

**COMPLETING CANADA:
INUIT APPROACHES TO SELF-GOVERNMENT**

Inuit Committee on National Issues

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PREFACE

Section 37 of the *Constitution Act, 1982* (as amended) requires the holding of a series of conferences by 1987 to deal with "constitutional matters that directly affect the aboriginal peoples of Canada." Discussion leading up to and during the First Ministers' Conferences on Aboriginal Constitutional Matters quickly focused on the task of making constitutional provisions for aboriginal self-government. Many involved in the process openly questioned the meaning of "aboriginal self-government".

In view of the importance of this subject, in May of 1984 the Institute of Intergovernmental Relations launched a research project on "Aboriginal Peoples and Constitutional Reform." Phase One of the project responded to concerns that emerged at the outset of the constitutional negotiating process. As indicated by its title, "Aboriginal Self-Government: What Does It Mean?", Phase One examined various models, forms and proposals for aboriginal self-government in other nations, and a review of Canadian developments over the past few years. The results of these investigations were compared to the positions taken by parties to the constitutional negotiations, in an effort to identify areas of emerging conflict and consensus. These findings were elaborated in five Background Papers, a Discussion Paper and a Workshop, which was held two months prior to the 1985 First Ministers' Conference (FMC).

Developments in 1985, subsequent to the First Ministers' Conference may have had a dramatic impact on the constitutional negotiation process. At a meeting of government ministers and aboriginal leaders held in June, 1985, several governments indicated their intention to pursue the negotiation of individual self-government agreements, and then to consider their entrenchment in the constitution (the "bottom-up" approach). This contrasts with the proposal, which has thus far dominated discussions, to entrench the right to aboriginal self-government in the constitution, and then to negotiate individual agreements (the "principles first"

approach). The result is that, in addition to multilateral negotiations at the national level, negotiations will now proceed on a bilateral or trilateral basis, at the local, regional and provincial/territorial levels.

Phase Two of the project is entitled "Aboriginal Self-Government: Can It Be Implemented?", and responds to concerns now emerging in the negotiations. This phase of the Institute's project therefore focused initially on arrangements for the design and administration of public services by and to aboriginal peoples. The research examined the practical problems in designing mechanisms for implementing self-government agreements. It concluded, in its initial year, with a Workshop on "Implementing Aboriginal Self-Government: Problems and Prospects", held in May of 1986.

As the 1987 FMC approaches, attention will become more concentrated on the multilateral constitutional forum (the FMC). The research agenda in the second year of Phase Two anticipates this shift in preoccupation, with the focus turning to the search for a constitutional accommodation in 1987. If this search is to be successful, it will be necessary first to inquire into, and then to resolve or assuage a number of genuine concerns about aboriginal self-government and its implications for federal, provincial and territorial governments. Research in this part of the project will explore these concerns. A third Workshop, on "Issues in Entrenching Aboriginal Self-Government", will be held in February 1987.

The Institute wishes to acknowledge the financial support it received for Phase two of the project from the Donner Canadian Foundation, the Canadian Studies Program (Secretary of State) of the Government of Canada, the Government of Ontario, the Government of Quebec, the Government of Alberta, the Government of Manitoba, the Government of Saskatchewan, the Government of New Brunswick, the Government of the Northwest Territories, the Government of the Yukon, the Assembly of First Nations, the Inuit Committee on National Issues, the Metis National Council and the Native Council of Canada.

As Part of Phase Two, the Institute offered to publish and distribute a position paper on aboriginal self-government form each of the aboriginal peoples' organizations party to the section 37

ACKNOWLEDGEMENTS

This paper summarizes views presented in previous research studies and position papers, speeches, briefs and other documents prepared by ICNI and various regional Inuit organizations. We would like to acknowledge the work done by Lisa Patterson, who sifted through all this material and produced an initial draft. Veryan Haysom's comments, especially on the section dealing with Labrador, were particularly helpful. The Committee would also like to thank Garry Bowers for revising the text and preparing it for publication.

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 Canada to Greenland. In Canada, Inuit lands are found above the tree line in the Northwest Territories, north of the 55th parallel in Quebec, and along the coast of northern Labrador. The fact that Inuit constitute approximately 90 per cent of the population of these regions¹ has proved to be a major factor in the development of models of Inuit self-government in Canada.

Throughout the Arctic, indigenous peoples are increasingly subject to pressure from industrial and other interests based in the South. Uncontrolled and poorly planned development of the Arctic poses a real threat to Inuit culture and to the lands and waters on which Inuit depend. Through negotiated land claims and self-government agreements, Inuit hope to acquire the means to participate in the management and development of their economy and to share in any benefits that derive from the utilization and development of the renewable and nonrenewable resources of their lands. In short, they wish to be decision-makers in their homeland.

To help promote better understanding by all nations of Inuit concerns, in 1977 Canadian Inuit joined with Inuit from Alaska and Greenland to establish the Inuit Circumpolar Conference (ICC). ICC's objectives are to strengthen pan-Inuit communications, to promote the social, cultural and economic development of Inuit people, and to further environmental protection in the Arctic through international cooperation.² In 1981 the Arctic Pilot Project was successfully challenged by Canadian Inuit and the ICC on the strength of the argument that this plan to ship liquified natural gas through the Davis Strait posed a serious threat to the arctic environment.

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 Corporation of Canada and similar networks in the other countries. Canadian Inuit also ensure that Canada's interests are well represented in the ICC. During the voyage of the American icebreaker *Polar Sea* through the Northwest Passage, then ICC vice-president Mark Gordon spoke strongly in support of Canadian sovereignty over its arctic regions -- a sovereignty which Inuit of Canada believe is based largely on their traditional and continuing use of the sea and sea ice.

Through involvement in ICC, Inuit from Canada, Alaska and Greenland have become aware of similarities in the various-approaches to self-government that have developed in their respective countries. Under the North Slope Borough system that evolved in response to the 1971 Alaska Native Claims Settlement Act, Alaskan Inuit are making creative use of non-ethnic or public forms of self-government to further their social and economic objectives. They have organized a bilingual (Inuktitut and English) educational system and have established a university for the region. In 1979 the overwhelmingly Inuit population of Greenland obtained self-government in the form of home rule from Denmark. This has enabled the Inuit majority, together with the non-native citizens of Greenland, to progressively take control of social, cultural, and local affairs, taxation, environmental management, and labour relations. Home rule confirmed that residents of Greenland had fundamental rights to local natural resources; it also provided for financial decision-making powers under block-funding arrangements with Denmark.

