

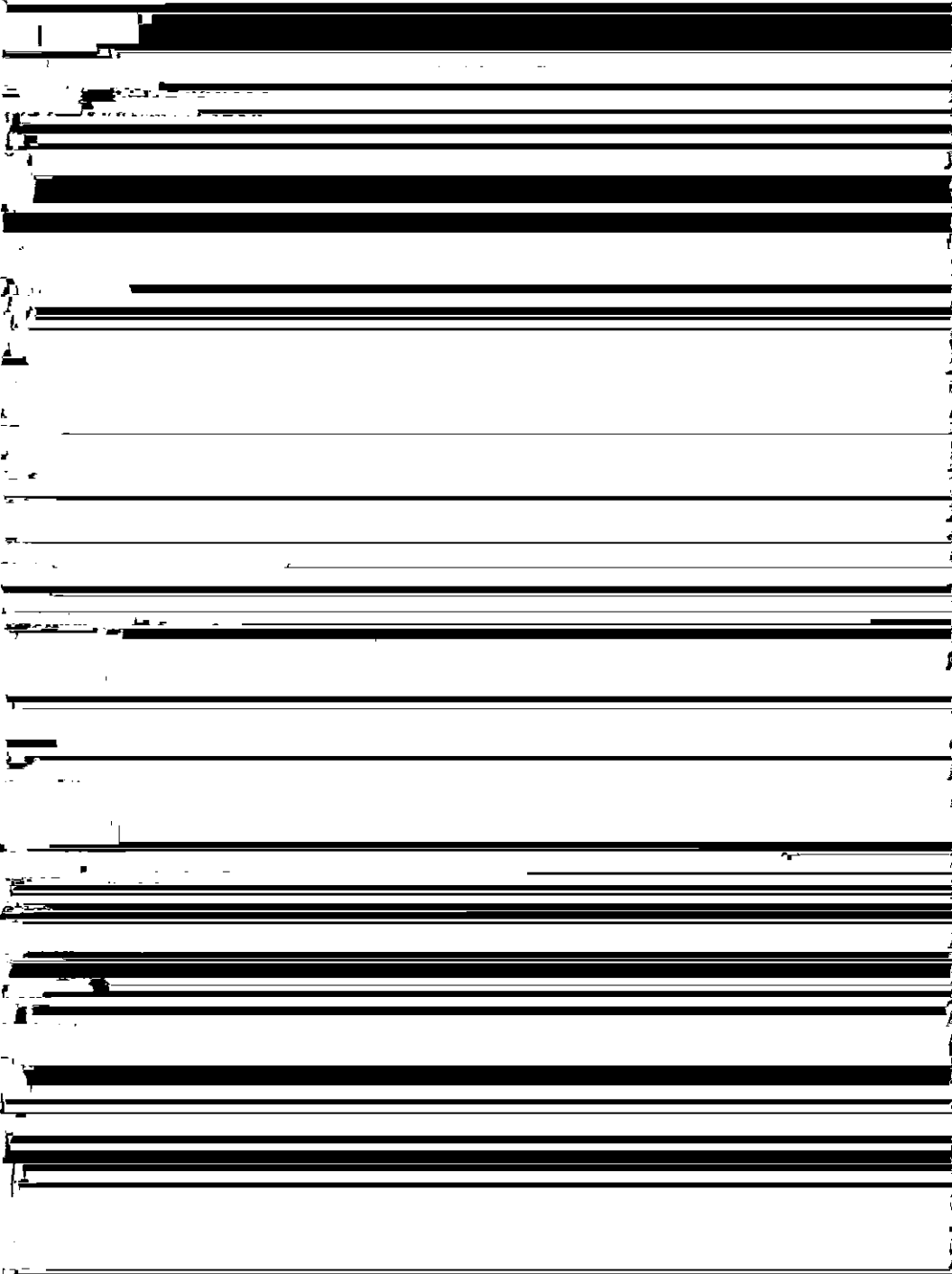
INUIT APPROACHES TO SELF-GOVERNMENT

Inuit Committee on National Issues

**Institute of
Intergovernmental Relations
Kingston, Ontario**

Canadian Cataloguing in Publication Data

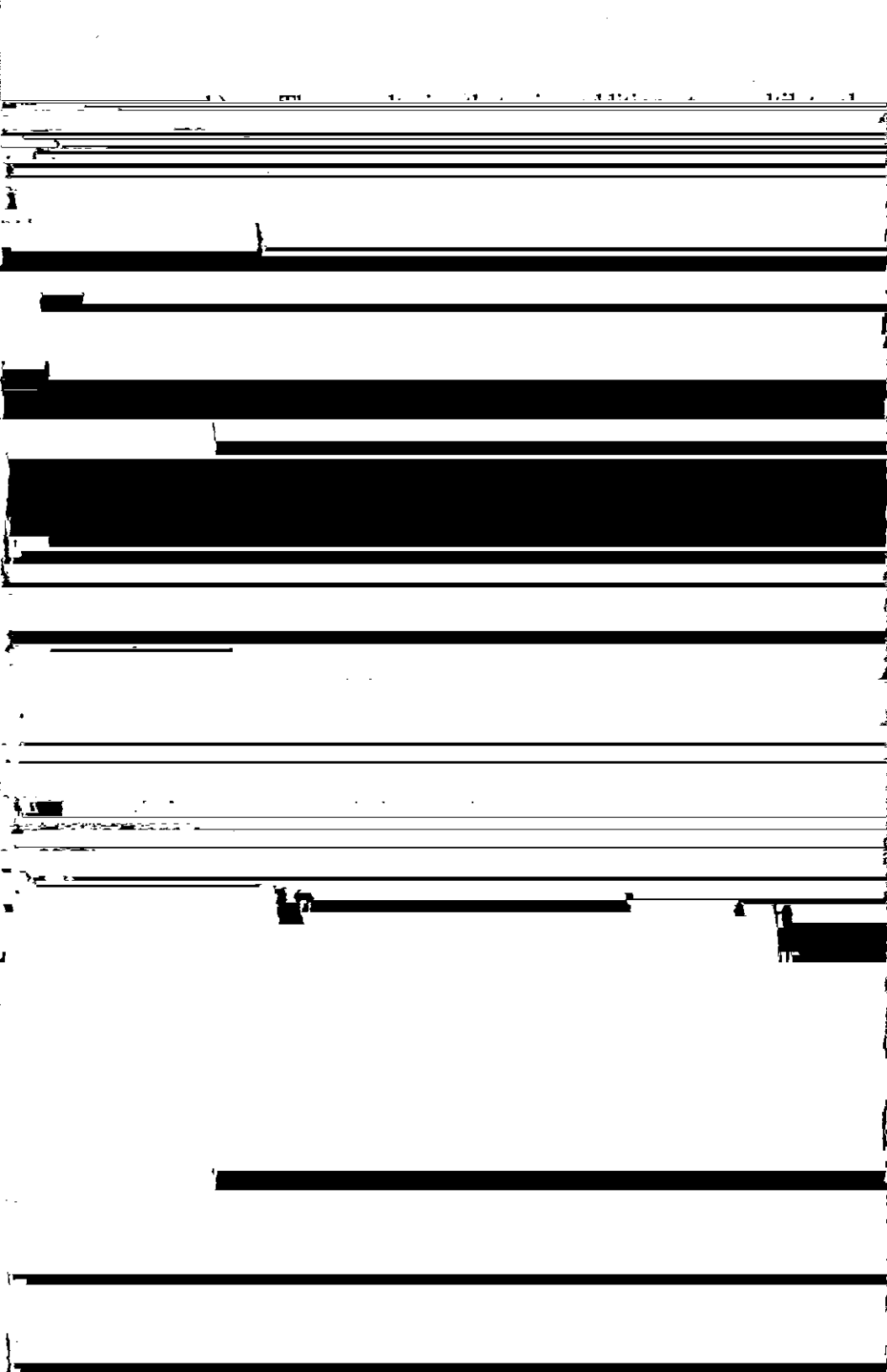
