International Ph.D. School for Studies of Arctic Societies (IPSSAS)

Self-Governance in Arctic Societies: Dynamics and Trends

Proceedings of the Fourth IPSSAS Seminar
Kuujjuaq, Nunavik, Canada
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François Trudel (Ed.)

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Cover photo: *Inukshuit* in the outskirts of Kuujjuaq, Nunavik. An *inushuk* (*inukshuit* in the plural form) is an arrangement of stones or cairn resembling the shape of a human. The Inuit have used *inukshuit* for generations for many of their activities, such as a navigational aid, a lure or a marker. *Inukshuit* also embody spiritual and ancestral connections and have a great symbolic meaning. (Source of photo: catalog of photos taken by participants to the IPSSAS seminar in Kuujjuaq, 2006).

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Editor : François Trudel

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The IPSSAS seminar is an intensive course about and in Arctic societies. It brings together Ph.D. candidates, senior M.A. students, other young researchers and faculty members from universities and research centres of the IPSSAS circumpolar network as well as other universities. It also involves local students and residents from the Arctic communities where the seminar is held.

The fourth IPSSAS seminar was held in the Inuit community of Kuujjuaq, in the northern part of the Province of Québec named Nunavik, where the government of Québec, the government of Canada and Makivik Corporation have in a recent past negotiated and signed Agreements-in-Principle on the creation of a Nunavik Regional Government. The central theme of the seminar was “Self-governance in Arctic societies”, as this process has been one of the major dynamics of the economic, social and political life of many Inuit regions of Northern Canada (Nunavut, Nunavik, Nunatsiavut, Inuvialuit Settlement Region), as of other regions of the circumpolar world. The seminar was organized by François Trudel (Department of Anthropology and CIÉRA, Université Laval, Québec City, Canada) and the IPSSAS Steering Committee, in partnership with Makivik Corporation, an organization owned by the Inuit of Nunavik, with a mandate of the protection of the integrity of the James Bay and Northern Québec Agreement (JBNQA).

Nine graduate students (five female, four male) from six different countries/territories (Canada, Denmark, France, Germany, Greenland, the United States), registered and participated in the seminar, which took place in the main office building of the Makivik Corporation and in the Kuujjuaq Convention Centre. Faculty and researchers contributing to the seminar included anthropologist Marc-Adélard Tremblay, Professor emeritus of Université Laval and former member of the Nunavik Commission for Self-Government, many members of the IPSSAS Steering Committee and a postdoctoral researcher, Niobe Thompson, from the University of Alberta. Senator Charlie Watt, in addition to several Inuit from the Kuujjuaq community and from all over Nunavik, were active participants or guests to some activities within the seminar, as well as Government representatives, such as Donat Savoie, Chief Federal Negotiator, and Fernand Roy, the Quebec interim Negotiator for the self-government project of the Inuit of Nunavik.

The seminar included many activities (see details on the IPSSAS website).

During the first week of the seminar, Professor Marc-Adélard Tremblay of Université Laval gave keynote lectures providing overviews on: a) the Aboriginal situation in Canada; b) the history of social science research in the Québec and Canadian norths; c) the Nunavik Commission for Self-Government.

Thereafter, all registered Ph.D. and M.A. students -half of which worked on topics related to self-governance in Arctic societies- each made a presentation describing their research project, which was commented and discussed by Faculty and fellow students. Some of the students also participated to an on-line discussion of the topic of governance in Nunavik on the Nunavik Government website (see www.nunavikgovernment.ca). Faculty
and guests made a variety of presentations on the topic of the seminar and related topics, in addition to acting as animators of the discussions.

An outstanding feature and centerpiece of the fourth IPSSAS Seminar was certainly a two-day forum organized by Makivik Corporation and named in Inuktitut the “Sivunivut Forum”, which took place on May 30 and 31, with the participation of several Inuit guest speakers from all over Nunavik and local attendance. On the first day of this forum, Inuit representatives of all the major Nunavik organizations (such as Kativik Regional Government, Kativik School Board, the regional Health Board, etc.) made lively presentations of the current issues confronting them and answered a series of questions from the audience, including the IPSSAS Seminar participants. A mock parliamentary session was organized during the second day of the forum, so as to demonstrate how a future Nunavik Assembly could function. In this session, Inuit representatives from various communities and walks of life in Nunavik skillfully and sometimes with much good humor played the role of ministers and discussed topics of importance to Nunavimmiut.