While the Alaskan and Greenlandic forms of self-government reflect certain specifically American and Danish practices, they also exhibit characteristics consistent with Canadian Inuit conceptions of self-government. By opting for public government in their proposals for self-government, Canadian Inuit have chosen an approach inspired by Canadian democratic traditions. At the same time, this non-ethnic approach to self-government has much in common with Alaskan and Greenlandic models. Under the local and regional administrations thus far established by Inuit, non-Inuit residents enjoy essentially the same rights as they would in any other Canadian province or municipality.

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 through elected councils of Inuit elders. And Inuit-controlled regional councils are already playing a significant role in the delivery of public services in the Northwest Territories.

The extent to which Canadian Inuit are involved in the constitutional reform process, in land claims negotiations, and in the development of Northern governments, attests the strength of their desire for self-determination. The North is sometimes viewed as Canada's "last frontier" but Inuit, lacking as they do the institutions of self-government that are taken for granted in other regions of this country, believe that this frontier is a largely political one.

In our discussion of what Inuit want from self-government and the constitutional reform process, we will briefly review the structures, powers, and financing schemes that characterize existing models of self-government for Inuit. The forms that the search for Inuit self-government takes in any given region of Canada are and will continue to be structured by the particular characteristics and circumstances of that region. In Quebec, the Kativik Regional Government was constituted under, and is therefore defined and limited by the terms of, the James Bay and Northern Quebec Agreement. In Labrador, self-government and comprehensive claims negotiations are proceeding concurrently, and the Labrador Inuit Association is creatively exploring methods of integrating their aspirations for self-government into the land claims process. Nunavut, as a successor for the eastern Arctic to the government of the Northwest Territories, will be expected to deliver a range of services at levels to which NWT residents have become accustomed.

2 THE OBJECTIVE

The main objective of the Inuit Committee on National Issues (ICNI) is to secure constitutional recognition of Inuit and other aboriginal peoples' right to self-determination within Canada. As a means of achieving this objective, ICNI seeks constitutional entrenchment both of aboriginal peoples' right to self-government and of a process by which this right would be implemented through negotiated, constitutionally protected self-government agreements. ICNI has not taken rigid positions or proposed comprehensive models of Inuit self-government for the other participants in the constitutional process to accept or reject.³ Rather, it is ICNI's position that the form Inuit self-government will take in any given region will have to be determined by detailed negotiations between the Inuit concerned and the appropriate level(s) of government.

Although constitutionally recognized self-government agreements have yet to be put in place, examples of various aspects of Inuit self-governing institutions do exist, and a brief examination of them should help us better understand Inuit objectives. We will first deal in general terms with what Inuit are seeking from self-government, why they want it, and how they hope to achieve it; then we will discuss specific examples in more detail.

Canadian Inuit have thus far favoured a territorial rather than an ethnic base for their institutions of self-government, and they certainly do not claim absolute sovereignty in the areas in which they live.⁴ On the contrary, they have been instrumental in the establishment of Canadian sovereignty in the northernmost reaches of its territory. For example, the relocation of Inuit from Inukjuak in Northern Quebec to Resolute and to Grise Fiord in the High Arctic in the 1950s helped to strengthen Canada's claim to the archipelago. Inuit wish to fully participate in and contribute to Canadian life, and do not want to be relegated to minority or bystander status in their own homeland. By exercising their right to self-determination while accommodating the needs and concerns of non-Inuit Canadians, they hope to become a significant and

evolving presence in Canadian society. Although Inuit are willing to participate in the wise development of the Arctic through agreements negotiated under a comprehensive claims process, the exploitation of Inuit lands for the short-term benefit of outsiders is unacceptable to them. As residents of and experts on the Arctic, they wish to further the growth and development of the region, not its destruction.

Essential to the success of Inuit self-government is an adequate, secure financial base and the power to allocate financial resources. Inuit seek legislative authority and other powers necessary for raising their own revenues.⁵ Since a significant measure of financial control and responsibility is essential if self-determination is to be more than a mere concept, Inuit favour fiscal arrangements, such as block funding, that would provide a significant degree of financial autonomy. Recognition of Inuit land and resource use is also essential, as are guarantees for continuing access to those resources. At present, legal access to the resources on which Inuit depend is surprisingly limited. This situation will have to be rectified to protect the traditional economy and to enable Inuit to share in the management and development of renewable and non-renewable resources and in the benefits to be derived from them.

For Inuit, self-government means full authority over most local and regional matters, and concurrent jurisdiction with federal or provincial governments over matters of common concern. While they recognize federal jurisdiction in foreign relations, Inuit would like some say in international matters that relate to Inuit in other nation-states. They are seeking greater control over their access to and contacts with other Inuit, particularly those in Greenland and Alaska, with whom they have historically had some measure of social and economic interaction. Since Inuit obtain 60 per cent of their food from the offshore, they are highly dependent upon its ability to continue to produce food resources, and they therefore require more than an advisory role in the management of the offshore and its resources. Through their institutions of self-government, Inuit would exercise their legitimate decision-making authority in these areas.

Inuit expect to participate in national processes through the usual channels between governments in Canada. So that their people can be provided for in a manner in keeping with Northern

needs and culture, they seek provincial-type powers in such areas as education, health, justice, culture, recreation, housing, and renewable-resource management. And since all Inuit are a numerical majority in the regions they occupy, in most cases citizenship will depend solely on whether residency is transient or permanent.

Arrangements for self-government will likely be affected by changes in federal land claims policy. In October 1985 ICNI recommended to the Task Force to Review Comprehensive Claims Policy that future comprehensive claims agreements explicitly affirm aboriginal rights and title, and that self-government be the "overriding objective in all policy concerning aboriginal peoples."⁶ Regardless of the degree to which federal policy is so adjusted, land claims and the political objective of self-government are closely interconnected. Comprehensive claims settlements bring capital in the form of compensation monies as well as newly defined rights, benefits, and opportunities for economic development. Both land claims and self-government are therefore viewed as processes for enhancing Inuit self-determination.

Federal acknowledgement of the land claims process as an integral part of the overall process of establishing meaningful aboriginal self-government would greatly facilitate the current constitutional reform process, since it would demonstrate a certain consistency in the elaboration of policy guidelines and would confirm the land claims process as a worthwhile vehicle for pursuing self-government negotiations at the regional level. In spite of the fact that the federal response to the Task Force Report merely hints at the relationship between the two processes, it is clear that self-government is an issue that cannot be ignored. Aboriginal peoples will not abandon their goal of becoming self-determining, and it should only be a matter of time before land claims and other federal policies are brought fully into line with this reality.

