DAWJ-12

25 September 1970

COMMENTS ON THE YUKON CONSTITUTION*

Provincial Status and Ottawa

The Yukon Council established a committee "to prepare and forward memorials to the Government and Parliament of Canada praying that the Yukon Act be amended so as to confer greater powers on the Yukon Council than at present possessed...."

That was in 1909. The history of the Territory is littered with such complaints.

The assumption of these articles is that little substantial change is coming for the Yukon's legislature and that the road to responsible government, to provincehood, and to resource control will be a long one. And the longer that road the less likelihood of reaching the goals we now anticipate.

The hasard of this prognosis is that it may be inaccurate and that these articles will turn out to be an irrelevant, academic exercise. The risk is that the suggestions and arguments made here may be dismissed because they are unpalatable and, therefore, unthinkable.

It is also, for these times, a rash prediction to forecast a long delay in provincial status for the north. It flies in the face of what is, apparently, declared Ottawa policy for the evolution of northern governments and it goes against compelling patterns of a hundred years of province-making in Canada. It overlooks, as well, recent formative developments in the north both in government and in industry.

But, in spite of this evidence and precedent, the suggestion of these first two articles is that there are not only impediments in the way of full provincial status for the Yukon but forces in Ottawa, in industry, in the provinces, and in the trends of our evolving federal and economic structures which may work increasingly against traditional concepts of northern autonomy.

What are these factors which could retard or change our accepted notions of northern constitutional development?

For Ottawa, the north is a liability and a handicap. It is a national commitment which, in the past, has brought more problems than opportunities. And the old problems persist today: issues of sovereignty, strategy and poverty; issues which the central government believes must be its concern.

* This newsletter first appeared as a series of articles in <u>The</u> Whitehorse Star in July and August of 1970. They are reproduced From Ottawa's point of view there are still few truly local problems in the north. The difficulties of the Indians and Eskimo, the striving for economic parity in the Territories, the development of northern strategic resources and international communications, the need for, and the cost of, arctic research and survey, and most recently, the new perspectives for ecological disaster in the bush and on the tundra, are all matters that will involve Ottawa in northern affairs in the future.

It is no accident that Canada's northern administration has been and is being shaped and directed in large part by men from the Privy Council office and from the Departments of External Affairs and National Defence.

Events are drawing Ottawa northwards. The practical effect of this will be to strengthen federal involvement in the north and to work against, not in favour of, northern provinces.

It is logical to argue that these national responsibilities should not prevent or work against the growth of northern autonomy. But they probably will. Abdication is an unnatural act for governments. It is usually forced on them and when it happens it is either because they have lost interest or because they have been out-manoeuvred. Neither is likely to happen in the north for many years <u>first</u>, because Ottawa's northern administration now has a self-perpetuating momentum of its own and, <u>second</u>, because Canadians are pushing their federal government towards a greater northern commitment.

And third there is probably little real support in the country for northern provinces. Our constitutional problems are not the stuff of national politics.

Rightly or wrongly, it is probably an unvoiced opinion in the federal government that what the north requires now is national policy and national action and that the need for local autonomy is a priority which must and can wait.

In 1883 when Sir Charles Tupper was Dominion Minister of Railways and planning policy for the C.P.R. and the opening of the west he said this:

"Are the interests of Manitoba and the North-West to be sacrificed to the interests of Canada? I say, if it is necessary, yes."

We can expect the same point of view from Ottawa in the 1970's.

Provincial Status - Industry and the Provinces

Will private enterprise - on the scale needed by the north become an advocate and ally of northern autonomy? Would northern provinces suit the purposes of large corporations?

Probably not. Local governments are often the most demanding when it comes to levying royalties. (In the Prairies, before 1930, one criticism of Ottawa's stewardship of resources was that the Federal government was not charging the private sector what the market would bear for the lease and sale of land rights). And local communities are usually the most resentful of big business in their midst. For decades in the west local voters wanted to get railway policy away from Ottawa in order to whittle that "bloodless, monopolistic corporation" the C.P.R. down to size. It is one thing for the north to want to woo and win investment northwards and another thing for a successful big business to live with the north.

Resource industries may also prefer to deal with a senior, wealthier government for the provision of local services and infra-structure. A local government with limited funds will tend to skimp on these vital expenditures because they have to justify every expense to local taxpayers. Now, this justification is mainly an unemotional exercise between disinterested civil servents in Ottawa.

