

Discussion Paper Concerning the Development of Principles to
Govern the Design and Operation of the Nunavut Government

Nunavut Implementation Commission
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PART I: Background

Since its inaugural meeting in January 1994, the Nunavut Implementation Commission has been concentrating on the identification of appropriate principles to shape the design and operation of the new Nunavut Government (NTG). This effort has focused on some of the specific issues falling within the Commission's mandate, such as the degree of centralization/decentralization of the NTG. It has also extended to broader questions, such as the best ways to bring about public involvement and confidence in the process of creating Nunavut.

Commissioners have been conscious of the tight interdependence of many of the issues bound up in the successful setting up of the NTG. They have also been conscious that practical logistical considerations, in the form of such things as construction lead times, argue for moving forward as quickly as is realistic.

With such considerations in mind, Commissioners began the work of suggesting relevant "principles" for the design and operation of the NTG at their meeting in Cambridge Bay in April. At that meeting, Commissioners adopted a number of principles in relation to

- * working in concert with others
- * the process for determining a capital for Nunavut, and
- * decentralization of the NTG.

These principles were set out in the communique issued by the Commission at Cambridge Bay.

The principles set out in the Cambridge Bay communique respected the principles contained in the 1992 Nunavut Political Accord, particularly those dealing with the administrative capacity and financing of the NTG.

In this discussion paper, the Commission is seeking to elaborate further on the Grafting of appropriate principles to guide the process of building Nunavut. With respect to some of the principles identified, a consensus of support now exists among Commissioners. Other principles are identified for the purpose of securing response and, in that sense, are as much "possibilities" as principles. In all cases, Commissioners invite reflection and reaction from all those holding responsibilities and opinions regarding Nunavut.

Commissioners acknowledge that many principles, however sound within their own terms, tend to compete or conflict when combined with others in a list. Commissioners also acknowledge that changes in public preferences, political circumstances, and logistical developments are likely to require continuing adjustments to be made in the choice, expression, and priority of principles. These factors argue for continuing flexibility and adaptability on the part of all those involved in helping to build Nunavut.

PART II: Identifying Relevant Themes

In identifying relevant principles to govern the design and operation of the Nunavut Government, it is helpful to construct a thematic framework. While a variety of frameworks could be used for this purpose, Commissioners have grouped principles around the following points:

Section A: The Process for Creating the NTG

Section B: Broad Principles Concerning What Kind of Government the NTG Will Be

Section C: Broad Principles Concerning the Administrative Organization of the NTG

Section D: Organizing the Nunavut Legislative Assembly

Section E: Making Government Operations Close to Regions and Communities

Section F: Making Best Use of the People of Nunavut

Section G: Strengthening the Nunavut Economy

Section H: The Evolution of the NTG

Section I: The Distinctiveness of Nunavut and Diversity within Nunavut

Section J: Neighbouring Jurisdictions

Section K: New and Emerging Technologies

Section L: Choosing a Capital

Section A: The Process for Creating the NTG

A1. The process for setting up the NTG can contribute to the strength and vitality of Nunavut, as will the new institutions and infrastructure that will be the results of that process. More specifically, the process should feature

- * active involvement of the Nunavut public
- * open exchange of information, ideas, and positions among organizations playing a role in the process
- * regular meetings involving organizations playing a role in the process (such as the Northern Leaders Meetings that have been held in Iqaluit and Rankin Inlet), with a view to defining and confirming consensus in a timely fashion on various policy choices concerning the design and setting up of the NTG, and
- * dissemination of information about the design and setting up of the NTG to Canadians living outside Nunavut and to the international community.

Section B: Broad Principles Concerning What Kind of Government the NTG Will Be

B1. The NTG will be a democratic government, with law making authority vested in the elected Nunavut Legislative Assembly and with ultimate accountability to the people of Nunavut.

B2. The NTG will be a responsible government, with its Executive Council (Ministers) appointed on the recommendation of the Nunavut Legislative Assembly and exercising executive authority based on its retention of the confidence of the Assembly.

B3. Consistent with the NTG being a democratic and responsible government, the timing of the appointment of an Interim Commissioner for Nunavut in the period prior to April 1, 1999, and the selection and mandating of an Interim Commissioner, should be supported by an adequate and demonstrated consensus among political leaders within Nunavut.