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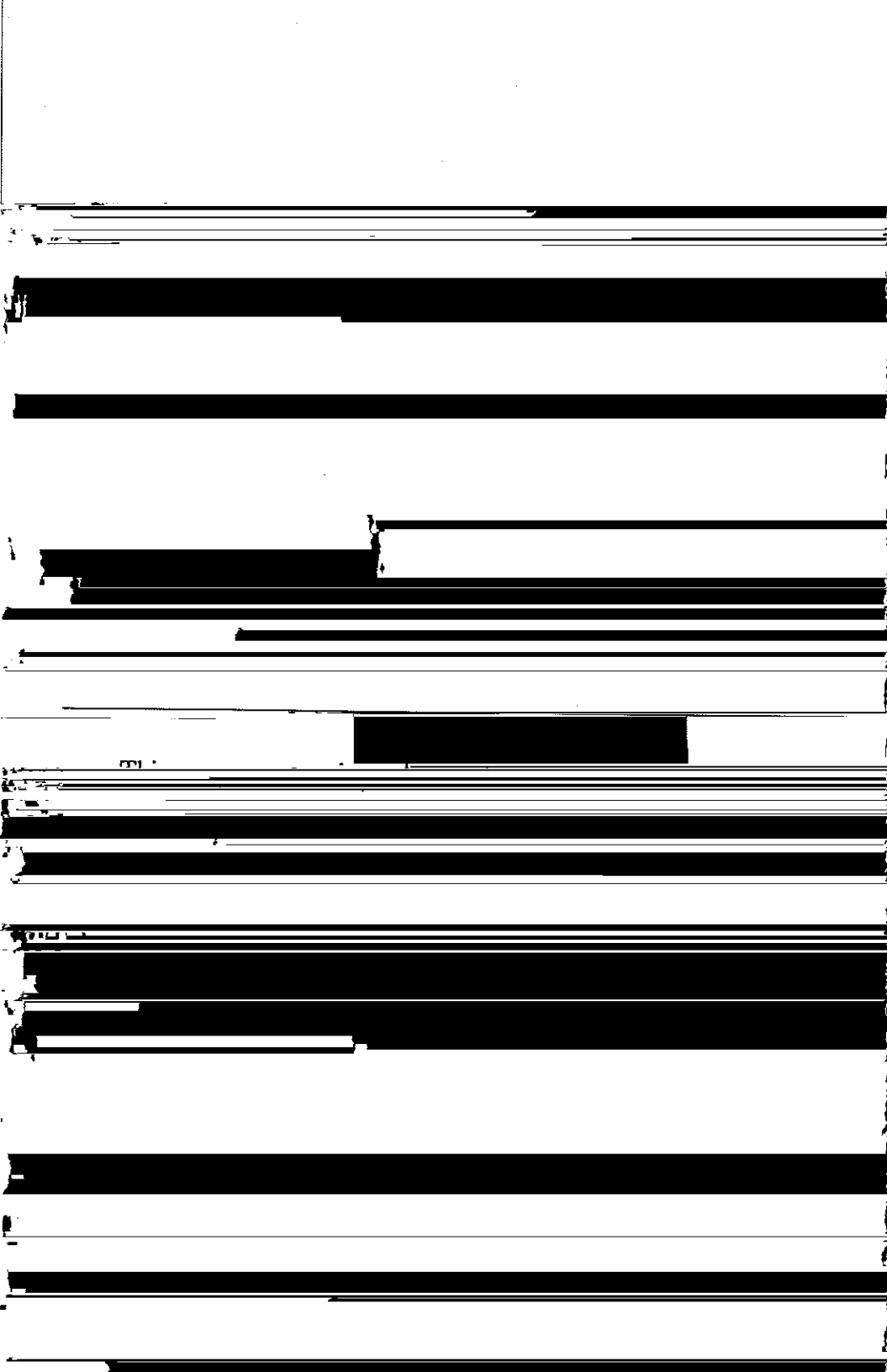


CONTENTS

Preface	v
ICNI Position on Divestment in South Africa	ix
Acknowledgements	xi
1 INTRODUCTION	1
2 THE OBJECTIVE	5
3 THE CONSTITUTIONAL PROCESS	9
4 KATIVIK REGIONAL GOVERNMENT	19
5 LABRADOR	23
6 NUNAVUT	29
7 CONCLUSION	37
NOTES	41

