

# THE ROLE OF NORTHERN MUNICIPALITIES IN ABORIGINAL GOVERNMENT

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This paper addresses the role of municipal governments in northern Saskatchewan and the potential for predominantly Aboriginal municipal governments to facilitate the evolution of Aboriginal self-government or self-determination.

The importance of local government in Saskatchewan is best understood when one recognizes the diversity of its people and the expanse of its geography. Each community and area has a character of its own, unique to the individuals who live there and the resources available to them. Local government enables people to exercise democratic control and initiative in their own affairs, and to take responsibility for their own destiny.

Municipal governments differ from provincial and federal levels of government, in that they are not constitutionally entrenched. They are a product of provincial statutes that give them definition and set out their jurisdiction, authorities and responsibilities. In Saskatchewan, the major statutes from which municipal governments derive their authority are *The Urban Municipality Act*, *The Rural Municipality Act* and *The Northern Municipalities Act*.

The evolution of autonomous local governments in northern Saskatchewan was much slower than in the rest of the province. *The Northern Municipalities Act* was not passed until 1983, fully one hundred years after the first local governments were established in southern Saskatchewan. Although northern Saskatchewan covers approximately 50 percent of the province's land mass, only 3 percent of the province's population, or approximately 30,000 people, reside in the North. It is estimated that 80 percent of the northern population is of Aboriginal ancestry, split evenly between Indians living on reserve, and Métis and Indians living off reserve.

The majority of Northerners reside in thirty-eight northern municipalities, which range in size from 40 to 2,800 residents. Populations of almost all of these municipalities consist of Métis, Indians and non-Aboriginal

people. However, most of the municipalities are predominantly Aboriginal, some having larger Indian populations and some larger Métis populations. Northern municipalities include ten settlements that are administered by the province; thirteen hamlets that operate autonomously but do not have taxing powers, and thirteen villages and two towns that have autonomous local governments with a variety of authorities and responsibilities delegated by the province.

There are few differences between *The Urban Municipality Act*, which applies to southern communities, and *The Northern Municipalities Act*. Differences relate mainly to unique northern circumstances—the need for some continuing involvement of the provincial government in the administration of northern settlements and the need for a revenue source supplementary to a tax base. Because northern communities have a limited tax base compared with southern municipalities, the operating and capital requirements of northern municipalities are substantially supported through the Northern Revenue-Sharing Trust Account. Revenues from northern provincial Crown land dispositions, including mineral leases, resource land permits and revenues from land sales, flow into a revenue-sharing account, which in turn provides operating and capital grants to municipalities.

If you ask municipal leaders in northern Saskatchewan, they will tell you that they already have a form of self-government that is representative of and accountable to the residents of their communities. These local governments are clearly not the self-governing nations envisioned by many Aboriginal leaders, but they are “governments” in the true sense of that word, and they are populated by communities of people who have the potential to carry forward the imperative of Aboriginal self-determination.

Autonomous northern municipalities, like their southern counterparts, have their own elected councils and mayors. Councils in the North generally reflect the northern population and are thus predominantly Aboriginal. They are empowered to make laws, known as bylaws, related to the municipality being governed and to raise finances for local activities through taxes, levies on businesses, license fees, utility fees and fines.

Northern municipalities have jurisdiction within municipal boundaries. Their powers are generally related to the development and maintenance of a safe and pleasant environment for residents—to peace, order and good government at the local level. Major services include fire protection; sanitation and public health; local traffic rules; business licensing; building and maintaining local streets and roads; providing recreation facilities; constructing and maintaining sewer and water works; and ensuring orderly and appropriate business, residential and industrial development through planning and zoning rules.

Whereas southern villages and hamlets are mostly involved in provid-

ing basic municipal services, northern municipalities get involved in a far greater range of services—everything from identifying community training needs to job creation activities to administering fine-option programs. They organize economic development organizations, local construction companies and resource co-management groups. They lobby for jobs and contracts with industry and negotiate for social housing, alcohol treatment and child care programs for their communities.

As the most stable, accessible, democratic institution currently in existence at the community level, northern municipalities are expected to play a lead role in the social and economic development of their communities.

If there is a frustration with current legislative and financial arrangements for northern local governments, it is in the lack of recognition from senior governments of the unique, often desperate, situation in northern communities, of the critical role played by local government institutions, and the lack of sufficient resources, authority and support systems to address community needs and expectations.

As local governments, northern municipalities are subject to a number of democratic controls and safeguards:

- ♦ their decisions are subject to the *Canadian Charter of Rights and Freedoms*;
- ♦ local elected and senior appointed officials are subject to conflict of interest legislation;
- ♦ all council meetings must be open to the public and to the press;
- ♦ minutes of meetings must be available to the public;
- ♦ any member of the public or interest group has the right to present a petition and receive a hearing at council meetings;
- ♦ freedom of information legislation requires local governments to provide citizens access to a wide range of local government documents, and
- ♦ municipalities are required to produce annual financial statements.

These autonomous local government structures could be the institutional foundations on which new arrangements for greater community self-reliance and self-determination are built. In many ways, northern municipal leaders are already taking actions to enlist the support of federal, provincial and Aboriginal governments for new relationships that would be more responsive to community needs and that would allow greater opportunity for community people to influence the delivery of local programs and services.

There are examples of municipalities here and in other parts of Canada that have locally delivered a broad range of services, including justice services,

social services, health services and education. It is possible within municipal legislative frameworks to accommodate local or regional needs and interests. I recognize that northern municipal structures fall short of the vision of self-governing structures that is emerging in discussions amongst Aboriginal people. Municipal structures do not have constitutional status. They have no authority to independently negotiate arrangements with the federal government. Their land and resource bases are limited. They are structures contrived by non-Aboriginal people. And their jurisdiction is very limited.

Nevertheless, we have been talking a lot at this conference about the urgent need to move beyond rhetoric, about the need for pragmatic approaches and actions and the need to find avenues that are open to Aboriginal people to pursue their quest for greater self-reliance and self-determination. We could consider recognizing the self-governing possibilities of northern municipalities and using them as foundations for building new arrangements. We could consider exploring not only how federal, provincial and Aboriginal governments can work together toward justice reform, but also how the process could be enriched through the involvement of northern municipal governments. We could consider finding ways to support local governments and thereby allow for growth in self-sufficiency, self-determination and democratic processes at the community level. Municipal structures are in essence a legislative framework for the empowerment of communities of people and should be given full consideration in the quest for solutions.

It is my hope that we will all be able to look back at this Conference as an important event where commitments were renewed, new ideas were generated, effective actions were spurred and—most importantly—productive working relationships between all of us were improved. Responsibility for the future rests in the hands of the people who have attended this Conference. It will be important to take back our renewed energies, ideas and new relationships to share with other members of our respective communities. Together we can work to influence the definition and emergence of this concept of Aboriginal self-government or self-determination in a caring and just society.