B4. Consistent with the course of political development in the North, the intergovernmental relationship between the NTG and the Government of Canada should respect conventions and practices that have evolved, and are evolving, to reinforce the political autonomy of the North.

B5. The NTG will be a public government, with participation in the political life of Nunavut open to all residents.

B6. The jurisdiction and activities of the NTG will take place against the backdrop of the Nunavut Agreement, which supplies the Inuit of Nunavut with constitutionally protected rights in relation to a number of matters, including the ownership and enjoyment of proprietary rights and participation in joint government/Inuit resource management bodies.

B7. Given the constitutional status of the Nunavut Agreement, and the relevance of its provisions to the majority of Nunavut residents, the planning process for the establishment of the NTG must conform in all respects to the letter and spirit of the Nunavut Agreement, including those provisions dealing with public sector employment and government contracts.

B8. Planning for the establishment of the NTG should be coordinated with the implementation of the Nunavut Agreement; this is particularly true with respect to the location of NTG offices and the offices of joint government/Inuit resource management bodies.

B9. While the "grandfathering" forward of existing territorial government laws into Nunavut will ensure legal continuity, it is important that the existing statute books are revised in a timely fashion to accommodate the scheduled creation of Nunavut. This is especially the case in relation to laws that should be substantially amended as soon as possible to reflect the Nunavut Agreement, such as territorial wildlife laws and federal fisheries regulations.

B10. The NTG will be subject to the application of the **Canadian Charter of Rights and Freedoms**.

B11. Inuktitut shall be an official language of Nunavut.

B12. Based on the Nunavut Political Accord, the financing of the creation and operation of the NTG should reflect the following

- * the funding by the Government of Canada of the reasonable incremental costs arising from the creation and operation of the Government of Nunavut, including infrastructure and training costs
- * the maintenance of financial stability
- * the maintenance of the scope and quality of government services, and
- * the conclusion of an appropriate formula based financing agreement between the NTG and the Government of Canada, effective April 1, 1999.

Section C: Broad Principles Concerning the Administrative Organization of the NTG

C1. The administrative structure of the NTG should be consistent with the responsibility and accountability of the Legislative Assembly and Executive Council (Ministers).

C2. The administrative structure of the NTG should be as simple as possible, in keeping with the relatively small population of Nunavut.

C3. The scope and quality of territorial government programs and services should be maintained at least at pre-Nunavut levels.

C4. Territorial government programs and services should be delivered fairly and equitably throughout the various regions and communities of Nunavut and, more specifically, should be of similar standards in communities of similar size in Nunavut.

C5. The interests of both the residents of Nunavut, and of Canadians as a whole, will best be served by a NTG that operates efficiently and effectively. Efficiency and effectiveness can be pursued by designing the NTG

- * to avoid duplication and overlap in the provision of government services
- * to make best use of existing facilities, infrastructure, and related services
- * to emphasize the recruitment into the NTG of persons currently resident in Nunavut and to avoid a sudden influx of persons from outside, and
- * to adopt sensible plans for building up the administrative capacity of the NTG at a manageable rate.

C6. The NTG will be an Arctic government operating in a high cost part of Canada, and its finances and its administrative design and capacity should reflect this.

C7. The NTG will be a government operating within the circumpolar world, and it should be equipped with the ability to develop relations, consistent with Canada's overall foreign policies, with other parts of the circumpolar world.

Section D: Organizing the Nunavut Legislative Assembly

D1. Recognizing that the first elected Nunavut Legislative Assembly will be able to make changes to the number and boundaries of assembly constituencies, it would be sensible to use the existing eastern and central Arctic constituency boundaries for the organization of the first Assembly elections in 1999. Additional representation might be warranted for Iqaluit, on account of its size, and the Belcher Islands, on account of their geographic detachment from the rest of Nunavut. These considerations would result in the first Nunavut Legislative Assembly having between 10 and 12 elected members.

D2. While the permanent chamber of the Nunavut Legislative Assembly will be located in the capital, it is important that the Assembly sit, with some frequency and predictability, in the different regions of Nunavut. This can best be achieved by ensuring that each of the regions is provided with appropriate facilities (including interpretation equipment, adequate computer hook-ups for assembly staff, space for the public and journalists) to allow the Assembly to sit in a designated location in each region from time to time.

