

Trudeau, Women and the Mystic North

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Abstract

This article looks behind the well-known images of the sexy, intrepid Pierre Trudeau to consider his government's record on gender politics, on the one hand, and Artic politics, on the other. It demonstrates how the Trudeau government encouraged the civic participation of women and territorial First Nations, by founding organizations which enabled these citizens to develop claims for a more just and inclusive society and, eventually, entrenching their rights in the 1982 Charter of Rights and Freedoms. However, it also shows that despite these developments, the Trudeau government failed to introduce policies on key issues of concern to women and territorial First Nations. It argues that such initiatives were hampered by the constraints of Trudeau's liberalism, jurisdictionalism and continentalism, as well as his government's reluctance to traverse the public-domestic divide, finalize land claims and speed up the process of territorial division in the Canadian North.

Introduction

On December 6th 1995, I returned home from work to find a telephone message from *The Guardian*. Robertson Davies had just died and the newspaper needed an obituary by noon the next day. I returned the call and explained that even if I was a "rebel angel," I was not qualified to write about the famous, founding master of Massey College. I gave the journalist names of appropriate letrists and then quipped "when Trudeau snuffs it give me a call."

Two days later, the journalist phoned back expressing concern that *The Guardian* had no obituary of Pierre Trudeau on file, ready to go when the moment came. I agreed to write a reflection on Trudeau's life and premiership, providing the newspaper gave me clear, legal guidelines about how to deal with the racy bits. The journalist simply retorted "dead men cannot issue writs," and thus began my engagement with the death and life of Pierre Trudeau.

I spent the next two years writing and negotiating *deadlines*, asking every Canadian I could for insights and anecdotes about Mr Trudeau. It was a fascinating process which included meeting the man himself in November 1996 while I was on sabbatical at Massey College. After a special dinner, arranged

in his honour, Trudeau circulated with tremendous dignity amongst the faculty and students present. When my turn came to speak to the man whose life I had to encapsulate in a single printed page, I explained that I was English and intrigued to know how Margaret Thatcher had treated him in 1980 when he approached her about patriating the Canadian constitution. Trudeau told me that Mrs Thatcher had been courteous about the matter—in contrast to other occasions when this particular Maggie and Pierre crossed swords. He suggested, however, that she had not anticipated how complex the patriation process would be.¹ Then he said “but I told her the Constitution was coming back to Canada, even if it was over my de..” With that, Trudeau simply arched his eyebrows, glided away and began chatting to a philosophy student about her work on Heidegger. I wondered why Trudeau had not finished his sentence. The following day I discovered that the new master of Massey College had informed Trudeau there was “an English accent walking around preparing his obituary!”

Pierre Trudeau may be dead and the obituary archived but images of this intriguing politician linger on.² While written reflections of the Trudeau era focus on his over-riding concerns with questions of rights, Quebec and the constitution, the photographic images we retain of Pierre Trudeau often convey a sexy, intrepid prime minister who not only wowed a generation of mini-skirted Trudeamaniacs but had the physical stamina and inner strength to confront the wildest reaches of the Canadian North.³ While intrigue about Trudeau’s relationships with women (his companionship with Madeleine Gobeil, marriage to Margaret Trudeau, liaisons with Barbra Streisand and Margot Kidder, co-parenting with Deborah Coyne and extra-marital affair with Liona Boyd) persisted throughout his life, efforts to immortalise the link between Trudeau and the Canadian North emerged in quite a complex fashion after his death.⁴ Justin Trudeau’s funeral eulogy for his father enraptured Canadians with reminiscences of a Prime Minister-turned-Santa Claus in a scientific/military bunker in Canada’s most northerly point of Alert.⁵ By contrast, Chrétien’s announcement (shortly after the funeral) that Canada’s highest mountain—Mount Logan—would be renamed Mount Trudeau caused such uproar within Yukon that the proposal was retracted.⁶ Subsequently, Jim Antoine (the Nahandeh MLA in the Northwest Territories) suggested that the Virginia Falls on the South Nahanni River (down which Trudeau had canoed in 1970) might be named after the former premier.⁷ However, while Antoine considered this both a mark of respect for the man who had designated the area as a national park and a good way to boost local tourism, the idea met with opposition from local residents and, in the end, the Deh Cho chiefs did not support it.⁸