PREFACE

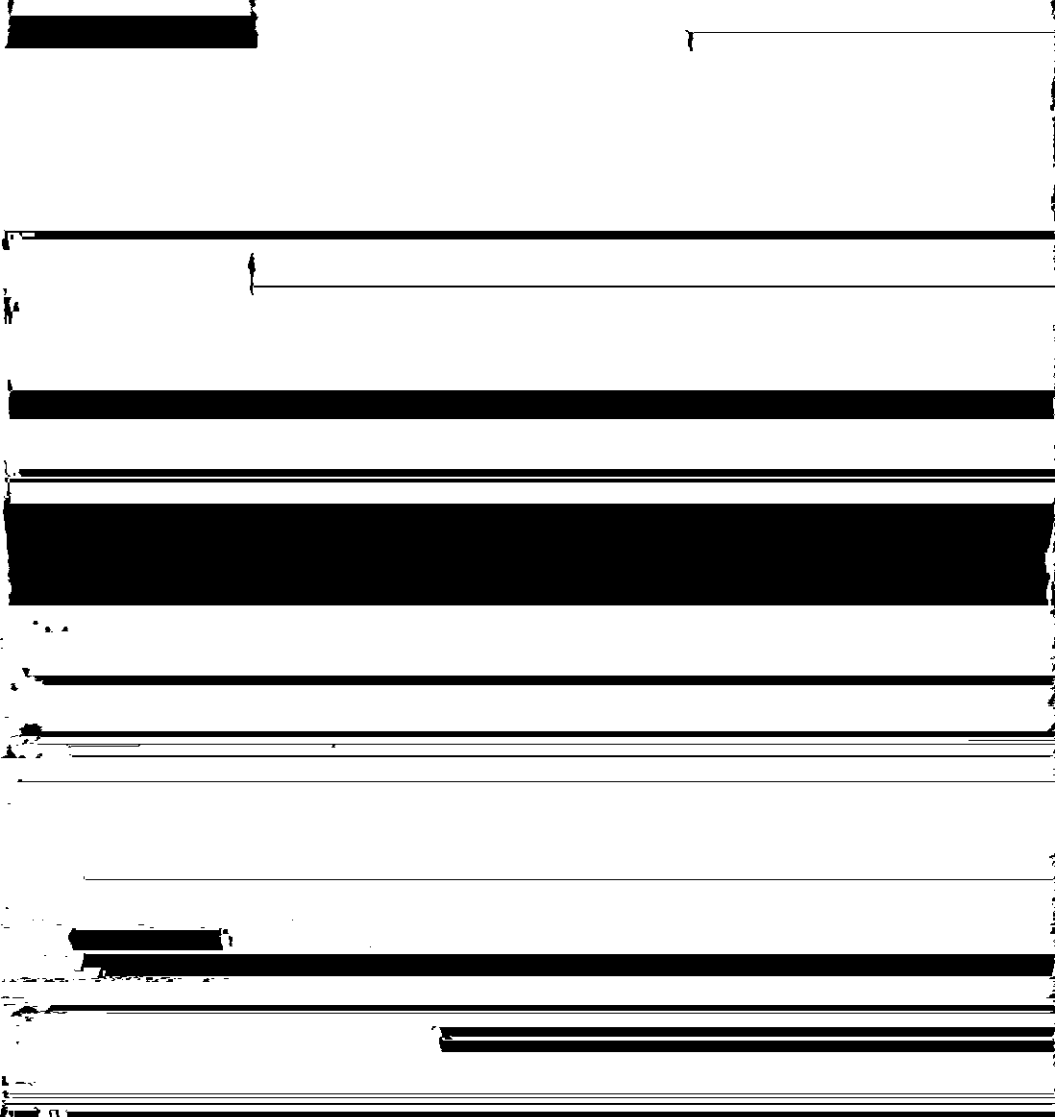




1 INTRODUCTION

Inuit are the indigenous people of the arctic and subarctic regions of four nation-states, with a homeland that extends from Siberia through Alaska and Greenland to the Arctic Ocean.

A good example of international cooperation and of lines of communication being developed was the telecasting of the third general assembly of the ICC, held in Frobisher Bay, to Greenland and Alaska through links between the Inuit Broadcasting Commission



For Inuit in Canada the question of self-government is not abstract or theoretical: it is a very real issue to which they bring considerable experience. In Northern Quebec, Inuit have negotiated the Kativik Regional Government. In the Northwest Territories they have developed a comprehensive proposal for a territorial government in the eastern Arctic, called Nunavut. In the western Arctic, Inuvialuit proposed a regional government to be called the Western Arctic Regional Municipality (WARM). In Labrador there is a long tradition of Inuit self-government at the community level

2 THE OBJECTIVE

The main objective of the Inuit Committee on National Issues (ICNI) is to secure constitutional recognition of Inuit and other

evolving presence in Canadian society. Although Inuit are willing to participate in the wise development of the Arctic through agreements negotiated under a comprehensive claim process.