D3. The existence of a designated location in each region having facilities adequate to house the Nunavut Legislative Assembly on a regular basis should not preclude the Assembly sitting, on an exceptional basis, in other communities.

D4. The permanent chambers of the Nunavut Legislative Assembly should be made readily accessible to the public, and might usefully be connected to other facilities/spaces of a institutional/commercial nature that are well used by the public.

Section E: Making Government Operations Close to Regions and Communities

E1. Without detracting from the need for a capital, the NTG should be a decentralized government, with conscious efforts made to distribute government functions and activities across the regions and communities of Nunavut.

E2. The extent of the NTG's decentralization should not be constrained by the way in which the Government of the Northwest Territories (GNWT) is now organized, but should take into account existing administrative capacity that has been built up in the regions and communities of Nunavut.

E3. The unity of Nunavut would be promoted by organizing departments of the NTG along functional (e.g. renewable resources, housing) rather than geographic lines (e.g. departments for Baffin, Keewatin, Kitikmeot).

E4. The organization of departments along functional lines should be accompanied by delegating as much authority as possible to NTG officials working at the regional and community levels.

E5. The Nunavut Legislative Assembly will have law-making authority over regional and local councils, and questions of whether to devolve significant new legislative and financial powers to regional bodies and community councils could readily be reserved for debate by the members of the new Assembly.

E6. Reserving major decisions about re-defining the future roles of regional and local councils to the Nunavut Legislative Assembly need not entail interfering with the continued transfer of administrative powers and resources in the period up to 1999 to those councils interested in doing so. The initiatives undertaken in this regard by the municipal council in Cape Dorset should be closely reviewed by other communities.

E7. The reality of regional diversities and identities in Nunavut should be translated into a design for the NTG that results in the government offices of the NTG being allocated fairly among the regions.

E8. The people of Nunavut today usually think in terms of three constituent regions within Nunavut, namely, Baffin, Keewatin, and Kitikmeot. For the purpose of a fair allocation of the government offices of the NTG, however, it might be preferable to think in terms of four regions, namely, North Baffin, South Baffin, Keewatin, and Kitikmeot. It might also be preferable to consider the Belcher Islands to be a distinct sub-region warranting special consideration in the allocation of government activities.

E9. For the purpose of a fair allocation of the government offices of the NTG, it might be desirable to seek to locate approximately equal proportions of the offices in each region, with some special consideration for Sanikiluaq.

E10. "Central agency" type functions (such as the offices of the Commissioner, Clerk of the Assembly, Cabinet secretariats, and the departments of justice and finance) should be concentrated in the capital.

E11. Apart from central agency functions, it could be desirable to combine government headquarters operations into a number of thematic groups (for example, "people ministries" such as health, education and social services, "land and resource departments" such as renewable resources, energy and economic development, and "services departments" such as housing and transportation). Each grouping could be situated in a different region.

E12. It would be desirable to examine whether the number of departments currently within the GNWT needs to be replicated for the NTG. For the purpose of running a "leaner" government, it could be advantageous to merge various departmental functions into a smaller number of departments.

E13. In the event that groupings of departmental headquarters are allocated across the regions of Nunavut, considerations of coherence and efficiency might suggest that each grouping be "clustered" in one particular community designated as a regional centre. Logically, a community chosen as a regional centre for this purpose would be the one in a region with the best existing infrastructure. In some regions, however, there might be convincing reasons to locate various departmental and agency headquarters outside regional centres.

Section F: Making Best Use of the People of Nunavut

F1. The success of the project to set up the NTG will be measured against the degree to which Nunavut residents make up the bureaucracy of the NTG.

F2. The Nunavut Agreement sets out a clear objective in relation to Inuit participation within government employment in Nunavut, namely, "to increase Inuit participation in government employment in the Nunavut Settlement Area to a representative level" (that is, to a level of Inuit employment at least equivalent to the proportion of Inuit to the total population of Nunavut). Given its constitutional status, this objective must be the starting and consistent reference point in all activities associated with the design and staffing of the NTG.

F3. Currently, the rate of Inuit employment within Nunavut by the GNWT is somewhat less than 50%, and Inuit are concentrated within the unskilled and semi-skilled job categories. In staffing the NTG, the current situation should be seen as a floor on which steadily improving results will be constructed.