If we look beyond the images of Trudeau cavorting with women or canoeing down ferocious rivers in the Canadian North and explore some aspects of his government's record on gender politics and the Canadian Arctic we find ourselves confronting questions about the extent to which Trudeau succeeded in creating a just and inclusive society in Canada. Although questions about gender politics and Arctic politics were never front and centre of Trudeau's political agenda, an exploration of the way his government addressed both these issues highlights how social movement activism, jurisdictional politics and constitutional developments helped and hindered the process of political modernization during the Trudeau era.

Trudeau and Gender Politics

It is important to remember that the sexiest Prime Minister in Canadian history came to power on the crest of the second wave of feminism. When Pierre Trudeau assumed office in 1968 the Canadian women's liberation movement was taking root in cities across the country.⁹ Moreover, the Royal Commission on the Status of Women (RCSW) was listening to women talk publicly—in some cases for the first time—about the inequalities they experienced in both their public and domestic lives.¹⁰

The Royal Commission on the Status of Women was a paradigm shifting inquiry which solidified the relationship between many Canadian feminists and the federal state. Apparently Trudeau made relatively few comments when he was presented with the report of the RCSW, focusing primarily on the complexities of decriminalizing abortion.¹¹ Nonetheless, his government was faced not only with an embryonic national women's movement which had gathered momentum in the course of the hearings of the RCSW but a mammoth agenda for policy change contained in the 167 recommendations of its report.

The National Action Committee on the Status of Women (NAC) was established in 1972 to ensure that the Trudeau government addressed the recommendations of the RCSW.¹² The fact that NAC's funding came from the federal government reflects Trudeau's concern that national citizens' organizations focus on the federal state. It also reflects his belief that the creation of a just society required that disadvantaged groups were given the political space and financial resources to develop their claims. As Marjorie Cohen has argued, "the specific contribution of Trudeau's Liberals was the apparent commitment to the idea that disadvantaged groups should have a voice and that this voice could not develop unless groups were able to have resources to meet and develop policy positions."¹³ However, NAC did not forge an easy relationship

with the prime minister of the day.¹⁴ Even though various presidents of NAC subsequently became high profile members of the Canadian Liberal Party, correspondence between Trudeau and former NAC president, Doris Anderson, indicates that his rigid stance on jurisdictional issues blocked discussion of the development of some national social policies which would have benefited women.¹⁵

The federal government responded to the RCSW by setting up an interdepartmental committee and subsequently creating a government department responsible for the status of women.¹⁶ Without doubt, the creation of Status of Women Canada, and the appointment of a minister responsible for the status of women ensured that gender issues became an integral part of the federal policy agenda. Nonetheless, the Trudeau government's response to the RCSW's recommendation that policies to promote women's employment opportunities include a strategy to increase the provision of childcare was shaped more by the priorities of Trudeau's liberalism than a specific concern to improve the status of women.¹⁷

The Trudeau government began its pursuit of equal employment opportunities for women by setting its own house in order. Just as it had responded to the Royal Commission on Bilingualism and Biculturalism by using the federal public service as a key site in which to transform the linguistic face of Canada, the Trudeau government responded to the RCSW by introducing a series of measures to promote women's employment within the federal public service. It set up the Office of Equal Employment Opportunity in 1971 and issued a series of directives to deputy ministers to "take steps to assign and advance more women into middle and upper echelon positions" within the public service.¹⁸ Then, in October 1975, during International Women's Year, the government introduced its Equal Opportunities Program for Women "to ensure that women were accorded equal access to employment and career opportunities in the public service of Canada" by removing employment practices that "militated against the participation of women in all levels of any occupational group."¹⁹

The Equal Opportunity for Women program had all the hallmarks of a Trudeau-style public policy. It sought to create a more representative bureaucracy—on this occasion by addressing gender imbalance in the public service.²⁰ Moreover, in keeping with the rational style of government which characterized the early Trudeau era, the policy included a review of departmental regulations and practices, and a five year plan "based on measurable objectives and annual numerical targets."²¹ However, even though data published by the Treasury Board Secretariat in the 1970s highlighted the increased feminization

of the federal work force, the employment practices within the federal service did little to break the pattern of women's under-representation in senior management and their concentration in traditional female-dominated occupational groups.²² Moreover, this approach did nothing to challenge the patriarchal, merit system on which public service employment was based.