needs and culture, they seek provincial-type powers in such areas

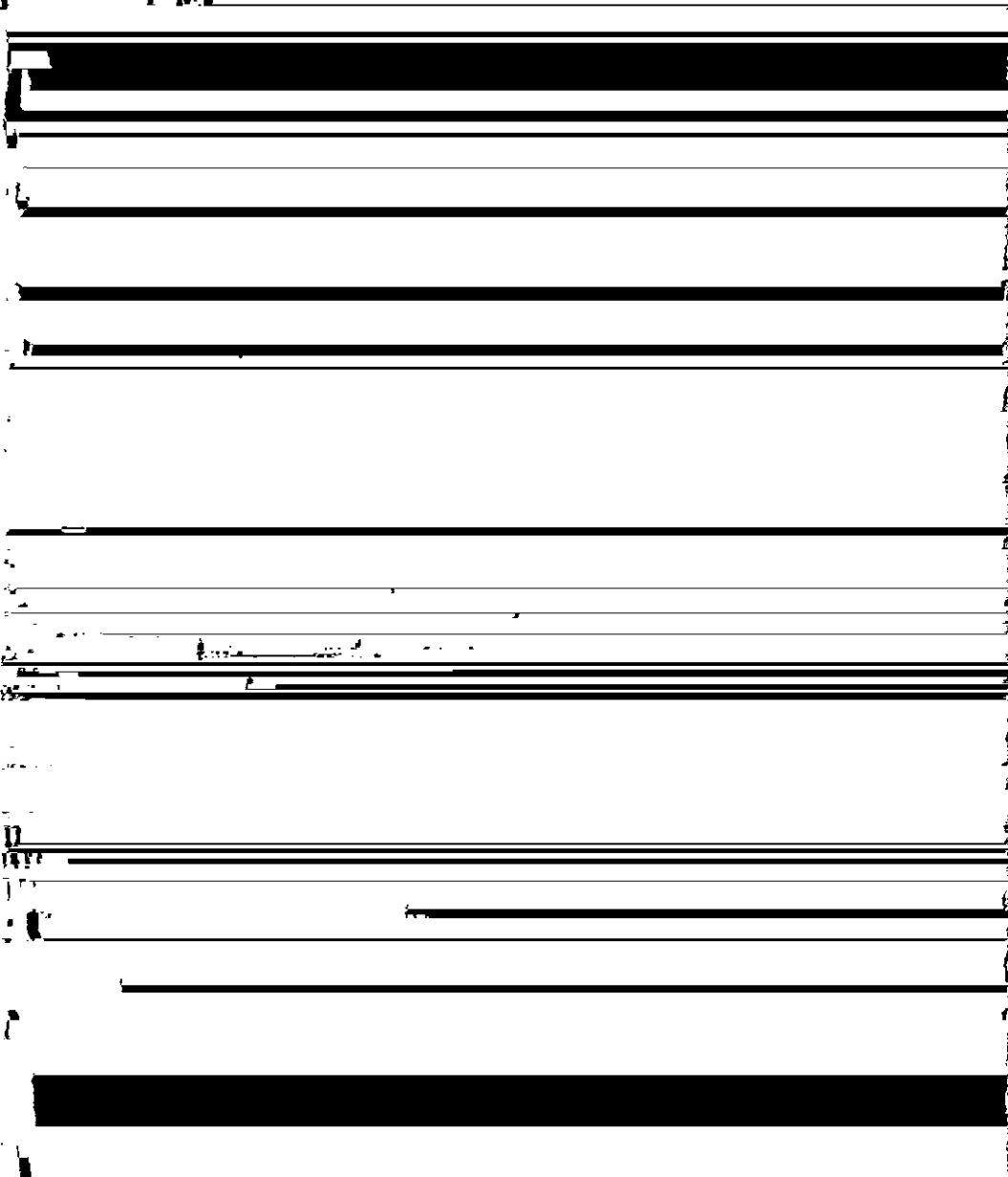
Long before the push for patriation in 1980-81, Inuit had reason to fear that their interests might be disregarded in the

the Constitution in December 1979. Constitutional issues were soon afterwards put on the back burner as a national election and the Quebec referendum on sovereignty-association followed early in 1980. In August 1980 ICNI was asked to meet with the Continuing Committee once more, but this time simply to give its reactions

Territories Act. Nor were we consulted when Labrador
joined Canada in 1949. In addition, we were denied the right

14

resolution without substantial provincial consent. The first ministers met in November, and at the insistence of some provinces the aboriginal rights clause was dropped from the resolution. Aboriginal peoples throughout Canada were outraged; in the North flags were flown at half mast and Inuit parents kept their children home from school. Following an intensive and well-coordinated lobbying effort involving Inuit, Indian and Metis peoples from the grassroots to the leadership, the aboriginal rights clause



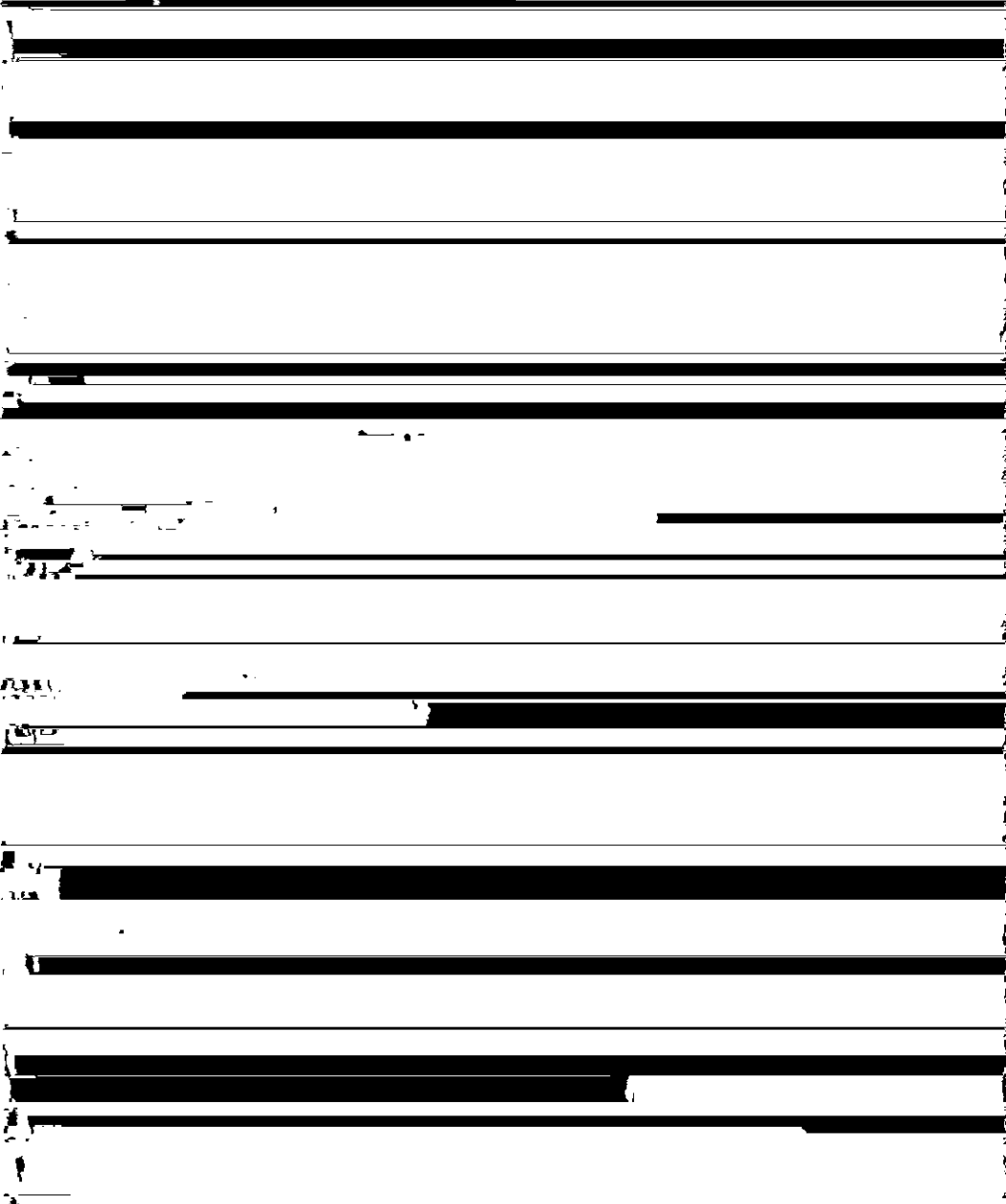
- recognition of aboriginal peoples' right to the ownership and use of lands and waters (including sea-ice), as a necessary condition of their self-sufficiency;
- recognition of aboriginal peoples' right to participate in the harvesting and management of renewable resources and in the management and development of non-renewable resources;
- recognition of aboriginal peoples' right to self-government;
- 1. 1 mechanism for negotiating self-government at local.