3 THE CONSTITUTIONAL PROCESS

Long before the push for patriation in 1980-81, Inuit had reason to fear that their interests might be disregarded in the process of constitutional reform; their history and their desire to preserve their way of life were being overlooked in the constitutional discussions that had been going on intermittently since the early 1960s. Inuit representatives appeared before a special committee of the Senate and House of Commons in 1978 to draw attention to their position and to propose ways in which they could become involved in the constitutional reform process. The following year they obtained observer status at a first ministers' conference on the Constitution. At that time the prime minister and the premiers agreed to add an item called "Canada's Native Peoples and the Constitution" to the agenda of a future first ministers' conference.⁸ They also agreed to discuss the Constitution directly with native representatives.

In anticipation of these developments, ICNI was created in September 1979 at the annual ITC general assembly in Igloolik. Mandated to represent Inuit on the national level, its main role has been to coordinate and present Inuit views on the Constitution and the reform process. Its co-chairpersons -- currently John-Amagoalik and Zebedee Nungak -- represent, respectively, Inuit of the NWT and Inuit living under provincial jurisdiction in Quebec and in Labrador. The six regional associations -- the Committee for Original Peoples' Entitlement (western Arctic), the Kitikmeot Inuit Association (central Arctic), the Keewatin Inuit Association, the Baffin Regional Inuit Association, Makivik Corporation (Quebec), and the Labrador Inuit Association -- each have one representative on the committee. The other members are the president of ITC, the president of the Inuit Women's Association, and two members elected at large by the general assembly of ITC.

ICNI's first task was to present the Inuit position to the steering committee of the Continuing Committee of Ministers on

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 reaction to federal-provincial discussions on the Constitution. Inuit representatives were again offered observer status at the September 1980 first ministers' conference.

Following the failure of that conference, the federal government introduced a resolution in the House of Commons seeking patriation of the Constitution. At that point the government did not consider entrenching aboriginal rights. In a letter to ICNI dated 30 October 1980, Prime Minister Trudeau suggested that aboriginal peoples' concerns be discussed with him in the post-patriation period. ICNI disagreed and opposed the patriation resolution. In November, representatives of various aboriginal peoples traveled to London to lobby British parliamentarians, explaining that they wished to be "self-governing within Canadian Confederation", and urging the British Crown to protect the aboriginal rights it had recognized under the Royal Proclamation of 1763.⁹

On 1 and 2 December 1980, ICNI presented a brief to the Special Joint Committee of the Senate and the House of Commons on the Constitution of Canada, arguing that the resolution should include a declaration of aboriginal rights and other items of vital importance to Inuit.¹⁰ "What is at stake," they said, "is our future relationship with Canada and our vision of contributing to its heritage and growth."¹¹ They reminded the Committee that the rights of Canada's aboriginal inhabitants flowed from their special status as historic occupants of the land and that the principle of mutual consent between aboriginal peoples and non-native interests, as embodied in the Royal Proclamation of 1763, had been eroded over the years by the unilateral actions of the Canadian government. The Inuit representatives stated that

Despite Canada's trust responsibility in regard to Inuit, we were not consulted when Canada transferred jurisdiction over part of our homeland to Quebec by virtue of the Quebec Boundaries Extension Acts of 1912. Nor were we allowed to participate in the formation of a system of government in the Northwest Territories established under the Northwest

Territories Act. Nor were we consulted when Labrador joined Canada in 1949. In addition, we were denied the right to vote in federal elections until July 1, 1960. This legislative encroachment upon our capacity to predetermine our social order was compounded by various government policies that impeded Inuit local control.¹²

In its brief, ICNI maintained that the economic, social and political disadvantages suffered by aboriginal peoples were related to the uncertainty surrounding their rights. That uncertainty

has left us lacking in essential services and economic opportunities. It has offered us little or no cultural protection. We are today faced with unprecedented social problems, while our culture and traditional values are being eroded at an alarming rate.¹³

Hoping to arrest and reverse this trend by constitutional means, ICNI observed that "if the constitution does not specifically provide for affirmation of [our unique] status, it may be assumed that it no longer exists,"¹⁴ and reminded the Committee that the right of peoples to self-determination was already recognized in international law and in United Nations covenants to which Canada is a signatory. They explained that they wanted explicit recognition of the right to self-government for aboriginal peoples, and an end to Canada's longstanding policy of extinguishing aboriginal rights in treaties and land claims agreements. When questioned on their presentation, ICNI co-chairperson Charlie Watt responded that "all we are asking for is recognition that we are a distinct people. We live in Canada, and we are here to stay."¹⁵

On 30 January 1981 the Special Joint Committee voted unanimously to include in the patriation resolution a clause stating that "the aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."¹⁶ This represented an historic first step towards full constitutional protection of aboriginal rights. The victory was consolidated by the provision of a guarantee in Section 25 that the Charter of Rights and Freedoms could not be interpreted so as to derogate from aboriginal, treaty or any other rights or freedoms pertaining to aboriginal peoples.

In September 1981 the Supreme Court of Canada ruled that the federal government could not proceed with the patriation

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 was restored, with the addition of the controversial word "existing" to qualify "aboriginal and treaty rights" (s. 35(1)). The first ministers also agreed to meet with aboriginal leaders at a constitutional conference to be convened within one year of patriation (s. 37).¹⁷

At the 1983 first ministers' conference it was agreed that three additional first ministers' conferences would be required to work through a comprehensive agenda dealing with constitutional matters directly affecting aboriginal peoples. It was also agreed to entrench, in Part II of the Constitution, a provision stipulating that rights contained in land claims agreements be protected as "treaty rights" (s. 35(3)), with a further guarantee that aboriginal and treaty rights apply equally to men and women (s. 35(4)). Finally, the 1983 amendments committed governments to convene a first ministers' conference and to invite aboriginal representatives if changes to Part II, section 25 of the Charter or s.91(24) of the *Constitution Act*, 1867 were contemplated.¹⁸

Very little was accomplished at the 1984 conference, although substantial progress was made at the meetings leading up to and following the 1985 conference. This has given aboriginal peoples reason to hope that their concerns will be suitably addressed at the fourth conference, scheduled to be held 26-27 March 1987.

