.

We know very little about the factors which shape corporate attitudes towards provisions requiring indigenous employment (11). Common sense would indicate some of the factors likely to influence corporate attitudes. For example, if it is difficult to recruit labour from elsewhere, company officials are more likely to make a major effort to recruit and train indigenous people. Thus indigenous employment at the Marmorilik

mine in Greenland increased substantially when tax changes in Denmark made it more difficult to recruit Danish workers (Dahl nd, 8; see also Gibson 1978, 34). The scale of resource projects may also be relevant. Where enormous investments are involved (as in oil exploration, for example) expenditure on indigenous training may represent only a marginal cost increase and so may be more acceptable to company officials; Dome Petroleum, for example, whose training efforts were discussed above, spent \$250 million on its drilling program in 1981 alone (Dome Petroleum 1981). However any conclusions in this area must be speculative in the absence of more systematic research.

To summarise, mineral exploitation has the potential to provide an important source of employment and income for indigenous peoples. But they must overcome major barriers before they can realise this potential, and their capacity to do so will depend heavily on the implementation of appropriate public and corporate policies.

Employment and Wage Incomes - Indirect Effects: The availability of wage employment has a number of effects other than the direct impact on cash incomes. There are important social and cultural dimensions to this issue, and these are dealt with below. In economic terms, an important question involves the effect of wage employment on subsistence income. Unless substantial surplus labour exists in the communities concerned, wage employment may result in a significant loss of subsistence income, and this would have to be considered in assessing the net benefits derived from mining projects.

Little concrete information has been published on this point, except in relation to Indian and Inuit hunters in Canada and Alaska. The information which is available suggests that significant income losses certainly do occur in certain cases (Williamson 1974, 111-12; Hobart 1982a, 57-60, 1983, 76; Ekpenyong 1984, 267), but that other indigenous people are able to accommodate at least some wage employment without large losses in subsistence income (Mary Collins Consultants Ltd 1977, 20; Wojciechowski 1982, 26). Indeed in certain cases employment in mining projects may actually allow increased subsistence production. The ability to purchase more efficient equipment allowed Inupiat workers to increase hunting activity, as indicated by Kruse's detailed study which revealed a strong positive relationship between levels of cash income and the extent of subsistence activities (1982, 32; see also Kruse *et al* 1982, 102; Hobart 1982a, 59; 1983, 75). To cite another example, investment of wages allowed Libyan oil workers to increase productivity in subsistence food gardens (Mason 1978).

Clearly, the amount of time taken up by wage employment and the degree to which it requires absence from home will be crucial in determining the impact on subsistence production. This point is discussed by Hobart in relation to hunting and trapping activity in the Canadian north. He found that where employment involved relocation to another community hunting usually ceased altogether. Where it involved full time employment in the home community, hunting activity diminished because of pressure of time. But where rotational employment was involved it often increased, because workers had sufficient time available during their leave periods at home, and were able to buy hunting equipment with their wages (1982a, 58-60).

Other indirect economic effects of wage employment depend on how wages are used, and here the key questions relate to any multiplier effects generated by their expenditure. These in turn depend on whether income is consumed or saved, and on the character of consumption and of investment from savings.

This is another area in which little detailed information is available. Given that few consumers' goods industries exist in the remote regions where most indigenous peoples live, one would expect a high proportion of consumption expenditure to be spent on imports, with the result that multiplier effects would be minimal. There is some

evidence to support this view. Jelliss reports that native incomes derived from the Pointed Mountain natural gas project were spent almost entirely on goods imported from southern Canada (1977, 70), while Williamson's detailed work on expenditure of Inuit miners led to a similar conclusion (1974, 119-22; see also Kupfer and Hobart 1978, 60-1). Owens states that no multiplier effect has been created by the wage income of Navajo Indians employed on energy projects because it has been spent in off-reservation towns on goods and services produced by non-Indians (1978, 52)(12).

Wage expenditure may not only fail to generate local multipliers, but imported goods may actually be substituted for goods previously produced locally, leading to a net loss in local production. Williamson, for example, indicates that by the time mining was finished at Rankin Inlet, the families of Inuit workers had replaced locally-produced clothing, beds and other household effects with imported items purchased at the supermarket (Williamson 1974, 119-20, 122-3).

In some cases, part of wage income is circulated through the local economy through substitution of cash for commodities in certain social or cultural transactions. For example, cash obtained from working on resource projects has been used in bride price payments in Libya and in Papua New Guinea's Western Province (Mason 1978; Hyndman 1987, 32), while cash from uranium mining has been used in ceremonial activity in the Alligator Rivers Region. Gambling can also be an important mechanism for redistributing cash; Wojciechowski, for example, reports that it served as 'a quick and effective means of distributing the wealth of the wage earners [at the Nanisivik mine] among the rest of the population' (1982, 26; see also Kupfer and Hobart 1978, 61). Of course these effects are redistributive, and do not provide opportunities for creating additional wealth; the recipient simply receives payment in a different form. However they can be important by allowing people to obtain cash who might otherwise be unable to do so.

Wage income may also provide a basis for investment in productive, income-generating assets; in assessing the significance of any such effect, it must be remembered that other sources of finance, for example bank borrowings, may not be available to indigenous people.

Workers at the Panguna copper mine have used their savings to develop land for cash-cropping and food production and to establish small businesses in their villages (O'Faircheallaigh 1984, 263), while oil workers in Libya have used wages to help establish retail stores and trucking businesses and to improve production of food crops both for subsistence and for sale (Mason 1978). In northern Canada and Alaska wage income is often used to purchase equipment for hunting and trapping (Kruse 1982; Brody 1987, 221). In some cases this may simply save labour and so allow those in employment to maintain subsistence activities, but in certain circumstances the equipment purchased may be indispensable if hunting is to continue at all, for example where snowmobiles are needed because game is no longer available close to the community. Thus there is evidence that wage income from mining projects represents an important source of capital for indigenous people who wish to establish their own business enterprises or who require an external source of capital in order to maintain traditional subsistence or cash-generating activities.

Royalty-type payments: Where national legal systems recognise indigenous people as owners of the land they occupy, they may have a legally-established right to receive royalties or similar payments in return for extraction of minerals. Alternatively, such payments may be made under arrangements negotiated with the companies concerned or with government.

In the United States and southern Canada, for example, there is a general recognition of Indian rights in 'tribal' or 'reserve' land, and this means that Indians are entitled to receive royalties on resources extracted from their land (Bartlett 1981, 17-18; McGill and Crough 1986, Chapter 2). Indian tribes in the United States also possess certain powers of taxation, providing them with an additional method of obtaining revenues from mining projects, though tribes are engaged in extensive and ongoing litigation to establish their right to exercise these powers in specific forms and locations (Redhorse and Smith 1982; McGill and Crough 1986, 14). In Australia's Northern Territory and in parts of northern Canada, the land rights of specific groups of indigenous people have been recognised through special legislation and this often makes provision for royalty and/or lease payments; the relevant rates may be specified in the legislation, or negotiated on a case by case basis, or there may be an element of both. Examples of negotiated royalties are provided by Groote Eylandt in Australia, where Aborigines receive a royalty payment from manganese mining under an arrangement negotiated with the company concerned, and by Papua New Guinea where provincial governments pay 20 per cent (5 per cent until 1989) of their mineral royalties to landowners affected by mining. In a small number of cases (for example the Argyle diamond mine in Western Australia) companies make ongoing payments to traditional owners on a basis unrelated to the value of mineral production (Christensen 1983; Coombs *et al* 1989, 100-2).

The following pages examine arrangements of this sort more closely, and also consider the effects of royalty payments. However it is extremely important to stress that many indigenous peoples receive no payment at all for exploitation of resources located on land which they may have occupied for thousands of years and have always regarded as their own. Aborigines in Queensland and Western Australia, Indians and Inuit in some parts of Canada, indigenous peoples in the Soviet Union and in Brazil, Argentina and other South American countries, subsistence farmers in the Philippines and Indonesia, are just some of the groups which fall into this category (13).

The impact of royalty payments depends on their scale and on the way they are used. It is not very easy to indicate the size of royalty payments in terms of income per person. Royalty rates and the manner of their distribution vary greatly, and it is not always easy to obtain relevant information; indigenous people, like many others, are sometimes reluctant to divulge their incomes. In any case, per capita royalty figures may have little practical significance. Most indigenous peoples have traditionally valued sharing and equality above individual gain; the contemporary strength of this view varies considerably among indigenous groups today (see below), but in general it is still sufficiently strong that many 'prefer that resources which flow to them be owned communally and applied to community purposes rather than just divided and distributed among the individuals who comprise the group' (Dacks 1983, 294; see also Jorgensen 1978, 20; Freeman 1985, 253). In any case, central governments often assume that indigenous people do have a 'communal ethos', and they create legal mechanisms which ensure that royalty payments are made to tribal or land-owning groups, and in such cases only part (if any) of the sums involved are distributed to individuals (14). Thus the figures cited below are only presented as an indication of the level and range of relevant income effects.

There are very few cases in which royalty payments are high enough to make indigenous people 'rich' according to European definitions of that term, but in some instances they are substantial in relation to the average incomes of the groups involved. In Australia's Northern Territory, for example, payments to one landowning group affected by uranium mining have averaged about A\$6,500 per member per annum during recent years, in a region where average cash income was about A\$2,300 in 1981. Illustrating the point made above, cash distributions to members of this group have only been between A\$1000 and A\$2000 per annum, with the remainder being used for community purposes (see below). In 1979 Alaska's North Slope Borough Corporation earned US\$36 million

in taxes on oil properties. The Borough serves a native population of about 4000, indicating that its oil revenue was equivalent to US\$9000 per capita, a figure expected to rise to US\$12 000 in 1980. These figures compare with an estimated median per capita income of US\$6000 in 1980. Apparently, no oil revenue was paid out to individuals (Morehouse and Leask 1980, 24; Kruse 1982, 16; Kruse *et al* 1982, 98, 101-02).

In other cases royalty income can be so modest as to be almost inconsequential. For example in the mid 1970s, Navajo income from mineral royalties was in the region of US\$120 per capita (Robbins 1977, 51, 57). On Bougainville during the late 1980s, royalties averaged approximately US\$45 for each title holder (15).

Variations in royalty levels are to some extent due to geological accident and to demographic factors; given identical royalty arrangements, a rich mine on sparsely-occupied land will generate much higher average incomes than a poor mine on densely-populated land. But they are also due to differences in the nature of indigenous land rights. Where the legal rights of indigenous people in subsurface resources are strong, their potential bargaining power will also be strong and they may be in a position to obtain substantial royalties. This situation applies in the United States, for example, where land ownership confers mineral rights, in Australia's Northern Territory where land rights legislation gives landowners a veto over resource extraction, and in components of the land claim settlements negotiated recently in northern Canada. Where legal rights in subsurface minerals are weak, as for example in northern Quebec and on Bougainville, royalty payments are likely to be low. And where the land rights of indigenous peoples are not recognised at all, they are unlikely to be able to extract any revenues from mineral exploitation. This illustrates the central importance of public policies on indigenous land rights.

However, it is important to stress that legal rights in land do not necessarily translate into economic benefits. Indigenous people may fail to realise the potential bargaining power conferred on them by land rights because they lack relevant information and expertise, have limited access to financial resources, and do not possess relevant regulatory and taxing powers. Internal disunity and a failure by government agencies to enforce legislation can also undermine their bargaining position. As a result, indigenous people may fail to derive substantial benefits from development agreements negotiated with large resource corporations (Clemmer 1978, 21; Robbins 1978, 43-4; Anders 1980a, 64, 66, 68; Stillwaggon 1981, 33-4; Young 1981, 39-50). In addition, in certain cases government agencies which act as intermediaries in leasing arrangements fail to extract the full value of resources from developers. This has happened with American Indian tribes; Anders reports that some leasing agreements negotiated by the Bureau of Indian Affairs for the Navajo and Hopi tribes were yielding royalties at less than one tenth of the rate for private land (1980a, 64-65; see also Jorgensen, Davis and Mathews 1978, 5-6, 13; Johansen and Maestras 1979, 169, 172; Pendley and Kolstad 1980, 242)(16).

Bargaining strength is not of course static. American Indians have substantially improved their bargaining position during recent years, as a result of the increasing value of energy resources on Indian lands, of gradual acquisition of relevant skills and expertise, and of the activities of the Council of Energy Resource Tribes (CERT) which acts as a clearing house for information, undertakes impact studies of proposed resource projects on behalf of member tribes, and recruits experts to provide technical expertise (Robbins 1980; see also Johansen and Maestras 1979, 172, 177; McGill and Crough 1986, 23-4). However bargaining power can also decline; Aborigines in the Northern Territory, for example, have been disadvantaged during recent years by cuts in federal funding for their land councils and by amendments to mining provisions of land rights legislation.

As mentioned earlier, the impact of royalty payments depends very much on how they are utilised. In certain cases, their expenditure has brought very substantial benefits to indigenous peoples. For example, the Gagudju Association, which receives royalties from the Ranger uranium mine in Australia's Northern Territory, has used its income to purchase economic assets which have both grown substantially in value and offer a continued source of income after the mine is exhausted. In particular, the Gagudju have exploited their location within Kakadu National Park, one of Australia's major tourist attractions, buying and substantially expanding the only motel within the Park boundaries and constructing a second motel in the mine township, Jabiru. The Association has also used royalty income to build two schools, to improve housing and medical services for its members, and to develop 'outstations' or 'homeland centres' (small settlements on traditional land which the Gagudju had earlier left under mission and government influence) (O'Faircheallaigh 1986b; Altman 1989, Chapter 6).

The Inupiat-controlled North Slope Borough Corporation has used oil revenues to finance a very large capital expenditure programme, established at US\$511 million in 1979, designed to improve schools, roads, housing, sanitation and other public facilities in Inupiat settlements. Educational expenditure has been a high priority, so that by 1978 expenditure per student was twice as high as in equivalent communities and four times as high as in Alaska's capital, Anchorage. The Borough enforced a strong local hiring policy, ensuring that much of the employment generated by construction and public service provision was available to the Inupiat. The result was that their incomes rose significantly, by as much as average family incomes in Alaska and by more than family incomes in the United States as a whole. Because this occurred through provision of employment opportunities, rising incomes did not increase income inequality (Morehouse and Leask 1980; Kruse *et al* 1982, 101-2).

In Alberta, the Samson Band has used its substantial oil revenues to invest in agricultural production (a feed lot, a cattle herd, grain production), to buy real estate in nearby towns, rental properties in Edmonton, and shares in a Vancouver condominium project and in a housing development in Cold Lake, Alberta (Frideres *nd*, 30).

In other cases, royalties are spent in such a way that they bring little long-term benefit. For example the Aboriginal association which received royalties from the Northern Territory's second uranium mine, Nabarlek, spent substantial sums on large distributions of vehicles which were not adequately maintained and had a very short life. The Association made a number of disastrous investments which absorbed much of its income, while dishonest officials misappropriated significant sums of money. By the time mining ceased in 1988, the people on whose land Nabarlek is located had almost nothing to show for the exploitation of their resources (O'Faircheallaigh 1988b). Some Indian tribes in the United States have lost much of their royalty income as a result of dishonesty and inefficiency on the part of Indian officials (Johansen and Maestras 1979, 150).

Thus royalty payments can have large and positive impacts on the well-being of indigenous people when they are substantial and when they are used productively either in economic or social terms. One of their main advantages is the flexibility and freedom of choice they afford to indigenous people. Unlike wage income, they do not tie recipients to employment in an industrial environment, and they give people an opportunity to make significant economic and social choices on their own behalf, an opportunity enjoyed all too rarely by indigenous people. Because they have this effect royalty payments may bring substantial benefits even where, as sometimes occurs, governments reduce their own spending on indigenous people to take account of royalty income (O'Faircheallaigh 1986a, 70-1). Further, royalties represent one of the very few chances indigenous groups have to gain ownership of economic assets and so to fundamentally change their economic status. Thus the capacity of indigenous people to

obtain mineral revenues will be a vital factor in determining the balance of benefits and costs from mineral exploitation.

Equally important is the question of how royalties are used. We know very little about the factors which determine their utilisation. While a substantial amount of work has been done on legal and institutional structures employed in obtaining and distributing royalty monies and on development of 'model' or 'ideal' royalty distribution structures (Altman 1983; Banks 1983; McGill and Crough 1986, 22-31; Flanders 1989; Pretes and Robinson 1989, 1990; Robinson, Pretes and Wuttenee 1989), there has been very little research on the relationship between specific legal and institutional structures, the social and political circumstances of individual indigenous groups, and specific patterns of revenue utilisation (17). Yet an understanding of these relationships is vital if we are to explain outcomes in specific cases and, more importantly, if indigenous people are to have the information they need to choose structures which will facilitate productive use of royalty income. This is clearly an area where substantial research is required.

Equity Participation and Joint Ventures: Another way in which indigenous people can obtain revenue from mining is to obtain equity in projects which affect them. This usually occurs through a joint venture agreement with the resource developer. In the mid 1970s, for instance, the Navajo signed such an agreement with Exxon for development of uranium deposits, giving the Navajo a 49 per cent share in any projects developed on their land. Aborigines in Australia's Northern Territory have negotiated a minority equity holding in the as yet undeveloped Koongarra uranium deposit, as has the Northwest Alaska Native Corporation (NANA) in Cominco's Red Dog lead/zinc project. In 1987 the Fort Good Hope community signed a joint venture agreement with Chevron Canada in relation to oil and gas exploration on its land.

The major disadvantage associated with equity participation is that it involves indigenous people in the financial risks associated with resource projects; if a project is unprofitable, they obtain no revenues and will lose any capital they have invested. However the degree of risk can vary substantially, depending on the terms under which equity is obtained. In the Navajo/Exxon joint venture mentioned above, the Navajo were required to contribute the full value of their equity at the beginning of the project, exposing them to very substantial risk (Jorgensen 1978, 53-4). Under the Fort Good Hope/Chevron agreement, Chevron incurs all exploration costs and the community has a right to buy a 20 per cent stake in any oil production which eventuates; this effectively relieves Fort Good Hope of a significant part (though not all) of the risks involved. In the Koongarra case, the mining company has undertaken to meet all development costs, with the Aboriginal group paying for its equity later from its share of dividends. This arrangement greatly minimises the risks involved, restricting them to the possibility that a royalty-only agreement might have produced a higher net revenue stream.

The major financial advantage associated with equity participation is that it allows indigenous people to enjoy more substantial returns from profitable resource projects, assuming the investment is made on favourable terms. A number of other advantages may also be obtained. Most importantly, equity can bring with it a measure of control. Both the NANA and Fort Good Hope agreements allow for indigenous participation in financial, operational and environmental decisions, with the former providing landowners with an effective veto over mining practices which adversely affect subsistence activities (see below). Joint ventures can also provide an opportunity for indigenous people to acquire valuable managerial and financial skills. Whether individual agreements actually bring these benefits depends, of course, on their specific terms and on the capacity of indigenous people to enforce these.

As with royalty payments, the ability of indigenous people to enter into joint ventures on favourable terms depends very much on their legal status in relation to land. However a

capacity to establish the prospects for discovering minerals on their land is also very important; the stronger this capacity, the better the terms on which a joint venture is likely to be arranged. Unfortunately, most indigenous groups totally lack such a capacity, though a small number have taken out exploration licences, undertaken geological work in their own right, and subsequently negotiated joint venture agreements with resource companies (Charlo, Erasmus and Jaeb 1987). For some decades the Canadian government has funded a small mineral exploration company, Indian Minerals West (IMW), whose sole function is to undertake geological work on Indian lands to help establish their mineral potential. IMW has enabled a number of bands to negotiate joint venture agreements, and has also located clay and gemstone deposits which have been exploited by Indians themselves (Alley 1987). A service of this type has enormous potential value for indigenous people, but as far as I can establish IMW is the only agency of its type in existence.