12 _____

1 _____

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progress has been made. It has become clear that the success of the constitutional reform process will be measured by its ability to produce a self-government amendment. Aboriginal self-government has been identified as the key element of any meaningful constitutional reform effort, and most participants agree that a self-government amendment should be an immediate goal of the negoti



tation must remain priorities of the constitutional reform process.

spirit of federalism to the North, where the aboriginal majority is still without a government of its own that is a constituent part of

hensive claims policy of December 1986 appears to reverse that
commitment. It now seems that in the absence of an explicit self-

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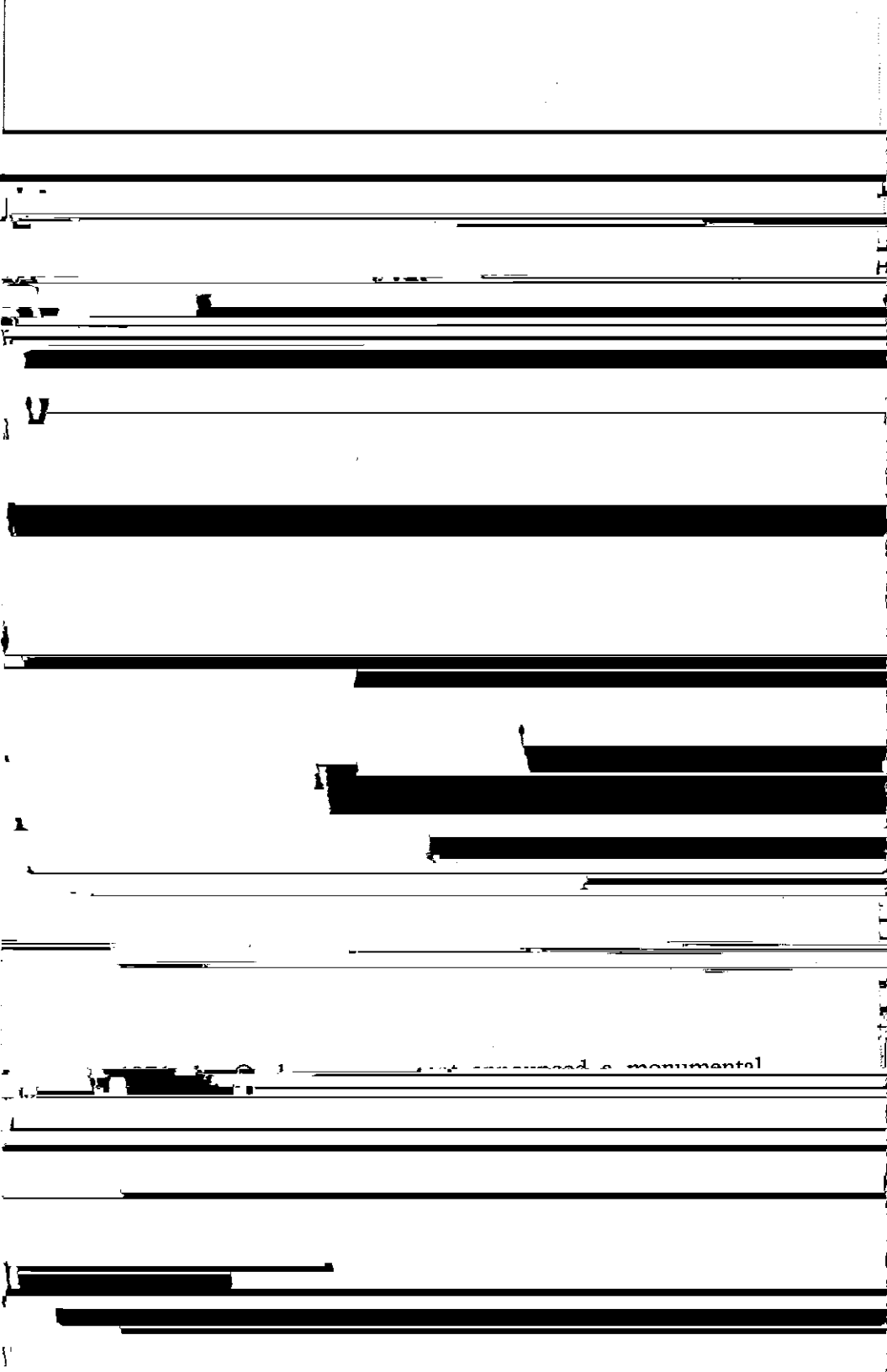
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...and announced a monumental

agreed to set up a regional government to oversee the communities and lands north of the 55th parallel, and the Kativik Regional Government (KRG) was born on 2 August 1978. A non-ethnic, public administration for the northern third of Quebec, the KRG has authority over six thousand residents living in thirteen "northern villages" or municipalities.²⁷