In these formal talks on aboriginal constitutional matters, ICNI has clearly articulated its view of the necessary cultural, economic, and political bases of aboriginal self-government. ICNI is seeking constitutional entrenchment of the following:

- . recognition of aboriginal peoples as culturally distinct by virtue of their historic occupation of the lands that now comprise Canada;
- . recognition of aboriginal peoples' right to retain, use and develop their own languages and cultures;

- 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;
- a legal mechanism for negotiating self-government at local, regional, territorial and provincial levels;
- protection of the agreements that result from the negotiations on self-government;¹⁹
- recognition of the principle that aboriginal governments must be adequately financed.²⁰

ICNI believes that there must be constitutional recognition of the right of aboriginal peoples to self-government, whether exercised through the establishment of non-ethnic governments, as has generally been favoured by the Inuit, or through the development of ethnically constituted aboriginal governments, as might be pursued by Indian or Metis peoples.

Inuit look to the Constitution to provide a framework for the development and implementation of self-government. The devolution of powers to the various institutions of self-government would be determined by detailed negotiations between the aboriginal party concerned and the federal government and/or the relevant provincial government(s). A successfully negotiated arrangement would be given constitutional protection, the objective being to provide the emergent institutions of self-government with the legal security they need in order to function. ICNI has proposed that this be done by providing any such agreements with the protection afforded by Section 35 of the *Constitution Act, 1982*, so that they cannot be altered unilaterally by subsequent federal or provincial governments.²¹

Since 1983, when ICNI first proposed this method of entrenching the right of aboriginal peoples to self-government, considerable

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 constitutional process. Most also agree that the specific mechanisms for implementing the right to self-government should be set out in negotiated agreements which would then be constitutionally protected. In other words, a generally recognized legal framework has been developed.

In its attempts to persuade the federal and provincial governments to adopt new approaches in their relations with aboriginal peoples, ICNI has long argued that aboriginal self-government is the only workable alternative to the status quo. The deplorable circumstances in which the large majority of aboriginal people continue to find themselves, and the social and economic costs these entail, clearly demonstrate that little progress can be made if "solutions" continue to be imposed by non-aboriginal governments. The paternalism that now underlies the relationship must be discarded along with its corollary -- the policy approach -- if a new relationship that constructively alters the status quo is to develop. Federal and provincial governments have to go beyond conducting their relationship with this country's original inhabitants in a maze of piecemeal social programs. A clearer and more comprehensive vision is needed.

Effective and credible forms of aboriginal self-government will have to define this new relationship. A mere reshuffling of the status quo to create the appearance of meeting aboriginal needs -- the creation of self-government structures lacking in any real decision-making authority or financial base -- would produce nothing but arguments between the various governments (including those of the aboriginal peoples) about which is to blame for the sorry state of aboriginal affairs. Inuit have already experienced this disheartening situation with the Kativik Regional Government of Northern Quebec, and know that there is little to be gained by repeating the experience.

If aboriginal peoples are to begin a new relationship with Canada based on mutual respect and trust, entrenchment of the right to self-government and of a reliable vehicle for its implemen-

tation must remain priorities of the constitutional reform process. The relationship is still determined by outdated legislation premised on suppressing the values and traditions of aboriginal society. Experience has made Inuit, Indian and Metis peoples distrustful of the federal and provincial governments, and they are no longer willing to live at the mercy of the good intentions of non-native society. Given the record to date, they quite naturally worry that agreements on self-government may not be attainable if a right to self-government is not entrenched in the Constitution. Although some non-constitutional accommodations have been made in the area of self-government, Inuit feel that the issue is of such fundamental importance to aboriginal peoples and to the country as a whole that the terms should be spelled out in the Constitution, where the basic principles according to which Canada is governed are enshrined. In the words of Zebedee Nungak:

If self-government is to provide the basis for meaningful change and new relationships, it must be built upon a foundation which is solidly entrenched in the Constitution. This is the only way of ensuring that our rights, resources, culture, institutions, and aspirations are firmly implanted in the Canadian system in a way that can be relied upon by our people and the rest of the country.²²

Like the original partners in Confederation, the Inuit see in the Canadian federal system the means to exercise self-determination and to protect their social and cultural identity while being part of a larger economic and political union. The circumstances in 1867, as described by Senator Eugene Forsey, bear a striking resemblance to the situation presently facing Northerners:

The fathers of Confederation were faced with the task of bringing together small, sparsely-populated communities scattered over immense distances. Not only were these communities separated by natural barriers that might well have seemed insurmountable, but they were also divided by deep divergences of economic interest, language, religion, law and education.²³

Today Albertans, Quebecers or Newfoundlanders, for instance, would probably feel very uncomfortable in Canada without their own provincial governments to represent their distinctive regional and cultural needs. Inuit are challenging Canadians to extend the

spirit of federalism to the North, where the aboriginal majority is still without a government of its own that is a constituent part of the Canadian political system. As most Canadians do, Inuit believe in a federal state with a common national government for certain purposes, but they also believe they must be self-governing in important regional and cultural matters.

Aboriginal people wish to secure their place in Confederation by having their right to govern themselves articulated in the Constitution. And if the right to self-government is recognized, it is clear that the powers and resources they need to exercise this right must be made available to them. This includes economic autonomy at the local level, and clear access, through their own governments, to the mechanisms and arrangements that are aimed at maintaining fiscal equity in Canada. When this is formally confirmed as a permanent part of the Canadian system, non-native Canadians will no doubt increasingly come to accept aboriginal peoples as fellow Canadians rather than as wards of the federal government. Aboriginal peoples would then have to live with the consequences of their own decisions, as do all self-governing peoples; they would certainly become self-reliant far more quickly than would ever be possible under the policy-oriented approach pursued by the federal government in the past.

In answer to those who suggest that the land claims process is sufficient for addressing the needs and rights of the aboriginal peoples, it should be pointed out that land claims policy, even in a revised form, inherits the legacy of a policy whose initial goal was the extinguishment of aboriginal rights, not their protection or enhancement. What is more, not all aspects of self-government are or can be covered in land claims agreements. For example, the Inuvialuit Final Agreement contains no provisions respecting political development in the Inuvialuit Settlement Region, except for section 4(3), which reserves the right of consultation and equal treatment for the Inuvialuit "where restructuring of the political institutions of government is considered."²⁴ The Tungavik Federation of Nunavut (TFN) supports the entrenchment of aboriginal self-government, since the land claim agreement it is currently negotiating will not cover all aspects of self-government.²⁵ The James Bay and Northern Quebec Agreement does not deal specifically with the right of Inuit to self-government. And although in recent years there has been a commitment to discuss self-government for Labrador Inuit within the claims forum, the new compre-

hensive claims policy of December 1986 appears to reverse that commitment. It now seems that in the absence of an explicit self-government amendment, their interests, as well as those of other aboriginal peoples, must be protected from restrictive interpretations of what might currently be eligible for constitutional protection.²⁶ ICNI believes that the survival and development of Inuit as a distinct people in Canada depends on explicit constitutional provisions and on land claims policies informed by recognition of the principle of self-government.