Governments must supply not only services but the largest share of risk capital for the north as well. Northern development is as much a financial gamble for Ottawa as for private enterprise. Ottawa will always have more money to risk than Whitehorse or Yellowknife. If the Canada Tungsten mine had remained closed after 1965 the cost of the Cantung road would have been buried in Ottawa's books and forgotten in a few years. If the Yukon or the Northwest Territories had been the sole backer that road would have represented a major financial failure with long consequences and recriminations. C. D. Howe once said "What's a million?" It may have been politically inept but it demonstrated Ottawa's calibre in matters of money.

Private enterprise may also prefer resource control by a senior government because industry itself demands and needs the protection of a stable environment. It needs to be buffered against major fluctuations in the climate of markets, purchasing power and money supply. This implies economic planning and agreements not only within a nation but among nations. The government to provide this protection and to engage in international horse-trading is in Ottawa.

The local ownership of resources anywhere is no longer enough to ensure the successful and profitable development of those local resources. Nor is it enough to ensure local prosperity. The north has a narrow economy based on the export of a small range of resources. This spells vulnerability. A mine like Anvil may not be a symbol of approaching independence but of a looming inter-dependence of international producers and purchasers.

What about the provinces? Where will they stand in future wrangles about northern government? Will they want two more provinces at the national bargaining table or will they gain more if the revenues from a hypothetical profitable north were controlled by a national government? And will some provinces prefer provincial northward expansion to make the Territories part of their own backyards?

Is this many-tiered federal system itself going to change; a system adapted to Canada one hundred years ago and borrowed, in part, from a two hundred year old American model? Is a federal system going to continue to be a necessary adjunct to the democratic process in a society where the science and techniques of communication change our inherited patterns of decision-making? Will the words "centralized" and "decentralized" lose their present significance? Will political boundaries within Canada regroup into regions of economic interests? Should we take it for granted that the constitution of 1867 will be binding on a north of 1990? We may be agitating for an out-of-date economic and political model.

None of the arguments or suggestions of these first two articles is a conclusive or even convincing case against autonomy in the north. The force and significance of what I have said is this:

- (i) In 1970, provincial status for the north is an issue surrounded by national indifference and inertia, and:
- (ii) It is one issue in the north which is probably going to remain a local issue.

History: 1837 ?

In the Yukon the arguments for responsible government often draw on the example of the Colonial Assemblies and on the struggles for home rule in Upper and Lower Canada between 1818 and 1849.

Canadians have persistent notions about 1837 and the phrase "Responsible Government". They remember the Family Compact, the Ninety-Two Resolutions, the Rebellion Losses Bill and Lord Durham's Report. To Canadians at the time it was democracy, home rule, religious freedom, fiscal control, high church against non-conformist, public education, tory against radical and competition between a rising frontier middle-class and the vested interests of securely established gentry. To French Canadians it was separate identity, the "determination to preserve their nationality." To all Canadians it was a remedy for all grievances. It was one of the "four great and decisive events (which) shaped the constitutional system of the country."

It became as well, a pattern for the Commonwealth. "The demand of the people of Canada for responsible government precipitated one of the greatest crises in the history of the British Empire". We translated to an empire the story of that slow, eventful evolution of Parliament, Cabinet and Common Law in Britain and found the means of passing on the beliefs of Charles James Fox, Edward Gibbon Wakefield and John Stuart Mill to Canberra and Wellington and eventually, for good or bad, to New Delhi, Colombo and Karachi.

But how relevant is this formative episode in our history to the north today? We so easily dub the Yukon's constitution as "colonial" and assume that we have the same battles to fight as Mackenzie and Papineau. It is a comparison more glib than accurate, and more misleading than enlightening. It is reminiscent of Napoleon's homily: "What is history but a fable agreed upon?"

The colonial elected Assemblies laboured under disabilities greater than those imposed on the Yukon Council today.