Provision of goods and services: Another potential source of income is the opportunity to provide goods and services to mining projects. Such opportunities are severely constrained both by the technical character of modern mining operations and the limited capacity of indigenous people to initiate, or expand, production of the required goods and services, due to lack of information, capital, raw materials, or organisational or managerial skills or to discriminatory contracting practices. For example, only 3 per cent of the total construction costs for the Cluff Lake uranium mine in northern Saskatchewan went to local contractors (Harding 1988/89, 130), while the equivalent figure for the Pointed Mountain gas project was zero (Jelliss 1977, 69)(18).

However there are some examples where goods, especially food, have been produced either as an adjunct to subsistence production or as a separate exercise. Mason reports that oasis dwellers in Libya have sold food to oil camps, while in Papua New Guinea some villagers on Bougainville have both expanded their gardens to provide fresh fruit and vegetables and established small businesses (for instance egg farms) to meet demand from the mine (O'Faircheallaigh 1984, 258). Villagers have been even more successful in supplying food to the Ok Tedi copper/gold mine in Papua New Guinea's Western province, partly because of the substantial assistance villagers received from the mining company in establishing their operations (R Jackson 1984, 77-8).

In northern Canada, a number of native groups have established business enterprises to supply services to the oil and gas industry. The Dene and Métis Associations, for example, established Shehtah Drilling Ltd in a joint venture with Esso to provide drilling services in the Mackenzie Valley and Delta areas (Davies nd). The Fort Good Hope Indian Band set up Startech Inc, a gravity and survey company, and it won a contract to supply exploration services to Chevron Oil in 1987-88.

Use of Mine and Related Infrastructure: The establishment of large mines in remote areas usually requires the construction of both industrial and social infrastructure, for example roads, ports, townships, schools and hospitals. If indigenous peoples are granted access to these, they can bring significant social benefits (discussed in the next section) and economic gain.

Improved transport infrastructure can both reduce the costs of imported goods and allow a higher net return on goods which indigenous people produce for export; in either case, the result is an increase in net income. On Groote Eylandt, for example, the construction of a new port for the manganese mine reduced incoming freight costs for Aboriginal people living nearby (O'Faircheallaigh 1987, 34). Similarly, road construction associated with mineral exploration and development in Canada's Yukon Territory reduced freight charges for the Indian community at Ross River (Macpherson 1978b, 129), while Canmar's operations led to a substantial decline in per unit air freight charges into Tuktoyaktuk, allowing local retailers to reduce their prices (Mary Collins

Consultants Ltd 1977, 64; see also Jackson 1982, 170-1). On Bougainville, development of a road from the minesite to the coast allowed villagers living inland to transport cash crops to port more cheaply and quickly (O'Faircheallaigh 1984, 264).

Improved infrastructure may also facilitate traditional subsistence activity in some cases. In Australia's Northern Territory, for example, roads constructed during mineral exploration have allowed Aborigines access to areas where they wish to establish outstations (19).

However improved transportation is not always an unmixed blessing in economic terms. Cheaper inward freight may allow imports to compete against, and displace, local goods, leading to an income loss for the indigenous people involved in producing them. Little attention is paid to this possibility in the literature on mineral exploitation, though Watkins does mention that the establishment of large energy projects near Fort Resolution resulted in the decline of local industries such as sawmilling (1977, 91). In addition, improved access to indigenous land can threaten subsistence activities. Brody has documented how cutting of roads and tracks for oil exploration in British Columbia allowed large numbers of 'sports' hunters access to Indian land previously protected by its remoteness (1981, 232).

3 Social and cultural effects

The general impression gained from a review of the literature is that large mining projects have severe and adverse social and cultural impacts on indigenous peoples, and that in some cases these are so severe as to threaten social and cultural survival. In the words of one indigenous person affected by oil development, 'Our tribe of the Makha, the tribe of the Beaver, is at an end. Our tribe is at an end, as I know now, from the feeling of doom' (cited in Aipin 1989, 138).

Loss of land

Such impacts arise partly because the damage to land often associated with mineral exploitation has profound social, cultural and spiritual ramifications. Land and the plants and animals it supports occupies a central position in the lives of all indigenous peoples, and is tied intimately to their social, cultural and spiritual well-being. Brody expresses the nature of these links well in his study of Arctic hunters:

Northern hunting societies' ways of life exist with the land. Health is based on connections between social and natural systems, between forms of authority, mobility, child-raising or language and meat, fish, trees, ice or the land itself. [From] Such connections ... come individual strength, family happiness and the very tissue of culture; and upon them depends the future (emphasis in original) (1987, 228-9).

As Freeman notes in relation to the Inuit, inability to continue subsistence activities has profound social and cultural consequences:

To give up hunting is to abandon the activity that supported one's forebears during the past millenium, is to deny in one essential way the living connection with one's ancestral roots ... [Hunting] provides a focus for the ordering of social integration, political leadership, ceremonial activity, traditional education, personal values and Inuit identity (1985, 255, 257)

Threats to the land and to flora and fauna, whether through destruction by mining or damage through environmental degradation, cause great anguish and fear, as expressed in the following statement by Bougainvilleans at the time of the Panguna development:

Land is our life. Land is our physical life - food and sustenance. Land is our social life; it is marriage; it is our only world. When you take our land, you cut away the very heart of our existence. We have little or no experience of social survival detached from the land. For us to be completely landless is a nightmare which no dollar in the pocket or dollar in the bank will allay; we are a threatened people (cited in Dove, Miriung and Togolo 1974, 182).

Mention should also be made of the fact that damage sometimes occurs to specific sites which have a special significance to indigenous peoples, for example because of their mythological and/or religious significance or because of their vital role in the breeding cycle of an important food species. Such outcomes can have particularly serious social and cultural consequences. A case in point is the destruction of the 'Barramundi dreaming' site, an area of great religious and cultural significance to the Warmun Aboriginal community of Western Australia, as a result of diamond exploration and mining (Christensen 1983). Oil development has resulted in destruction of sites in the Soviet Union which were regarded as sacred by indigenous people because of their key role in reproduction of species vital for subsistence (Pika and Prokhorov 1989, 129), while strip coal mining has destroyed Black Mesa, regarded by the Navajo as the 'Mother Mountain' of their tribal Spirit (Johansen and Maestras 1979, 146) and uranium mining has destroyed a number of important Navajo ceremony sites in the San Juan basin (Young 1981, 33). A major gold development on Lihir Island in Papua New Guinea, due to be developed during the 1990s, is located in a quiescent volcano which was regarded as the entry into the afterlife for all Lihir people (20).

It is important to stress that social and cultural ill-effects are likely to occur regardless of whether or not people are compensated financially for loss of their land; in the words of the Bougainvilleans, no 'dollar in the bank' can allay the 'nightmare'. This does not mean, however, that questions of compensation for damage to land are irrelevant; indeed in most cases they are extremely important. It is bad enough to lose one's land, but to face the prospect of being without adequate material support makes matters worse; 'dollars' will not remove the sense of loss, but it can at least help to reduce anxiety at one level. (There may be exceptions to this last statement: some older Aboriginal people in Australia's Northern Territory simply 'decided to die' after they lost their land to uranium mining, despite the granting of substantial compensation payments.)

Thus for indigenous people the question of the physical impact of mineral exploitation on their land is absolutely of central importance; for them, policy in relation to land resumption, to environmental controls on mining, and to land compensation are of greater importance than any other issue raised by large-scale mineral exploitation.

Impact of in-migration

Social and cultural problems also arise because of the large influx of outsiders associated with major mineral developments. Those involved usually speak a different language and come from a different culture, they earn much higher incomes than local people, and they often have very little understanding of, or sympathy towards, local culture, social conventions or spiritual beliefs. In many cases, they feel themselves part of a superior culture. In this situation indigenous people are in danger of being culturally 'swamped', or at the very least they face major problems in maintaining the integrity of their own society and culture (Macpherson 1978b, 129-30; J Jackson 1984, 15-16; Lazarin 1988,

21; Aipin 1989, 138; Howitt 1989, 163; Pika and Prokhorov 1989). Situations of this type are also a major source of stress and anxiety, making people feel uncomfortable and out of place in what is, or should be, their home. It should be noted that the arrival of indigenous people from other parts of a particular country may be feared just as much as that of non-indigenous people; this has apparently been the case, for instance, in Papua New Guinea (21).

Outsiders can also cause a number of more specific problems. They sometimes introduce alcohol, or its availability is increased because of their presence (Macpherson 1978a, 90; Hobart 1983, 77; Lazarin 1988, 22; Aipin 1989, 138). The higher standards of living they enjoy can cause envy and resentment, particularly where local people are not themselves obtaining substantial returns from mineral development; in such situations, attempts to emulate the consumption patterns of outsiders can result in serious financial distress for indigenous people (Macpherson 1978b, 130). Sexual exploitation of local women also creates problems in some instances (Macpherson 1978b, 130; Hyndman 1987, 33). Outsiders may use their superior education and knowledge to gain control of community institutions and to change the way they operate to reflect their own values, rather than those of indigenous people. For example, Macpherson describes how incoming mineworkers and their families took control over the delivery of educational services at Ross River, insisting on use of a southern Canadian curriculum and rejecting local and remedial programs which were important to the effective teaching of Indian children (1978b, 130).

In extreme cases, tensions between outsiders and local people boil over and lead to open violence. This has happened on Bougainville, where locals have clashed with workers who migrated to the mine from elsewhere in Papua New Guinea. The Yanomami and Cintas Larges peoples of the Amazon have been subject to extreme violence (in some cases death) at the hands of miners (Howard 1988, 45-49; Lazarin 1988; Abraham 1990), as have the Amungme people of Irian Jaya (Hyndman 1988, 286); Indians in the Yukon have also been subject to violence by white mineworkers (Macpherson 1978b, 130).

Given this background, it is not surprising that indigenous people often see an uncontrolled influx of outsiders as one of the most damaging effects of mineral development. For example, surveys have indicated that concern about growth in numbers of non-Indians living on reservations was foremost in the minds of Cheyenne and Crow people facing energy developments on their tribal lands (Owens 1978, 51; see also Pendley and Kolstad 1980, 247-8; Morehouse and Leask 1980, 28).

In rare cases indigenous people are granted a measure of control over the movement of people into their land and over their behaviour while on it. One example is provided by the mineral agreement governing development of the Nabarlek uranium mine in Australia's Northern Territory. This stated that the developer would obtain permits from the relevant Aboriginal Land Council for all non-Aborigines entering the mining lease, and the Land Council was given the power to withdraw permits from any individuals who breached rules regarding, for example, trespass on Aboriginal land or supply of alcohol to Aborigines (Queensland Mines Ltd 1979, Clause 9). Another example is the jurisdiction accorded to Indian people over non-Indians on reserves in the United States, though the force of this power was considerably weakened by a 1978 US Supreme Court decision that tribes did not have criminal jurisdiction over non-Indians (Owens 1978, 50-1). In some cases where indigenous people lack jurisdiction over outsiders, resource companies have undertaken to enforce a code of behaviour on their workers. Canmar, for example, strictly enforced a ban on liquor and drugs at its camp near Tuktoyaktuk, and the community was declared off-limits for its workers; offenders were promptly discharged (Hobart 1984, 116). The Argyle diamond mine in Western Australia has also insisted on rigorous adherence to similar rules by its workers.

The impact of growing cash incomes

As mentioned above, employment opportunities and royalty and other payments generated by mining companies can bring important benefits to indigenous peoples, but the influx of cash they generate can also cause substantial personal, cultural and social problems.

Impact of consumer goods: Cash inflows can result in consumption of specific goods which may be harmful and/or whose availability serves to undermine traditional activities. For example, purchase of food from stores can undermine traditional subsistence production. A rapid shift to store food is also often associated with a deterioration in diet and with serious health problems, such as obesity, gallbladder and digestive disorders, diabetes, and cardiovascular diseases. Schaefer, for example, discovered a much higher incidence of such diseases in an Inuit community affected by oil development than in communities not so affected (1983, 54), and Howard reports similar findings for the phosphate-rich Pacific island of Nauru (1988, 138-9; see also Kupfer and Hobart 1978, 61-2, 64-5; WalDRAM 1985 (22).

Though there are numerous references in the literature to the serious problems caused by consumption of excessive quantities of alcohol (Hobart 1982a, 56-57; Berger 1983, 24; Schaefer 1983, 53-4; Australian Institute of Aboriginal Studies 1984, 194-6, 208-11; J Jackson 1984, 11; Aipan 1989, 140), opinion is divided on this issue. Williamson, for example, found that alcohol purchases did create a major drain on the finances of Inuit families, but questioned whether their situation in this regard was any different to that of Canadians in general, and argued that alcohol consumption did not represent a 'serious' problem (1974, 125, 127-9)(23). Some Aboriginal people affected by uranium mining have complained to the author that the issue of alcohol consumption has been blown out of all proportion by journalists, academics and politicians, and accused those involved of hypocrisy, claiming that their own alcohol consumption is far from excessive by general Australian standards. Other indigenous people believe that alcohol abuse is a very serious problem (see, for example, Dene Nation 1986, 16). Clearly this is an area in which the existence or absence of a 'problem' is a very subjective matter and where double standards are sometimes applied.

More generally, it should also be recognised that an opportunity to purchase consumer goods such as cookers, refrigerators, generators, washing and sewing machines and vehicles can dramatically improve quality of life for indigenous people, and that such improvements may be particularly important for women. Some Aboriginal women have told the author that they saw the ability to acquire washing machines as one of the most important benefits they obtained from the Nabarlek uranium mine, because of the amount of time and effort they saved; others cited access to vehicles as a major benefit because it enabled them to reach a doctor or nurse much more quickly if the need arose.

Income inequalities and social divisions: It is rare for the additional cash generated by employment in mining or by royalty payments to be distributed equally across a community, and its availability can create significant economic inequalities within societies which were previously egalitarian. As mentioned above, mechanisms do exist for redistributing cash, but in some cases they are limited in their impact and in others are not available, or are not used, at all.

Kesteven (1983) details how royalty payments from uranium mines gave rise to significant inequalities, and consequent bitterness, in some north Australian Aboriginal communities. Michael (1989) and Okole (1989) report similar findings in relation to Bougainville; an indication of the inequalities involved in this case is that while 77 per cent of compensation payments to landowners in 1980/81, for example, were under

\$600, five individuals received in excess of \$6000 and one in excess of \$30 000 (24). Donovan (1986, 53) reports a similar outcome from the establishment of the Argyle diamond mine in Western Australia, which also created jealousy between those Aboriginal communities which benefit from mining and those which do not (25). Johansen and Maestras (1979) show how exploitation of energy resources sharpened income inequality among the Navajo; Howard reports similar findings in relation to phosphate mining on Nauru (1988, 139); and Ekpenyong (1984) analyses the way in which the establishment of a mining industry resulted in the emergence of much sharper social differentiation in Ikpe in Nigeria.

Income inequalities can create problems in themselves, but can also give rise to activities which create further social divisions. Those who gain substantially from mining may develop a strong interest in promoting the activity which generates benefits for them. Conflict may erupt between such people and those who either expect to gain little financially from mineral development or who feel that economic benefits will be outweighed by non-economic costs. For example, disputes have occurred within certain Aboriginal communities in Australia between those keen to promote mining because of the cash it generates and those who oppose further mining because of its social and environmental impact. Similar disputes have occurred among the Navajo (Churchill and LaDuke 1986, 73-74), and on Bougainville where they were partly responsible for the closure of the Panguna mine (Applied Geology Associates 1989; Michael 1989; Okole 1989; Filer 1990). Such disputes often have an intergenerational dimension, though not always of the same kind. In certain cases, for example Bougainville, younger people have been opposed to mining and their elders more favourably disposed to it (Filer 1990), while in others the opposite has applied (Robbins 1980, 26; Churchill and LaDuke 1986, 73-4). In the United States, some disputes have been between those living on, and those living off, Indian reservations (Maxwell 1984, 158-60).

Where individuals who expect to benefit from mining are politically influential, decisions may be taken in relation to mineral developments which are not in the long-term interests of indigenous communities as a whole; Clemmer (1978, 1984), Robbins (1978) and Johansen and Maestras (1979, Chapter 6) document such occurrences in relation to energy developments on Hopi and Navajo tribal lands.

Impact on structures of authority: The availability of cash incomes tends to reduce the economic importance of access to land. Where control over access to land served as a key component in traditional authority structures, availability of cash can undermine these structures. This occurred on Bougainville (Momis and Ogan 1972), and in Nigeria where a dramatic decline in the authority of traditional leaders occurred after mining increased access to cash incomes and provided an alternative power base for political activity (Ekpenyong 1984, 268-9). Whether or not such developments are desirable is, of course, open to question. In an authoritarian society, they may be welcomed by the young and those who lack access to power but not by those whose authority is being undermined. What is clear is that such changes generate considerable conflict, particularly intergenerational conflict, and that social disruption is likely to occur until new structures of authority evolve.

Absence of parents due to wage employment can also undermine traditional patterns of authority; for instance, Hobart found that more children were 'getting into trouble' in Inuit communities which supplied labour to the Nanisivik mine, where workers were absent from their homes for six weeks at a time. Parental absences may also mean that traditional hunting, gathering and other skills are not passed on to the children (Hobart 1983, 76; Dene Nation 1985, 22-5; Aipin 1989, 138-39). On the other hand, access to formal employment may mean that parents who lacked an income or depended on social security have an independent source of cash; this may both reinforce parental authority by increasing children's respect for their parents, and provide the means to maintain

subsistence activity on an economically viable footing, increasing its attractiveness to young people (see, for example, Kupfer and Hobart 1978, 64; Hobart 1982a, 58).

Dependence and economic uncertainty: Availability of cash creates dependence on the source of that cash. As mentioned earlier, minerals are finite and the markets for them unstable, and consequently mine closure is always a possibility. If the capacity for subsistence production has significantly diminished because land has been lost or because of social or cultural change, indigenous people will face a much higher degree of economic uncertainty and incur serious economic costs if and when mines actually close.

This problem is faced in extreme form by the inhabitants of small Pacific islands such as Nauru and Ocean Island, where mining has been conducted for many decades, a large proportion of fertile land has been destroyed, and food production capacity has been almost entirely lost (Howard 1988, 126-68). More commonly, the availability of cash incomes leads to the abandonment of subsistence activities. Churchill and LaDuke discuss the experience of the Laguna, a small American Indian tribe, part of whose land was used by Anaconda for uranium mining. Over the three decades between 1952 and 1981 the Laguna worked in the mine and also received royalties, providing them with substantial incomes and making it unnecessary for them to practice traditional occupations and skills. The closure of Anaconda's mine in 1981 left them with almost no source of cash income, while their capacity to support themselves through subsistence activities had declined. As Churchill and LaDuke note, the Laguna had for three decades avoided the dependence on government welfare payments experienced by many other Indian tribes, but in the process had replaced one form of dependence with another (1986, 65-6; for other similar cases, see Gibson 1978, 19; Vakil 1983, 139-41).

The awareness that mines will eventually close can be a source of considerable concern. Williamson reports that Inuit at Rankin Inlet expressed anxiety regarding their economic future because they were aware that the mine's life was finite and uncertain but had relinquished their means of subsistence production and faced major problems in returning to a 'traditional' way of life (1974, 126-7). Likewise, Aboriginal people who depended on the Nabarlek mine for royalty or wage income expressed strong concerns to the author about their economic future after mining ceased. Dene communities have expressed similar concerns about the finite nature of oil development, and are attempting to ensure that traditional skills are not lost so that people will still be able to make a living off the land after it ceases (Dene Nation 1985, 22-5).

Loss of self esteem

In many cases loss of land, the influx of outsiders with scant respect for indigenous peoples or their culture, and the inflow of cash derived from involvement in industrial activity, serve to undermine self-esteem at the level of the individual and the community. Indeed both scholars and indigenous people themselves regard this as one of the most serious long-term effect of contact with large-scale mineral development. In the words of Thomas Berger, Chairman of the Mackenzie Valley Pipeline Inquiry:

I found that one of the most pervasive social problems in the North was the loss of self-respect by many native people. It may be no exaggeration to speak at times of a despair that overwhelmed whole families, even whole villages (1983, 24).