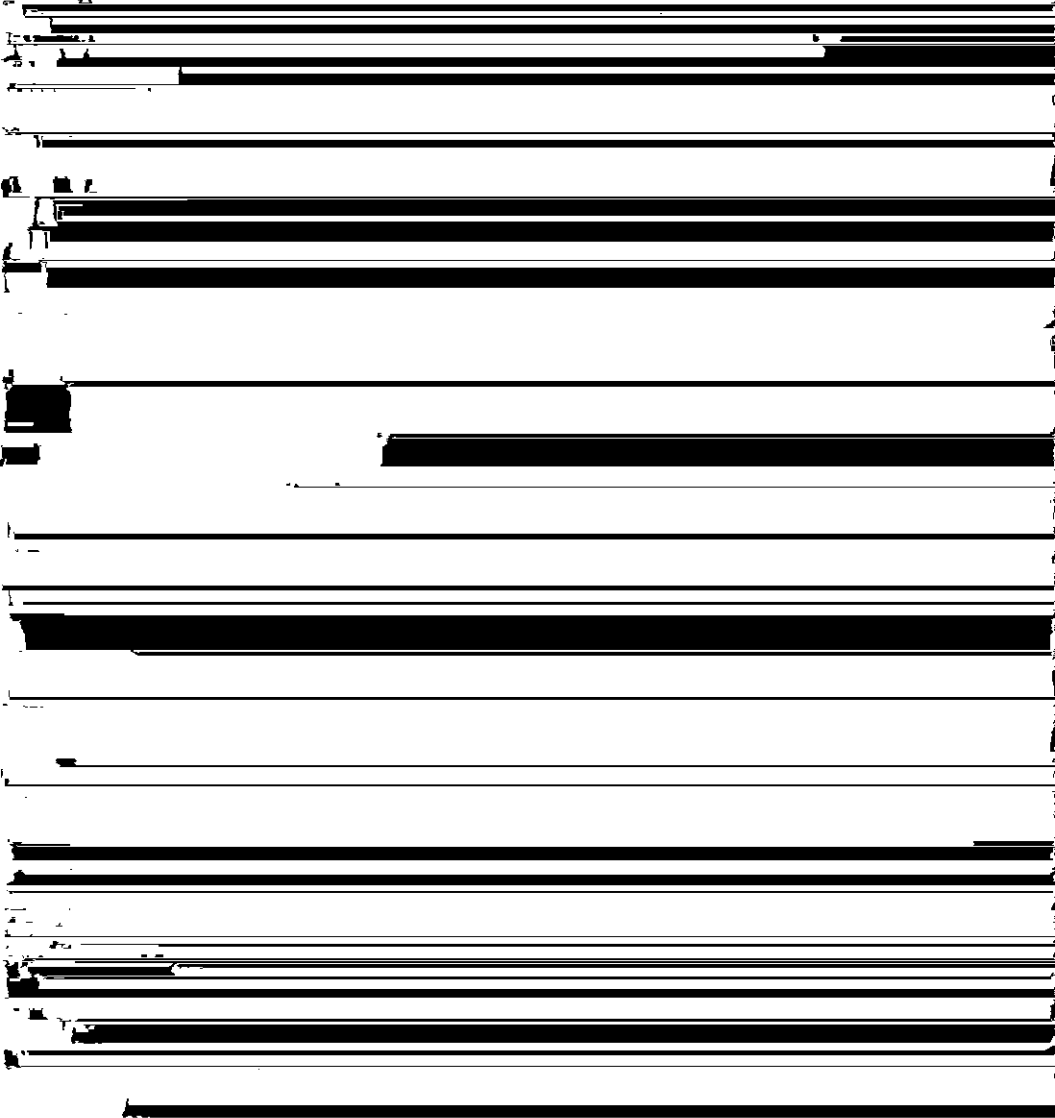
Each of the thirteen villages is represented on the KRG council by a regional councillor who also sits on the municipal council of his or her own village. Patterned on the municipal model, the KRG exercises its powers through bylaws, ordinances and resolutions. The KRG sets minimum standards governing construction of buildings and roads, water pollution, sanitation and sewerage. It may set up and operate intermunicipal and regional community radio and television antennas and public transportation.

represented, but to date funding for curriculum development and the training of instructors who speak Inuktitut has been inadequate.³⁰

While the jurisdiction and powers of the KRG may at first glance appear to be impressive, its ability to function effectively has been considerably hampered by lack of adequate funding. The

the south, where political, economic and administrative power truly lie."³³

A 1981 federal review of the implementation of the JBNQA concluded that the legitimate expectations of the Cree and Inuit were not being met. Vague drafting, the failure to guarantee appropriate levels of funding to regional organizations, and often



5 LABRADOR

In the early 1970s representatives of ITC and the Northern Quebec Inuit Association traveled to Labrador several times to speak to people about setting up a regional Inuit association. Both ITC and NQIA were committed to promoting Inuit unity within Canada and to furthering Inuit rights and interests through political action.

Although the LIA claim was accepted for negotiation in 1978, it was not on the federal government's short list of claims under active negotiation until December 1984, and no real negotiations on LIA's principal claim have taken place. The start-up of talks first stalled because the federal and Newfoundland governments were unable to reach bilateral agreement on general policy regarding the claim and on various technical matters, a precondition insisted upon by the province. DIAND subsequently announced the setting up of

being familiar to the people of Labrador. A regional government would operate most efficiently if financed through formula, or block, funding. It would manage projects and services currently funded under cost-sharing agreements between the federal and provincial governments. Police commissions, school boards, health and social service agencies, and environmental, fish and wildlife authorities could be represented on the regional government council.

A band council arrangement has also been suggested. It would place Inuit in ethnically based federal enclaves, with the lands reserved exclusively for Inuit under the land claims agreement. Inuit would determine membership in their communities, and non-Inuit would not be permitted to vote in council elections, to hold office, or to own private lands. Under this option, Inuit community councils would be represented on a Labrador Inuit Regional-Authority, which would have jurisdictions similar to those of Inuit councils in all lands within the claim area that are not subject to the specific jurisdictions of these Inuit councils. At the community level, Inuit councils would have regulatory power over such matters as community health and services, zoning and construction, regulation of businesses and trades, control of residency, environ-

A fourth possible option being considered is a territorial government along the lines of the Nunavut proposal. A legislative council, similar to the NWT Legislative Assembly, would be publicly elected. However, since Inuit are not a majority in Labrador, this model would be effective for purposes of delivering Inuit self-government only if restricted to northern Labrador, where Inuit are the overwhelming majority.