All students participating to the seminar submitted a paper for publication in the Proceedings and all of those papers were accepted, after careful evaluation by the editor and the IPSSAS Steering Committee. In reading those contributions, anyone should remember that they are but a moment in a more or less long and advanced research process, which has in most cases progressed considerably and even ended since submission of the papers for publication.

Preparation of the Proceedings of the Seminar was an overlong process. Some of the papers submitted for publication took quite a long time before reaching their finalized version. Some expected contributions did not materialize. We, for some time, entertained the hope to be able to publish in the Proceedings a reliable transcription of the oral presentations made in Inuktitut by all the Inuit leaders during the Sivunivut Forum, since those presentations -and their simultaneous translation into English- had been recorded. In the long run, such a task proved to be an impossible mission and had to be abandoned, after long investments into it. If it had succeeded, the Proceedings would have contained a totally original dimension, since the Nunavik Inuit voices and opinions about their forthcoming Nunavik Government would have been reproduced quite faithfully.

The content of the Proceedings could have been organized in many different ways. The theme of the seminar was Aboriginal self-governance in Arctic societies and most papers if not all dealt either directly or indirectly with this theme. In an overall introduction and first part of the Proceedings, we decided to place the most encompassing and outstanding paper of Professors Marc-Adélard Tremblay and Jules Dufour, followed by Fernand Roy’s historical overview of the process of negotiation of self-governance in Nunavik. Other contributions by students and Faculty were simply regrouped and presented in alphabetical order in the second part, simply titled Aspects of Aboriginal Self-Governance in Canada, Alaska and Greenland. Two background papers related to Aboriginal self-governance in Canada are presented at the end of the Proceedings.
The editor and the IPSSAS Steering Committee express their gratitude to all students, Faculty and guests for their active participation in IPSSAS Seminar 2006 and, not the least, for their patience in waiting for the publication of its Proceedings. They also thank Makivik Corporation, for letting us use their wonderful Board room as a meeting place for the seminar, as well as the Municipality of Kuujjuaq, for its warm welcome of this quite large group of Qallunaat, including a few Inuit.

They also thank the following individuals for their support to the organization of the Seminar:

- Donat Savoie, Chief Federal Negotiator for Nunavik, Indian and Northern Affairs Canada, who greatly facilitated the inclusion of the Sivunivut Forum in the IPSSAS Seminar.

- Paul Bussières, Counselor in Intergovernmental Affairs, and Jean-François Arteau, Legal Advisor, both in Makivik Corporation, who served as our contacts with this corporation before, during and after the IPSSAS Seminar.

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- Marco D. D. Michaud, a contractual professional researcher in CIÉRA of Université Laval, who very efficiently assisted the editor in the preparation of the Proceedings and made good suggestions.

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François Trudel
Department of Anthropology and CIÉRA
Université Laval
Novembre 2008
INTRODUCTION
The Long March of Canadian Aboriginal Peoples to gain their Rights, to win Recognition of their Freedom and to Achieve Self-Determination: 1950-2005

Marc-Adélard Tremblay* and Jules Dufour**

Abstract. This paper looks at the emancipation process of Canada's Aboriginal peoples throughout the 1950-2005 period. It investigates the various perspectives and strategies that they have used to induce Canadian governments (both federal and provincial) to acknowledge and respect Aboriginal rights to traditional territories and treaty rights enacted in past centuries and today recognized by the courts. In addition to these legal and moral obligations on governments, the authors broadly assess how well governments have historically provided Aboriginal peoples with services to meet basic needs. The authors spell out their findings on both levels in terms of seven themes. The themes are based on observations from the relevant literature and on experiences gained during service on government commissions and review committees, especially the Nunavik Commission—which gave the authors access to many federal and provincial official records. Its mandate was to make recommendations on establishing a public government for the Nunavik Inuit that would enjoy broad self-government within the province of Quebec.

For the authors, the Aboriginal peoples have been engaged in a "Long March" to reclaim their full rights and fundamental freedoms. This ongoing process is far from over and much remains to be achieved. Its goal could be achieved if governments confirm their political will by fully implementing previously announced Aboriginal policies. In return, the Aboriginal peoples themselves must continue to express their views and expectations within the framework of a participatory democracy where citizens at all levels are informed about exploratory solutions to Aboriginal issues.