Jean Jackson's work with the Tukanoan people of the Central Northwest Amazon led her to the same conclusion. In her view, one of the most pervasive and debilitating effects of contact with outsiders 'is the psychological effect of the messages Tukanoans and similar people constantly receive about their inferiority and their inability to control their own

lives ... the damage to indigenous people's sense of self-worth and capacity for self-determination' (1984, 24-5).

Anthony Stickel, a British Columbian Indian, expresses similar sentiments:

... the loss of self-esteem is one of the most critical losses. To find oneself caught up in a rapidly developing community whose values are totally different from those according to which one has modelled one's life, leads to a devastating feeling of worthlessness (1983, 52).

The receipt of substantial royalty payments from mining projects can help counteract such feelings. They give indigenous people a degree of autonomy, a feeling that they have some control over their own lives, while success in using royalty income in socially or economically productive ways can add greatly to their sense of worth and self-esteem. For this reason also, the question of royalty income is vitally important.

Social dislocation and social disintegration

In many cases the combined effect of the various impacts discussed in this section is to create severe social dislocation. This leads in turn to serious problems at the individual, family and community level associated with, for example, alcohol abuse, violence, sexual promiscuity, family break-ups, mental illness and suicide.

The occurrence of such problems as a result of mineral development are documented extensively in the literature. For example, Hobart's study of the impact of oil development on Indian communities in northern Alberta revealed dramatic increases in rates of crime and of hospitalisation due to violence. Particularly noticeable was the increase in the rate of hospitalisation due to mental disorders; in the community most affected by oil development, this rate increased from below the provincial average to 4.5 times the provincial average over a three-year period (Hobart 1983, 78). Pika and Prokhorov (1989, 130) report a rising incidence of drunkenness, violence and suicide in indigenous communities affected by oil development in the Soviet Union; they found that rates of suicide and of violent deaths were between three and four times the national average (see also Aipin 1989). Relevant evidence is also available in relation to uranium mining in Australia's Alligator Rivers Region (Australian Institute of Aboriginal Studies 1984, O'Faircheallaigh 1988a) and in the San Juan basin of the United States (Robbins 1984, 126); to iron ore mining in the Pilbara area of Western Australia (Howitt 1989, Graham 1990); and to oil and gas development and base metal mining in Arctic Canada (Berger 1983, 24-6; Macpherson 1978b, 130-1).

The extent of social dislocation can of course vary from case to case. A crucial influence in this regard is the degree of social cohesion and vitality which exists prior to the commencement of a particular resource project (for a detailed discussion of this point, see Schwartz and Eckhardt 1985). This is related, in turn, to the particular group's previous history of contact with industrial society. Also important is the relevant scale of the indigenous society and of the project affecting it; for example, in some cases the number of outsiders working on a project exceeds the number of indigenous landowners (for instance in the uranium province of Australia's Northern Territory), while in others outsiders may constitute only a small proportion of the population (oil and gas production facilities in Arctic Canada). The extent of social dislocation will also be influenced by the public and corporate policies adopted on the whole range of issues discussed earlier in the paper and in the next section, though our understanding of the causal relationships which operate in this area is necessarily limited by the paucity of appropriate theoretical frameworks (26).

Social consequences are likely to be much more severe when a number of resource development activities occur simultaneously or are established in quick succession, a point discussed in detail by Brody in relation to Indian bands in British Columbia (1981, 237-55). This raises the more general point that, in gauging the social effects of resource projects, it is essential to consider their impact from a cumulative perspective (Ross 1990).

Positive social impacts

Additional social infrastructure: Establishment of social services such as education, health, and housing at mine sites may bring important benefits to indigenous people, assuming they can use the facilities involved. This is not always the case. In the Philippines, for example, use of facilities developed by Atlas Mining Corporation has been restricted to the company and its employees (McAndrew 1983, 80-2). Even where no formal restrictions apply, indigenous people may be unwilling to use services which are provided in a culturally alien environment. So, for instance, some medical services developed for the Ranger uranium mine have not been used extensively by Aboriginal people, because they feel intimidated by the European-dominated environment in which they are provided (O'Faircheallaigh 1986a, 79-80). On the other hand, access to education services improved for Aboriginal people living close to the Ranger and Nabarlek uranium mines (O'Faircheallaigh 1986a, 81). Inuit working at Rankin Inlet had access to better education and health facilities than they enjoyed in their home communities (Williamson 1974, 127), while the establishment of the Ok Tedi project also improved access to education services (R Jackson 1984, 76).

Positive social effects of cash incomes: We have already noted that some positive social benefits can flow from increased cash incomes. It is also important to note that availability of higher cash incomes need not necessarily have the adverse social and cultural effects discussed above, and indeed can help strengthen, or revive, traditional activities. Thus Mason found that availability of cash income from employment in the oil industry resulted in the reactivation of once important social structures in Libyan oasis communities (Mason 1978), while cash from uranium mining has reportedly led to an increase in traditional ceremonial activity among Aborigines in Australia's Alligator Rivers Region (O'Faircheallaigh 1988a, 164-5). As mentioned above, wage income derived from expenditure of oil revenues has allowed the Inupiat to maintain and even expand traditional hunting activities (Kruse 1982).

Is mining 'to blame'?

An important issue which arises in relation to some of the impacts considered in this section is the extent to which they reflect change generated by contact with European society over a long period of time, rather than the specific impact of mineral exploitation *per se*. For example, Kruse *et al* argue that growing abuse of alcohol and drugs, rising crime, and increased rates of death from suicide, homicide and accidents among the Inupiat cannot be attributed to oil development, because similar trends are evident in other Alaskan communities not affected by mineral development (1982, 103).

As against this, other studies do reveal marked differences in the incidence of social problems between communities experiencing mineral development and those little affected by it. (It should also be noted that the Inupiat themselves do attribute growing social problems and an acceleration of cultural loss to the impact of oil development: Kruse *et al* 1982, 104). Schaefer studied two Inuit communities over a period of time, one affected by oil development and the other largely engaged in traditional subsistence

activity. As indicated above, he found major differences in the incidence of physical disorders, but also in the incidence of mental problems, family break-downs and violence (1983, 53; similar findings are reported by Harding 1978, 32-3). Hobart's study of Inuit and Indian communities which supplied labour to mining projects is also of considerable interest in this regard. The Inuit communities were some distance from the projects, and Inuit employees worked on rotation schedules; in these cases, only minor and temporary increases in social problems were identified. In one of the Indian communities, located adjacent to the resource project, a large and persistent increase in social problems occurred; in another, which was some distance from this same project, the increase was much lower (Hobart 1983). Hobart's findings presumably reflect the fact that the physical distance between community and project insulated indigenous people from two of the specific impacts mentioned above, damage to land and an influx of outsiders.

Clearly, mineral development is but one aspect of indigenous peoples' contact with European society, and it must be considered within the broader context of historical change. However, the large scale of modern mining projects and the small scale of most indigenous societies means that mineral exploitation usually brings change which is particularly dramatic and rapid (Stickel 1983, 51; Schaefer 1983, 54; J Jackson 1984, 13-14). It consequently tends to substantially accelerate processes which would otherwise occur more slowly and, in doing so, makes the process of economic, social and cultural adjustment much more painful and disruptive for indigenous peoples.

4 Environmental Impacts

As mentioned above, the environmental impact of mineral exploitation is of vital concern to indigenous peoples because of the central importance of land and wildlife to their economic, social, and spiritual well-being. Some crucial aspects of this impact have already been dealt with; this section briefly discusses the ways in which mining can affect the environment and discusses the capacity of indigenous people to influence environmental outcomes.

Modern mining projects have the potential to create enormous environmental damage, for three main reasons (27). First, while mines do of course vary in size, many modern projects are on a huge scale, and they consequently dispose of very large quantities of waste, particularly waste rock and tailings, but also sulphuric acid (from smelting) and other by-products which cannot be profitably recovered. By way of illustration, BCL removed 83.5 million tonnes of rock and ore from the Panguna open pit in 1988 alone; of this amount, 35.3 million tonnes was disposed of on waste rock dumps, and approximately 48 million tonnes (the ore residue after removal of about 200 000 tonnes of copper) was disposed of into the Jaba River system in the form of tailings (BCL 1988, 9). Second, much mine waste is highly toxic, containing heavy metals and other substances which can be very destructive if released into the environment; some of the products recovered for sale are of course also toxic (for example crude oil, uranium concentrates) and can cause great damage if lost during shipping. Third, while mining itself tends to be localised and to occupy relatively small areas of land, mineral exploration is land intensive, and so any damage caused by exploration may extend over very large areas. If pollution from mining enters waterways, it too can be carried far from the original source of contamination.

It is of course not inevitable that mining should generate serious pollution. Technology is available which allows the environmental risks to be very substantially reduced; many mines in developed countries have very little detectable impact on the environment (for example uranium mines in north Australia, zinc/lead mines in the Republic of Ireland). It is also possible to minimise the impact on subsistence activity of those environmental effects which are unavoidable, for example by timing exploration activity and locating

mine facilities and infrastructure so as to minimise their effects on wildlife (see, for example, McAllister 1982, 13). Yet despite this some recent exploration and mining activity has had devastating environmental effects which have seriously threatened the livelihood of indigenous peoples.

For example, tailings from the Panguna mine, containing copper and chemicals, have covered the floor of the 35 km long Jaba River valley up to 30 metres deep and 1 kilometre across. Large quantities of tailings have also been carried out to sea, and are accumulating on the floor of Empress Augusta Bay. Pollution from Papua New Guinea's other major mine, Ok Tedi, is also having serious environmental effects (Hughes and Sullivan 1989, 38-9). In the Cebu and Davoa Del Norte provinces of the Philippines, copper and gold mining has caused destruction of vegetation and severe pollution in rivers and river basins and where tailings are disposed into the sea (McAndrew 1983, 56-63). In 1979, the rupture of a tailings dam wall at Church Rock in New Mexico sent 94 million gallons of radioactive liquid and 1000 tonnes of solids into the Rio Puerco and Little Colorado Rivers, used by Navajo herdsman for watering their stock, the spillage resulting in radioactivity in excess of state acceptability as far as 30 miles away (Young 1981, 21-2; Clemmer 1984, 96). Strip-mining of coal on Indian reserves in the United States has left large areas of land barren, depleted water resources, and caused serious water and air pollution (Clemmer 1978, 32-3; Johansen and Maestras 1979, 143-5, 154-5). Aipin estimates that in two of the Soviet Union's major oil-producing 'autonomous provinces', oil exploration and development has resulted in environmental damage to 11 million hectares of reindeer grazing grounds, 28 rivers and 17,700 hectares of fish spawning and feeding grounds (1989, 140-1; for other examples see Gibson 1978, 23-4; Macpherson 1978a, 92-3, 1978b, 131-6; Young 1981; McAllister 1982; Vakil 1983, 141).

The implication of this discussion is, of course, that governments and mining companies have failed to act to protect the environment and so the interests of indigenous peoples. Clemmer documents an example of such failure in relation to uranium mining in New Mexico, where the state Environmental Improvement Division failed to monitor regulations relating to rehabilitation of tailings dams and release of radioactive material into water supplies, and approved a new mine whose waste containment plans were considered unacceptable by the US Nuclear Regulatory Commission (1984, 96-8). Other examples are undocumented by Lazarin (1988), Abraham (1990) and Howard (1988, 42-3) in relation to Brazil; Pika and Prokhorov (1989) to the Soviet Union; Hughes and Sullivan (1989, 38-9) to Papua New Guinea; Jorgensen, Davis and Mathews (1978, 13) and Young (1981, 22) to the United States; McAndrew (1983, 94) in relation to the Philippines; and by Macpherson in relation to Canada, where the federal government failed even to acknowledge requests by native people that it investigate their claims that the Pine Point was causing extensive environmental damage (1978a, 94).

These situations arise for a number of reasons. First and most obviously, indigenous people lack the political power required to affect relevant policy outcomes. Second, governments may feel that resource projects which are highly desirable in economic terms may not proceed if strict environmental controls are imposed; this was certainly a major consideration in relation to some key decisions affecting the Bougainville and Ok Tedi projects. Third, governments (particularly those in the Third World) may lack the resources, financial and human, to effectively assess and monitor company environmental programs. Finally, in many cases the knowledge and expertise of indigenous people themselves on environmental matters is not recognised or accepted, with the result that all the available information is not considered when decisions are made.

This last point is illustrated, for example, by the experience of Inuit people with oil exploration on Bathurst Island in Canada's north. The Inuit were convinced on the basis

of their previous experience that oil exploration and associated activity caused major changes in the behaviour of migrating caribou, seriously disrupting hunting. Since Bathurst Island was a vital caribou hunting area, they were totally opposed to oil exploration there, and the community wrote to the relevant government minister outlining the information on which their position was based and requesting that exploration not be permitted. But the Minister denied that oil exploration would have any effect on the caribou and allowed it to proceed, despite the fact that the government itself had not undertaken any systematic research which might have provided support for such a position (Freeman and Hackman 1975, 407-12; see also Gibson 1978, 59-60; McAllister 1982, 28-9)

Apart from its specific environmental consequences, this failure to take account of their unique knowledge creates great unease among indigenous people because it suggests to them very clearly that they have lost control over developments which have a profound impact on their lives. More generally, such feelings of helplessness and powerlessness are an important part of indigenous peoples' experience of the whole mineral exploitation process (Gibson 1978, 59-60; Macpherson 1978b, 129-30; McAllister 1982, 33, 36), and they are, of course, closely related to the loss of self-esteem discussed above.

In a small but growing number of cases, indigenous people are acquiring some independent capacity to influence the environmental behaviour of resource developers. The Navajo have used their tribal taxing powers to try and reduce emission of pollutants (Redhorse and Smith 1982, 667), and have included environmental clauses in mineral leases, though in some cases these have been so vaguely worded as to be unenforceable. The Northwest Alaska Native Corporation has obtained more substantial and more direct control over operations at COMINCO's Red Dog lead/zinc mine, and can suspend operations if environmental problems which affect subsistence activities are not resolved to its satisfaction (Spilde 1987). The crucial point in this case is that indigenous people held title over the minerals involved and so were able to negotiate a development agreement from a position of strength; once again, the significance of indigenous land rights is very apparent.

5 Theoretical Frameworks

A number of general points emerge from this analysis. First, it is very clear that in many cases indigenous people incur much of the detrimental impact of mineral development while obtaining few of its benefits. Large resource projects destroy vitally important economic resources, and the damage to land and wildlife which this entails causes severe personal anguish and social and cultural dislocation. The arrival of large numbers of outsiders also causes serious disruption, as does the inflow of new sources of cash, particularly where these are unevenly distributed. Many indigenous people receive no or little financial return for resources extracted from their land, and they are in a poor position to exploit opportunities for employment in resource exploitation itself or in associated activities.

However, it is equally clear that the balance between costs and benefits is not always weighted heavily against indigenous people. In some cases they receive substantial royalties which are equitably distributed and bring about a real improvement in their economic and social conditions; they receive access to substantial wage income; they benefit from the social and economic infrastructure associated with mining projects; and their rights to land (and in certain cases their status as joint venturers) give them some control over immigration and over the environmental conditions under which mineral exploitation occurs. Indigenous people might still not wish to see resources exploited if given the choice, but may at least feel that they are receiving benefits which are commensurate with the costs they incur.

On a general level, unfavourable outcomes could be explained by the fact that indigenous people lack political power and that their interests are likely to be sacrificed when they come into conflict with those of governments and resource corporations. However this does not explain the divergence in outcomes. The policies pursued by individual governments and corporations clearly play a crucial role in determining outcomes, but this only pushes the question back one stage further, as the divergence in policies must be explained. In addition, it is clear that quite different outcomes can occur within an identical policy setting; this is apparent, for example, from the very different effects of uranium royalties paid to two Northern Territory Aboriginal communities under identical land rights legislation. This raises a crucial point. Indigenous people are not passive recipients of government or corporate policies, but rather respond to them in quite different ways depending on their own histories and their economic and social circumstances. These responses also need to be examined and explained.

In addition, a whole range of more specific questions arises from the earlier analysis, for example in relation to the efficacy of employment and training programs; to the effects of employment on subsistence activity; to the relationship between existing social characteristics, structures for raising and distributing resource revenues and the results of their expenditure; and to the longer-term relationship between resource development and social stratification.

These questions cannot be addressed adequately unless we have an understanding of the broader processes which are set in train as a result of large-scale resource development. This in turn indicates the need to address specific issues of the sort discussed so far within a more general theoretical framework, a need identified in general terms in the introduction.

One way to do this is to utilise or adapt existing frameworks. Perhaps the most obvious place to start is with the extensive theoretical literature which examines the general impact of large-scale resource exploitation in both developed and developing countries. Major issues dealt with in this literature include:

the impact of foreign investment in resource development, which has been variously interpreted as providing scarce capital and human resources to countries which are rich in minerals but poor in capital and relevant skills (Mikesell, 1983), and as exploiting mineral-rich countries through extraction of surpluses by multinational corporations (Girvan 1976);

the impact of mineral exports on the balance of payments and through this on the exchange rate and the competitiveness of other traded goods industries (Gregory 1976; Corden 1984);

the development of optimal mineral taxation systems which maximise revenue flows to government but do not create a disincentive for continued investment in mineral development (Emerson 1982; Garnaut and Clunies Ross 1983);

the extent to which mining can act as an 'engine for growth', leading to expansion of activity in other sectors of the economy (Radetzki 1977; Kirthisingha 1982);

the degree to which revenues extracted from the mining sector can be utilised to improve social welfare and to diversify economic activity,

providing a basis for continued economic growth after non-renewable resources are exhausted (El Serafy 1982; Looney 1985)

the extent to which public ownership can provide a means of achieving greater economic and social returns from exploitation of scarce natural resources (Radetzki 1985; Raw Materials Report 1989).

This literature may provide relevant insights in relation to specific issues, for example to the likely effects of alternative revenue-raising mechanisms (where local people have the capacity to tax mineral extraction), or to the potential for local production of inputs used by resource projects, but it is unlikely to be productive as a basis for a general theoretical framework, for a number of reasons.

First, almost all of it analyses the effects of resource exploitation at a national (or much more rarely at a regional) level, and pays scant attention to the impact of large mining projects on the areas in which they are actually located and on the people who live close to them.

Second, it tends to be very strongly economic in its orientation, yet a narrowly or exclusively economic approach is entirely inappropriate in examining the impact of resource exploitation on indigenous peoples. It is not that economic issues are unimportant but rather that, from their perspective, issues which researchers might define as 'economic', 'social', 'cultural' or 'environmental' are inextricably linked together. Thus environmental damage caused by a large mine has economic implications because it may threaten their livelihood, but it also has social, cultural and spiritual implications because these dimensions of life are interwoven with use of the land and its resources. In addition, it is essential to develop an understanding of the politics of indigenous communities and of government and corporate decision-making, and a narrowly economic approach will not facilitate such an understanding.

The third point involves the relative weights attached to specific impacts within the analysis. Many of the issues on which this literature focuses are of little interest to indigenous people, while it largely ignores matters which are of central concern to them. Impacts on the balance of payments, capital inflows, or exchange rates are not of vital interest to indigenous people; they are vitally concerned, for example, with the environmental impact of resource exploitation, their legal rights in land and mineral resources, mechanisms for distributing royalties and the flexibility of resource company employment policies.

Another approach is to identify more general theories of economic and social change which might be applicable to the specific changes wrought by mineral development. For instance, a Marxist analysis could be employed. Changes resulting from mineral development would then be interpreted as part of a process through which the bourgeoisie of the advanced industrial countries draw indigenous peoples into the world capitalist system (Marx and Engels 1969, 84). Specific groups or interests within those communities would be expected to benefit from the wealth created by resource development, at the expense of other groups or interests; the analysis would focus on the emergence of new modes of production and new relations of production as potentially-dominant groups attempted to expropriate the gains from resource development and to relegate other groups to subservient economic, social and political positions.