The circumstances in which Labrador Inuit are deciding on a form of self-government are not the same as in other parts of Canada. When Newfoundland and Labrador joined Canada in 1949, no specific provision was made in the Terms of Union for the federal government's responsibility for Indians and Inuit. In 1950 the federal government nevertheless did provide some money to the province for native health and welfare.

control and administering community affairs. The community elders

established a council of elders

to administer the community

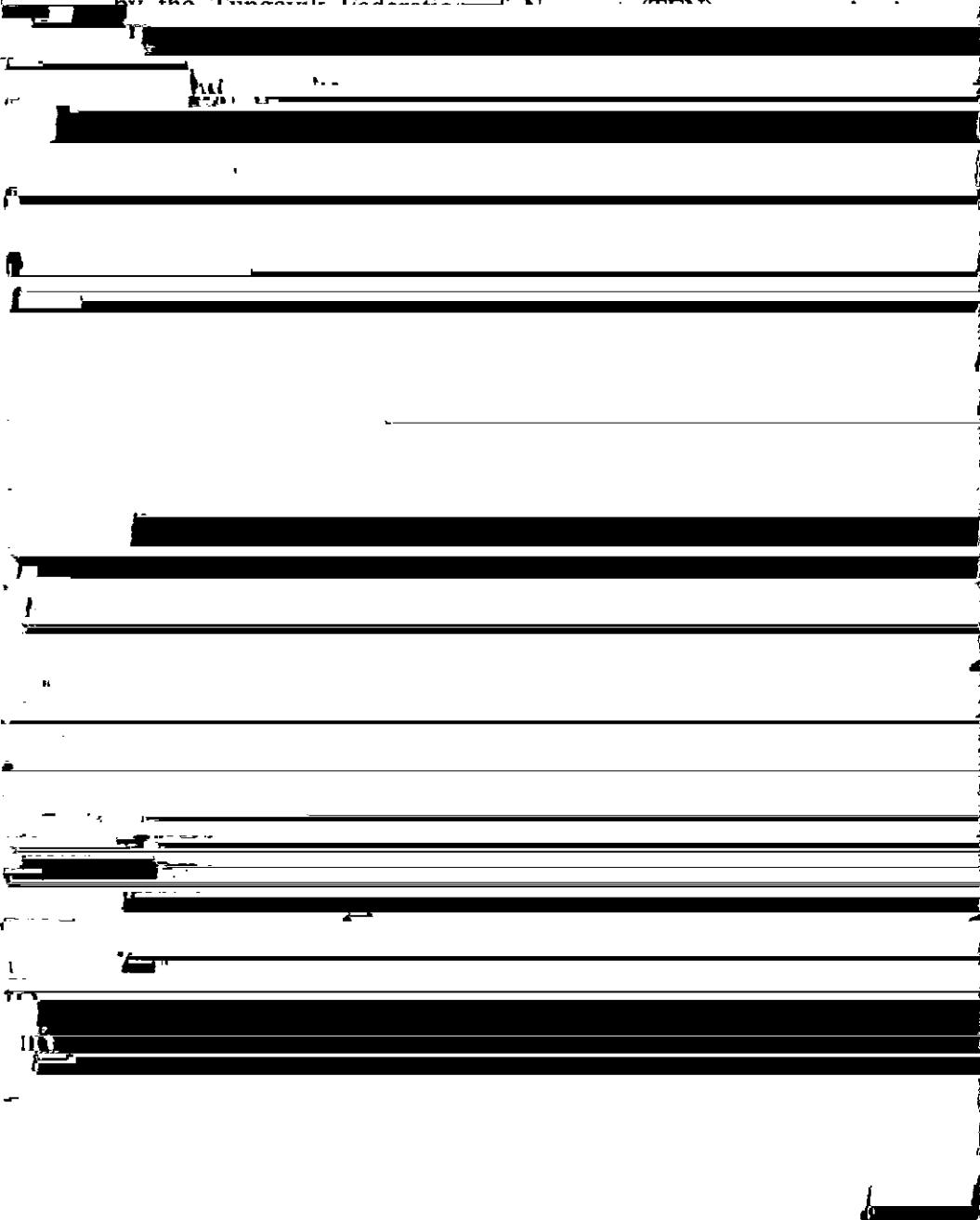
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111

6 NUNAVUT

As it established sovereignty over their lands and waters, the Canadian government did not feel obliged to enter into treaties with the Inuit. It annexed the Arctic without any coherent policy and, in the words of Prime Minister Louis St. Laurent, "administered the vast territories of the north in a continuous state of absence of mind."³⁶ In the NWT a colonial relationship persists, and both native and non-native residents lack several of the basic rights of citizens of the provinces. The power to control and benefit from the NWT's various economic activities generally rests

Upon closer examination of the situation in the light of the James Bay and Northern Quebec Agreement and the Dene struggle against the Mackenzie Valley Pipeline, COPE and ITC eventually withdrew this claim. COPE resubmitted a separate western Arctic claim that was finally settled in June 1984. Claims negotiations on behalf of the eastern Arctic are in progress and are being handled by the Tungasuvvik Federation of Inuit (TFI).



The report of the Special Representative on Constitutional Development in the Northwest Territories -- the Drury Report, completed in 1980 -- also supported the principle of a united NWT and recommended increased devolution of authority to both the territorial government and the communities.⁴⁰ Support for a united NWT was based on the supposition that division was premature, a view strongly disputed by Inuit in the eastern Arctic. In order that "the long-term question of division not be ignored," the Drury Report suggested that a forum be established by the Legislative Assembly (formerly the NWT Council) to advise on division.⁴¹ A territorial referendum was the