4 KATIVIK REGIONAL GOVERNMENT

In 1971 the Quebec government announced a monumental hydroelectric power project for the rivers that flow to the east coast of James Bay. Indian and Inuit residents of Northern Quebec had not been consulted about or even notified of this project, which threatened to drastically alter their environment. Inuit reacted strongly when they learned of it, fearing that development on such a scale and the flooding of their lands would permanently undermine their way of life. Four years of political maneuvering, court cases, and hard bargaining followed Premier Bourassa's announcement.

As work on the hydroelectric project began almost immediately after the announcement, the Cree and Inuit had to apply for an injunction to halt operations until the nature of their rights had been determined by the courts. Justice Malouf of the Quebec Superior Court granted the injunction on 15 November 1973, but his decision was quickly reversed by the Quebec Court of Appeal. Aware that the native parties could appeal to the Supreme Court of Canada, the federal and Quebec governments entered into negotiations with the Cree and Inuit that finally produced the James Bay and Northern Quebec Agreement (JBNQA) in 1975.

The native parties were under a great deal of pressure in these negotiations because the project was already underway and court costs were prohibitive. In return for freeing the land for development by the Quebec government and its Crown corporations, the Inuit of Northern Quebec acquired a benefits package that included approximately \$90 million in cash, title to 3,250 square miles of land, hunting and fishing rights on an additional 60,000 square miles, and the promise of various government-funded social programs.

Under the JBNQA, the Northern Quebec Inuit Association (predecessor of Makivik Corporation) and the Quebec government

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 antennae and public transportation facilities. In any part of its territory that is not part of a municipality, the KRG may act as a northern village corporation in matters of public security, public health and hygiene, land development, traffic and transportation, and in stock-in-trade, business and real-estate taxes. The KRG is also responsible for promoting public health in the region through the Kativik Health and Social Services Council. To prevent infringements of its bylaws and ordinances, it may establish and maintain its own police force.²⁸

The KRG advises the federal and provincial governments in the areas of manpower, vocational training and the administration of justice. Because it appoints half the representatives on the Kativik Environmental Quality Commission -- a decision-making body with the potential to exercise considerable control over the effects of large-scale development in the region -- the KRG has indirect influence over decisions relating to the environment. The Kativik Regional Development Council, which is a purely consultative body, advises the Quebec government on development north of the 55th parallel.²⁹

The KRG has limited control over economic development: even in matters relating to hunting, fishing and trapping, the Quebec government holds most of the authority. However, since 1982 the KRG has successfully administered a hunter support program over which it now exercises an impressive degree of control.

Elementary, secondary, and adult education in the region is controlled by the Kativik School Board, on which the KRG is

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 capacity of northern village corporations to raise taxes is severely limited by the general lack of business and industry in the region. The KRG has learned from experience that ordinary taxation cannot adequately defray the high costs of operating and administering small northern municipalities, so that in the absence of an adequate tax base the KRG and the northern municipalities remain dependent on provincial subsidies.³¹

The KRG's financial dependence on the province of Quebec has had a detrimental effect on its ability to act as an autonomous government that could meet Inuit needs and expectations. Because formula, or block, funding is not guaranteed, Quebec has been able to maintain a remarkable degree of control over the KRG's decision-making powers. The KRG currently has to submit annual budget proposals to the appropriate provincial authorities. Its projects and activities are then evaluated by bureaucrats who decide, on the basis of southern priorities, what funds are to be allocated to it. This procedure often leads to such anomalies as the negotiation of job descriptions and specification of the exact number of employees the KRG is allowed to budget for in its various departments. Not only does this mean that the province has the final word on the Kativik budget, and consequently on its programs, services, structure, and capabilities; it also leads to a situation in which the KRG wastes inordinate staff time and already insufficient resources endlessly discussing programs and budgets with provincial government departments.³²

If the creation of a regional government in Northern Quebec was intended to provide the Inuit with the means to be self-governing, ending the dependence that has prevented Inuit from gaining substantial control over their social and economic development, that intention has not been realized to any significant degree. The KRG lacks the degree of autonomy that would properly qualify it as an institution of self-government, since "important decisions affecting the territory's and the Inuit's development continue to be taken by the [Quebec] government, in

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 hostile administrative and political policies have all undermined the ostensible aim of the Agreement.³⁴

This has also to some extent been recognized by the Quebec government. In November 1983 Premier Levesque indicated his willingness to renegotiate regional government in Northern Quebec if Inuit could arrive at a unified position. The premier's offer was taken up early in 1984, when the major Inuit organizations in the region set up the Ujitiuijiit Task Force to look into existing problems and formulate new proposals on self-government. Although both the Inuit task force and the Quebec government have issued progress reports and findings, more work is necessary before concrete proposals can be drawn up.

The entrenchment of adequate aboriginal self-government provisions in the Constitution will increase Quebec Inuit chances of negotiating greater powers for their regional government. The Kativik experience substantiates the Inuit conviction that fiscal autonomy is a prerequisite to real political responsibility. The power to develop a sound economic base and the authority to generate revenues are, with the freedom to determine spending priorities, the indispensable elements of self-government. It is the lack of these prerogatives that has prevented the Kativik Regional Government from fulfilling its potential.

The KRG is a product of the period in which it was negotiated, a time when aboriginal self-government was still viewed as unrealistic, when some viewed even the idea of it as radical. Yet one-third of the province of Quebec has experienced a form of Inuit self-government for over ten years, and despite its problems and inadequacies the KRG is a living example that aboriginal self-government can be accepted by Canadians and can function within Canada's political system.

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, thereby achieving greater self-determination. The Labrador Inuit Association (LIA) became a regional affiliate of the national organization in 1973 and was formally incorporated two years later.

When the federal government announced its comprehensive land claims policy in August 1973, Labrador was not included. LIA's first task was therefore to convince the federal government that its land claims policy should apply to Labrador. In 1977 the LIA presented to the federal government its "Statement of Claim to Certain Rights in the Land and Sea-Ice in Northern Labrador." Through their traditional and continuing use and occupancy of the land, Inuit claimed that they had aboriginal title and customary legal rights to northern Labrador. In support of its statement of claim, LIA submitted a land-use and occupancy study entitled *Our Footprints are Everywhere*, and the claim was formally accepted for negotiation by the federal government in 1978.