Such an analysis could certainly offer some important insights. In particular, it draws our attention to the fact that indigenous societies subjected to rapid change should not be treated as though they were monolithic entities. As indicated in the earlier discussion on income inequalities and social divisions, the mix of potential costs and benefits represented by mineral development will not be the same for all individuals and groups.

This is likely to have a major impact on the internal politics of indigenous communities, on the outcome of mining projects, and on the fate of specific policy initiatives designed to affect that outcome.

However, there are major problems in attempting to apply a class analysis to indigenous societies affected by major resource projects. First, many of them are very small, often consisting of only a few thousand people and in some cases of only a few hundred. In societies on this scale individuals can have a dominant influence on events; their individual histories and experiences consequently have a major impact on outcomes, and kinship and other personal ties represent major constraints on the options available to them. A class analysis can obscure the importance of these factors and, since for Marx the concept of 'class' involves not only a classification on the basis of 'objective' economic status but also a capacity to act in a concerted way in defence of class interests (Marx 1972, 105-6), its application is clearly problematic.

Second, capitalist relations of production can only be established where one group is in a position to appropriate, *de facto* or *de jure*, control over the means of production (in this case, over land and its use), and to exercise this control to ensure its economic, social and political dominance; in the process, it creates a proletariat which, because it has been separated from the means of production, must sell its wage labour to survive (Marx 1977, 503-7). But social and cultural mechanisms which operate in indigenous societies often preclude alienation of the means of production, or prevent it from proceeding to any great extent. Thus the process of class formation is truncated; the potentially 'capitalist' class is unable to obtain control over the means of production, while potential 'workers' or 'peasants' cannot be separated from the means of production and made dependent on wage labour or the sale of produce.

It could of course be argued that this situation is temporary, and that over time the restraints facing the nascent capitalist class will decline. But it is by no means obvious that this will be the case; for example, the structures developed by national governments in dealing with indigenous land ownership frequently reinforce these restraints by granting land to communities rather than individuals and by making titles to land inalienable.

It is important to stress that the continued access of most indigenous people to their traditional means of production does not imply a capacity to cut themselves off entirely from capitalist society. As mentioned above, their ability to meet their needs through subsistence production has declined as a result of their contact with Western society. But neither are they entirely dependent on wage labour, and this relative autonomy is crucial to an understanding of their position.

Against this background, attempts to apply class analysis in examining the impact of resource development can lead to erroneous conclusions. A recent example relates to Thompson's application of a class analysis to the Bougainville rebellion. Thompson argues that the Bougainville Revolutionary Army (BRA), which staged the rebellion, can be regarded as a working class movement determined to wrest control from a dominant group of older, more traditional landowners who had monopolised benefits from the mining project (Thompson 1990). But the leaders of the BRA are in fact close relatives of the 'dominant' landowners, and would eventually inherit from them any wealth they have managed to appropriate (28); as Filer (1990) notes, the conflict is essentially inter-generational in nature. The BRA was prepared to close the mine indefinitely not, as Thompson implies, because the mining workforce shares the characteristics of a 'classic nineteenth century proletariat' (1990, 29), but precisely because it lacks the most important characteristic of such a class, separation from the means of production and a consequent necessity to sell its wage labour to survive. It was only because most of the BRA's supporters still had access to land for subsistence

farming that closure of the major source of wage labour could be envisaged. Thus application of a class framework may lead not only to a misinterpretation of events; it may also blind us to the fact that local people have strategies available to them which a conventional class analysis would not anticipate.

Use of a specifically Marxist analysis also involves an ethical or moral issue. Marx assumed that the destruction of pre-capitalist modes of production is inevitable (Marx 1977, 486, 493-4); acceptance of this assumption implies that many indigenous societies have no future as currently constituted, an outcome unacceptable to many of their members.

Another potentially useful theoretical framework involves the range of approaches referred to as 'dependency theory' or 'underdevelopment theory', which posit certain relationships between geographical regions ('centre/periphery', 'metropolis/satellite') and the people who inhabit them. First developed in analysing relationships between the Third World and capitalist, industrialised countries, dependency/underdevelopment theory has been applied to indigenous peoples, sometimes under the rubric 'internal colonialism' (see, for example, Jorgensen 1978; Anders 1980b).

Dependency theory would locate indigenous societies at the periphery or 'ultra-periphery' of an integrated world system which involves the exploitation of each geographical level by one closer to the metropolis. When resources are exploited at the periphery, local people do not share proportionately in the surpluses produced, or in the economic and political power associated with those surpluses. The result is that the metropolis grows at the expense of indigenous societies. Exploitative relationships are created at the economic level, because resources are extracted at prices which fail to reflect their 'real' value, enriching the metropolis and impoverishing the periphery. They are also created at the political level, through relations of domination which ensure that exploitative economic relationships are maintained.

Dependency theory clearly does provide an accurate description of some of the processes which occur when resources belonging to indigenous peoples are developed. As we have seen, indigenous people frequently do fail to receive any substantial return for exploitation of their resources by transnational corporations based in the industrialised countries. It is also possible to document the establishment of structures designed to ensure political domination, both in the context of colonial and neo-colonial relationships, and of the treatment of indigenous peoples within, for example, Australia, Indonesia and New Zealand.

However, dependency theory also has a number of serious weaknesses. First, it does not deal with the fact, discussed above, that the outcomes of resource development vary substantially from case to case; if all peripheral societies are losing their surpluses, should they not all experience similar outcomes? The more 'sophisticated' dependency theorists acknowledge that internal social and economic conditions do, by influencing the manner in which individual societies are inserted into the world system, have an influence on outcomes in specific cases, and this would of course explain why outcomes might vary (Blomstrom and Hettne 1984; Roxborough 1979). However this does not offer an explanation of why specific conditions should affect outcomes or of how they are likely to do so.

A second major problem is that, partly for this reason, dependency theory is not very useful as a guide to action. On a general level, the only way to avoid exploitation completely would seem to be to avoid contact with industrial society but, as discussed above, this is simply not an option for most (probably all) indigenous societies. On a more specific level, attempts could be made to influence internal conditions so as to

minimise the degree of exploitation, but only on the basis of an understanding of how and why those conditions interact with external influences to produce specific outcomes.

6 Conclusion: Towards an alternative theoretical framework

The theoretical frameworks reviewed in the previous section can offer useful insights into some specific aspects of the impact of mineral development on indigenous people, or offer partial insights at a more general level. However they are not an adequate basis on which to offer a full explanation of the processes at work, or to make reliable predictions about the likely impact of resource developments or specific policy initiatives. Thus additional work is required to enhance our theoretical understanding, and also to help fill the gaps in empirical knowledge identified in earlier sections of the paper.

How should this task be approached? In my view what is required is more systematic, comparative work which seeks to examine the impact of resource projects across a range of different social, economic and political settings. This work would seek to establish how existing social and economic structures, specific corporate and government policies, characteristics of individual resource exploitation industries, and particular responses by local communities combine to bring about specific outcomes. Such an approach would both increase our understanding of empirically-observed processes, and serve as a basis for the development of hypotheses which could, in turn, enhance predictive capacity. It would draw on existing theory where appropriate, and seek to develop new theoretical understandings where existing theory is inadequate.

To take one example, a systematic study of the effects of royalty and related payments could seek to link different empirically-observed outcomes to the crucial question of rights to land (both within national and 'customary' law), the degree to which and the way in which rights in land convert into access to royalty or similar payments, the structures utilised to raise, distribute and use such payments, and the particular historical experiences of individual indigenous peoples. A study of this type should substantially enhance the capacity of researchers to indicate to local communities, to governments and to resource corporations the implications of adopting specific policies, structures and actions.

A concrete example will illustrate this point. Filer has suggested that increasing the level of royalty/compensation payments which indigenous people receive from resource projects would not reduce the likelihood of internal social conflict of the sort which has occurred on Bougainville and elsewhere. Indeed he argues that increasing payments would simply make matters worse, since more would be at stake and this would escalate the level and intensity of conflict (1990, 19-20). On the other hand, it has been argued that a low level of royalty payments can cause sharp internal conflict because it creates a perception that if money is distributed equitably, the amount accruing to any one individual or group will not be worthwhile; the response is an attempt to monopolise the payments that are made, leading to severe conflict (O'Faircheallaigh 1988b, 173). From this perspective, an increase in royalties would tend to minimise conflict, not increase it. The validity of these conflicting hypotheses has profound implications for all the parties involved in resource development. At the moment, we have very little capacity to judge their validity; systematic comparative work would significantly increase our ability to do so.

This paper has offered a categorisation of the effects of large resource projects on indigenous peoples, which will be expanded and amended as a result of comment by other researchers and of attempts to apply it to specific resource projects. Systematic comparative studies of these various areas of impact can, in combination, allow us to

build an appropriate body of theory relating to the impact of resource development on indigenous people. The amount of work involved is very substantial, and will require a major research effort by scholars in the field. However until it is undertaken our capacity to understand the processes at work in this area will be limited, as will our ability to provide indigenous people, and sympathetic government agencies and resource developers, with the sort of information they need to maximise the benefits, and minimise the costs, of mineral development to indigenous peoples.

*O Gods deliver my land from oil.
O Gods put the land back into my hands!*

Old man, Khanty-Mansi Autonomous Region
Soviet Union

*Money - we can always make more money. But we
can never make another world.*

Elder, Hopi Tribe
United States of America

NOTES

- (1) The term 'mining project' is defined here to include 'hard rock' mining of minerals such as copper, lead, zinc, nickel, iron ore, bauxite, and uranium; recovery of oil and gas; and exploration activity aimed at discovering mineral resources. Typically, mining projects which affect indigenous people are large in scale and conducted by corporate interests, usually multinational corporations; however there are some exceptions, for example gold mining in the Amazon Basin and gravel mining in Nigeria. The impacts described in this paper often also result from other large-scale resource development activity; see, for example, Waldram (1985) on hydro-electricity in Manitoba.
- (2) A number of studies do attempt to use a broad analytical framework to examine the impact of industrial society in general on indigenous people in specific countries; see, for example, Anders 1980b, Bee and Gingerich 1977. Some of these approaches are considered in Section 5 of the paper.
- (3) This review is, of necessity, partial. It is difficult to gain access to some relevant material either because it is not published through 'mainstream' academic channels and/or is not published in English. However the material surveyed is hopefully extensive enough to ensure that all relevant effects are considered, at least on a general level.
- (4) Data extracted by the author from company employment files.
- (5) The discussion in this section concentrates on what are seen as the key factors which explain low indigenous employment levels. Other, contributory factors can include physical barriers which make access to mine sites difficult or expensive and the location of hiring offices outside the region in which mining occurs.
- (6) Willy (1987), for example, calculated that 85 per cent of the jobs provided by a gold mine in Canada's Northwest Territories required formal training or post-secondary education and some previous related work experience.
- (7) See, however, Hobart's comments regarding the rapid adaptation of Inuit men to industrial work (1984, 113-40).
- (8) Some indigenous people have little interest in mine employment, for example because they have other sources of cash, because they are reluctant to be associated with activities which they see as environmentally destructive, or because they feel that their status as landowners precludes them from accepting what are seen as subservient positions.
- (9) See, for example, 'Memorandum of Understanding ... between Cominco Ltd and the Government of the Northwest Territories respecting the Socio-Economic Action Plan for the Polaris Mine ...', Unpublished, August 1981; Gibson 1978, 53; Young 1981, 29.
- (10) The important role played by individual company employees is evident from the history of indigenous employment in a number of specific projects and from the fact that the employment status of indigenous people at some mines changed significantly after a change in senior management personnel: see, for example, Hobart 1984, 114; Gibson 1978, 15-17.

- (11) See Cousins and Nieuwenhuysen's brief comments (1984, 6-10) for one of the few discussions of this point in the literature.
- (12) In isolated cases, part of the wage expenditure of non-indigenous mineworkers is spent locally, for example on clothing and artifacts (Mary Collins Consultants Ltd 1977, 60).
- (13) See, for example, Jelliss (1977, 63-5, 70-1) on the failure of indigenous peoples in Canada's Northwest Territories to share in economic rents generated by mining projects; see also Swenson 1982.
- (14) Under Canadian law, for instance, all royalties paid on minerals taken from Indian land must be paid into tribal accounts; per capita distributions must be approved by the relevant federal Minister, and there are limits on the proportion of income which can be distributed (Frideres nd, 16).
- (15) In 1987, for example, total royalties were US\$5.8 million; 0.06 per cent of this amount was payable to some 800 land title holders.
- (16) The BIA has been somewhat more concerned to maximise returns to Indian tribes during recent years, but has still tended to act only in response to pressure (Robbins 1980).
- (17) My own attempt to explain the very different outcomes which have resulted from expenditure of royalties from the Northern Territory's two uranium mines (O'Faircheallaigh 1988b) represents the only such study I am aware of. Pretes and Robinson (1990) and Robinson, Pretes and Wuttenee (1989) document the very different outcomes which have resulted from expenditure of sums provided under the Alaska Native Claims Settlement Act, but do not offer any explanation for these differences.
- (18) For a discussion of the factors which inhibit indigenous participation in the supply of inputs and a review of alternative ways of attempting to overcome these, see Robinson 1981.
- (19) Elspeth Young, personal communication, May 1990.
- (20) Richard Jackson, personal communication, April 1990.
- (21) Richard Jackson, personal communication, April 1990.
- (22) Waldram (1985) offers a detailed discussion of the relationship between changing patterns of subsistence production, diet and health in the context of a large hydro-electric development in northern Manitoba.
- (23) However it should be noted that his survey revealed that three out of four women said that they and their children had been alarmed on more than one occasion by men coming home 'out of control' due to alcohol consumption (Williamson 1974, 129).
- (24) Information extracted by the author from Bougainville Copper Ltd files.
- (25) Elspeth Young, personal communication, May 1990.
- (26) Schwartz and Eckhardt argue that this paucity of appropriate theory applies to the whole area of local development in non-industrial societies (1985, 77).

- (27) Young (1981) provides a useful account, in discussing the environmental impact of uranium mining, of the way in which mineral exploration, various forms of mining and mineral processing can affect the physical environment.
- (28) Thus, for example one of the most controversial acts of the BRA was the kidnapping and apparent murder of a senior landowner; the individual involved was the uncle of the BRA's leader.

References

- Abele F, 1989. *Gathering Strength*, Arctic Institute of North America, University of Calgary.
- Abraham N, 1990. Gold miners bring death to Yanomani, *Land Rights News* 2, 18, May, 20.
- Aipin Y, 1989. Not by oil alone, *IWGIA Newsletter* 57, May 137-143.
- Alley D, 1987. Indian Minerals West, in Department of Indian Affairs and Northern Development (Canada), Proceedings of the Seminar on Native Participation in Mining, DIAND, Yellowknife, 99-101.
- Altman J, 1983. *Aborigines and Mining Royalties in the Northern Territory*, Australian Institute of Aboriginal Studies, Canberra.
- Altman J, 1989. *Aborigines, Tourism, and Development: the Northern Territory Experience*, North Australia Research Unit, Darwin.
- Amok Ltd, 1986. Surface Lease Agreement: 1985 Annual Report, Saskatoon.
- Anders GC, 1980a. Indians, energy and economic development, *Journal of Contemporary Business* 9, 1, 57-74.
- Anders GC, 1980b. Theories of underdevelopment and the American Indian, *Journal of Economic Issues* 14, 3, September, 681-701.
- Applied Geology Associates, 1989. *Environmental Socio-Economic Public Health Review: Bougainville Copper Mine, Panguna*, Wellington, Appendix 3.
- Australian Institute of Aboriginal Studies, 1984. *Consolidated Report on the Social Impact of Uranium Mining on the Aborigines of the Northern Territory*, AGPS, Canberra.
- Banks N, 1983. *Resource-leasing Options and the Settlement of Aboriginal Claims*, Canadian Arctic Resources Committee, Ottawa.
- Bartlett RH, 1981. Indian and native rights in uranium development in Northern Saskatchewan, *Saskatchewan Law Review* 45, 1, 13-51.
- Bee R and Gingerich R, 1977. Colonialism, classes and ethnic identity: Native Americans and the national political economy, *Studies in Comparative International Development* 12, 2, Summer, 70-93.

- Berger TR, 1983. Energy resources development and human values, *Canadian Journal of Community Mental Health*, Special Supplement No 1, Winter, 21-32.
- Blomstrom M and Hettne B, 1984. *Development Theory in Transition*, Zed Press, London.
- Bougainville Copper Ltd, 1988. Annual Report 1987, [Melbourne].
- Bougainville Copper Ltd, 1990. Annual Report 1990, [Melbourne].
- Brody H, 1981. *Maps and Dreams: Indians and the British Columbia Frontier*, Douglas & McIntyre, Vancouver/ Toronto.
- Brody H, 1987. *Living Arctic: Hunters of the Canadian North*, Faber, London.
- Brown MFJ, 1972. Bougainville pays in copper, *Geographical Magazine* 44, 11, 734-36.
- Charlo C, Erasmus E, and Jaeb G, 1987. The Ghost Lake Resources Ltd, in Department of Indian Affairs and Northern Development (Canada), Proceedings of the Seminar on Native Participation in Mining, DIAND, Yellowknife, 123-6.
- Christensen W, 1983. *Aborigines and the Argyle Diamond Project: Submission to the Aboriginal Land Inquiry*, East Kimberley Impact Assessment Project Working Paper No 3, Australian National University, Canberra.
- Churchill W and LaDuke W, 1986. Native America: the political economy of radioactive colonialism, *Insurgent Sociologist* 13, 3, 51-78.
- Clemmer RO, 1978. Black Mesa and the Hopi, in Jorgensen JG *et al*, *Native Americans and Energy Development*, Anthropology Resource Centre, Cambridge, Mass, 17-34.
- Clemmer RO, 1984. Effects of the energy economy on Pueblo peoples, in Jorgensen JG (ed), *Native Americans and Energy Development II*, Anthropology Resource Centre and Seventh Generation Fund, [Boston], 79-115.
- Cluff Mining, nd. *The Cluff Lake Story*.
- Cominco, 1980. Polaris Mine Project, unpublished.
- Coombs HC *et al* (eds), 1989. *Land of Promises: Aborigines and Development in the East Kimberley*, Centre for Resource and Environmental Studies ANU and Australian Institute of Aboriginal Studies, Canberra.
- Corden WM, 1984. Booming sector and Dutch Disease economics: survey and consolidation, *Oxford Economic Papers* 36, 3, 359-80.
- Cousins D and Nieuwenhuysen J, 1984. *Aboriginals and the Mining Industry: Case Studies of the Australian Experience*, George Allen & Unwin, Sydney.
- Cox BA, 1985. Prospects for the northern Canadian native economy, *Polar Record* 22, 139, 393-400.