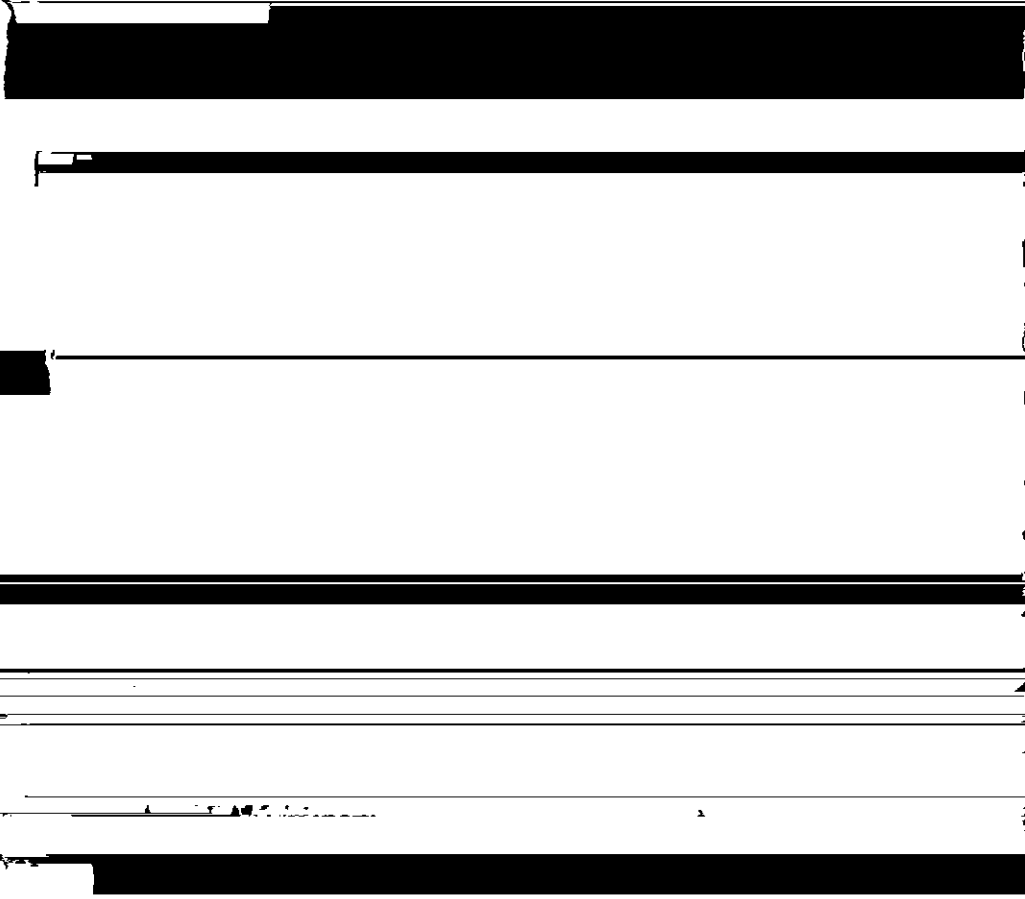
division. The vote in favour of division was unanimously ratified by the Legislative Assembly.⁴⁶

On 26 November 1992 the Minister of Indian Affairs and

445

[REDACTED]

implementing a Nunavut constitution based on the principles outlined and consolidated in *Building Nunavut: Today and Tomorrow*,



NCF has frequently met with members of Parliament and other concerned parties to explain the reasons for the creation of a new territorial government and to work towards its realization. The

have proposed a framework that allows for their participation in national processes -- a major feature of the Nunavut proposal.

The Nunavut proposal may be regarded as a design for appropriate social and economic policy in the NWT. Occupational training and the development of human resources are urgent matters requiring immediate attention and support. In housing, in health and social services, in labour relations and employment, Nunavut should hold the powers of any provincial jurisdiction. The establishment of a Nunavut territory will provide Inuit with the means to protect the social and cultural character of its communities while promoting viable economic development.

To meet the urgent need for training and education, Nunavut cannot avoid relying on outside expertise, but its educational system must be geared to the new opportunities that will develop in the public service and in private enterprise when Nunavut stops being a hinterland in the eyes of the Yellowknife government and becomes a self-governing territory. In addition to administrators and professionals of all kinds, Nunavut's schools must produce people skilled in the new technologies. The Inuit Broadcasting Corporation is proof that Inuit can develop expertise in high-tech fields. In an immense and sparsely populated region such as Nunavut, telecasting and other advanced forms of communication are an efficient means of conducting the work of government and providing access to educational programs. Applications of such technology in the Arctic may well produce new expertise that Canada may wish to share with other countries.

Policymakers must become aware that the absence of a lasting commitment to the North on the part of many non-native residents







~~presents a very real problem. People's feelings are hurt.~~

new territory. Standards will have to be defined and adequate numbers of translators and interpreters recruited. Preservation of the Inuit language as a unifying and expressive element of Inuit culture is vital.

Inuit wish to enter into a partnership with other Canadians in the national tradition of flexibility and the accommodation of diversity. As Canadians they look forward to having some control
of their traditional homeland

7 CONCLUSION

The role of self-government as a key principle in government policy-making was forcefully stated by Prime Minister Mulroney in his *opening statement at the 1995 first ministers' conference:*



new provinces were therefore given immediate

allow Inuit to exercise their right to self-government, and it would provide all its residents with the benefits and services generally accorded Canadians.

Measured against the basic criteria for aboriginal self-govern-

1. To define the territory to be

At this point in our history it would clearly be counter-productive to perpetuate the paternalistic relationship that has

NOTES

1. Ian Creery, *The Inuit (Eskimo) of Canada*, London: Minority Rights Group, 1983, 3.

2. Inuit Circumpolar Conference. *Charter and Bylaws*. revised July

13. Ibid., 7.

14. Ibid.

15. Ibid., 25.

16. Canada, *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and the House of Commons on the Constitution of Canada*, 49: 30 January 1981, 95.

17. *Constitution Act*, 1982.

18. Canada, *1983 Constitutional Accord on Aboriginal Rights*, First

27. Readers who wish more information on the KRG's powers are referred to the James Bay and Northern Quebec Agreement (Editeur officiel, Quebec, 1976) and *An Act Concerning Northern Villages and the Kativik Regional Government*.

28. ICNI, *Jurisdiction of the Kativik Regional Government in Northern Quebec: A Working Paper* prepared under the auspices of the Kativik Regional Government, Federal-Provincial Meeting of Officials on Aboriginal Constitutional Matters, Ottawa, 15-16

1982-0108 Document 940 200/007

41. Ibid., 139.

42. Ibid., 140.

43. *Nunavut*, 43.

44. Ibid., 46.

45. Ibid., 48.

46. Ibid., 57-8.

47. Boundary and Constitutional Agreement for the Implementation of Division of the Northwest Territories, between the Western
Constitutional Forum and the Northwest Territories

12. C.E.S. Franks, *Public Administration Questions Relative to*