F4. A phased build up of the administrative capacity of the NTG must take squarely into account the factor of local recruitment. Any schedule for phasing in of administrative capacity by the NTG must result in

- * significantly improved Inuit and local recruitment results, and

- * no negative consequences for the quality of government services.

F5. Federal government undertakings for meeting the incremental costs of establishing the NTG should include the substantial costs associated with providing educational and training programs adequate to move towards and, over time, fulfil the objective of having representative levels of Inuit employees in the federal government, territorial government, and municipal work forces of Nunavut. Such costs should be attributed to the implementation of the Nunavut Agreement as well as with reference to the division of the Northwest Territories.

F6. Job categories and descriptions within the NTG should be based on genuine skill requirements and be purged of unnecessary references to minimum levels of educational achievement. Appropriate weight should be given to the degree of motivation of job seekers and to their knowledge of Nunavut's culture and command of Inuktitut.

F7. The NTG should be designed to permit, and in many circumstances promote, part-time and seasonal employment and job-sharing.

F8. New and enhanced training programs geared towards the staffing of the NTG must build on existing institutional and organizational actors such as Arctic College, NITC, ATII, etc. Programs should draw on the strengths of communities, particularly in the provision of cross-cultural orientation to those new employees of NTG recruited from outside Nunavut.

F9. Without detracting from current efforts, new and enhanced training programs should be built into the overall plans for the NTG submitted for approval by the federal Cabinet, and such programs should commence immediately upon such approval. All such training programs should be based on realistic objectives and effective follow-up and monitoring and should not result in the paper fulfilment of artificial quotas

F10. Training programs leading to and following the establishment of the NTG should discourage an intensity of competition among government departments and agencies for promising individuals that results in disrupted and incomplete pursuit of training activities.

F11. Training programs are unlikely to be effective unless the educational system becomes more successful at graduating young people with adequate levels of basic knowledge and skills. A communications plan should be prepared in co-operation with educational authorities and introduced into the educational curriculum that is aimed at convincing young people of the importance and advantages of acquiring adequate education.

F12. The physical design of new government offices should emphasize accessibility by the public and service to the public.

F13. The physical design of new government offices should emphasize the requirements for in-house training by government departments and agencies and for close collaboration with educational and training facilities operated outside government.

F14. The physical design of new government offices should emphasize the needs of children and parents of children, including the need for government employees to have access to child-care services.

Section G: Strengthening the Nunavut Economy

G1. The Nunavut economy will best be served by a NTG that delivers government services efficiently and effectively, that draws its work force primarily from Nunavut, and that operates in harmony with a diverse and robust private sector. All aspects of planning for the NTG should be guided by such considerations, including approaches taken to

- * the number, responsibilities and decentralization of departments and agencies
- * the recruitment, training and compensation of employees, and
- * the use of the private sector to deliver services to the public, consistent with public preferences and mindful of the need to maximize recruitment of Nunavut residents.

G2. While the NTG will be an important and valuable part of the economy of Nunavut, Nunavut will be best served by an economy that represents a mix of public sector and private sector activities. For that reason, and for others, it is desirable

- * to give careful attention to ways of delivering government services through private sector actors
- * to design new infrastructure with private sector needs and opportunities in mind, and
- * generally, to encourage private sector investment in Nunavut.

G3. Full respect must be accorded by the federal and territorial governments to the government contracts provisions of the Nunavut Agreement.

G4. The highest possible proportion of government awarded contracts associated with the establishment of the NTG should go to Nunavut-based and other northern businesses. A role must be given to the GNWT and/or Nunavut organizations in the design and sub-contracting of major infrastructure projects.

G5. Infrastructure installed to facilitate the operations of the NTG should, to the extent possible, be designed so as to contribute to the growth of the private sector. In particular, attention should be paid to promoting the tourist industry through the construction of conference and meetings facilities suitable for use by persons in addition to government employees.

Section H: The Evolution of the NTG

HI. A number of factors must be taken into account in striking an appropriate balance between the need to effect the early and complete administrative gearing up of the NTG and the need to do things in a orderly manner

- * most importantly, the uninterrupted and undiminished continuation of government programs and service at "ground level" in Nunavut
- * the objective of relying heavily on the residents of Nunavut Co run the NTG
- * the lead times required in order to convert the most appropriate administrative design of the NTG into the necessary physical infrastructure, and
- * the requirement to plan in a way that is mindful of both the high cost of supplying government programs and services in the Arctic and the constraints on federal government finances.