- Dacks G, 1983. Worker-controlled native enterprises: a vehicle for community development in Northern Canada?, *Canadian Journal of Native Studies* 3, 2, 289-310.
- Dahl J, nd. *Mining and Local Communities*, University of Copenhagen, mimeo.
- Davies P, nd. Shehtah Drilling Ltd, *Arctic Petroleum Operators Association Review*, Special Report, 11-15.
- Dene Nation, 1985. Proposal to Access Norman Wells Impact Funds, 1985-1986-1987, Dene Nation, March.
- Dene Nation 1986. *The Dene Gondie Study: Dene Perceptions of the Impacts of the Norman Wells Project*, Dene Nation, Yellowknife.
- Deprez P, 1973. *The Pine Point Mine and the Development of the Area South of Great Slave Lake*, Centre for Settlement Studies, University of Manitoba, Winnipeg.
- Dickerson MO, Pretes M and Robinson MP, 1989. Sustainable development in small northern communities: a micro perspective, Paper presented to the First Kluane Conference, Kluane Lake, Yukon, September.
- Dome Petroleum, [1981]. *Northern Participation: Employment and Training*, Calgary.
- Donovan F, 1986. *An Assessment of the Social Impact of Argyle Diamond Mines on the East Kimberley Region*, East Kimberley Impact Assessment Project Working Paper No 11, Australian National University, Canberra.
- Dove J, Miriung T and Togolo T, 1974. Mining bitterness, in Sack PG (ed), *Problems of Choice: Land in Papua New Guinea's Future*, Australian National University Press, Canberra, 181-9.
- Ekpenyong S, 1984. The effects of mining activities on a peasant community: a case study, *Development and Change* 15, 251-73.
- El Serafy S, 1982. Absorptive capacity, the demand for revenue and the supply of petroleum, *Journal of Energy and Development* 7, 73-88.
- Emerson C, 1982. Mining enclaves and taxation, *World Development* 10, 7, 561-71.
- Filer C, 1990. *The Bougainville Rebellion, the Mining Industry and the Process of Social Disintegration in Papua New Guinea*, University of Papua New Guinea, mimeo, January.
- Flanders NE, 1989. The Alaska Native Corporation as conglomerate: the problem of profitability, *Human Organization* 48, 4, 299-313.
- Freeman MMR, 1985. Effects of petroleum activities on the ecology of arctic man, in Engelhardt FR (ed), *Petroleum Effects in the Arctic Environment*, Elsevier, London and New York, 245-73.
- Freeman MMR, and Hackman, LM, 1975. Bathurst Island NWT: a test case of Canada's Northern Policy, *Canadian Public Policy* 1, 3, Summer, 402-14.
- Frideres JS, nd. *Development of Natural Resources and Government Policy*, mimeo, Calgary.

- Garnaut R and Clunies Ross A; 1983. *Taxation of Mineral Rents*, Clarendon Press, Oxford.
- Gdorjng C and Wali A, 1982. Panama, in Swenson S (ed), *Background Documents Prepared for the Conference on Native Resource Control and the Multinational Corporate Challenge*, Anthropology Resource Centre, Boston, 23-5.
- Gibson RB, 1978. *The Strathcona Sound Mining Project: A Case Study of Decision Making*, Science Council of Canada, Ottawa.
- Girvan N, 1976. *Corporate Imperialism: Conflict and Expropriation*, Monthly Review Press, New York.
- Graham G, 1990. Crisis at Newman Minefield, *Weekend Australian*, Supplement, 64-71.
- Graham KA, 1982. *Eastern Arctic Study Case Study Series: The Development of the Polaris Mine*, Centre for Resource Studies, Queen's University, Kingston.
- Graham KA, 1984. Native Perspectives on Mineral Development, in *Native Participation in Mineral Development Activities*, Centre for Resource Studies, Queen's University, Kingston, 9-16.
- Gregory RG, 1976. Some implications of the growth of the mineral sector, *Australian Journal of Agricultural Economics* 20, 2, 71-91.
- Harding J, 1978. Development, underdevelopment and alcohol disabilities in Northern Saskatchewan, *Alternatives* 7, 4, Autumn, 30-9.
- Harding J, 1988/89. Indigenous rights and uranium mining in Northern Saskatchewan, in Churchill W (ed), *Critical Issues in Native North America*, IWGIA Document No 62, Copenhagen.
- Hobart CW, 1982a. Industrial employment of rural indigenes: the case of Canada, *Human Organization* 41, 1, Spring, 54-63.
- Hobart CW, 1982b. *Inuit employment at the Nanisivik Mine on Baffin Island*, Inuit Studies 6, 1, 53-74.
- Hobart CW, 1983. Psycho-social problems associated with resource development in three northern Native communities, *Canadian Journal of Community Mental Health*, Special Supplement No 1, Winter, 73-80.
- Hobart CW, 1984. Impact of resource development projects on indigenous people, in Detomasi DD and Gartrill JW (eds), *Resource Communities: A Decade of Disruption*, Westview Press, Boulder, Colorado, 111-24.
- Howard MC, 1988. *The Impact of the International Mining Industry on Native Peoples*, Transnational Corporations Research Project, University of Sydney.
- Howitt R, 1989. Resource development and Aborigines: the case of Roebourne 1960-1980, *Australian Geographical Studies* 27, 2, October, 155-69.
- Hughes P and Sullivan, M, 1989. Environmental impact assessment in Papua New Guinea: lessons for the wider Pacific Region, *Pacific Viewpoint* 30, 1, 34-55.

- Hyndman DC, 1987. Mining, modernization and movements of social protest in Papua New Guinea, *Social Analysis* 21, August, 20-38.
- Hyndman DC, 1988. Melanesian resistance to ecocide and ethnocide: Transnational Mining Projects and the Fourth World on the Island of New Guinea, in Bodley JH (ed), *Tribal Peoples and Development Issues*, Mayfield Publishing Company, California.
- Jackson JE, 1984. The impact of the state on small-scale societies, *Studies in Comparative International Development*, Summer, 3-32.
- Jackson R, 1982. *Ok Tedi: the Pot of Gold*, University of Papua New Guinea, Port Moresby.
- Jackson R, 1984. A progress report on the monitoring of Ok Tedi and some policy questions relating to mining in Papua New Guinea, in Gupta D and Polumé S (eds), *Economic Policy Issues and Options in Papua New Guinea*, Development Studies Centre, Australian National University, 76-80.
- Jelliss AD, 1977. The loss of economic rents, in Watkins M (ed), *Dene Nation: the Colony Within*, University of Toronto Press, 62-73.
- Johansen B and Maestras R, 1979. *Wasi'chu: the Continuing Indian Wars*, Monthly Review Press, New York.
- Jorgensen JG, 1978. A century of political economy effects on American Indian society, 1880-1980, *Journal of Ethnic Studies* 6, 3, 1-81.
- Jorgensen JG, Davis SH and Mathews RO, 1978. Energy, agriculture and social science in the American West, in Jorgensen JG *et al*, *Native Americans and Energy Development*, Anthropology Resource Centre, Cambridge, Mass, 3-16.
- Kesteven S, 1983. The effects on Aboriginal communities of monies paid under the Ranger and Nabarlek agreements, in Peterson N and Langton M (eds), *Aborigines, Land and Land Rights*, Australian Institute of Aboriginal Studies, Canberra, 358-84.
- Kirthisingha PN, 1982. Viability of processing in copper-mining, *Resources Policy* 8, 4, 285-304.
- Kruse JA, 1982. *Subsistence and the North Slope Inupiat: the Effects of Energy Development*, Institute of Social and Economic Research, University of Alaska, Anchorage.
- Kruse JA *et al*, 1982. Energy development on Alaska's North Slope: effects on the Inupiat population, *Human Organization* 41, 2, Summer, 97-106.
- Kupfer G and Hobart CW, 1978. Impact of oil exploration work on an Inuit community, *Arctic Anthropology* 15, 1, 58-67.
- Lazarin MA, 1988. Brazil: Calha Norte project and mining prospecting - two aspects of the same invasion, *IWGIA Newsletter*, 55/56, October/December, 17-30.
- Looney RE, 1985. Petroleum based development and the private sector, *Journal of Social, Economic and Political Studies* 10, 4, Winter, 437-53.

- Macpherson J, 1978a. The Pine Point Mine, in Peterson EB and Wright JB (eds), *Northern Transitions: Volume 1: Northern Resource and Land Use Policy Study*, Canadian Arctic Resources Committee, Ottawa, 65-110.
- Macpherson J, 1978b. The Cyprus Anvil Mine, in Peterson EB and Wright JB (eds), *Northern Transitions: Volume 1: Northern Resource and Land Use Policy Study*, Canadian Arctic Resources Committee, Ottawa, 113-49.
- Marx K, 1972. *The Eighteenth Brumaire of Louis Bonaparte*, Progress Publishers, Moscow.
- Marx K, 1977. *Grundrisse: Foundations of the Critique of Political Economy*, Penguin/New Left Review, London.
- Marx K, and Engels F, 1969. *The Communist Manifesto*, Pelican, London.
- Mary Collins Consultants Ltd, 1977. *Social and Economic Aspects of Dome/Canmars Beaufort Sea Project*, 1977, Calgary.
- Mason JP, 1978. Petroleum development and the reactivation of traditional structure in a Libyan oasis community, *Economic Development and Cultural Change* 26, 4, July, 763-76.
- Maxwell JA, 1984. Colvilles on the verge of development, in Jorgensen JG (ed), *Native Americans and Energy Development II*, Anthropology Resource Centre and Seventh Generation Fund, [Boston], 146-69.
- McAllister AB, 1982. *Eastern Arctic Study Case Study Series: Mineral Exploration in the Baker Lake Area*, Centre for Resource Studies, Queen's University, Kingston.
- McAndrew JP, 1983. *The Impact of Corporate Mining on Local Philippine Communities*, ARC Publication.
- McGill S and Crough G, 1986. *Indigenous Resource Rights and Mining Companies in North Australia and Canada: Report prepared for the Department of Aboriginal Affairs*, AGPS, Canberra.
- Michael G, 1989 *The RTML Trust Fund and the Panguna Landowners*, University of Papua New Guinea, mimeo, June.
- Mikesell RF, 1983. *Foreign Investment in Mining Projects: Case Studies of Recent Experience*, Oelgeschlager, Gunn and Hain, Cambridge, Mass.
- Momis J and Ogan E, 1972. A view from Bougainville, in Ward MW (ed), *Change and Development in Rural Melanesia*, Australian National University, Canberra.
- Morehouse T and Leask L, 1980. Alaska's North Slope Borough: oil, money and Eskimo self-government, *Polar Record* 20, 124, 19-29.
- Okole H, 1989. *The Panguna Landowners Organisations*, University of Papua New Guinea, mimeo, September.
- O'Faircheallaigh C, 1984. *Mining and Development: Foreign-financed Mines in Australia, Ireland, Papua New Guinea and Zambia*, Croom Helm Ltd, London and St Martins Press, New York.

- O'Faircheallaigh C, 1986a. The Impact of the Ranger Mine on the Northern Territory and Australian Economies, North Australia Research Unit, Darwin, unpublished.
- O'Faircheallaigh C, 1986b. The economic impact on Aboriginal people of the Ranger project, *Australian Aboriginal Studies*, 2, 2-14.
- O'Faircheallaigh C, 1987. *Mine Infrastructure and Economic Development in North Australia*, North Australia Research Unit, Darwin.
- O'Faircheallaigh C, 1988a. The Economic and Social Impact of the Nabarlek Uranium on Aboriginal People, 1979-1987, North Australia Research Unit, Darwin, unpublished.
- O'Faircheallaigh C, 1988b. Uranium royalties and Aboriginal economic development, in Loveday P and Wade-Marshall D (eds), *Contemporary Issues in Development: Northern Australia: Progress and Prospects*, Australian National University, Canberra, 155-81.
- Owens NJ, 1978. Can tribes control energy development?, in Jorgensen JG *et al*, *Native Americans and Energy Development*, Anthropology Resource Centre, Cambridge, Mass, 49-55.
- Owens NJ, 1979. The effects of reservation bordertowns and energy exploitation on American Indian economic development, *Research in Economic Anthropology* 2, 303-37.
- Pendley RE and Kolstad D, 1980. American Indians and national energy policy, *Journal of Energy and Development* 5, 2, Spring, 221-51.
- Pika A and Prokhorov B, 1989. Soviet Union: the big problems of small ethnic groups, *IWGIA Newsletter* 57, May, 123-36.
- Pretes M and Robinson M, 1989. Beyond Boom and Bust: A Strategy for Creating Sustainable Development in the North, Paper presented to the Western Regional Science Association, San Diego, February.
- Pretes M and Robinson M, 1990. Alaskan and Canadian trust funds as agents of sustainable development, in Saunders JO (ed), *The Legal Challenge of Sustainable Development*, Canadian Institute of Resources Law, Calgary, 300-12.
- Queensland Mines Ltd, 1979. Mining Agreement ... between Queensland Mines Ltd ... and the Northern Land Council..., March, unpublished.
- Radetzki M, 1977. Where should developing country minerals be processed?, *World Development* 5, 4, 325-34.
- Radetzki M, 1985. *State Mineral Enterprises: an Investigation into Their Impact on International Mineral Markets*, Resources for the Future, New York.
- Raw Materials Report, 1989. The role of state enterprises in the solid mineral industry in developing countries, *Raw Materials Report* Special Issue 6, 3.
- Redhorse D and Smith TR, 1982. American Indian tribal taxation of energy resources, *Natural Resources Journal* 22, July, 659-71.

- Robbins LA, 1977. The Navajo nation and industrial developments, *Southwest Economy and Society* 2, 3, 47-70.
- Robbins LA, 1978. Energy developments and the Navajo nation, in Jorgensen JG *et al*, *Native Americans and Energy Development*, Anthropology Resource Centre, Cambridge, Mass, 35-48.
- Robbins LA, 1980. Native American experiences with energy developments, in Davenport J and Davenport J (eds), *Wyoming Human Services Project*, University of Wyoming, Laramie, 21-31.
- Robbins LA, 1984. Energy developments and the Navajo nation, in Jorgensen JG (ed), *Native Americans and Energy Development II*, Anthropology Resource Centre and Seventh Generation Fund, [Boston], 116-45.
- Robinson M, 1981. *Native and Local Economies: a Consideration of Nine Models of Business Development*, Petro Canada, January, mimeo.
- Robinson M, Pretes M and Wutunee W, 1989. Investment strategies for Northern Canadian windfalls: learning from the Canadian experience, *Arctic* 42, 3, 265-76.
- Ross H, 1990. Community social impact assessment: a framework for indigenous peoples, *Environmental Impact Assessment Review* 10, 185-93.
- Roxborough I, 1979. *Theories of Underdevelopment*, Macmillan, London.
- Schaefer O, 1983. Psycho-social problems experienced by native population groups in the Canadian Arctic involved in resource development, *Canadian Journal of Community Mental Health*, Special Supplement No 1, Winter, 53-6.
- Schneider T, 1990. Beyond land claims: the future of northern development, *CRS Perspectives* 33, July, 1-6.
- Schwartz NB and Eckhardt KW, 1985. International development projects, communities and social impact, in Denman W and Whiteford S (eds), *Social Impact Analysis and Development Planning in the Third World*, Westview Press, Boulder, 77-96.
- Spilde D, 1987. The role of Alaska native corporations in mineral development, in Department of Indian Affairs and Northern Development (Canada), Proceedings of the Seminar on Native Participation in Mining, DIAND, Yellowknife, 84-93.
- Stickel A, 1983. The impact of resource development on native people, *Canadian Journal of Community Mental Health*, Special Supplement No 1, Winter, 51-52.
- Stillwaggon EM, 1981. Anti-Indian agitation and economic Interests, *Monthly Review* November, 28-41.
- Swenson S (ed), 1982. Background Documents Prepared for the Conference on Native Resource Control and the Multinational Corporate Challenge, Anthropology Resource Centre, Boston.
- TAPOL, 1984. *West Papua: the Obliteration of a People*, TAPOL, London.
- Thompson H, 1990. The Economic Causes and Consequences of the Bougainville Crisis, Paper delivered to the Conference of Economists, University of New South Wales, September.

- Vakil AC, 1983. The impact of the iron ore industry on the native peoples of Schefferville, Quebec, in Bradbury J and Wolfe JM (eds), *Recession, Planning and Socio-Economic Change in the Quebec-Labrador Iron-Mining Region*, Centre for Northern Studies and Research, McGill University, Montreal.
- Waldram JB, 1985. Hydroelectric development and dietary delocalization in northern Manitoba, Canada, *Human Organization* 44, 1, 41-49.
- Watkins M, 1977. From underdevelopment to development, in Watkins M (ed), *Dene Nation: the Colony Within*, University of Toronto Press, Toronto, 83-99.
- Williamson RG, 1974. *Eskimo Underground*, Institutionen for Allman Jamfordanoc Ethnografi vid Uppsala Universitet, Uppsala.
- Willy D, 1987. Employment Opportunities, in Department of Indian Affairs and Northern Development (Canada), Proceedings of the Seminar on Native Participation in Mining, DIAND, Yellowknife, 84-93.
- Wojciechowski MJ, 1982. *Eastern Arctic Study Case Study Mine: The Nanasivik Mine*, Centre for Resource Studies, Queen's University, Kingston.
- Young L, 1981. What Price Progress? Uranium Production on Indian Lands in the San Juan Basin, *American Indian Law Review* 9, 1-50.

AN IMPRESSION OF NEW DEVELOPMENTS AND TRENDS IN NORTHERN REGIONS

Ian Moffatt

The chapters presented in this monograph have examined different aspects of new developments and trends in the human ecology of northern regions. These regions all belong to countries which are themselves part of the Organisation for Economic Cooperation and Development (OECD). To some observers, however, the regions are very different with regard to geography, culture and the political system in which they are located. A cursory examination of a world map indicates that the areas are located in different hemispheres; the climatic zones range from arctic to tropical; in terms of physical distance they appear poles apart. Despite these obvious differences it could be argued that there are some similarities in the problems associated with the economic development of these northern regions. One of the features of the chapters in this monograph was to stress the similarities of these trends in the development of northern regions rather than to highlight the obvious differences. The underlying theme for the meeting, from which the monograph emerged, was that by exchanging experiences of development in the northern realm some useful lessons of the similar problems encountered in these areas could be learned. Equally important was the need to exchange views on the types of policies used in aiding aboriginal groups and non-aboriginal peoples who wish to live in these 'remote' areas of their respective countries.

Obviously, the high latitude northern regions are to some extent similar in their location as fragile arctic ecosystems form the mainspring of the economy for their aboriginal peoples; for the non-indigenous peoples who live in these areas the resources or the provision of military installations often provide the *raison d'être* for their work; often conflicts over competing use of the same land forms a focus for some of the problems which occur in these northern regions; the population numbers and density are very low when compared with the rest of the nation; these areas are in close proximity to each other when viewed from the north pole; they are adjacent to and part of richer industrialised countries, but often have poor lines of communication with the rest of the nation. The northern areas of Australia are no exception to these generalisations - except that their low latitude southern hemisphere location ensures that the fragile environments are far from arctic! The areas of north Australia are also in close proximity to each other and are currently under discussion by the Canberra Commonwealth Government as part of the review into changing the political boundaries within the nation. Although there are obvious differences between and within these areas the monograph is concerned with exploring the similarities of the problems associated with the development of the northern regions.

Resources and the environment

One of the characteristics of the development of these northern areas has been the rapid expansion of non-renewable resources such as uranium mining or oil exploration. These developments give certain financial benefits to the companies, their shareholders and to the government of the country of exploitation. For aboriginal peoples, however, the development of extractive industries has been a mixed blessing. In some cases the groups have had money put in trusts for the benefit of the aboriginal communities whilst in other areas the mineral exploration has resulted in no material development for the peoples and often interferes with their traditional way of life. Even the development of

renewable resources such as fishing have resulted in major dislocations to the livelihood of the aboriginal peoples such as the Sami and Inuit. These modern developments of the resource base of the northern regions are, of course, part of the world economic system. Under global market forces the extraction of mineral and non-renewable resources has often led to a pattern of boom and bust in the local economy. Again, the impact of these up and downturns on the northern areas needs to be carefully monitored at the regional and local level. For many non-aboriginal peoples these instabilities in the market are part of daily life. Nevertheless, many of the aboriginal peoples in these areas are only marginally part of the western style market economy - they often rely on sustainable subsistence types of economic organisation - yet their way of life is often intricately involved in these modern resource developments.

Another feature of economic development in the northern lands has been the different perception of the environment and its resource base by the aboriginal and non-aboriginal peoples. The exploitation of the great mineral wealth in some parts of these regions has led to major enquiries as often sacred lands are involved - the case of uranium mining in Northern Territory is a well documented study and the recent proposals for further use of the mineral resources in Kakadu conservation zone are actively being considered. For many non-aboriginal peoples the thought of non-renewable resource extraction in areas of natural beauty is anathema. The third phase of development in Coronation Hill in a World Heritage site is yet another case in point. Confronted with different perceptions over the use and abuse of the land many of the representatives of the people of the northern regions have become involved in lengthy debates over the 'best' way to develop the resource base of the land. Similarly, there have been discussions over what rewards, if any, will accrue to the indigenous peoples during and after the development has ceased production.