LIA's statement of claim was made against Canada, but a copy of both the claim and the land-use and occupancy study was submitted to the government of Newfoundland and Labrador. Newfoundland initially rejected the claim, but in October 1980 stated that it was prepared to participate in negotiations to settle aboriginal claims in Labrador on the basis of the then current federal policy. The provincial government is a necessary party to negotiations because Newfoundland's jurisdiction over lands and resources in Labrador is intimately bound up with the question of the aboriginal rights of Labrador Inuit, and because the federal government has accepted the province as a legitimate party in the process.

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 a Task Force to Review Comprehensive Claims Policy, and since then neither government has been willing to begin negotiations until a new federal policy is firmly in place.

In the interim, LIA has been preparing for the negotiations by collecting research material and developing policies and positions for consideration by its constituents. A significant development in this preparatory period has been the formation of a committee to develop options for implementing self-government and to explore the implications and suitability of those options to the circumstances of Inuit in Labrador. The committee, composed of community representatives and coordinated by LIA, is currently soliciting opinions on appropriate structures for self-government, taking into account such matters as existing legislation and customary law. Workshops have produced a variety of options that will be developed and presented to the LIA annual general meeting in 1987.

Self-government options currently under consideration include a regional government based on municipal units, similar to the Kativik Regional Government; a regional government based on federal enclaves, such as that set out in the Cree-Naskapi (of Quebec) Act; a system of separate, issue-specific institutions of self-government; and a territorial form of government.

The first -- a regional government based on municipal units -- is inspired by the Kativik Regional Government. A regional government council having authority over matters of regional concern would be composed of councillors from each community. People now entitled to vote in municipal elections would form the electorate. The government would therefore be public; within that framework, measures such as the designation of Inuktitut as an official language and the language of instruction in schools could be implemented to address the cultural concerns of Inuit. This option would also enable Labrador Inuit to build on the experience of the Kativik Regional Government, and it has the advantage 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, environmental and social protection, development of natural resources, wildlife management, and taxation.

A further option being explored by the committee is that of regionally based, issue-specific institutions of self-government. For each area of concern (for example, education, health, justice, family welfare, wildlife management), a separate authority would be established to make and implement policy for the region. Education would come under the jurisdiction of a regional school board, environment under an environmental quality commission, and so on. The structure of these regulatory agencies would vary, but all would be composed mainly of Inuit community representatives, with federal and/or provincial participation, as appropriate, to represent government and non-Inuit interests. The jurisdiction and powers of these agencies would be subject to negotiation and would be determined by the nature of their respective mandates. However, it is clearly intended that the proposed bodies have decision-making power and not merely advisory functions. This system would allow for direct, focused control over the institutions which most closely affect day-to-day life in the communities.

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, and four years later, under a ten-year agreement, it assumed full responsibility for native health in Labrador. Since that time, federal-provincial cost-sharing agreements have provided basic services to Labrador's native peoples, and most of the funds for native health, education and social welfare in Labrador have come from the federal government.³⁵ In the five years preceding the expiry of the services agreement in March 1986, LIA participated with the federal and Newfoundland governments on the coordinating committee responsible for overseeing implementation of the agreement. The development of programs and services that answer the needs of Inuit citizens of Labrador, and that allow their full participation, is viewed by LIA as one means of increasing Inuit self-determination in the region. Unfortunately, LIA was not accepted as a party to the two-year interim agreement currently in place.

Today most Labrador Inuit live in the communities of Nain, Hopedale, Makkovik, Postville, Rigolet and Happy Valley/Goose Bay. Nain, Hopedale and Makkovik were founded in 1771, 1784 and 1896 respectively by Moravian missionaries. Postville and Rigolet were the site of Hudson Bay trading posts, and the town of Happy Valley/Goose Bay grew as a result of the establishment of an American armed forces base there during World War II. The Moravians established schools and taught Inuit in Inuktitut until 1949, and the language remains in daily use today. In the early 1900s, when the Moravian missions were at the height of their control, communities were run by Inuit chapel servants responsible to the Moravian ministers, and by Inuit community elders elected by the people. The elders were responsible for maintaining social

control and administering community affairs. The community elders established curfews for children, erected public facilities and played an important role in settling personal and family conflicts. While the authority of community elders has declined over the years, it persists on a more informal basis, and most Labrador Inuit have a sense of the period in their history when Inuit were responsible and respected decision-makers in virtually all significant matters in their communities.

Today Labrador Inuit view the land claims process as the primary vehicle by which their right to self-government can be reclaimed and implemented. At the same time, however, they are keenly aware of the importance of the constitutional reform process in producing an amendment that recognizes and affirms the right to self-government. Mechanisms for developing self-government are integral to the settlement of the LIA claim, and to date Labrador Inuit have not been subject to the federal policy of artificially dividing land claims issues and political development. Nevertheless, no decision has been made as to whether the Labrador Inuit will negotiate self-government as part of their land claim or in a separate set of negotiations established under the Constitution.

Through their representation on ICNI, Labrador Inuit are working to achieve the means to self-government through amendments to the Constitution. Constitutional entrenchment of the right to self-government would help resolve the aspects of the LIA claim that relate to self-government. The growing acceptance of the legitimacy of aboriginal self-government at the constitutional table lends credence to ICNI's proposal that self-government should become the overriding goal of all federal policies, including land claims, directed towards aboriginal peoples.

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 with the federal government, which holds extensive powers respecting its resources and the right to regulate, sell, lease, or dispose of territorial lands.

From 1905 until after the Second World War the NWT was governed exclusively by senior civil servants based in Ottawa. Beginning in 1951, elected representatives were gradually made members of the previously all-appointed council until it became a fully elected body in 1975. The first full-time Commissioner set up a separate territorial office in 1964, and only in 1967 was the seat of government transferred from Ottawa to Yellowknife. The federal government still appoints the Commissioner, who in law has final say over the administration of the NWT.

Fifty-eight per cent of the population of the NWT is native, but above the tree line Inuit are the overwhelming majority. In 1969, as the Beaufort Sea became subject to intense pressure for development, Inuit of that region set up the Committee for Original Peoples' Entitlement (COPE) to defend their interests. In the same year the federal government released its White Paper on Indian Policy, in which the existence of aboriginal rights was not recognized. The Inuit Tapirisat of Canada (ITC) was formed in 1971. Shortly after the Nishga court case (*Calder v. A.G.B.C.*) forced the federal government to rethink its land claims policy, COPE and ITC launched a joint claim on behalf of Inuit in the Territories.