The Trudeau government's efforts to promote gender equality within the federal public service were part of a broader liberal strategy to eradicate sex discrimination against female worker-citizens and thereby expand the female labour pool. The 1977 Canadian Human Rights Act outlawed discrimination on grounds of sex, marital and family status in federal employment and introduced the concept of equal pay for work of equal value into federal law.²³ Moreover, although the Canadian Human Rights Commission (CHRC), established in 1978 to oversee the implementation of the Act, did not set up a special women's unit, as recommended in the report of the RCSW, it proved instrumental in the development of more systemic approaches to the eradication of gender inequality in employment during the latter years of the Trudeau era.²⁴

In keeping with the Liberals' broader goal of expanding the female labour pool, the Trudeau government also invested resources in training programs "to promote the development of labour market conditions in which the economic potential of the female labour force was fully tapped."²⁵ In the 1970s the Canadian Employment and Immigration Commission (CEIC) established its Women's Employment Division to coordinate employment initiatives developed through regional offices across the country. In addition, it created annual plans of action to improve women's participation in federal training programs established under the 1967 Adult Occupation Act. Unfortunately, both initiatives tended to engage women in low-level, segregated job training which did little to improve their employment opportunities in the longer term.²⁶

The Trudeau government's concern to promote human rights and economic productivity intensified in the 1980s through the process of bureaucratic competition between the Canadian Human Rights Commission, housed on one side of the Ottawa River, and the Canadian Employment and Immigration Commission, over the bridge in Hull. The competition between these government departments focused on which organization could master-mind the development of affirmative action policies within the federal sphere and address the systemic employment discrimination experienced by women and a range of other target groups.

The Canadian Human Rights Commission propelled the agenda forward by lobbying for the entrenchment of affirmative action measures within the 1982 Charter of Rights and Freedoms—an objective which was eventually achieved as a result of concerted efforts by feminists who campaigned to ensure that a substantive approach to gender equality was encoded in the constitution.²⁷ Once the concept of affirmative action had been enshrined in the Charter, the CHRC reinforced the importance of this substantive approach to equality by pursuing the high profile case of systemic discrimination brought by Action Travail des Femmes against the Canadian National Railway Company.²⁸ In 1987, this case produced a landmark decision from the Supreme Court, ruling in the labour union's favour and legitimising the use of affirmative action to redress systemic employment discrimination against women.²⁹

The Canadian Employment and Immigration Commission, by contrast, pursued a more softly-softly approach trying, without success, to get crown corporations and companies under contract to the federal government to implement voluntary affirmative action measures to increase the productivity of workers from under-represented groups.³⁰ While the focus on a range of target groups was, at one level, laudable, inevitably it meant that the specific needs of the different target groups were overlooked. In the case of women, there were no changes in the federal government's policies on childcare.

These initiatives demonstrate how policies to eradicate sex discrimination against female worker-citizens were linked, throughout the Trudeau era, with broader Liberal objectives of ensuring the equal treatment and economic productivity of all worker-citizens. However, while these policy developments proved possible because they fell within the federal domain, jurisdictional imperatives blocked the development of the national childcare policy that had been recommended in the report of the Royal Commission on the Status of Women.

The commissioners who headed up the RCSW had been instructed to examine "the special problems of married women in employment" and questions of "federal taxation pertaining to women."³¹ However, their terms of reference had not specifically included the question of childcare. Nonetheless, the report of the RCSW called for a National Day-Care Act and recommended that the federal government work with the provinces to create a childcare system which would move child care provision beyond the welfare mould of the 1966 Canada Assistance Program.³²

The federal government took little notice of these proposals. The report of the RCSW was published at a point when the federal government was reluctant to initiate new shared-cost programs because provincial governments had expressed irritation at the level of federal interference which had accompanied the growth of such initiatives in the mid-1960s.³³ While the 1976 speech from the throne acknowledged “the need for good day-care services everywhere in Canada,” it stated that “the Government [would] help to provide more and better day-care services by encouraging the provincial governments to adopt a new system of fees related to incomes.”³⁴ In other words, the Trudeau government was not prepared to enter into an expensive federal-provincial cost-sharing program to encourage the development of childcare provision.