- A. The Assemblies had to share the legislative role of government not only with the governor but with appointed Executive and Legislative Councils; both bodies selected by the governor and both with exclusive, wide-ranging powers which included such vital functions as the audit and the supervision of land grants.
- B. The Assemblies had a voice in the control of only a small part of the colonies' revenue and expenditure. The governor had important sources of local revenue beyond the influence of the Assemblies and could administer local government without legislative approval.
- C. The civil service in the colonies was the governor's; selected beyond the control of the legislature and law and often not dependent on annual voted budgets.
- D. The judicial function, which we accept as separate and separated from the executive was, in fact, in some ways an integral part of the governor's prerogatives - not a matter beyond his influence and frank control.
- E. There was no clear idea of a governor having a dual role in the colony; of acting in some matters for London and in other internal matters on the sole advice of a local elected cabinet. This was a highly contentious issue in London in 1837; an idea "entirely incompatible with the relations between the Mother Country and the colony", in the words of a Celonial Secretary of the day. In 1839 The Times called the suggestion "twaddle".

F. The Assemblies, themselves, did not owe their strength to universal adult sufferage exercised through a secret ballot. This lack of widely based power may have been their greatest weakness since they could never effectively claim to or try to represent anything but faction.

Behind and beyond these specific facets of the colonial constitutions were social and economic forces of the era which may better explain the colonial revolts than the actual style of government itself. After 1812, Canada was typified by debt, depression and economic stagnation. Life in those puny, backwood colonies reached a pitch of despotism, factionalism, ineptitude, sordid administration, bitterness and hatred which was unique to time and place. Those frontier societies substituted partisan and personal frenzy for a sense of purpose. They lacked the common goals, the fundamental consensus, the cohesiveness of mutual interest which, by and large, and despite appearances, are characteristic of the Yukon today.

And 1837 was class war; the privileged with a monopoly of wealth and on the means of achieving more wealth. Poverty is part of our north but it does not exist within the inflexible, rigid terms of 1837. Our unjust society is not a fact which can be explained or solved by clumsy references to events in a colonial society 150 years ago.

We must also realize that in 1837 there was a faith in the efficacy of constitutional reform which we do not share. It was looked on as the only road to all change and development. It was synonymous with progress. It was the measure and summation of progress.

"There was a time (one historian reminds us) when Canadians found politics the most exciting thing in the world, and, next to religion and clearing land, the most important."

When our politicians debate constitutional change as a means to social improvement they face not just antagonism but indifference. It is no longer the essence of reform because it is not necessarily the most important or sole means of coping with the problems of our society.

1837 is one of history's red-herrings. References to it and to the ideas of colonial Englishmen who, 150 years ago, struggled for a share of a meagre colonial pie are too far-fetched to be helpful to us.

If you still hanker after the rousing sound of old colonial battle cries consider carefully this last fact about 1837. The rebellion was in part a militant Temperance movement. Try to make that fit the Yukon in 1970.

History: 1905 ?

A second episode from Canadian history sometimes used to bolster arguments for northern provinces is the example of Saskatchewan and Alberta in 1905. New provinces were created in the west - they should logically be created in the north.

They may, but it will not be the repetition of either history or circumstance.

The decision of 1905 had been taken in principle in 1864. Provinces in the west were implicit in the idea of Confederation. Saskatchewan and Alberta were part and parcel of that rounding out of Canada. In 1865 Sir John A. Macdonald wrote this:

"If Canada is to remain a country separate from the United States, it is of great importance to her that they (the United States) should not get behind us by right or force, and intercept the route to the Pacific."

The thinking behind this statement forecast not just the settlement of the west but provinces in the west. They were vital constitutional links in a transcontinental nation. There was, therefore, a prior commitment to new provinces, and a degree of commitment and hard necessity which we cannot assume automatically applies to the Territories in 1970.

Provincial status in the prairies was politically desirable. But, as well, it was feasible. The west was a nineteenth century agricultural frontier. This meant mass migration; one of the three great movements of mankind in the modern era. By 1906 there were over 85,000 farms in Alberta and Saskatchewan.

There is nothing in the north like this today. Nor will there be.

Provincial governments in the west were viable because of the nature of government in 1905. It was the frontier of a "corduroy" society where governing was largely a matter of roads, potholes, sloughs, culverts and one-room schools. It was government which, by any standard, was local; legislation for fences, forest fires, agricultural fairs, mutual hail insurance and stud bulls. The population, striving to survive, expected nothing from their governments on the scale of services, utilities, incentives, welfare, education, survey, research, science and investment which are typical of our north in 1970.

There were keen local issues which rallied support for provincial status. For some it was separate schools, for politicians and civil servants it was release from the inefficiency of inadequate grants from Ottawa which were decided upon year by year. For everyone it was vociferous resentment of the C.P.R. In other words, the agitation was for provincial status as a means to an end, not just for an end in itself.