Keywords: Aboriginal peoples, Aboriginal policies, Assembly of First Nations, basic needs and services, Canadian governments, fundamental freedoms, Kativik Regional Government, Makivik Corporation, Native rights, Native claims, Nunavik, Nunavut, Quebec territory, Self-governance.

***

Introduction

We first conducted the research for this paper as commissioners on the Nunavik Commission (1999-2001) and later as special advisors to the federal negotiator (2002-2006) for establishment of a public government that would give the Inuit much self-government in managing their own affairs within the province of Quebec. It was our
decision that we share our views and experiences with others who are active in native studies (Canadian Anthropology Society’s annual meetings in Halifax in 2003) or who hold administrative positions in governments, native agencies, or private organizations. The intent was to get critical views which would enrich our interpretations with knowledge from field observations, unpublished articles and studies, and archival data. To ensure objectivity and academic independence, we did not seek financial support from governmental funding agencies or from the Department of Indian and Northern Affairs (Ottawa).

In response to comments from peers, we have revised and altered the themes for the broad period under study (fifty-five years). Such themes were constructed to reflect, as best as possible, the evolution of Aboriginal relations with governments and governmental agencies as well as efforts by natives to become better organized and positioned at the national and regional levels. Obviously, Aboriginal peoples have sought to create a more positive image of themselves among non-Aboriginal Canadians and to express their needs and expectations more concretely to governments for full recognition of their rights and their capacity to manage their own affairs. Such a research goal requires a comprehensive theoretical perspective that would encompass a wide range of historical factors and the internal and external dynamics that have been transforming their societies. Such transformations have given rise to a number of Aboriginal achievements as part of a process we have dubbed a "Long March." This process started especially after the mid-twentieth century. Aboriginal peoples have pursued a step-by-step strategy to achieve their main goals, i.e., full recognition of their land and Aboriginal rights and self-government.

While working on the Nunavik Commission, we had access to a wide range of relevant documents and had an opportunity to discuss them from the standpoint of government/Aboriginal relationships. Moreover, our field experiences provided us with knowledge that served as a further basis for comparative analysis of concrete Aboriginal or government initiatives in different contexts. In Dufour’s case, it was by acting regularly as an expert on the environmental and socioeconomic impacts of industrial or new organizational developments in Aboriginal areas. Tremblay had worked mainly in the Arctic as co-director of the first Canadian Indian Claims Commission (1964-1967) and as a member of the Canadian Polar Commission (1991-1997). We also chose a time frame (1950-2005) that would be broad enough for us to identify major trends and their changing patterns over time.

First, to refine our analysis, we divided the time frame into thematic periods. Each period encompasses largely similar events that may be represented by a general concept that characterizes the main components in terms of the types of initiatives taken either by governments or by Aboriginal peoples or by both jointly, such as organizational developments on Aboriginal lands. For instance, hydroelectric power management in the Hudson Bay basin may be characterized in terms of types of initiatives, types of responses, and achieved goals. By examining the elements within such thematic periods, we may better identify the different stages of the Long March, the main advocates of such initiatives, and the mechanisms whereby Aboriginal organizations or governments informed their constituencies about the issues in order to obtain their participation and
agreement. In other words, what strategies did successive governments and native leaders use to ensure that their actions paid off as efficiently as possible? From our viewpoint, there is a power relation and a communication process within which positions are held by three main actors: a) governments and their agencies; b) Canadian Aboriginal organizations and communities; and c) non-Aboriginal people, their organizations, and their communities. Given the multiple interactions among these three stakeholders, the communication process and the nature of its content are clearly important.

Second, we aimed for a holistic analysis. We sought to provide a comprehensive image of government and Aboriginal initiatives without having to refer to certain variables that could otherwise refine our analysis. Such a theoretical stand will not prevent us at times from identifying concrete results even though we will not attempt to reconstruct all of the relevant dynamics in each case under study. Thus, we identified major initiatives by Aboriginal peoples or by governments that produced tangible results in relation to Aboriginal needs, socioeconomic aspirations, and rights. We recorded all of these initiatives on a chart that describes four distinct items: a) date when the initiative began, who advocated it, and the relevant level of government; b) Aboriginal peoples concerned; c) nature of the initiatives, usually defined by their goals; and d) concrete results. In the longer version of this paper, these items are fully recorded in tables for each thematic period.