The jurisdictional imperative which shaped so much of the Trudeau era meant that his government refused to consider the development of national child care legislation. Instead it addressed the issue through fiscal policies which could be contained within the federal sphere and, even in this case, initially ignored the RCSW’s call for a system of child tax credits. In 1971 the federal government introduced the Child Care Expense Deduction, as part of the Income Tax Act.³⁵ However, it was not until 1978, when Monique Bégin—the former executive secretary of the RCSW—served in Trudeau’s cabinet as Minister for Health and Welfare that a child tax credit was introduced as compensation for the Liberal government’s decision to reduce family allowances.³⁶

In short, although the federal government acknowledged the relationship between gender equality in employment and the provision of child care services, the Trudeau government was only prepared to act in the most limited of ways to ensure this double-edged approach to women’s employment equality informed federal public policy. At a time when the nationalist movement was intensifying in Quebec, the Trudeau government was somewhat reluctant to intervene in areas of social policy where the provinces had prime constitutional jurisdiction. In addition, a federal commitment to a national child care policy of the sort envisaged by the RCSW would have been far more expensive than the child care expense deductions and child tax credits that were introduced.

The Trudeau government did make two final, non-committal attempts to deal with questions of women’s employment equality and child care. In 1983, as a result of all sorts of internal cabinet bargaining by Lloyd Axworthy, then Minister for Employment and Immigration, it established the Royal Commission on Equality in Employment “to identify the most efficient, effective and equitable means of promoting employment opportunities, eliminating systemic discrimination and assisting all individuals to compete for employment

opportunities on an equal basis.”³⁷ Moreover, in May 1984, one month before Trudeau’s second retirement from federal politics, Judy Erola, then Minister Responsible for the Status of Women, finally extracted cabinet approval for the establishment of a Child Care Task Force “to make recommendations concerning the federal government’s role in the development of a system of quality child care in Canada.”³⁸ However, both inquiries reported to the subsequent Conservative government and only the first resulted in the introduction of new legislation.³⁹

Although the Report of the RCSW presented Trudeau with a significant opportunity to develop a complex approach to questions of gender equality which spanned federal-provincial boundaries and crossed the public-private divide, his government focused on promoting human rights, on the one hand, and economic productivity on the other. However, even though the Trudeau government did not respond effectively to the challenges of the RCSW, it did create the conditions for more substantive discussions of gender equality in the sphere of constitutional politics.

The lasting legacy of the Trudeau government to Canadian women lies in the substantive and innovative approach to equality rights which became encoded in section 15 of the 1982 Charter of Rights and Freedoms. This not only guaranteed men and women equal treatment before and under Canadian law, but ensured that they would enjoy the right to equal protection and equal benefit of the law.⁴⁰ Moreover, it legitimized the use of affirmative action policies to ameliorate the disadvantages of historic discrimination against women and other target groups.⁴¹

While the entrenchment of gender equality in the Canadian constitution remains a major legacy of the Trudeau government, it is important to recognize that this would never have come about had it not been for the sustained activism of Canadian feminists who challenged the many different ways in which Trudeau and his ministers sought either to ignore or over-ride the issue of gender equality in the constitution.⁴² This point applies equally to the protracted campaigns by Aboriginal peoples to ensure that their rights were constitutionally protected in the Charter of Rights and Freedoms.⁴³