While government in the prairies may have been relatively uncomplicated in 1905 the political power of the west was not trifling. By 1906 the prairie provinces had a population of 808,000; one-seventh of Canadians. Saskatchewan and Alberta had 443,000 of these people. The three prairie provinces sent twenty Members to Ottawa and with them went men like Sifton, Crerar, Meighen and Bennett.

In all of this there is scant similarity to the north today.

History: 1930 ?

In 1930 Alberta and Saskatchewan were given control of their natural resources. What were the circumstances of this transfer and are they relevant to the Yukon now?

After 1905 there was growing pressure on Ottawa to complete the constitutional structure of the prairie provinces and to bring to an end the Dominion Lands Policy which had been used by Ottawa to regulate settlement and development in the west. The point to be made here is that this pressure was strong enough to force federal politicians to act. The issue became a political handicap in Ottawa and it was to Ottawa's advantage to relinquish control of prairie resources. It would be stretching a point to assume that any significant national political profit would come to federal governments for making a similar move now for the north.

By 1930 it was difficult to find convincing arguments in favour of continuing the Dominion Lands Policy. This policy was established after 1870 for the "purposes of the Dominion" in the west. The "purposes" were at least three:

- (i) to frustrate American expansion northwards;
- (ii) to provide for the construction of transcontinental railways, and
- (iii) to design and supervise a national immigration and settlement policy.

It was a policy of national survival and one, in Clifford Sifton's words, "upon which the greatness and increase in the financial strength and resources of Canada" depended.

By 1930 this particular phase of national survival had passed. This species of policy had done its work. And, on the whole, quite successfully.

In 1920, during the drawn-out negotiations about those resources,

the Premier in Winnipeg wrote this to the Prime Minister in Ottawa:

"We do not disparage the work of the early builders of the Dominion.... Their...achievement has always commanded admiration, and the Prairie Provinces are not without pride in having been able to lend, so to speak, to the Dominion, the immediate resources without which these great national enterprises could never have been effected."

In 1970 is there a national purpose in the north? If there is, there are signs that, instead of being accomplished, it has scarcely begun.

This 1930 episode may provide more arguments against, than in favour of, new provinces in the north.

It has not been my intention or purpose in these first five articles to argue against northern provinces. I have said nothing about the important practical advantages of local government and local participation nor have I drawn on the eloquent and trenchant constitutional arguments in its favour. I have said nothing about local autonomy as one of the vital definitions of what we mean by democracy. Nor have I tried to equate efficiency and effectiveness with local autonomy as a means to development and the growth of wealth.

I am arguing that we fool ourselves if we base our case for provincial status solely on precedent and constitutional axiom. Politicians are agents of change. There is nothing that bends so easily as a principle in the hands of a politician. This is the perversion and genius of politicians. They must be an adaptable species; not creatures of habit.

I am arguing that we can fool ourselves into believing that constitutional change is imminent and that it comes as the certain corollary of economic development.

I am arguing that we can fool ourselves about the past and that, instead of summoning authentic, weighty historical evidence for our case, we often stir up only incongruous anachronisms and inconsequential ghosts.

I am arguing that in the north it is easy to fool ourselves.

Two Routes for the Future ?

The previous five articles in this series argued against the early likelihood of provinces in the north. They suggested, as well, that local endorsement of autonomy would not be a decisive or influential factor in shaping national policy for the north. In the north we will not be able to pick ourselves up by our own constitutional boot-straps. We should, as well, be wary of apparent support for the idea from outside the north. What we may hear may be only lip-service or soft-soap.

These predictions and warnings may be the result of cynicism; of political cabin fever.

They may, however, be a healthy scepticism, an approach to reality. If they are, what courses are open to us in the Yukon? What can we do for the next ten to twenty years?

We can accept the <u>status quo</u>, which means government by tutelage. On the whole, this might be a comfortable experience, something to sit back and enjoy. But it would be an unnatural posture. The one basic fact of northern constitutional life is that northerners are constitutionally incapable of being politically inert.

We could, as an alternative, resolutely campaign for cabinet government and provincehood and make it the dominant issue in our politics. It would require concentrated effort, to the exclusion of everything else, since the aim, to have any chance of success would have to become the touchstone of all local policy and decision. Anything short of this singlemindedness would be futile. You must have a sense of purpose to overcome opposition but you need a fixation if you are going to combat indifference.