Given the complexity of the sociohistorical and sociopolitical aspects under study, the overall time frame was inadequate for our purposes. We felt it imperative to split the 55 year time frame into seven themes, each of which covers a specific period. Such a methodology will clarify the gradual development of Aboriginal quests by identifying specific strategies implemented at different times, it being understood that each strategy was viewed by its advocates as the most promising one, under the circumstances, to reach the goal. We knew in advance that many changes occurred during the overall time frame in terms of the advocates of initiatives, the issues, and the non-Aboriginal attitudes to Aboriginal claims and goals. The time frame was divided on the basis of seven themes. For each theme, we will identify its major components and its time period, knowing that, since each theme usually extended over a number of years, the periods probably overlap each other.

**Review of the seven themes**

1. **First theme (1950-1970):**

   GROWING AWARENESS BY CANADIAN ABORIGINAL PEOPLES OF THEIR MARGINAL POLITICAL STATUS WITHIN CANADA, THEIR POORER LIVING CONDITIONS, AND THEIR INABILITY TO DEVISE RELEVANT STRATEGIES TO HAVE THEIR RIGHTS RECOGNIZED

Canada's post-war era was marked by economic prosperity and major technological and institutional changes. The federal government introduced wide-ranging social programs to protect Canadians against inherent life risks, notably illness (medicare), unemployment (unemployment insurance), and poverty (social assistance). Because very few natives
could apply for them, these programs widened the gap between Aboriginal people and other Canadians. In a two-volume report, the Hawthorn-Tremblay Commission (1964-1967) proposed a large number of recommendations to improve the lives of Aboriginal peoples (Citizens Plus). The report was shelved by the Canadian government. In the longer version of this paper, the initiatives documenting the precarious conditions of Aboriginal peoples are described at length.


ESTABLISHMENT OF NATIONAL ABORIGINAL ORGANIZATIONS

The Aboriginal peoples now agreed to support political organizations that would coordinate their initiatives. These organizations started to structure and consolidate Aboriginal claims against governments and began planning united actions for full recognition of Aboriginal rights. At first, they faced obstacles on many occasions but gradually gained recognition and made major gains at the national level. They paved the way for the establishment of other organizations that represented Aboriginal people at the provincial level or at the level of each nation.

The 1927 Indian Act forbade establishment of Aboriginal political organizations. The RCMP readily suppressed any such attempts by Aboriginal chiefs and confined recalcitrant chiefs. Band councils were established at about the same time. Through such a strategy, federal authorities prevented the formation of a legitimate Aboriginal leadership according to traditional norms. The same act outlawed the use of Aboriginal languages and traditional religious practices such as the potlatch, a widespread Aboriginal custom. These actions stemmed from ethnocentric ideologies, such as the superiority of the English and French civilizations over traditional Aboriginal cultures.

At the end of the First World War, the League of Indians of Canada was formed. It received weak support from Aboriginal peoples because of their divergent interests and disappeared from the scene rapidly. The 1940s saw a similar initiative: The North American Indian Brotherhood. It ran into similar resistance from Aboriginal groups and governments alike, in addition to administrative difficulties. It split into regional organizations and then dissolved in the late 1950s. During the early 1960s, the National Indian Council was established (1961) to represent three of the four major Canadian Aboriginal groups: Treaty Indians; Status Indians; non-Status Indians; and Métis. The Inuit were not part of this statutory classification. As Canadian Indians became better organized and as their initiatives diversified, the Council split in 1968 into two distinct entities. Treaty Indians and Status Indians formed the National Indian Brotherhood, whereas non-Status Indians and Métis founded the Native Council of Canada.

In 1969, the federal government released a White Paper that advocated abolition of Indian reserves and revocation of Indian status. The National Indian Brotherhood (NIB) mounted so much opposition that the federal government had to withdraw the White Paper. The succeeding Indian chiefs until 1982 built and maintained a powerful lobby to defend Aboriginal rights and to call on governments to redefine their Aboriginal policies and strategies.
In 1972, the NIB submitted a memorandum to the federal government in which it claimed full Aboriginal administrative authority over Indian educational policy. In 1979 Indian chiefs felt a need to make structural changes, following discussions about patriation of the Canadian Constitution. The NIB became the Assembly of First Nations/L’Assemblée des Premières Nations. It still exists today and more ably represents the entire membership. It has acquired greater accountability among Aboriginal organizations and is better equipped to serve their needs and requests.