Once the extraction of minerals or other non-renewable resources has taken place it is technically possible to reclaim and replant areas later. In cases of large scale mineral extraction the sheer scale of the enterprise ensures that it is not always economically possible to indulge in countryside cosmetics. Similarly, in areas of great natural beauty the drive to maximise the economic returns by increasing the number of tourists to these areas can often result in a despoiling and desecration of land of spiritual significance. In many northern towns the influx of tourists can be a mixed blessing to the indigenous population and the environment adjacent to these small centres. The destruction of rainforest or other living resources like the Great Barrier reef or fishing stocks in surrounding waters is often related to tourist development. Often the landscape with its distinctive flora and fauna is destroyed yet it is precisely this natural beauty that originally attracted the visitors to the northern lands. Real environmental conservation is not antithetical to economic development but it is not in favour of unsustainable practices which destroy the lives and livelihoods of other people. Clearly, in the northern areas, with their fragile environmental systems and diverse cultures, economic development, if it is to occur at all, has to be subject to sensitive management. Extinction is forever.

Socio-demographic problems

The cyclical nature of the economics of resource extraction also has its impact on the social structure and environment of the northern regions. The demography of non-aboriginal populations, as recorded in the census returns, shows massive in and out migration in many of the settlements especially the large urban areas such as Darwin and Anchorage. Delving behind the formal statistics reveals concern by many of the residents of the impact of the mainly seasonal visitors to these areas. Attempting to record accurately the numbers of non-settled aboriginal groups is another problem confronting demographers in these northern regions. The estimates used are a guide to

the growth of aboriginal peoples in these remote areas but in the case of Northern Territory many of the aboriginal peoples are moving away from urban life to resume their more traditional patterns of living. The artificial construction of non-aboriginal boundaries can result in problems of international migration in what, prior to the Europeanisation of the land, were traditional highways for the indigenous peoples.

Several studies have examined some of the social problems associated with aboriginal and non-aboriginal peoples in the towns of the northern lands. In some cases the problems such as alcohol abuse have been exaggerated by those concerned for the protection of businesses and the presentation of specific towns, such as Tennant Creek, Australia, as tidy, safe and orderly places. Nevertheless, there are alcohol and other drug problems in many towns in northern areas together with an increase in crimes of various types. What is required is a mature appraisal of these social problems and an in-depth investigation into ways of resolving some of these problems.

In all of the northern regions considered the areas are perceived by the governments to be of strategic importance. The establishment of large military bases is yet another facet of development in these regions. Inevitably, land is used for military training including bombing and firing practice - all essential as part of the defence training - but not welcomed by the inhabitants of the areas. These extensive uses of land and public money need to be carefully re-evaluated in the light of the thawing of 'cold war' relationships between the super powers. Again the need to evaluate the positive and negative aspects of military development in northern regions needs further detailed examination.

Political Initiatives

The northern regions have not, of course, been ignored by the political decision makers living and working in the deep 'south'. Some ministers at the national level of government have even visited the areas - but, in most cases, policies have been proposed and put in place by well-intentioned decision-makers which for a variety of reasons have failed in their avowed aims. One of the reasons for this failure is the conflict between different political parties at the national or federal level and the state or territory level. In some cases different political ideologies are involved, such as the perceived need to extract resources in a hedonistic manner to keep ahead of our rivals in the global economy; in other cases it is that the goals of the decision makers are not those of the affected people. Hence, one of the similarities of northern development is that vast amounts of public money are poured into areas to support the aboriginal and non-aboriginal populations in terms of health care and education. These services are very essential in the northern areas but it could be argued that the money is not well spent as it is incorrectly targeted to those in need.

Currently, several politicians in northern regions are thinking about achieving economic and political independence from the federal nation to which they currently belong. In Quebec, for example, independence has been a major focus of political enquiry. Similarly, in Australia states and territory celebrations of self-government have covered over talks of cessation from the federation. If such political talk is to be put in practice then it is clear that the balance of costs borne by the nation must be carefully taken into account before any rash move to become independent can take place. It would appear short sighted to assume the northern economic success can rely forever on non-renewable mineral exploitation. Alternatively, others could argue that if the break up of the nation is NOT on the political agenda then the role of the state in world economic private development needs to be carefully re-appraised. If the private sector wishes to benefit from the resources in northern areas then two approaches are possible. First, the companies could be made to provide the services themselves - with the dangers of

recreating the pattern of paternalism as found in 19th century British new towns; or they could fly the work force into the plant on a fortnightly basis from a larger urban area. Both of these practices are used in northern regions. Whilst the social costs of these approaches need to be examined neither one is conducive to sustained economic development for people wishing to settle in the area or to continue to live their traditional lifestyles.

At the heart of the question of development in the northern lands lies the political issue of self-determination and self-government for these areas. In the prehistory and history of humankind many of the aboriginal peoples have practised their own forms of sustainable development in harsh environments. With the Europeanisation of their lands these native peoples have found themselves part of a nation which has scant regard for their human rights, culture or ways of life. In the last two decades when global development has reached every corner of the globe we are at last realising the richness and diversity of traditional ways of resource management and the societies which inhabit northern lands. The belated attempts to acknowledge land rights to the dispossessed is one manifestation of the moral quandary that the governments of these countries now realise. This is not to say that the establishment of some form of land rights is a panacea for the future sustainable development of northern lands but it does show that political considerations loom large in the future of these remote areas.

With regard to political considerations it is, as Loveday points out, very unlikely that the federal grants to the northern regions of Australia are to be stopped. They may of course be reduced but in that case the impacts that such measures would have upon the people in the areas need to be carefully ascertained. Again, there is a need for an accountable and rational process in the allocation of resources between the various levels of government which currently exist or may be emerging. This could then lead to a consideration of various types of scenarios upon which well informed decision making could be made. Obviously, the trends in development in northern regions are interesting in so far as they indicate a fresh appraisal of the economic, social and environmental impacts of diverse decision making processes at the national, state and local level. There is, however, a glimmer of something new which has been perceived by others with a long acquaintance of northern areas. As Coombs notes, the domination of speculators and exploiters is '... increasingly being questioned by those who see its destructive impact on the physical and social environment in which the destiny of humankind inevitably must be worked out' (Coombs 1990, 20). Clearly, as the chapters in this monograph have shown in detail, the search for ways of organising our affairs in a just, participatory and sustainable manner has just begun.

Reference

Coombs HC 1990. *The Return of Scarcity: Strategies for an Economic Future*, Cambridge University Press, Melbourne.

NORTHERN AUSTRALIA: POLITICAL TRENDS

Peter Loveday & Dean Jaensch

Politics in Australia is extremely stable: not much changes although many things are happening. The north is no exception. To take elections alone: at least four federal elections, counting this year's, will be held before 2000 and northerners in the Territory, Queensland and Western Australia will each have at least three more elections if their parliaments are allowed to run to full term or more if they are dissolved early. Local government elections must be added to that. In between elections, our media will report daily argument between government and opposition members of parliament and party leaders, disagreements about the managing of the economy, disputes about alleged political scandals, arguments about changing the system (eg to do away with compulsory voting or to rearrange the electoral boundaries), complaints by various interest groups that they and their causes have been neglected or given a hard time, disputes at party conferences and about preselections. A few politicians will resign or retire and by-elections will cause momentary excitement.

The north in Australia is not formally defined by governmental boundaries but it is often taken to be the area north of the tropic of Capricorn or some similar line. It comprises the north of the two states, Western Australia and Queensland and, counting a part of central Australia, the whole of the Northern Territory. Coast to coast, it is over 3500 km and to the north of Queensland it stretches from the mainland through the reefs and islands of the Torres Strait to within a few kilometres of the Papua New Guinea coast. In area it encompasses approximately three million square kilometres or about 39% of the Australian land mass.

The area is sparsely populated: of the total Australian population of about sixteen million, 725 000 (4.5%) live in the north. These include half of Australia's Aborigines and Torres Strait Islanders: 14 000 in the north and northwest of Western Australia, 35 000 in the Northern Territory and 35 000 in the north and central areas of Queensland. The non-Aboriginal population lives predominantly in towns although a small proportion are resident on cattle stations and farms. The older towns are principally centres servicing rural hinterlands and long distance road traffic; the newer ones are mining towns. Several regional centres have grown into larger towns and Darwin, the seat of government in the Northern Territory, with about 72 000 people, is the largest. About half of the Northern Territory's Aborigines live in rural areas, many in very small groups. Traditional art and craft work, subsistence food gathering, hunting and, for coastal Aborigines, fishing, are still important in the rural Aboriginal economy, along with Toyotas, guns, social security cheques and other aspects of the dominant economy. Many of the larger settlements, of about 100 to 1000 population, were once mission stations or government administrative centres; Aboriginal local government councils now manage them, under close supervision from central government. The pattern of Aboriginal settlement in Queensland and Western Australia is superficially similar to that in the Northern Territory but in the Territory alone the federal land rights legislation of 1976 has provided a large amount of land, either directly or by claim, to the Aborigines in inalienable freehold. For the Torres Strait Islanders still living on the islands of the Straits, about 8000 all told, fishing, both for trade and for subsistence, is an important activity. They have islands' local governments but they do not have control of the waters adjoining their islands.

The area is distinctive not only in the sparsity of settlement and its remoteness from the southern centres of population, industry and agriculture, but also in its climate, tropical or semitropical over most of the region. Away from a narrow coastal strip in the east (usually excluded from the definition of the north), most of the area has a short monsoonal wet season followed by seven or eight months dry season in mid year. Although it is often regarded as a distinct region it is geographically diverse and comprises a variety of environments from rainforest, through savannah and grassland to desert in the Northern Territory and Western Australia. The principal economic activities of the region are mining (iron ore, diamonds, aluminium, manganese, copper, lead, zinc, gold, uranium, oil, gas), production of beef cattle, tourism, building construction, fishing and a little horticulture. Overseas firms are prominent in the mining, cattle and tourist industries. The climate and soils make it impossible to grow wheat and sheep, the staples of the southern rural economy; rice growing is unreliable and difficult and forestry has also been tried and failed. A staple agricultural product has not yet been found and is not likely to be found. There is virtually no manufacturing in the north apart from some processing of minerals and other primary products.

There is one principal and popular interpretation of politics in the north, namely that development is the thread which ties all the events together. It begins with the taming of the frontier and then later is exemplified in the building of cities, industries and infrastructure. Politics is concerned with the allocation of goods and services to promote growth; it is also concerned with the formation of the organs of administration and the shaping of a constitutional basis for self-government. For people who see the north as underdeveloped, the political trends of importance in the nineties will be those which foster or impede material and institutional progress. From this point of view, political action to promote mining is preferable to political action to preserve the environment; Aboriginal claims to win living areas on cattle stations or stock routes are to be resisted along with other Aboriginal land claims which may take land out of productive use; the cost of the social welfare system should be reduced and the demands of the disadvantaged resisted; the cost of the public service, presumed to be unproductive, should be reduced; Labor governments are too favourable to environmentalists, Aborigines, trade unions and the poor and they too must be resisted and if possible defeated; intervention in local or regional affairs by the federal government is contrary to the ideal of self-government and should be minimised.

This interpretation and the political rhetoric which flows from it are not the best guides to the likely trend of events in the nineties. The stability of the system, of which the federal structure is an important part, ensures that the partisans of development will not have it all their own way even though their power to get what they want is greater than that of Aborigines, environmentalists and other critics of their policies.

Without relying on interpretations of the course of events, we can safely predict that there will be no *coup d'état* in the north, no armed uprising, no military intervention to put down a secessionist movement. We can safely say which major parties will contest elections through the nineties, that the federal system of government will be in existence in 2000 and well beyond (we can't say the same for Canada with any certainty), that northern politicians will still be arguing with Canberra about northern development for decades to come.

To assess the possibilities for change, it is necessary to make some assumptions about the context of politics in the north. We could then have a basic 'most likely' scenario and consider what might follow from variations on that scenario. The most likely scenario would be one, for example, in which there was no northern military action. It is extremely unlikely that there would be foreign invasion of the north in the next decade. We might say that some kind of diversionary hit and run raids on the coast or on oil and gas rigs are a possibility or that our military forces may be built up strongly in the north in order to back up foreign policy promises made to help allies. Some initial steps have already been taken to strengthen defence forces in the north and, depending on what seems likely to happen in Indonesia and Papua New Guinea, more could follow with consequential increases in defence spending in the north. Such increased spending is seen by some as an element in the development of the north.

Let's change to a more complex and uncertain example, statehood. For as far ahead as one can see there will be no political unification of the north, even though people have occasionally argued for it. Queensland and Western Australia under whatever government will not cede their northern parts; the state boundaries will remain, and the politics of the north will continue to be focussed in the four capitals, Darwin, Perth, Brisbane and Canberra. If there were to be unified political action in the north it would have to be on some subject where the power of the federal government was unchallengeable, politically and in the High Court, its determination unwavering and its funds ample. This particular combination of characteristics appears to be highly unlikely in the near future. On many matters likely to be of major concern — environment, greenhouse effect, Aboriginal affairs — the federal government can act only if it acts in concert with one or more states and consequently the prospect for unified action turns on project based cooperation. The past is not encouraging for this kind of action.

The present NT government strategy, of expanding the powers of self-government, is likely to be judged the more realistic policy in comparison with statehood for the NT. The Territory won self-government in 1978, with a single chamber fully elected legislature. It is anomalous in the Australian commonwealth in being a creation of the federal government and parliament whereas the other states were created prior to federation by the British authorities. In 1978 the Territory began with responsible government but some powers held by the states were not ceded to it by Canberra. Control over uranium mining, national parks, Aboriginal affairs and industrial relations were the most notable exceptions. Today, after earlier unsuccessful agitation for a full statehood package, it is probably easier to negotiate on a piecemeal basis, especially if there is a favourable government in Canberra along with a favourable conjunction of governments in the states. The most favourable conjunction would probably be a majority of non-Labor governments, including a coalition government in Canberra with control of the Senate. It would not have to run the risks associated with a popular referendum in the Territory as has been talked of for statehood. So the basic scenario on this subject is likely to be a move towards increased powers of self-government in the NT in respect of control of Aboriginal land rights legislation, national parks, uranium mining and probably industrial relations. The progress could be made opportunistically as a series of separate moves depending on the appropriate political climate. On this subject then the scenario for the nineties is likely to be one of no major change but of politicking for change, perhaps with some minor successes, such as the concession of industrial relations powers or joint management arrangements in respect of national parks. The basic divisions of the north will remain and any increases in power won by the NT will simply mean that in any proposal for combined northern action, the NT is

likely to be a somewhat stronger player than it has so far been on some matters where it has had no power of its own.

The party system is another basic political structure in Australia. It was consolidated after the first World War as a three party system in which a Labor party was confronted by two non-Labor parties, one a Country party (with right wing populist leanings), the other and larger, with a more urban middle class base, being known at various times as the National, United Australia and, today, the Liberal party. The Country party, now renamed the Nationals, and Liberals have formed coalition governments when they have won elections and will continue to do so; the historic tensions between small 'l' liberals (today's wets) and more right wing conservatives (the dries) in the Liberal party will continue when they are out of power. Labor, which began as a labourist party with some socialist leanings, has for decades been a pragmatic 'electoralist' party, winning support from middle class and other sections besides the trade unions, and it will continue to be so.

The basic federal scenario has been replicated with modifications at the state level, one modification being that one non-Labor party, not two, contested elections with Labor in one or two states. This was the basic situation in the Northern Territory when, with the approach of self-government, parties were first formed on a lasting basis. The Country Liberal party (CLP) and the Labor party are the principal contestants and from time to time dissatisfied elements on the non-Labor side have broken away to form transient third party groupings. Although there has recently been some talk of the possible formation of a Liberal party in the NT, there is no reason to expect major change in the party system in the next decade or two. Regional change in the two adjoining states is even less likely. Established patterns of support will continue: the National party, successor to the Country party, will generally go along with the Liberal party, quarrelling with it over three cornered election contests; small business, mining companies and the pastoralists are unlikely to move to support the Labor party; unions are unlikely to swap sides either.

The electoral system, which shapes much party activity, may well undergo some changes, notably in Queensland where a Commission is currently reviewing arrangements which helped to keep the Nationals in power for decades. In the Northern Territory electoral boundaries are currently being redrawn to take account of population changes. The system of preferential voting used in federal elections and in all states except Tasmania is unique to Australia and it is most unlikely to be changed. To cast a valid ballot, voters must indicate, with numbers against the names of all candidates, the order of their preferences for the candidates. If no candidate gets an absolute majority on the first count, the one with fewest first preferences is excluded and his/her votes are redistributed to other candidates in order of the second preferences. This system has enabled Liberals and Nationals to compete against each other without allowing Labor to win but it also enables other groups, such as the Greens, to determine the outcome as between major party candidates if they can win enough first preference votes to deny one of them victory on the first count.

Changes of government are an element of the scenario. As I noted earlier, a number of elections will be held in the nineties and, since it would be very difficult to predict the outcome of the next election for the Western Australia, Queensland, Federal and NT parliaments, it would be pure speculation to look at any later ones. Predicting elections at the best of times is risky; at present, given the very close contests in so many seats, the

unevenness of swings and the tension between the Liberals and the Nationals, it is especially hard to anticipate a federal outcome and, for the NT, we have in addition a redistribution which will add to the uncertainty. The most we can do is to ask the hypothetical question: what if there were a change of government at the next election? At the federal level, a Liberal-National coalition government would probably resist attempts by Aborigines to make self-management a reality in matters like education, local government and health administration; the basic idea under the slogan that we are all one people and cannot have 'separate' institutions, sometimes misdescribed as 'apartheid', is assimilationist, notwithstanding the abandonment of that policy some 20 years ago. Argument about Aboriginal land rights will undoubtedly continue at both state and federal levels, with non-Labor state governments continuing to be basically opposed and confrontationalist and unwilling to negotiate. A non-Labor federal government would probably try to undo the wages accord and to reduce the level of regulation in the labour market in the name of increasing competition and the 'role of market forces'. Wherever possible, policy or the administration of policy is likely to be turned over to state governments with important implications for the NT, if not for Queensland and Western Australia.

It is doubtful that the Nationals and the Liberals will amalgamate nationally and even if they did it would be expected Queensland Nationals will try to hold out in relation to state politics. The two unknowns in Queensland will be the success of the Liberals in regrouping and challenging the Nationals and the character of the reconstruction of the electoral system. It does seem likely that the Nationals will be the losers from both unless they too undertake a major reconstruction and redesign of their image and support base. Either way, Nationals of the kind Bjelke-Petersen led in the seventies and eighties seem to be doomed in Queensland. For elections to the Queensland parliament, there are eleven electorates in the north and Labor won four of these in 1986 and eight in 1989. Labor's success was the result of a conjunction of unique factors, such as the Fitzgerald enquiry into corruption and the internal problems of the National party but, given the tension between Liberals and Nationals, the state electoral scene in the north will continue to be uncertain and Labor may have trouble holding some of its seats. At the federal level, there are four seats in north Queensland and all are marginal. Labor won two in 1987 and a third in 1990 and nearly won the fourth.

In the Northern Territory the main contest will continue to be CLP versus Labor and it is likely that the chances of Labor will improve during the nineties. I doubt that the NT Nationals will survive any longer than their present leader holds his seat. In the past Labor has had a poor record in elections to the NT Assembly, winning 7 out of 19 seats in 1980, 9 out of 25 in 1983, and 6 out of 25 in 1987. It won only one seat in an urban area in 1987 (and now has a second as a result of a by-election victory) and it has never won a seat in Alice Springs. In four out of five rural seats which it holds, Aboriginal voters are a majority and although they vote predominantly for Labor candidates, it cannot be assumed that they will always continue to do so. To win government at the next election Labor must hold the seven seats it now has and win six more. Since it is unlikely to win any in Alice Springs, these six must all be won in the Darwin area. The preferences of the Green candidates may well be critical in determining the outcome in these urban contests. For federal elections, the Northern Territory is one constituency and Labor at present holds the one seat in the Representatives and one of the two Senate seats.