We would run the risk of manufacturing an obsession, an arid strategy which might work against us in the long run. We might alienate and antagonize and we would diminish only ourselves if we ended up labelled as a collection of northern cranks.

We run other risks as well if we accept that responsible government is the only remedy, the only path to change in the north. We may be closing our minds to other possibilities of constitutional development.

This is an <u>idée fixe</u> in the Yukon about responsible government, a rigid conviction that before government can work in the Territory, before there can be any real expansion in Council's role and influence, and before there can be effective democratic participation in government, that we must achieve responsible government.

For many people in the north, now and in the past, the essence of democracy and of efficient, representative local government is still enshrined in this phrase "responsible government". We believe or accept, apparently without question, that we must force the integration of the executive and legislature. In other words, we demand government by an elected cabinet and we see democracy only in terms of this historic melding of the executive and the legislature. We cling stubbornly to the idea that before Council can increase its power it must transform itself into a parliament.

A Third Route to the Future

In the previous article I suggested that the Yukon would continue to look on its present constitution as a sore point and as a source of friction and complaint. I also suggested that a resolute campaign for responsible cabinet government might be not only unproductive but a wasting and eroding process.

There is a third course open - to work towards the making of Council into a congress, into a legislative body on the style of the American constitution.

This is not as far-fetched as it may sound. Government in the Yukon already resembles more the American style than any other government in Canada. The resemblance is undoubtedly an accident; not the result of planning or foresight but of accumulating half-measures and expediency.

There is no point in a lengthy explanation how this hybrid constitution grew up in the Territory. Its peculiar nature and some of its formative history will come out in the discussion that follows.

What are the specific points of resemblance to the American model?

- A. The Yukon has had an elected Council for almost the entire life of the Territory. And that Council has had a life apart and independent of the Commissioner and Territorial executive and from the Minister and Ottawa since 1908. Between 1908 and 1960 the Commissioner did not sit with Council.
- B. The Commissioner is still not a part of Council. For sixty-two of the seventy-two years of the Yukon's existence he has not presided over Council nor has he participated as a voting member of Council. When he is in Council now he does not have a vote and he is subject to Council's rules and authority.

His role is difficult to define but it is not farfetched to say that the Commissioner attends Council as a guest. He is an expert witness and the spokesman of the administration. His power in Council is confined to influence and more precisely to influence based on knowledge.

The impact, if not the intention, of this historical pattern has been to separate and divide the legislative and executive functions of government in the Yukon. This tendency has been reinforced by another trend in the Territory's history; the local nature of administration in the Yukon. The Territory has a home-grown government. It has had a resident civil service since 1895 and a resident Commissioner since 1898, although the title of that office has changed from time to time. Council has met in the Territory and for most of its history has been made up of residents of the Yukon. The Territorial government has had its own financial administration and consolidated revenue fund for decades.

This local experience has had at least two important side-effects which have indirectly strengthened the American analogy:

- (i) It has increased Council's scope for independence and its sense of detachment from the executive both in Whitehorse and Ottawa, and
- (ii) it has promoted the development of an informal, but nonetheless, important cabinet function within the administration. This "Commissioner's cabinet" is seldom mentioned and it has only recently been recognized as an evolving institution. It is an executive more akin to the American presidential cabinet than the British parliamentary one.

The significance of this Yukon experience comes out clearly and forceably when compared to the Northwest Territories where, for decades both the legislative and executive functions of government were carried out by what amounted to "an inter-departmental advisory committee", of civil servants in Ottawa.

Should we not think of accepting and exploiting this unique Yukon pattern that we have inherited?

It is always taken for granted that we can only reverse this trend and force the integration of the Commissioner and his role into Council. We may stand a better chance of bringing about substantial change if we put this Yukon model to work by using it to further differentiate between the executive and the legislature.

This suggestion may be treason but it is not a heresy. It is one accepted model of constitutional and democratic government in the world. The Americans, (who modestly saw "the hand of God" in their constitution), believed that this separation of executive and legislative was the only way to avoid tyranny. They looked on the integration of the two - which we accept as commendable - only as the substitution of one kind of absolute power by another.

A Yukon Congress ?

What are the circumstances and factors in the Yukon's government which Council could turn to its advantage and specifically which could serve the development of a congressional legislature in the Territory?