The chiefs of all four Canadian Aboriginal organizations participated in the Conferences of First Ministers on the Constitution between 1983 and 1987. In general, such participation marked a major gain: for the first time Aboriginal organizations had a say in constitutional discussions on Aboriginal and treaty rights. Previously, Canadian Aboriginal peoples had a low standard of living and were more or less isolated from each other. They now became conscious of the diversity of their cultures and traditions, including their political perspectives and views. Technological improvements in transportation were now making frequent exchanges back and forth possible in addition to giving natives a chance to tell Canadians and the world that they were underprivileged, that persistent prejudices existed against them in Canada, and that the Canadian governments were failing to recognize their rights. Moreover, they were learning more about the types of governance strategies and patterns of action of both levels of Canadian government.

The 1983 conference revealed a lack of solidarity among Aboriginal peoples on land claims, rights to natural resources, rights to self-government, and education rights. Some provinces denied the existence of inherent rights but were ready to acknowledge contingent Aboriginal rights. Such a stand, at face value, was unacceptable to the Assembly of First Nations and the conference ended with no agreement on Aboriginal rights. The conference was nonetheless helpful because the participants agreed that the constitution should protect land rights in the same way that it protects treaty rights. The first ministers finally agreed to hold further conferences to discuss constitutional issues that affect Aboriginal peoples.

The 1984 and 1985 conferences had a single item on the agenda: self-government. Discussions led to a dead end with three provinces (Saskatchewan, British Columbia, and Newfoundland) and the Aboriginal peoples were unable to get a consensus on such a fundamental item. At the 1987 conference, the federal and provincial governments refused to recognize that the Aboriginal peoples had an inherent and historical right to self-governance. This lack of recognition did not mean that the Assembly and its leader Erasmus had completely failed in their mission. The chiefs and the Assembly had revealed major problems facing Aboriginal peoples and had received support for their cause from eminent individuals of international stature. Furthermore, they had convinced the other three Aboriginal organizations of the need to enshrine Aboriginal and treaty rights in the constitution, even though such rights were still not clearly defined. At the same time, they had told governments and Canadians alike that they wished to continue their efforts for full recognition of their claims. Since then, the Assembly of First Nations has been involved in many other issues related to Aboriginal rights and sustainable development.

PURSUIT BY THE ABORIGINAL PEOPLES OF A MIXED DEMOCRATIC STRATEGY TO GAIN RECOGNITION OF THEIR RIGHTS

By and large, the Aboriginal peoples developed a mixed democratic strategy. First, they undertook a vast international media campaign with the aim of better informing the public about government responses to their legitimate claims. Second, they went to the courts to obtain rulings on cases where Aboriginal rights were at stake. This twofold strategy—raising public awareness and getting court rulings—had a strong impact on governments that wished to cultivate a positive image of their stands on Aboriginal rights. At any rate, both courts and justice departments began to pay more attention to Aboriginal issues. Aboriginal peoples resorted to these legal procedures during a strenuous time when federal, provincial, and territorial Aboriginal policies were coming into conflict with cases before the courts. These strains were compounded by the 1990 Oka Crisis and the 1995 Quebec sovereignty referendum.

The Aboriginal peoples attempted to get the courts to recognize their legitimate rights by forcing the legal system to spell out the nature of these rights. We will examine the conflicting views expressed by the opposing parties, the kinds of processes involved, the initiatives by the actors involved, and the impacts of the rulings. According to the Native Alliance of Quebec, Canadian native rights were most decisively recognized and protected by the following court decisions: Guérin (1984), Simon (1985), Sparrow (1990), Trilogy Van der Peet (1995), Côté and Adams, Pamajevon, Delgamuukw, Corbière and Lovelace (See: [www.aaqnaq.com](http://www.aaqnaq.com)). We will briefly review the Sparrow, Sioui, Van der Peet, and Delgamuukw decisions. They made landmark changes to government policies and programs for Canada's Aboriginal peoples.