Interestingly, one of the first tangible effects of the entrenchment of section 15 in the Charter was the curtailment of the long-standing discriminatory treatment of Indian women under section 12 1(b) of the Indian Act. This clause of the Indian Act, repealed by the Mulroney government in 1985, had long prevented Indian women who married non-Indian men maintaining their

rights to live, die and be buried on Indian reserves.⁴⁴ In his final, 1980 election campaign, Trudeau expressed his willingness to repeal this section of the Indian Act. However, as he told Pauline Harper, a representative of the Indian Rights for Indian Women at a private meeting arranged with Trudeau by NAC, “I quite honestly can’t see why the Government would be pouring more money into the reserves so that your children would be given an incentive to go and live on the reserve and get free services that my children can’t get.”⁴⁵ As this extraordinary statement reveals, even though Trudeau was eventually persuaded of the need to respect the civic rights of First Nations women, he was also disparaging about the economic needs of Aboriginal citizens and reluctant to ensure that their living conditions were improved. This brings me to broader question of how Trudeau approached issues of concern to First Nations in Canada, and in particular questions of territory, sovereignty and political modernization in the Canadian North.

Trudeau and the Territorial North

The first Trudeau government did not get off to a good start on the issue of Aboriginal/non-Aboriginal relations. Its 1969 White Paper on Indian Policy was designed to bring about the “full, free and non-discriminatory participation of the Indian people in Canadian society,” and ensure that Indians “control Indian lands and...acquire title to them.”⁴⁶ However, it proposed that all special rights for status Indians should be terminated, including the Indian Act, reserves, and treaties.⁴⁷ It also argued that all references to Indians should be removed from the constitution and that services administered by the Indian Affairs section of the Department of Indian Affairs and Northern Development (DIAND) should be dispersed to appropriate federal departments.⁴⁸

The white paper’s assimilationist approach to absorbing Indians into the mainstream of Canadian society was driven, on the one hand, by the individualism that underscored Trudeau’s vision of a just society and, on the other, by Trudeau’s undifferentiated Canadian nationalism which sought to prevent the emergence of distinct, ethnically-based societies within Canada. As Sally Weaver has shown, the document challenged the fundamental belief of Canadian Indians that their rights would be honoured by the Canadian state and undermined the hope that they would be able to participate in shaping the policies that determined their future.⁴⁹

The white paper met visceral opposition on publication—both from the Indian population and, more broadly, from the general public.⁵⁰ As a result it was abandoned in 1970. While some commentators suggest that the white paper

indicated Trudeau's failure to understand Aboriginal issues, others suggest that he learned from the experience. For example, William Morrison notes that "The outraged response from the Native communities and their supporters in the south as well as the north was such that within a year the government had completely reversed itself."⁵¹ Trudeau appointed an Indian Claims Commissioner, Dr Lloyd Barber, to review the legal basis for the claims.⁵² Then in 1971 his government "began granting substantial sums to Native groups to carry out research into the legal and other basis for their claims."⁵³

The Trudeau government's approach to the issue of land claims was drawn up in 1973, in response to the politicization of Aboriginal peoples which followed the Calder judgement's confirmation that Aboriginal title existed prior to confederation.⁵⁴ The federal government's view was that "in exchange for native interests arising out of traditional use and occupancy of land, native peoples would be compensated by a combination of cash, hunting, fishing and trapping privileges, resource revenue sharing, participation opportunities in local and regional government, economic opportunities and fee simple absolute ownership of certain lands."⁵⁵ As Morrison notes, the claims process was formalized in 1974 when the Office of Native Claims was established within DIAND to deal with specific and comprehensive claims.⁵⁶ However, the process did not bring about substantial change in the territorial north, in part because the Trudeau government's land claims policy aimed at extinguishing Aboriginal title not affirming it. Indeed, only the Western Arctic (Inuvialuit) Claim was settled while Trudeau was prime minister.⁵⁷

Throughout the period of Trudeau's government the question of Northern resources and access to those resources became inextricably linked with the rights of Aboriginal peoples within the territories. In 1974, "as a sop to the NDP, which held the balance of power in a Liberal minority government," Trudeau appointed Tom Berger to assess the social, economic and environmental impact of constructing a gas pipeline through the Mackenzie Valley to bring natural gas down from the Arctic Ocean to southern Canada and the United States.⁵⁸ The Berger Inquiry highlighted the clash between the priorities of industrial North America (which were primarily concerned with the exploitation and export of natural resources) and those of the indigenous peoples of the Mackenzie Valley (who emphasized how the long term management of the land was vital to their cultural survival). This exposure resulted from Berger's decision to fund the participation of all groups with interests in the pipeline and to hold community hearings in thirty-five settlements throughout the Mackenzie Valley, the Mackenzie Delta and northern Yukon, over and above the formal hearings in Yellowknife.⁵⁹ In addition, as a result of Berger insist-