In the west the main contest, state and federal, will be between Labor and Liberal with minor parties playing a minor role as at present. The two Western Australian state electorates in the north, Kimberley and Pilbara, are held by Labor and this is not likely to change. The north is only a part of the huge federal electorate of Kalgoorlie and cannot be isolated from it. In the north of the west there is probably less likelihood of change than in the north of Queensland or in the NT. But the northern tails in the two states do not wag the southern dogs. Therefore the question is whether the change of government in Queensland portends any major changes for the north (assuming it has, say, two terms in office) and, if there were a change in the NT to a Labor government, what might follow from that, and likewise, if the Liberals were to win in WA, what effects might that have on the north? I doubt if we can say much on Queensland and WA. In the NT Labor would probably continue some current policies in broad terms. Development and economic policies might well be modified but they would have to continue. Labor would probably be unwilling to push for changes to land rights, national parks and uranium legislation but it might nonetheless have to maintain a 'states rights' stand in the rhetoric of premiers' conferences and similar situations, especially if confronted with non-Labor government in Canberra. A new Labor government in the NT would almost certainly be more sensitive to environmental questions than a CLP government and would probably have to make major changes to the staffing of the public service. At higher levels there has been a steady erosion of the professionals in the service and there is a widespread belief in the service that at all levels it has been affected by the appointment of CLP partisans (*Public Service Worker* 24, July 1990; M Perron in NT Dept of Education, *Public Administration, the Perceptions of Northern Territory Chief Ministers*, Darwin 1989, 30). It would probably undertake changes of policy in Aboriginal affairs which would reduce, in piecemeal fashion, the continuing assimilationist elements in so much NT administration, notably in relation to local government and education, but it would be difficult to overcome entrenched departmental views.

A variety of environmental, conservation and sustainable development issues will become more important in the nineties. In the north of Queensland major conflicts are likely to arise over oil drilling on the Great Barrier Reef, coastal sand mining, the logging of rainforest timbers and the development of a space port. Similar but politically less salient issues will arise in the Northern Territory and the north of Western Australia but the major conflicts are likely to be in Queensland. The Greens are unlikely to win seats, given the preferential system of voting and counting, but they will have an influence both in raising public awareness and in allocating the preferences of their candidates to the candidates of major parties who may well need them to be elected. Given the age structure of the northern population, Grey power, likely to be increasingly important in federal elections, is not likely to have much significance in northern state and Territory electorates.

The evidence from state and federal elections in recent years is that the electorate is becoming increasingly volatile and that allegiances to the major parties are weakening as voters shift to the minor parties. These movements of voter loyalty are not distributed evenly across all electorates either in federal or in state elections. The volatility of the electorate will continue to increase, and as a result campaigns like those of the Greens and Grey power are likely to have consequences which are difficult to predict. Swings too are likely to become more unpredictable and to vary from electorate to electorate as local issues, pressure groups and personalities intrude on more general party politics. In general, the parties may well have to become more responsive to voter opinion and to

what the polling agencies tell them about voter opinion. It is unlikely Aborigines will enter electoral politics with a sustained separate organisation as was proposed in the Territory in 1983. The organisational effort required is too great and the rewards from electoral action are likely to be too small and uncertain when compared with the benefits to be gained by action in relation to administrative agencies.

The basic scenario in the north is likely to be affected by events elsewhere in Australia, notably events in federal politics. Whatever government is in power in Canberra we are likely to have continuing difficulties with our foreign debt, with inflation and with unemployment. Public funds for northern administration and development are likely to continue to be limited. Given the importance of the Green vote to Labor's win at the federal election in 1990, environmental questions are likely to become more important and policies to preserve the environment are likely to win at least some bipartisan support from Labor and the Liberals (but not the Nationals) at the federal level with implications for the whole of the north. Governments, state and federal, will find it difficult not to cut expenditure on social services and social welfare, on education and on Aboriginal affairs. These matters are no less salient in the north than they are elsewhere and, assuming dissatisfaction with cuts might be expressed politically in the ballot box, this dissatisfaction is likely to be more effective in the Northern Territory than in the north of Queensland or Western Australia.

The wages accord is basic to the Hawke government's strategy. If it were to break down, as it most likely would under a non-Labor federal government, what would the consequences be for the north? The immediate and obvious outcome: industrial unrest with strikes and other disruptions. The north is most vulnerable if these hit its communications, transport and energy supply systems. In these areas government, or government corporations, are big employers with some large private enterprise employers. We could expect the usual political grandstanding about essential services and the need to get tough with the unions, possibly leading to special legislation of the kind seen in Queensland in the past.

Australia's migration policy may well become a subject of renewed contention in the nineties. If the policy is changed, what might the effect be in the north of possible changes: eg to reduce the annual intake, to increase the proportion of skilled workers while reducing the numbers? To consider the effects we need to know more about the northern population and how it is being built up and how it is being deployed into productive economic activity. The northern population is small, sparsely spread in small communities over a large area. It is not easily or quickly expanded, especially when essential resources for rapid growth of production and employment are lacking, eg good soil, plentiful water. So we have to assume no major population change, and that if there is some small change it will be in localised centres of stimulated population growth, like Yulara, the Trade Development Zone, Jabiru. There will almost certainly continue to be political problems concerning illegal fishing by Indonesians in Australian waters and the entry of people from other southeast Asian countries claiming political refugee status.

The basic scenario outlined is a projection forward from the recent past and it is based on the assumption that Australian politics is an extremely stable system. There is ample historical evidence for this. And yet, there is also historical evidence that from time to time major changes do occur. To go no further back than 50 years, a wartime Labor government introduced a program of domestic reforms which transformed the country even though it was far from fully implemented. In the seventies, in peacetime, the

Whitlam government also transformed many aspects of Australian society, irreversibly, notwithstanding that much of its program was frustrated by a hostile Senate. At the state level other periods of change could be identified, not all of them Labor-inspired if one counts the Playford era in South Australia and the Bjelke-Petersen era in Queensland as making major changes in the processes and outcomes of politics in those states. The question is: do we have anything to make us think that in the nineties we are again on the brink of one of these periods of change? It is unlikely.

OUTBACK INTERNATIONALISM: NEW LINKAGES IN NORTHERN DEVELOPMENT

Peter Jull

The peoples of northern regions in the developed countries, defined here as the members of the Organisation for Economic Cooperation and Development (OECD) which includes Australia, have long been isolated within national frontiers. This has been especially true of the indigenous populations whose education levels, jobs held and access to information have been severely limited in fact if not always in theory. Northern populations, both indigenous and settler, have been so caught up in their relationship with national authorities and their feelings of inferior status within that relationship that they have had little time to look abroad.

However, times have now changed. Internationalism has emerged as an important new arena for northern peoples. This has caught national governments by surprise. How can people without their relations within nation-states resolved embark on international projects? Their actions have provoked first dismissal, then disapproval and finally some embarrassment in national capitals. Governments have regarded their northern backyards as very much their own business. They have felt free to take fine positions on minority rights abroad while ignorant or forgetful of similar issues at home. They have sought to guide northern minorities through processes of 'tutelage' and 'welfare colonialism' (Paine 1987; Beckett 1987) towards assimilation to the lifestyles of the majority. They have been apt to see young northerners criticising them abroad as ungrateful - or just damned disloyal!

Northern peoples have seen things differently, of course. Forever reminded of their second-class status within the north, and in a north itself usually in a second-class position within a country, they have found national authorities remote and inattentive. Through international meetings and a new breed of international NGO (non-government organisation) they are able to be equals among friends who are understanding because they share problems of political and cultural domination by others, social distress, economic underdevelopment and endangered environments and livelihoods.

The main reasons for the new curiosity and awareness among northern peoples have been more and better government-provided education and modern telecommunications. The decolonising of the European overseas empires and racial activism in the USA in the 1960s provided powerful images in the northern hemisphere. Political activism in the higher educational institutes to which promising young northerners were sent also played a large role.

Many Australian officials abroad and some from other countries have come to accept indigenous internationalism as a fact of life. They are now exploring more openly the widely shared problems of continuing distress among indigenous peoples in otherwise prosperous countries. A powerful boost in this development has been given by the Soviet leadership who, far from the former point-scoring in international forums about the plight of Australian Aborigines or Canadian Indians, are now openly admitting similar problems in the Soviet North and comparing notes with Western countries. (The

Newsletter of the International Working Group on Indigenous Affairs [IWGIA], Fiolstraede 10, 1171 Copenhagen K, Denmark, has periodic English-language reports on the Soviet north.)

Some examples of the emerging situation are worth noting. At a critical meeting in the Danish parliament's palace, Christiansborg, in December 1973, Inuit (Eskimos) and Indians from the Northwest Territories and Yukon, Greenland Inuit and the Sami (Lapps) from Norway, Sweden and Finland met. The meeting was full of astonishment and discovery, of excited sharing of past defeats and present struggles, of different ways of dealing with similar problems. This encounter led more or less directly to the later founding of the World Council of Indigenous Peoples, with Australian Aboriginal membership, and the Inuit Circumpolar Conference.

The WCIP was founded in 1975 near Port Alberni, Canada, on a West Coast (Nootka) Indian reserve at the head of an inlet of the Pacific Ocean. Local Indians with Winchesters guarded the reserve closely in order to secure Latin American Indian delegations who feared reprisals from national governments. (Indeed, some of these delegations were jailed and harassed on their return home.) There were high emotions and under the ragged clouds of the north Pacific autumn the drums of the Northwest Coast Indian ceremonial transformed the evenings into profound cultural experiences. Language differences and translation created many problems, and there was much uneasiness by some South American groups at the presence of whites - the Sami - at the table. The presence of the Iroquois spiritual leader Oren Lyons dominated the proceedings and diverted some of the anguish and grievance into a lyrical expression of shared principles in the final conference documents.

Since its founding the WCIP has been inevitably preoccupied with the desperate problems of genocide in Guatemala and other Latin American countries. The other main concern has been the development of an international United Nations covenant for the recognition and protection of aboriginal rights with the help of such world experts as Professor Doug Sanders of Vancouver. Canadian and Nordic governments have financially and morally supported WCIP work. In August, 1990, the Sami will host a world congress of WCIP in North Norway on the theme of 'sustainable development' as recommended in the Brundtland Report on world environment and development (Brundtland *et al* 1987). Such meetings and the field visits associated could be very valuable for Torres Strait Islanders and Aboriginals.

The Greenlanders who had been so prominent in the Copenhagen meeting of 1973 were no less so in the follow-up among Inuit, creation of the Inuit Circumpolar Conference. The Alaskan Inuit of the North Slope invited fellow Inuit from Alaska, Canada and Greenland to a general assembly in 1977. The emotions at this and later ICC events cannot be overstated. The Inuit were once a united migration from the Bering Sea across the top of North America. Language and material culture remain very closely related. But distance and socioeconomic dislocation, from influxes of outsiders and from governments defining boundaries and concentrating people in dependent villages have long separated them. The two main ICC goals as stated in the welcoming address by North Slope mayor Eben Hopson were protection of the (predominantly marine) arctic environment and the encouragement of regional Inuit self-government within existing national boundaries. Those goals remain central ICC preoccupations. (For English-language material on ICC by persons directly involved see Brower and Stotts 1984; Jull 1981, Jull 1989; Lauritzen 1983; and Petersen 1985.)

The ICC is made up of people who have used the means of liberal democracy, albeit with radical flair and determination, to help rewrite their relations with national governments and national majorities. At the first ICC assembly there were many hopes; in 1989 at Sisimiut, Greenland, most of those hopes had been realised or were in the process of being realised by the delegates attending. A marginal, remote arctic people had secured significant political and economic clout through self-government arrangements and 'land' claims settlements with marine components. No longer a band of vivacious or angry young outsiders, the ICC assembly persons are now middle-aging and successful. Assembly resolutions are not so much emotional as finely balanced political tools to reinforce work underway in other forums.

At Sisimiut, 1989, senior representatives of Soviet, American, Canadian and Danish governments, as well as the heads of most arctic subnational governments, spoke in a sort of international accountability session. They all supported the main ICC policies and reported on how these were being implemented. The ICC, for its part, passed a final 'Arctic Policy' - a volume of 150 pages of guidelines for social, economic, cultural, development and environment policy - which it asks governments to use henceforth in their arctic work. ICC also approved a progress report for the Inuit Regional Conservation Strategy, a multinational arctic project on ecologically sustainable development strategies with maximum community control to secure the Inuit future.

The greatest achievement of Inuit internationalism has been the generation of interest in the circumpolar region and the prodding of governments, universities, news media and public interest groups into new forms of circumpolar contact and cooperation. The arctic had long been frozen in more ways than one: the superpower tension across the Arctic Ocean and the military installations in northern regions dominated national thinking about the far north. Many proposals for action or cooperation foundered on the rock of 'security'. When serious thinking was done about the region it centred on possible high-tech wars, legal sovereignty, futuristic transportation technologies and macro-economic hypotheses - abstractions or nightmares, but not mundane actualities. Inuit have played the largest role in changing that. With the prominent help of ICC the various national Inuit groups have created a new sense of the arctic as a living place with warm-blooded daily lives and practical ongoing problems.

Governments prodded by the ICC tried over many years to obtain Soviet permission for Soviet Inuit to attend ICC meetings. The ICC made its own pleas to Soviet officials. In October 1987, General Secretary Gorbachev made a major arctic policy speech in Murmansk. He responded explicitly and positively to the inclusion of indigenous peoples and environmental concerns on multilateral circumpolar agendas. In 1989 a large Soviet delegation attended the ICC assembly. In 1990 twenty-six northern peoples in the Soviet Union have formed their own association. Their first president has outlined a platform of self-determination within the USSR, new approaches to the environment and cultural reinforcement (Mary Simon, personal communication; Novosti 1990). Gorbachev attended the founding to listen to speeches and chat with delegates. He did not speak, but his presence provided important moral and political support. Already the new Soviet association is working with ICC and the tri-national Nordic Sami Council (founded 1956) to prepare full circumpolar meetings on environmental policies and other shared problems.

These two sorts of organisations illustrate important possibilities, the WCIP with its international agenda and the ICC with its domestic agendas pursued by international means. Another body, ISI (Indigenous Survival International), has brought together Indians and Inuit from Alaska, Canada and Greenland to campaign for the greater recognition and support of indigenous wildlife harvesting in the face of the international animal rights movement. In all these cases international action by aboriginal peoples has resulted in significantly more government attention to problems at home than would have been the case. Some of these achievements can be described as 'major breakthroughs'.

In northern Europe the Sami enjoy observer status in the Nordic Council (of Norway, Sweden, Finland, Denmark and Iceland, along with Greenland and the Faroes as associate members). Already they have several forms of tri-nation cooperation. A recent Norwegian government-sponsored commission has recommended that much closer ties and multinational Sami and governmental bodies be established among Norway, Sweden and Finland to further Sami aspirations (NOU 1987).

In Australia the Aborigines and Torres Strait Islanders have two sorts of opportunity. They can relate to nearer Indo-Pacific peoples and to farther northern hemisphere ones living in developed European economies similar to Australia. People in the Indo-Pacific region share cultures (eg, with Torres Strait Islanders) and similar ecosystems and natural resources. However, Australian government influence in the region could be used to discourage neighbours from working with Aborigines and Islanders if the Australian authorities were not convinced of the usefulness of cooperation. In the wider world and in the northern hemisphere the situation is different. There Aborigines and Islanders already find sympathy and support among both aboriginal and non-aboriginal populations. International work can be inexpensive and highly rewarding when properly focussed. Unfortunately some unfocussed and high-living delegations have led some people to view all international activity as a waste of time.

In Australia there is no lack of academics, politicians, officials and other informed persons who are aware that Australian experience with indigenous peoples and northern political economy is part of a larger context. Some of these have travelled overseas to look at policies in similar countries; others have written comparative studies. The speakers at this conference all have had significant comparative experience and all of us believe it to be useful.

It will become even more so. World attention on the situation of indigenous peoples is increasing. In 1992 there will be a crescendo of such interest as Europe and the Americas remember, not always joyfully, the first voyage of Columbus, arriving in the New World at the Bahamas 500 years earlier on 12 October 1492. That rush of attention will not spare Australia.

For some years western Europe - its governments and public interest groups - has drawn increasing attention to aboriginal rights worldwide. Groups like the International Working Group on Indigenous Affairs in Copenhagen and Survival International in London have done invaluable work through their investigations, documentation, lobbying and sponsorship of public forums. Australia has subscribed to various international principles on indigenous peoples, but the stakes are being raised now.

The east European revolutions of the past year have been driven by human rights as much as by consumer frustration. Often 'Helsinki groups' had provided the ideals and finally the sparks for liberation. One outcome now is a revival of the Helsinki process (formally called the Conference for Security and Cooperation in Europe, or CSCE). Soon all the OECD member countries except Australia, New Zealand and Japan will commit themselves through the CSCE to much stronger human rights criteria and to the international monitoring of the practices of each other. This new practice will become the measure in the world for all 'advanced' countries, including Australia, willy nilly. In other words, the international community is moving towards greater commitment to human rights, as it is to the environment, at a time when some Australians and their governments would like to say these are merely local matters and nobody else's business.

Australian Torres Strait Islanders and Aborigines have very good local reasons to take an interest and have a voice in world indigenous peoples' and environmental forums. They need the help of both to secure their own futures and to keep Australian federal, state and territory governments up to the mark. They also have valuable experience to share with others - experience which may help other peoples with similar or worse problems.

Northern regions in Australia and overseas are sources of new ideas and new ways of solving old problems of social, economic and political development. They are coming to maturity later than the southern regions of the same countries. They have the benefit of hindsight. If we build on past experience and current ideals, we may yet make these regions into the vanguard of national renewal. Just as issues like the global environment, human rights, responsive government and rational development are at their most clear-cut in the north, so are the opportunities for avoiding the mistakes of the past. When northerners meet with other northerners they do so not only as aggrieved minorities but also as pioneers.

In the world of research and scholarship, much fine work in Australia goes unknown in the wider world. Those who reach the northern hemisphere OECD countries find a ready audience. It will enhance Australia's image, overseas relations and intellectual product to join in the increasingly internationalist streams of northern development and aboriginal studies.

Australian politicians and officials should look upon international contacts as important problem-solving and information-sharing opportunities. They should be especially interested in the new forms of cooperation developing between the OECD countries with their 'northern territories' or hinterlands in the northern hemisphere and the Soviet Union. Australia shares many problems and outlooks with these countries and could share in solutions. Problems of northern development, especially aboriginal and environmental problems, can no longer be hidden. They are matters to be addressed - and whether we like it or not, it is all the world's business to see that they *are* addressed.

References

- Beckett J, 1987. *Torres Strait Islanders: Custom and Colonialism*, Cambridge University Press, Melbourne.

- Brower E and Stotts J, 1984. Arctic policy: the local/regional perspective, in Westermeyer WE and Shusterich KM (eds), *United States Arctic Interests, the 1980s and 1990s*, Springer-Verlag, New York, 319-344.
- Brundtland GH *et al.*, 1987. *Our Common Future: the Report of the World Commission on Environment and Development*, Oxford University Press, Oxford.
- Jull P, 1981. Diplomats of a New North, *Policy Options* 2, 2, 21-26. .
- Jull P, 1989. L'Arctique et l'internationalisme inuit, *Études Internationales* 20, 1.
- Lauritzen P, 1983. *Oil and Amulets*, Breakwater Press, St. John's, Newfoundland.
- NOU, 1987. *Samisk kultur og utdanning*. No 34 [Norwegian Public Reports], Kingdom of Norway, Oslo.
- Novosti, [1990]. *Ethnic Aspect of Perestroika — Association of Peoples of the Soviet North Set Up*, Soviet Embassy, Canberra.
- Paine R (ed), 1977. *The White Arctic: Anthropological Essays on Tutelage and Ethnicity*, Memorial University, St. John's, Newfoundland.
- Petersen R, 1985. The Pan-Eskimo Movement, in Damas D *et al* (eds), *Handbook of North American Indians, 5, Arctic*, Smithsonian Institution, Washington, DC.