3a. The Sparrow Decision (1990)

With this decision, statutes that interfere with implementation of Aboriginal rights remain valid if they justify infringement on a recognized and confirmed right as spelled out in Section 35 (1) of the 1982 Canadian Constitution. The justification for the infringement must have a valid, clear, and plain legislative intention and will usually require prior consultation with the people concerned and compensation for the infringement. Thus, although the primacy of Canadian legislation is recognized, interference with Aboriginal rights is permitted only if the legislative intention is valid, clear, and plain. Consultation with the people concerned must be carried out and there might be some compensation (Source: [http://www-lexum.umontreal.ca/pub/1990res1-1075.html](http://www-lexum.umontreal.ca/pub/1990res1-1075.html)).

3b. The Sioui Decision (1990)

This decision recognizes Aboriginal rights to wildlife resources. The Canadian Supreme Court ruled in favour of the Sioui brothers by recognizing Huron rights to practise religious rites on their ancestral lands as a result of a 1760 treaty between the Crown and the Huron nation. Interpretation of treaties must be flexible and realistic, reflecting the

3c. The Van Der Peet Trilogy Decision (1995)

In this ruling, the Canadian Supreme Court defined an Aboriginal right protected by the Canadian Constitution as an activity that is an element of a practice, custom, or tradition integral to the distinctive culture of the Aboriginal group prior to the arrival of Europeans.

Primacy of existing Aboriginal rights for pre-contact traditions, customs, and practices

The Van der Peet decision found that existing Aboriginal rights override fishery rulings in the case of pre-contact traditions, customs, and practices. This ruling turned on the question: Do existing Aboriginal rights allow fish to be sold for sustenance when the fish are caught under an Indian food fish licence? Does this activity flow from the exercise of an Aboriginal right?

A favourable context for Aboriginal peoples

The decision was written in a context where the State holds a fiduciary duty to Aboriginal Peoples. Thus, legislation governing Aboriginal Peoples must be given a generous and liberal interpretation. The Justices of the Canadian Supreme Court ruled that Section 35(1) must be understood in terms of general principles that govern the legal relationship between the Crown and Aboriginal peoples. They reiterated that the Crown has a legal duty to Aboriginal Peoples and that, consequently, statutes governing Aboriginal peoples must be interpreted generously and liberally. They added that any doubt or ambiguity as to the scope and definition of Section 35 (1) of the Canadian Constitution must be resolved in favour of Aboriginal peoples. Analysis of this section should not be limited to an analysis of why a pre-existing legal doctrine was elevated to constitutional status. (Source: http://www.umontreal.ca/cscscc/fr/pub/1996/vol3/1996rcs2-0507.html).

Aboriginal rights existed and were recognized under the common law. They were not created by s.35 (1) but subsequent to s.35 (1) they cannot be extinguished. They can, however, be regulated or infringed consistent with the justificatory test laid out in R. v. Sparrow.

What is an Aboriginal right?

The decision defines an Aboriginal right:

To be an aboriginal right an activity must be an element of a practice, custom or tradition integral to the distinctive culture of the aboriginal group claiming the right. A number of factors must be considered in applying the "integral to a distinctive culture" test. The court must take into account the perspective of the aboriginal peoples, but that
perspective must be framed in terms cognizable to the Canadian legal and constitutional structure. In assessing a claim to an aboriginal right a court must first identify the nature of the right being claimed in order to determine whether a claim meets the test of being integral to the distinctive culture of the aboriginal group claiming the right. To characterize an applicant's claim correctly, a court should consider such factors as the nature of the action which the applicant is claiming was done pursuant to an aboriginal right, the nature of the governmental regulation, statute or action being impugned, and the practice, custom or tradition being relied upon to establish the right. The activities must be considered at a general rather than specific level. They may be an exercise in modern form of a pre-contact practice, custom or tradition and the claim should be characterized accordingly. To be integral, a practice, custom or tradition must be of central significance to the aboriginal society in question — one of the things which made the culture of the society distinctive. A court cannot look at those aspects of the aboriginal society that are true of every human society (e.g., eating to survive) or at those aspects of the aboriginal society that are only incidental or occasional to that society. It is those distinctive features that need to be acknowledged and reconciled with the sovereignty of the Crown. The practices, customs and traditions which constitute aboriginal rights are those which have continuity with the practices, customs and traditions that existed prior to contact with European society. Conclusive evidence from pre-contact times about the practices, customs and traditions of the community in question need not be produced. The evidence simply needs to be directed at demonstrating which aspects of the aboriginal community and society have their origins pre-contact. The concept of continuity is the means by which a "frozen rights" approach to s.35 (1) will be avoided. It does not require an unbroken chain between current practices, customs and traditions and those existing prior to contact. A practice existing prior to contact can be resumed after an interruption.