ing that the media regard his consultations as constituting “an Inquiry without walls,” the voices of Aboriginal people, speaking in their own languages, were given as much commission air time as those of the “expert” witnesses.⁶⁰ This meant that for one of the first times in Canadian history, southern Canadians heard Aboriginal peoples “express[ing] their fears of what a pipeline [would] bring: an influx of construction workers, more alcoholism, the tearing of the social fabric, the devastation of the land, and the loss of their collective identity as a people.”⁶¹

For the first time in Canadian history, Berger forced people in the southern metropolis to listen to the indigenous voices of those who lived on the northern frontier and re-evaluate their assumptions about “developing the north... subduing the land, populating it with people from southern Canada, and extracting its resources to fuel Canada’s industry and heat [their] homes.”⁶² When Berger submitted his report to Warren Allmand, Minister of Indian Affairs and Northern Development in April 1977 he emphasized at the outset that “The North is a frontier, but it is a homeland too...The decisions we have to make are not, therefore, simply about northern pipelines. They are decisions about the protection of the northern environment and the future of northern peoples.”⁶³ The report emphasized that “The paramount cry of the native people of the North is that their claims must be settled before a pipeline is built across their land.”⁶⁴ As a result, the report recommended that a ten year moratorium be placed on the development of the Mackenzie Valley pipeline, in order to “settle native land-claims, and...establish the new institutions and new programs that a settlement will entail.”⁶⁵ In addition, Berger emphasized that “The idea of new political institutions that give meaning to native self-determination should not frighten us. Special status for the native people is, and has been since Confederation, an integral part of our constitutional tradition.”⁶⁶ Indeed, he argued that such special status should not just apply to status Indians, but “must also entail some form of special status for non-treaty Indians, Métis and Inuit.”⁶⁷

Berger was clearly concerned that if a pipeline was constructed through the Mackenzie Valley the peoples who inhabited the region should be allowed to set the terms of its construction. Arthur Kroeger suggests that it is perhaps testimony to Trudeau’s realization of the importance of Berger’s work that he subsequently resisted pressures from ministers within the cabinet who wanted to bypass the ten year moratorium that Berger had recommended in order to ensure gas provision in Southern Canada.⁶⁸ Nonetheless, as Stephen Clarkson notes, in August 1977, three months after the Berger report had been published, the Trudeau government bowed to pressure from Washington and agreed to the alternative “Alcan” line, thereby allowing the Americans to build

a pipeline down the Alaska highway “before the land claims of the Yukon Indians had been settled.”⁶⁹ Thus in February 1978, the Trudeau government introduced the Northern Pipeline Act and appointed “one of the most senior and experienced former members of the cabinet,” Mitchell Sharp, as commissioner of the new Northern Pipeline Agency.⁷⁰ However, as Clarkson notes these decisions were “hastily made without either sufficient data or adequate reconciliation with broader strategic thinking” and “the losers were the native people whose land claims had been set aside.”⁷¹

As this evidence suggests it was not just the relations between Aboriginal and non-Aboriginal citizens which were tested in the Canadian Arctic during Trudeau’s premiership but those of Canada’s relations with the United States. Shortly after Trudeau assumed office, the US sent the *SS Manhattan*, a converted supertanker, through the Northwest Passage.⁷² In response, and in order to prevent the Americans subsequently transporting crude oil from Alaska through Arctic waters, the Trudeau government unilaterally passed the 1970 Arctic Waters Prevention Act, declaring a 100-mile control zone around the islands north of 60 and banning the discharge of waste.⁷³ In addition “it amended the Territorial Sea and Fishing Zones Act to authorize the establishment of new fishing zones in areas of the sea adjacent to the coast of Canada.”⁷⁴ As John Kirton and Don Munton have argued, these bills not only “represented a carefully constructed three-tiered approach to protecting the sovereignty and marine environment of the Canadian Arctic” but also “constituted one of the largest geographic extensions of the Canadian state’s jurisdiction in the country’s history.”⁷⁵ Nonetheless, as Michael Tucker comments, “the government had to pursue these claims through legal rather than military or paramilitary means.”⁷⁶ Indeed, Clarkson argues that this was because Ottawa was unwilling “to spend the enormous sums required on military hardware to enforce its claims to Arctic sovereignty.”⁷⁷