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 Tungavik Federation of Nunavut (TFN), an organization representing the major Inuit organizations and interests in the region.

It is against this background that the Nunavut proposal should be considered. "Nunavut" -- Inuktitut for "our land" -- refers both to the eastern and central portion of the Northwest Territories north of the tree line, and to the territorial government planned for that region. The tree line runs from northwest to southeast and divides the territory into geographically and culturally distinct halves. The forested areas and the lake system of the Mackenzie River Valley are traditional Dene and Metis lands, while the tundra to the north and east and the fast ice of the coast are Inuit and Inuvialuit territory.

The Northwest Territories consist of the area left over after Manitoba, Saskatchewan, Alberta, and the Yukon Territory were created. It is still the largest political subdivision in Canada, making up 34 per cent of the area of the country.³⁷ The desirability of dividing this massive territory was recognized by the Diefenbaker and Pearson governments, and during the 1960s both governments tabled bills on the subject. Initiatives to establish a separate territory in the eastern Arctic, to be known as Nunatsiak, faltered in 1963 because of misgivings about the lack of elected aboriginal representation (eastern Arctic representatives were appointed rather than elected) and the absence of any regional political organization.³⁸

The 1966 Carrothers Commission on the development of government in the Northwest Territories supported the principle of moving towards full responsible government for the entire territory, in preference to that of immediate division. Its report recommended that political development be encouraged at the community level and that division be reconsidered in ten years.³⁹ Yellowknife was soon afterwards chosen as the seat of the NWT government, in part because it was well located to serve as the capital of the western portion of a divided NWT.

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 means proposed for measuring public acceptance of the forum's recommendations.⁴²

In the fall of 1979 a native majority was elected to the Legislative Assembly. This development was heralded as the beginning of a new era in which Dene, Inuit and Metis would be able to work towards positive change in respect of aboriginal rights.⁴³ The Assembly's curiously named Unity Committee reported in 1980 that Northerners were, generally speaking, alienated from the existing territorial government. Inuit, moreover, required radically different government policies than the peoples living below the tree line, but Inuit needs were not being met by the government in Yellowknife.⁴⁴

Other factors paved the way for the referendum on division, which took place in April 1982. These included the increase in public interest and awareness created by the Berger Commission on the Mackenzie Valley Pipeline, Greenlanders' voting for and obtaining home rule in 1979, and native leaders' attempts to participate in the Canadian constitutional process. Community and regional councils were operating in Nunavut at the time of the referendum, but their limitations only made that much more evident the lack of power available to Inuit at the territorial level, where Mackenzie Valley interests often held sway.⁴⁵

Turnout of Inuit voters was remarkably high, and division was favoured by 80 per cent of voters in the eastern Arctic. Results were less conclusive in the western Arctic, but Mackenzie Valley Dene and Metis communities also supported division. Division was rejected by predominantly non-native towns, but turnout there was not high. Overall, 56.5 per cent of those who voted preferred

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

On 26 November 1982 the Minister of Indian Affairs and Northern Development announced that the Liberal government would in principle accept division of the territories into two separate jurisdictions. By February 1985, when the Conservative government reaffirmed its support for Nunavut, much preparatory work had been done by the Nunavut Constitutional Forum (NCF). NCF was established by the Legislative Assembly and Inuit organizations soon after the referendum. It is responsible for working out the details of the Nunavut constitution, conducting research, consulting with the communities and keeping them informed. It is composed of representatives of TFN, ITC, and regional associations and councils. Ex-officio members may be designated by these parties, and the Legislative Assembly appoints two of its own members. The current chairperson is John Amagoalik. NCF and its western counterpart, the Western Constitutional Forum, negotiated possible terms of division, and on 15 January 1987 the Constitutional Alliance reached an historic agreement.⁴⁷

The agreement is divided into three parts. The first, entitled "Matters of General Concern," establishes a boundary between the eastern territory, Nunavut, and the western territory, as yet unnamed. It is proposed that the line between the two jurisdictions be the land claims boundary delineating the Dene-Metis and TFN claims regions, running from the 60th parallel to its point of intersection with the COPE/Inuvialuit Settlement Region, and from there along the eastern boundary of that region. (The western jurisdiction will thus cover the Beaufort/Mackenzie delta region and the Mackenzie Valley territory.) A comprehensive ratification process is provided for, including an NWT-wide plebiscite on the proposed boundary. Finally, a four-year process of constitutional development is planned, to enable the Constitutional Forums of both territories to elaborate new constitutions for the proposed jurisdictions, again subject to ratification by residents of the respective territories.

The second and third parts of the agreement outline the terms of constitutional development that the Western and Nunavut Forums respectively intend to pursue over the next four years. The WCF has committed itself to a comprehensive set of principles respecting regional government. The NCF intends to pursue its policy of

implementing a Nunavut constitution based on the principles outlined and consolidated in *Building Nunavut: Today and Tomorrow*, a document approved at a constitutional conference held in Coppermine in 1985.

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 Nunavut proposal grows out of two pressing needs: to protect and properly manage Inuit lands in the face of pressure for industrial development, and to restore stability and cultural integrity to a society badly shaken by externally imposed change.⁴⁸ NCF has published a series of study papers and reports on such issues as the division of powers, intergovernmental relations, financing, the role of Inuit customary law, the feasibility of a bill of rights for Nunavut, and the significance of land claims. It has also released general works outlining the background and structure of the proposed Nunavut government. What follows is drawn from these documents.

Inuit believe that in Nunavut they have a suitable, well-developed proposal for the establishment of an Inuit-run territorial government. Working through NCF, they have been engaged in a process designed to

explore the views of many groups and interests, and to work within the Canadian public and political traditions, in order to create the best result possible. In our proposals we have tried to come up with something which will meet the needs of the people living in Nunavut, express the culture of the Inuit homeland of Nunavut and accommodate the demands for pluralism and the other conventions of political development which are part of Canadian life.⁴⁹

Nunavut will provide Inuit with many of the tools they need to become truly self-governing. Intergovernmental relations are integral to the Canadian political system, and Inuit expect their territorial government to be integrated into the structures and values of this system. Intergovernmental relations will provide Inuit with a vehicle for expressing their unique culture and identity and contributing their experience and expertise for the benefit of all Canadians. Desiring to be partners with other Canadians, Inuit

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 from the South often choose to live in the North for a year or two, and the transient nature of their residency can inadvertently have a negative effect on the stability and development of the region. In order to promote social harmony and stability in the eastern Arctic, it will be necessary to make length of residency a criterion for determining voting rights and eligibility for certain programs and services.