> A. First, Council's greatest strength is that it is indispensible. Its present subordinate and tenuous position in the constitution is more a matter of theory than political reality. While there is no responsible government in the Territory, representative government exists as a positive, irrevocable certainty.

We should recognize that Council is a resilient, tough institution in the north and stop spooking ourselves with comparisons to the rickety Assemblies of colonial days.

- B. Second, there is the untried but not insubstantial assumption that the Yukon has exclusive jurisdiction over its own affairs. There has been in Ottawa for many years the attitude that what the Yukon does under Section 16 of the Yukon Act is its own business.
- C. Third, we should recognize that the Commissioner is not all-powerful. His status as an appointed official is for the incumbent, always a mixed blessing. It is difficult and even questionable for him to appeal directly to the people, to campaign for a programme or a point of view or to test the strength of his position with the electorate. Council and councillors can do all of these things and thus they have a clear moral and psychological advantage over the administration. The Commissioner's scope and power is also limited by his need for and his dependence on Council's co-operation. His success in dealing with Council. therefore, often implies tacit compromise or frank bargaining with the legislature. The extent of this political horse-trading is not always seen because much of it goes on outside of Council's sessions.

The significance of all this is that government in the Yukon has outstripped the precise limitations of its written constitution. The facts have gone beyond the rubrics.

How could Council set about extending its legislative influence? One important arrangement to be worked for would be the formal identification and establishment of compensation payments for those sources of local taxes, duties and royalties which now go to Ottawa but which are in fact, Yukon money. This is already implied in the Five Year Financial Agreements where in some items Ottawa is reimbursing the Territory and not just paying in to meet a deficit.

Such compensation payments were made to the prairie provincial treasuries after 1905. If they were made to the Yukon in the same fashion they would probably double the revenue under the direct and virtually exclusive control of the Commissioner-in-Council.

The phrase "Commissioner-in-Council" implies for Council an incipient power of veto over Territorial finances. Council cannot originate money bills but how far can it go to amending those money bills presented to it by the administration? The Yukon Act is not clear on this matter and Council itself has apparently never tried to test the point. It should, when the opportunity presents itself.

Council's greatest weakness however, is not a matter of law so much as a lack of expertise and knowledge. Beside the administration it often appears incompetent or inept. This is something for Council to remedy. It is now accepted that the administration must explain and justify its policies and programmes to Council but Council itself should make more use of its own committees both during and out of sessions. It should call on experts and private consultants to inform it on important issues and where it lacks the funds to do this it should make the provision of those funds a bargaining point with the executive. This could begin simply with a logical and intelligent demand for adequate secretarial assistance and move on to all kinds of professional advice.

Council could become, as well, a forum for the Territory. It cannot coerce citizens, (nor should it), but on matters of wide public concern it should be able to invite comment and reaction from the public and make its hearings and meetings a focus for public opinion in the Territory.

Council could also advocate the recognition of a formal cabinet within the administration composed, not of civil servants, but of Yukon citizens appointed for a term to oversee, with the Commissioner, the government of the Territory. Appointments to such cabinet posts should be recommended by the Commissioner but made subject to the approval of Council. In this way Council would have a direct influence in the shaping of policy.

The opportunities for change and evolution lie not only with Council and with the law but within the process of law itself. I refer to the device of judicial review. The courts in our society are instruments of change. Much of our law is based on the principle that usage and custom produces new precedents and new interpretations of law.

This is important. The Yukon Act is often unclear or silent on the exact relationships of the executive and legislature. Where these are in doubt or dispute, judicial interpretations could be vital. Such decisions will be influenced by ideas and concepts which lie beyond the imprecise guidelines imposed on the Territory by generations of legal draughtsmen. I am not laying down a formula, plan, or timetable for change. These will depend on opportunity and political skill. But I suggest three things:

- (i) that Council has power and influence that it does not recognize. In the past, Council seems to have assumed that because it has not achieved responsible government it has, therefore, no power;
- (ii) that the energy now directed to the goals of responsible government and provincehood might be spent more effectively expanding Council's role as an independent legislature; and
- (iii) that the present trend towards a hybrid amalgamation of executive and legislature, while it may temporarily satisfy the Territory's self-respect, may produce in the long run only additional frustration for everyone involved.

D. A. W. JUDD Scott Polar Research Institute CAMERIDGE.