Significant questions about internal as well as international boundaries also came to the fore of territorial politics during the Trudeau era. Even though the possibility of dividing the Northwest Territories (NWT) along east-west lines was first discussed in the late 1950s, and raised in the House of Commons by Diefenbaker in 1963 shortly before his defeat by Pearson, the issue re-emerged in public debate in 1976 when the Inuit Tapirisat of Canada (ITC) was formed to pursue the Inuit land claim.⁷⁸ Interestingly, this organization, like the National Action Committee on the Status of Women, benefited from the receipt of substantial federal funds to pursue its campaigns, many of which challenged federal positions.⁷⁹ Significantly, from the outset of its land claim negotiations, the ITC demanded that a new territory of Nunavut should be formed in which

the majority of people would be Inuit and where Inuktitut, English and French would have equal status.⁸⁰ The Inuit negotiators never wavered from this vision but, as we now know, after a decade and a half of protracted negotiations with federal and territorial governments, it was the Inuit agreement to the establishment of a public (rather than ethnic) government in the new territory that made the completion of the land claim possible.⁸¹

Throughout his premiership Trudeau was reluctant to entertain questions about the territorial north achieving provincial status, arguing that this would burden the territories with debts and tax increases which they could not afford.⁸² However, he was clearly concerned about broader issues of political modernization in the northern territories. The colonialist-style administration of the territorial North changed significantly during his period in government. In Yukon, moves towards the creation of representative government intensified in the 1970s and were accompanied by the introduction of party politics in the 1978 territorial election (Yukon is the only territory in which this development has occurred).⁸³ However, although Hugh Faulkner, Trudeau's minister of Indian Affairs and Northern Development in 1978, initiated the final move to responsible government that year, it was the Conservative minister, Jake Epp, who finalized this process during the brief government of Joe Clark in 1979.⁸⁴ Similar moves towards responsible government occurred in the Northwest Territories in the mid-1970s. In 1974 the federal government "amended the Northwest Territories Act to provide for a fully elected territorial council."⁸⁵ The election followed in 1975 and in 1976 the Council renamed itself the Legislative Assembly awarding the status of minister to each member of its Executive Committee.⁸⁶ While Trudeau would not contemplate provincehood for the northern territories, in the late 1970s his government increasingly devolved the management of public policy to the governments of the territorial North, giving them a quasi-provincial status in the development and delivery of services.⁸⁷ Moreover, in 1977, in response to the creation of the ITC and Berger's calls for "political institutions that give meaning to native self-determination," Trudeau appointed a special representative—Bud Drury—"to consult with leaders of the territorial government, communities and native groups on political and constitutional development in the NWT."⁸⁸

Although Trudeau's special representative consulted widely in the NWT, the 1979 Drury Report (released in January 1980) came out against division, on the grounds that "the longer-term external consequences of division," in particular "the constraints on political autonomy in the realpolitik of federal-provincial relations...have not yet been adequately considered."⁸⁹ In the same year the ITC produced a report entitled *Political Development of Nunavut*

which highlighted the lack of control that Inuit had over their lives and called for the creation of a new territory.⁹⁰ The combined effect of the Drury Report, the recommendations of the ITC and, as Gurston Dacks notes, the 1980 election of a group of territorial legislators who were sympathetic to the idea of division led the Government of the NWT to hold a plebiscite about this matter on 14 April 1982.⁹¹

Just over half of the territorial population turned out to vote in the 1982 plebiscite, with only 56.5 per cent voting in favour of division of the territory.⁹² However, analyses of voting patterns reveal that in the Eastern Arctic eighty per cent of the (predominantly Inuit) residents voted in favour of division.⁹³ Nonetheless, as Frances Abele and Mark Dickerson have noted, while “The plebiscite was one way for the Inuit to try to move the creation of Nunavut onto the federal policy agenda...The federal government...with a broad spectrum of interests to represent, would not support a simple and immediate division of the territories.”⁹⁴