H2. As provided in the Nunavut Political Accord, the NTG must be equipped at its coming into operation on April 1, 1999, with the administrative capacity

- * to establish and maintain the Legislative Assembly and Executive Council
- * to manage the financial affairs on Nunavut
- * to secure independent legal advice for the NTG
- * to undertake personnel recruitment, administration and training in relation to government employees
- * to maintain certain aspects of public works and government services
- * to support municipal affairs, and
- * to provide education programming as part of a comprehensive human resources development plan.

H3. The administrative functions referred to in the preceding section should be approached as a minimal core of administrative capacity to be in place by April 1, 1999, and not a pre-determined target. The questions of how much additional administrative capacity should be in place in 1999, and how quickly Nunavut-based administrative capacity should build up afterwards, must be decided on practical grounds. Importance should be attached to building up the NTG's administrative capacity with respect to resource management and the renewable resource economy.

H4. Priority should be given to negotiating fair and workable intergovernmental agreements and/or private sector sourcing contracts prior to April 1, 1999, which will provide for continuity in government programs and services in relation to those matters where the NTG will lack initial administrative capacity.

H5. Priority should be given to creating an effective bureaucratic apparatus within the NTG for the negotiation and implementation of intergovernmental agreements and private sector sourcing contracts for the provision of government programs and services after April 1, 1999.

H6. Early attention should be given to questions surrounding the transfer of employees of the GNWT to the NTG before or after April 1, 1999, including the application and negotiation of current and new collective agreements.

H7. The Nunavut Legislative Assembly and NTG should benefit in like measure as the Mackenzie Valley region from the devolution of any legislative, administrative, or proprietary powers to the North in the period prior to April 1, 1999, notably in relation to energy and mineral issues.

Section I: The Distinctiveness of Nunavut and Diversity Within Nunavut

I1. The NTG must be capable of employing Inuktitut as a working language of administration at all levels, and of providing programs and services to the Nunavut public in Inuktitut and in Canada's official languages.

I2. Attention should be given to the issues involved in the standardization of oral and written forms of Inuktitut with respect to the operations of the NTG.

I3. Encouragement should be given to the early realignment of transportation and communications networks in Nunavut to accommodate the emergence of the new territory and government, without detracting from existing links. A CBC radio station should be established in the Kitikmeot region prior to 1999.

I4. The architecture and interior design of new office buildings and other facilities for the NTG should be sympathetic to the cultural identity and history of Nunavut. A small, fixed percentage of the value of all building contracts should be devoted to the acquisition and display of works by Nunavut artists.

Section J: Neighbouring Jurisdictions

J1. Many factors favour the maintenance and enhancement of co-operation between the governments and peoples of Nunavut and those of adjoining jurisdictions, including

- * in general, the need to maximize the efficiency and effectiveness of the NTG and, in particular, the need to obtain certain goods and services from outside Nunavut that are not available from within Nunavut, and

- * the desirability of sustaining and developing shared bonds of geography, history, and family and personal relations.

J2. Co-operative arrangements between the NTG and other governments in relation to the sharing of administrative programs and services must be mutually beneficial and be subject to periodic review and revision in order to ensure that this is so.

J3. Where reasons of efficiency and effectiveness are compelling, and issues of political responsibility and accountability can be adequately dealt with, the delivery of some government programs and services might be delivered on a joint Nunavut/Western basis indefinitely into the future.

J4. For at least the initial period of its operation, the NTG may find it desirable to have a number of its employees based outside Nunavut, notably in Yellowknife.

Section K: New and Emerging Technologies

K1. Full advantage should be taken of new and emerging-technologies in order

- * to facilitate the coherent operation of government departments and agencies that are distributed across the various regions of communities
- * to accommodate distance education and training programs and
- * to provide open access to government information banks (subject to specific exceptions).

Section L: Choosing a Capital

LI. As set out in the communique issued by the NIC earlier this year, the following factors are relevant to the selection of a community as capital of Nunavut:

- * existing infrastructure, services and amenities
- * potential for additional infrastructure, services and amenities
- * existing and potential transportation links within Nunavut and outside Nunavut
- * cost of living in the community
- * position/accessability within the overall circumpolar region
- * attitude of the population of the community, taking into account its social, cultural and economic priorities
- * the extent of regional support, and
- * climate.