If Nunavut is to represent the cultural homeland of the Inuit in Canada, the Inuit language will require legislative protection and specific programs for adapting it to its new role will have to be developed, for Inuktitut will be one of the official languages of the

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 over their future and the future of their traditional homeland. Through the creation of Nunavut, Inuit of the region will be able to practice self-determination in a uniquely Canadian way.

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 1985 first ministers' conference:

The key to change is self-government for aboriginal peoples within the Canadian federation ... It is not an end in itself, but rather a means to reach common goals. It is the vehicle, not the destination. The challenge and satisfaction is in the journey itself.

The federal government's approach to self-government for aboriginal peoples takes account of these realities, of the inventiveness and creativity that Canadians have always shown in developing their democratic institutions. It is through self-government that a people can maintain the sense of pride and self-worth which is necessary for productive, happy lives.⁵⁰

While that conference ended without achieving explicit recognition in the Constitution of the right of aboriginal peoples to self-government, it confirmed the significance of this issue for all the participants in the constitutional reform process. In 1987 the government of Canada is no longer denying the validity of Inuit aspirations to control their lives and lands. Inuit have developed models of government that are compatible with Inuit culture, with the geography of the North, and with the requirements of Canadian federalism. They wish to work with other levels of government to develop their economy, for Inuit share with other Canadians the long-term goal of wise development of the Arctic and its resources.

Inuit leaders are confident that their people's needs can be met within the Canadian federal system. A federal form of government was chosen in 1867 because the uniting colonies needed a system that respected diversity of language, culture, religion and local institutions within a strong economic and political union. The

new provinces were therefore given jurisdiction over matters of local concern, while the central government assumed responsibility for matters of national interest. Over the years a cooperative partnership between Canada's national and regional governments evolved. Shared-cost programs promoted the interdependence of regions and different levels of government. Beginning in the 1950s a policy of equalizing regional disparities was pursued, to ensure that Canadians in every province had roughly the same social services, educational opportunities and standard of living -- that no Canadian should have to suffer unusual hardships simply because of where he or she lives. Now the principle of equalization is enshrined in the *Constitution Act, 1982*. This commitment is expressed through conditional and unconditional transfers to the regions of sums which can in some cases constitute a significant proportion of provincial and territorial revenues.

In their move towards political maturity, the peoples of the Canadian North are demanding a voice for their region. Inuit are seeking a measure of political and economic self-determination that would place them on an equal footing with other Canadians, and they have proposed the means by which they could fully participate in Canadian society. They do not wish to isolate themselves from the rest of the country, because they recognize in federalism a flexible system that should be able to accommodate their needs as Canadian citizens and as aboriginal people.

The most considerable experiment in Inuit self-government to date has been the Kativik Regional Government. While it might in theory serve as an example of some of the jurisdictional areas that should be available to public governments in Inuit territories, in practice the KRG falls far short of the Inuit concept of self-government. Inuit need more than authority on paper -- they require the powers and the funding to enable them to carry out their plans and policies. Without real authority and resources, Inuit could not effectively govern in their territories, and "self-government" would amount to little more than a camouflage for federal or provincial control. The Kativik Regional Government needs to be reconsidered as a model.

If the political will to provide adequate and unconditional financing exists, Nunavut stands as a suitable model for Inuit self-government in the central and eastern Arctic. As a public government, Nunavut would fulfill two essential functions: it would

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-government, the Nunavut proposal is sound. It defines the territory to be governed, is based on a system of government familiar to Canadians and compatible with Canadian political tradition, provides Inuit with reasonable access to the resources of their territory, lays down requirements for financing and economic development, and proposes a suitable legal and administrative regime for protecting Inuit language and customs.

In opting for a public -- as opposed to ethnically based -- form of government in Nunavut, Inuit have made a hazardous choice, for it is entirely possible that large-scale industrial development could render Inuit a numerical minority in their homeland. Anticipating such an eventuality, the planners of Nunavut have suggested that mechanisms for Inuit participation be permanently incorporated into certain government structures and institutions. For example, seats might be reserved for Inuit on boards and commissions; then, should the demographic balance be altered, Inuit institutions and practices for protecting Inuit interests would already be in place. With both federal and territorial support for a separate territorial government in the Inuit region of the NWT, Nunavut is likely to become a reality in the near future. In time, and given favourable circumstances, it will gain provincehood.

But although the creation of Nunavut would provide two-thirds of Canada's Inuit with their own government, in the absence of constitutional amendment it would not provide constitutional protection for Inuit self-government in the North. Consequently, constitutional protection of aboriginal peoples' right to self-government continues to be a priority for Inuit. Entrenchment of a process for arriving at and constitutionally protecting self-government agreements is necessary for the long-term security of all aboriginal peoples. Negotiations with Inuit in Labrador respecting land and political rights, and with Inuit in Quebec respecting the Kativik Regional Government, should be guided by a nationally approved principle of aboriginal self-government.

At this point in our history it would clearly be counter-productive to perpetuate the paternalistic relationship that has prevailed for so long between Canadian governments and Canada's aboriginal peoples. The existing quasi-colonial administrative arrangements for aboriginal peoples have failed to meet the needs of either aboriginal peoples or non-native governments. We must develop a new framework that will allow for the creation of effective institutions of self-government and enable Inuit, Indian and Metis peoples to take their rightful place in Canada.

Speaking for ICNI at a federal-provincial ministers' meeting in December 1984, Zebedee Nungak explained that

The entrenchment of our right to self-government in the Constitution is going to make the country a whole, as it should be. It is going to make it a complete country instead of a country with a big hole in it where aboriginal peoples are to be accommodated.⁵¹

John Amagoalik, addressing a forum on Canadian inter-governmental relations, pursued this theme of completing Canada through constitutional entrenchment of aboriginal self-government:

In fifty years, people will look back to see that the fabric of Canada will have been fundamentally altered, and that the circle of Confederation has been completed. I think all Canadians will be proud of the progress we will all have achieved.⁵²

To ensure that such "constructive damage" is done to the status quo, arrangements for self-government must transfer to the aboriginal peoples a measure of political and economic power equal to the task. When this has been accomplished, Canada will have reached greater maturity as a nation.

NOTES

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