Securing the Trudeau government’s commitment to pursue the division of the NWT was still far from straightforward and, amongst other things, involved the first Inuk MP, Peter Ittinuar (the NDP member for Nunatsiag) “in a long series of negotiations with John Munro, Marc Lalonde and Senator Keith Davey,” prior to crossing the floor of the House of Commons on 26 November 1982 to join the Liberals.⁹⁵ On the same day John Munro, Trudeau’s Minister for Indian Affairs and Northern Development, announced that while the federal government agreed in principle to territorial division, it would not support the creation of a new territory of Nunavut unless land claims were settled in the NWT, there was public agreement on the boundaries of the new jurisdiction and a clear public consensus on division was maintained in the North throughout the period of these negotiations.⁹⁶

However, despite the creation of both the Nunavut Constitutional Forum and the Western Constitutional Forum, when Trudeau retired from office in 1984, neither the land claim nor the issue of division of the NWT had been resolved. Indeed, it was not until 1993, in the final months of the Conservative government of Brian Mulroney that both the Nunavut Land Claims Agreement Act and the Nunavut Act were finally passed by the federal government. Then, it took until 1 April 1999, when Jean Chrétien (Trudeau’s first minister for Indian Affairs and Northern Development) was prime minister, for the NWT to be divided and the new territory of Nunavut to be created in the Eastern and Central Arctic. Thus even though Trudeau is remembered in the territories as the prime minister who agreed to the principle of division, it was his succes-

sors—Mulroney and Chrétien—who delivered the land claim and financed the establishment of the new territory of Nunavut.

Conclusion

Trudeau's record on gender politics and the North tells a mixed story. In the case of women, although his government responded to the 1970 Report of the Royal Commission on the Status of Women, it found it difficult to move beyond the Liberals' adherence to concepts of equal treatment and develop a contextual approach to gender equality which spanned the public/domestic divide. Moreover, Trudeau's strict adherence to the jurisdictional imperative in a period when state-centred nationalism had intensified in Quebec, meant that his government was unwilling to contemplate the development of new social policies, like a national strategy on child care, because this could be interpreted as trespassing on the provincial domain. Nonetheless, as a result of women's concerted political activism, funded to a large degree by the federal government, the Trudeau government did eventually bow to feminist pressure by entrenching gender equality in the 1982 Charter of Rights and Freedoms and recognizing the legitimacy of affirmative action to achieve that goal. In the end, therefore, it could be argued that the Charter of Rights and Freedoms was Trudeau's most significant legacy to Canadian women.

Ironically, it was also in 1970, once the White Paper on Indian Policy was abandoned, that Trudeau began to reconsider established norms about Aboriginal and territorial governance. His government did fund Aboriginal organizations to develop their claims to land, though this policy did not allow these groups to press for self-governing jurisdictions. However, even though only one of the land claims in the territorial North was settled during the Trudeau era, his government did lay the groundwork for the division of the Northwest Territories. This process was not completed until 1999, when the new Inuit-dominated territory of Nunavut came into being. Interestingly, while Nunavut is founded on a model of public government its distinctness is grounded in the fact that the vast majority of the population are Inuit. Ironically, therefore, the prime minister who strongly resisted the constitutional recognition of distinct societies based on race, committed the federal government to negotiations about land and territorial division in the Canadian Arctic which, near the end of Trudeau's life, brought about the creation of the new and ethnically distinct territory of Nunavut.

Notes

- ¹ For a fuller discussion of Thatcher's role in the patriation process see Stephen Clarkson and Christina McCall, *Trudeau and Our Times Volume 1: The Magnificent Obsession* (Toronto: McClelland and Stewart, 1991), 314–5.
- ² Annis May Timpson, "Pierre Trudeau: Charismatic leader who freed Canada from constitutional dependence on Britain but could not resolve the contradictions of Quebec," *The Guardian* 30 September 2000, 22.
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