THOUGHTS ON THE CHALLENGE OF NATIONAL UNITY

Peter Jull

The successful accommodation in industrial countries of northern regions with their unique cultural and geographic needs has its own rules. These regions and their imperatives do not necessarily fit comfortably into the accustomed homogenist assumptions of the modern liberal democratic state. In the preceding chapters we have looked at a number of examples of this phenomenon. But what of the imperatives of national unity?

As the Canadian experience since mid-1990 has shown, the state itself may be fragile, and the rights of indigenous minorities may appear threatening. Indeed, writing of the Canadian case, *The Economist* opined that moving to accommodate aboriginal rights in the national constitution has 'clogged' national politics ('Native Canadians: Why it's good to shoot first', 29 September 1990). This remarkable instance of blaming the victim may become typical where northern peoples and northern regions have not yet consolidated their place within national governing systems. In heavy seas national leaders will throw overboard all they can.

In Canada a constitutional reform begun anew in 1978 by the federal Prime Minister would, it was hoped, re-adjust the regional and national balance of powers and secure greater national harmony. To outsiders those objects may have been very modest, and to the regional communities most aggrieved - Francophone Québécois and Western Anglophones - and the social groups most clamorous for change - aboriginal people, women and minorities with historically bad experience at the hands of officialdom - they were utterly inadequate. Perhaps the many exits and alarms before a package of reforms was signed into law by the Queen in April 1982, were much ado about too little. Along the way the representations of Quebec were abandoned, a view shared by all parties in the Quebec National Assembly. Aboriginal people obtained amendments which have since proved their worth in stunning 1990 Supreme Court victories; as well, they were offered a conference process with federal and provincial heads of government to achieve further amendments, all this amounting to a reopening of the outcomes of European settlement in Canada. These conferences ultimately failed in their main purpose and Canada failed to maintain the momentum needed for social peace.

In 1990 a national constitutional pact (negotiated under circumstances of such stress that the results were widely questioned) faced a deadline for acceptance by Canada's federal and provincial governments. The Prime Minister had earlier thrown overboard 'extraneous' actors like the aboriginal people, women, the two northern territories and others whose principled and persistent criticism provided a focus for public doubts about the pact. Finally, in an ironic outcome, an Indian chief in a western legislature single-handedly denied the procedural move needed to allow the pact to pass. This act, viewed by some as vandalism and by others as an act of divine grace, sent a shudder through Canadian political society. That society had become so fragile, it seemed, that failure of one patched-together overnight agreement by 11 tired men had been the last chance. Now it would be next to impossible, commentators said, to save Canada from disintegration. In Quebec quiet steps began to be taken by even the most moderate elements towards a new dispensation. Elsewhere Canadians began to think more or less impractically about how to live together as what was once sarcastically called 'a confederation of shopping plazas', divided much of the year by miles of snow and an episodic postal service, living beside the petulant and paranoid giant, America. *The Economist*, in another bit of editorial whimsy, speculated that the disappearance of the

Soviet and Canadian federations might just be another working of 'the invisible hand', and nothing to get upset about ('Goodbye to the nation state?', 23 June 1990). Canadians, most of whom are individually proud to have achieved a society with a strong sense of community responsibility, compassion and the integrity of the rule of law, may be forgiven for disagreeing.

But have Canadians really achieved a community, or is it only 'two solitudes', one French-speaking and one English-speaking? Or is it several communities, several solitudes? Certainly the Inuit on election nights in the eastern arctic have no interest in results from the non-Inuit south-west of the Northwest Territories. An unbroken stream of idealistic and visionary French-Canadians have built modern Canada and its politics on the assumption that a culturally rich regional community in Quebec and a wider body Canada-wide for world affairs and economic management were utterly compatible. The sort of federalism which Canadians patched together in the middle of the 19th century through trial and error is today just the sort of two-level political society which is increasingly seen as the world norm (even by *The Economist*). So, it may be worth trying again.

It would be wrong to say that the 1990 armed standoff at Oka between the Mohawk, Algonquin and other Indian descent groups long settled together there and the uniformed forces of Quebec and Canadian governments was a blow to Canada of the same sort. For one born on that same Ottawa River bank in just such serene summer surroundings, glimpses on Australian TV could even be enjoyed for the trees and summer things beyond the tanks. But the events sparked by Oka were a pan-Indian, pan-Canadian reaction to the neglect and apparent gradual downgrading of aboriginal issues, most notably symbolised by federal diffidence on aboriginal constitutional revision. The crisis was remarkable for several reasons. Although Canadians had plenty of other things to worry about, many improbably sympathised with armed Indians defying the police and army. The fact that at issue was an extension of a white man's golf course onto Indian sacred burying grounds did little to justify resort to the rhetoric of state power. The predictable calls of the Quebec Premier and federal Prime Minister for stern obedience to the law sounded more than usually hollow for men for whom flexibility is king. The extraordinary resort to military force by two political leaders perceived to be weak in their own political base strained credulity. (In Norway ten years ago a similar attempt to deploy troops to crush an aboriginal rights and environment movement protest was quickly and publicly rejected by the then defence minister.)

The Oka incident had some wonderful cultural moments. Accusations were heard by usually sensible public figures that the English and the Mohawks were 'again' ganging up on the French. This apparently recalled the wars of the 1600s in what is now southern Canada. They did not mention that as late as the 19th century the Canadian French, Mohawks and English were happily massacring American armies together in the same regions and in defence of their right to live at peace with each other in their old lands.

But Oka also reminded Canadians that politically weak government was incapable of dealing with pressing issues, whether of social justice, the constitutional 'social contract' among regions and peoples, or maintaining national security. How the men who led (or fled) the Oka incident could be expected to summon the courage and public following to remake a viable Canada after the recent constitutional shocks is a mystery. The four western Canada premiers, a group of political bare survivors, have also been doing some heavy breathing about nation-building anew on their own Western terms. But unlike the cultivated, old, rooted, diverse politically and socially complex Quebec, the West has been able to assert few imperatives beyond its desire for material expansion with minimal restraint. It is this Western region which consistently shows the highest anti-aboriginal sentiment in attitude surveys, Quebec's people on the other hand being the most accepting Canadians of aboriginals. The growing readiness of Indian and Métis

people to play rough in response to the many hydro-electric power dam, oil and gas, mining and forestry projects by which Western Canada hopes to grow rich is redefining Canada's frontier development conventions. In the 75% of Canada's area beyond the agricultural or pastoral zone, aboriginal authorities are increasingly defining - by their opposition as much as by positive direction - the rules for resource management and socioeconomic development. Land claims settlements now reaching conclusion, none more than the Inuit Nunavut claim covering one-sixth of Canada, tie governments to an aboriginal conception of development and well-being which had been heard in official rhetoric but virtually never tried in official practice.

The constitutional *débâcle* of recent times in Canada has also attracted the attention of northern territorial governments. Perhaps because it was their aboriginal peoples who had made all the running on constitutional issues, they have plunged in. Their experience has not been a happy one. Protesting their exclusion from heads of government meetings, they have been even unhappier at outcomes which have slighted their ambitions. Until they are formally part of those meetings, they will always be thrown overboard at critical moments. The pact now defeated had ensured annual constitutional conferences of heads of government. Unwise as that proposal may be - inviting each province to try to recoup annually whatever slight to provincial pretensions it had suffered in its recent Supreme Court cases - it would give territories (and aboriginal people, and women, and minorities, and mayors) annual lobbying opportunities to get back into the game. These would succeed very quickly in the case of the territories, and probably in the aboriginal case as well.

The northern territories record on 'nation building' has been dismal. In the conferences between heads of government and aboriginal groups, the territories had more expertise and credibility than any others at the table, thanks to the size of their aboriginal populations (22% and 60% respectively). But they sat quietly, for the most part. They only became active when they had been thrown out again. Being in the team photo seemed to count for much more with them than ever getting up to bat.

Canada's crisis of national unity proceeds from a crisis of leadership more than of identity. Canadians are apt to think themselves too lacking in identity, although that is a choice they have made in light of their American neighbour's endless drum-beating: they are too much exposed to the fatuity of national self-congratulation to seek it for themselves. If there are two solitudes and many regional communities there are not lacking the persons in all communities - including Inuit and Indian and Métis ones - with the vision and will to create a new order. During the long slow death of the constitutional pact in 1990, a group of retired and other Canadians, not themselves practising politicians, tried to lead Canadian public opinion in support of the pact's attempted national reconciliation - the first time such a centrally political role had been assumed by non-politicians. The Oka standoff itself bred some new and unlikely heroes: individual Canadian army officers who were notably decent or helpful in dealing with their Indian opponents. The army is unlikely to take power in Canada, but it may be time for new leaders schooled in tundra, taiga, fields and streets to say to the current leadership, like Cromwell, 'In the name of God, go!'.

On the more widespread structural issue of how the modern states are to cope with the challenge of indigenous peoples and the reconstitution of their homelands, the way is clear. It is a merely false and self-serving national unity which is built on the deprivation of one social community by another. Where such former occupants are not positively massacred - as was tried with considerable effect in Australia and parts of the USA - they will inconveniently remember. The law may for a time succeed in denying the existence of their lives and ways of life, of the resources which were theirs and the forms by which they govern their families and groups. This legal self-deception occurs brilliantly and apparently unrepentantly to this day in Australia and is only now being formally and

finally exorcised in other OECD countries. Sooner or later, however, the marginal areas where the incoming tides of settlement and development are least persistent will see the reverse. This is happening in the northern territories of Australia's Queensland, Northern Territory and Western Australia; in Canada's Yukon and Northwest Territories, and the northlands of seven provinces from Atlantic to Pacific; in Alaska, Hawaii and parts of the western Lower 48; in Greenland; in the Faroe Islands; and in Lapland spanning the north of Norway, Sweden, Finland and Russia's Kola Peninsula. Thanks in no small part to the circumpolar movement of peoples led by the Inuit, the 26 Soviet northern peoples who are participating in a heartening social and political renaissance are now in touch with new friends abroad from whom they are gaining valuable support and ideas, both the Soviet state and Russian republic apparently supporting this opening.

If modern states experience the growth of cultural identity and political rights among their internal minority peoples as disintegration, it is of the most positive sort. As in some surgical procedures it is necessary to break a bone in order to promote its proper and healthy reconstitution, so in northern regions. Situations where peoples have been dispossessed and marginalised are being broken up and a new equality established. There are economic benefits for all persons in such regions, although governments may inevitably hear most from those who have most gained from the previous dispossession. Practically those interests may be compensated but morally they have no more claim than the beneficiaries of other crimes.

The minorities whose territorial homelands lie inside existing boundaries of modern states are unique. They are in no way comparable to immigrant peoples who migrated by choice into countries where they knew they would have to acquire new language and habits. The few non-aboriginal cases which may be comparable are, eg, released black slaves in Nova Scotia or released French-Canadian rebels sent as convicts after the 1837 rebellion to Australia.

If northern regions are to experience healthy development their uniqueness and special cultural background must be embraced within modern states. In the Northern Territory today, for instance, some few leading political figures recognise the opportunity to build a new society based on the aboriginal and multiracial, multicultural Darwin area histories. Unfortunately most political thinkers in Australia have an *idée fixe* about the necessity of making the Northern Territory an identical and homogeneous clone of the southern States, despite the fact that the national constitution specifically states:

121. The Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.

If ever there was an invitation to the peoples and interests in a region to work out an agreed social contract for enactment by national government, this is it.

In northern Canada the Dene Indian leader, now the national Indian leader, proposed to the Prime Minister in 1979 that just as each colony or region of Canada became a part of the federation on special terms, so the Northwest Territories should enter as two provinces on very special terms, namely the Dene and Inuit cultural and historical traditions of its two great regions. This idea was thought interesting and worth study, but the government fell soon after and the initiative was forgotten. Meanwhile leading Canadian constitutional practitioners like Gordon Robertson have seen the entwined political processes of land claims, aboriginal self-government and territorial constitutional development underway in the Yukon and two halves of the NWT as providing the politico-constitutional format for three very distinctive new Canadian governments with all but final equality in intergovernmental relations. (Robertson has

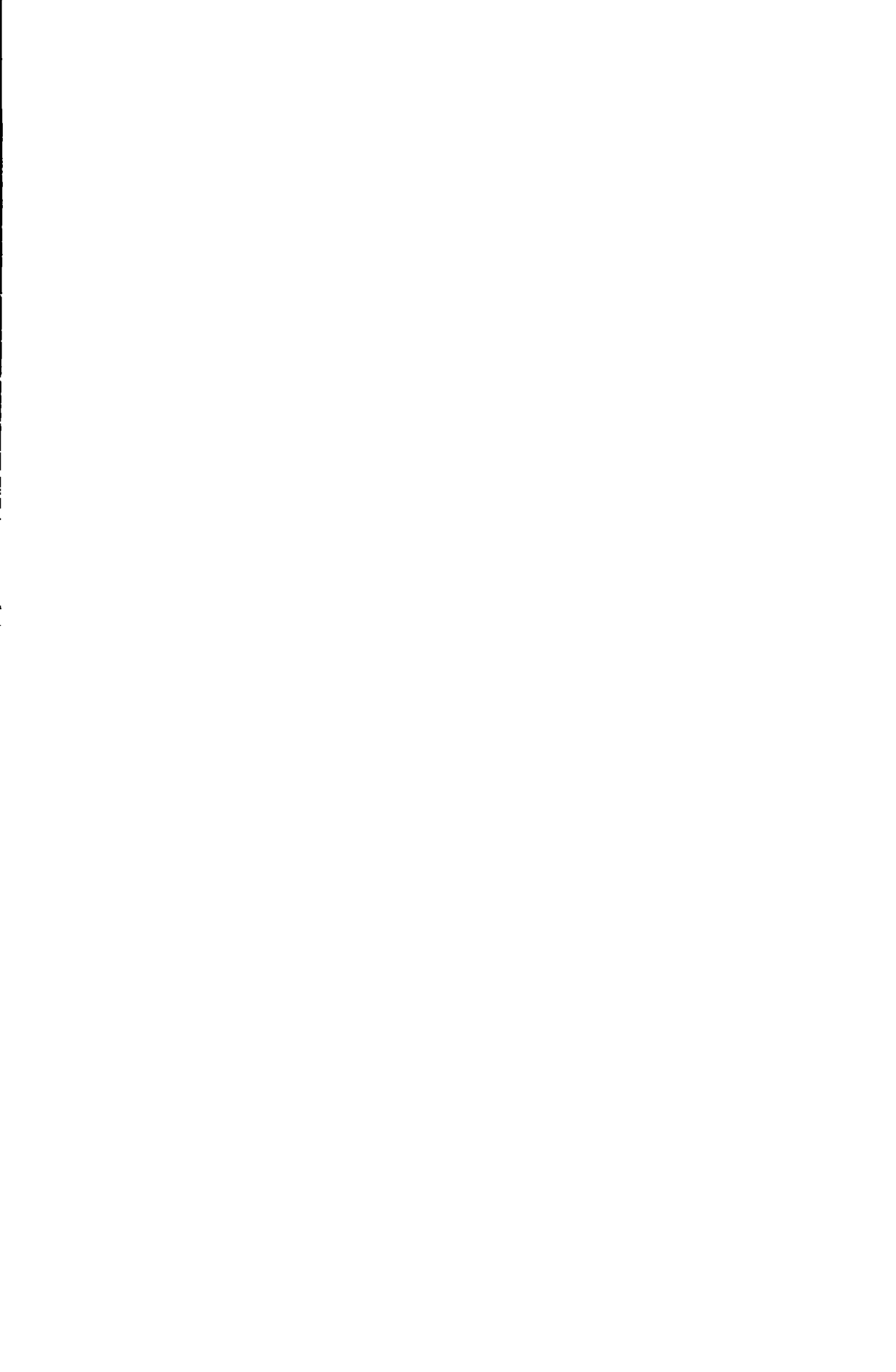
persuasively shown the practical obstacles to early provincehood for the northern three in his *Northern Provinces: mistaken goals?*, Institute for Research on Public Policy, Halifax, 1985.)

Modern states, and especially their great cities, are magnificent creations of pluralism. Nevertheless, in difficult economic times or other periods of uncertainty national majorities may call for narrow and ugly retreats into their particular tribalism - bring back hanging, force single welfare Moms out to work, make the Wogs speak English, get tough with 'economic migrants' (in countries where we all arrived as economic migrants!). These impulses are resisted by public leaders with integrity, but are always available to a few who are desperately in need of cheap support. Then we may hear calls to tear up treaties with aboriginal people, to abolish land rights, to cut off support for aboriginal programs, etc. Meanwhile our modern states thrive with many churches, political ideas, social and recreational groups, types of sport, as well as large private farmlands and large public parklands, and with infinite variety overall. The idea that small groups of remote aboriginal people enabled to continue unique social cultures on ancestral lands is threatening to the state is nonsense. The fact that in those northern hemisphere countries where the autonomy and self-government of indigenous people is most advanced there has been no dreadful calamity resulting, no disunity, no national fragmentation, and, indeed, where most of the public are little aware of the particular arrangements under which these remote groups live because the effects are so minimal, speaks for itself.

One may end with a plea to the majority for tolerance of diversity. Now that most of us realise that the linkages between environments and peoples with renewable resource and sustainable economies are worth much more study and protection, the defence of indigenous homelands, seas and islands should be easy. These pockets of diversity survive successfully in the midst of our dark satanic mills, while those mills daily fill our news with the latest toxic effects, deaths and birth defects in our cities and towns. The Brundtland Report states the matter clearly:

It is a terrible irony that as formal development reaches more deeply into rain forests, deserts, and other isolated environments, it tends to destroy the only cultures that have proved able to thrive in those environments [from Our Common Future, Oxford, 1987, page 115]

The early victims of Stalin's Russia were the poets. That most revered group in Russian culture was dying like flies - killed by the régime or driven to suicide. The canaries in the mines of our own society are the aboriginal people. In Canada in recent years there has been an appalling toll of the expressive and creative persons among Inuit, Indians and Métis. The aboriginal shaping spirits, the very people least derivative of the cultures of other continents and most able to reveal our distinct continental realities, are dying. Inuit, Haida, Kwakiutl, Algonquian and Iroquois artists have produced Canada's most exciting international art, and Aborigines have put Australia on the artistic map of the world. Yet in both Canada and Australia these artists have had a hard time to fight shy of the ethnographic galleries of museums to be accepted by officialdom as artists. We still undervalue aboriginal society. Now that we are making the last assault on the aboriginal northern and remote homelands through development and implicitly assimilationist policies, we may in fact be writing a fatal message on the wall of our own house. Perhaps the widespread Canadian support for the Mohawks, a support which astonished many aboriginal leaders, was a recognition of the need for a new world. The international lamentations and celebrations for the 500th anniversary of Columbus' first voyage in 1992, soon to swell into a chorus of shame and anger, may be an occasion for redefining national unity in the New World.



The north of Australia shares many problems with the cold regions of northern hemisphere countries. In this book a number of leading Australian authorities, together with international specialists, take a look at this remarkable similarity - and draw some surprising conclusions.

The oldest 'northern development' experience of all is Norway's thousand years of trial and error in Lapland. The Norwegians are still wrestling with problems typical of North Australia today, but in some matters they have lessons for the rest of us.

Other chapters look at recent and emerging trends in Alaska, in Canada's Yukon and Northwest Territories, and in the emerging new Canadian aboriginal Territory called Nunavut.

Some major themes are also explored across national boundaries - mining, economic development, land rights.

Included also are thoughtful pieces on the underlying trends and needs - and a look at the future - of the northern half of Australia.

The book provides much thought-provoking information for anyone concerned about the future of northern and outback Australia, and many ideas about how to make that future prosperous and peaceful for all races.