Examination of practices, customs, and traditions of Aboriginal peoples who claim an Aboriginal right

"Courts considering a claim to the existence of an aboriginal right must focus specifically on the practices, customs and traditions of the particular aboriginal group claiming the right. Claims to aboriginal rights are not to be determined on a general basis." It has to be a custom, practice, or tradition that has a special importance for the Aboriginal group claiming such a right.

In identifying those practices, customs and traditions that constitute the aboriginal rights recognized and affirmed by s.35 (1), a court must ensure that the practice, custom or tradition relied upon in a particular case is independently significant to the aboriginal community claiming the right. The practice, custom or tradition cannot exist simply as an
incident to another practice, custom or tradition. Incidental practices, customs and traditions cannot qualify as aboriginal rights through a process of piggybacking on integral practices, customs and traditions.

Aboriginal rights can exist on reserve lands, Aboriginal title lands, and Aboriginal right lands

Aboriginal right lands are those lands on which only specific Aboriginal rights exist, such as the right to hunt for food, social and ceremonial purposes. Aboriginal rights can exist on reserve lands, aboriginal title lands, and aboriginal right lands. Reserve lands are reserved by the federal government for the exclusive use of Indian people. Title to Aboriginal title lands — lands which the natives possess for occupation and use at their own discretion — is founded on common law and is subject to the Crown's ultimate title. It exists when the bundle of Aboriginal rights is large enough to command the recognition of a sui generis proprietary interest to occupy and use the land. Aboriginal title can also be founded on treaties. Finally, Aboriginal right lands are those lands on which only specific Aboriginal rights exist (e.g., the right to hunt for food, social and ceremonial purposes) because the occupation and use by the particular group of Aboriginal people is too limited and, as a result, does not meet the criteria for the recognition, at common law, of Aboriginal title. These types of lands are not static or mutually exclusive.

The 1982 Constitution Act protects Aboriginal interests that flow from the historical occupation and use by Canadian Aboriginal people of their ancestral lands, thus recognizing and confirming "the existing rights" —ancestral or flowing from treaties, signed by Aboriginal Peoples. "Prior to 1982, aboriginal rights were founded only on the common law and they could be extinguished by treaty, conquest and legislation as they were "dependent upon the good will of the Sovereign". Now, s. 35(1) of the Constitution Act, 1982 protects aboriginal interests arising out of the native historic occupation and use of ancestral lands through the recognition and affirmation of "existing aboriginal and treaty rights of the aboriginal peoples of Canada."

Sustenance and not commerce

The defence of Mrs Van der Peet turned on the argument that she sold fish for sustenance. It was not a lucrative activity of a commercial undertaking. Aboriginal peoples can sell fish they have caught if they can demonstrate that they have traditionally used fisheries to provide for needs that are met through trade.

We will now turn to the question at the heart of the Court challenge. Do Aboriginal people have a constitutional right to fish for commercial purposes under Section 35 (1) of the 1982 Constitution Act? The answer is yes inasmuch as the Aboriginal people can demonstrate that they traditionally used fisheries to meet needs that were later met through trade.
3d. The Delgamuukw Decision (1997)

This decision deals with the acceptance in principle of requests by an Indian band not administered under the Indian Act, which represents many dwellings and/or nations.

Parliament holds absolute authority, as enacted by s.91 (24) to regularize Aboriginal rights and titles as well as to receive their surrender. Moreover, any question related to s.35 (1) is also part of s.91 (24). The essence of Indianness is embodied in s.35 (1). Native law, as expressed through oral tradition, shall be a tool to determine the exercise of rights and titles.

This ruling is the first recognition by the Canadian Supreme Court of non-band interests: traditional groups; kin-based "houses", and so on. Limits to governmental authority are defined for land use and land regulations. Thus the decision also has a bearing on provincial legislation that affects s.35 (1). Key criteria are identified for non-status Indians and Metis.

Conclusion

The four decisions recognize and confirm the following points:

1. When legislation interferes with the exercise of Aboriginal rights, it will remain valid if the interference can be justified for those rights that Section 35 recognizes and confirms;

2. Canada recognizes the rights of Aboriginal peoples to harvest wildlife resources and to practice their customs and religious rites on ancestral lands. This is pursuant to a 1760 treaty between the Crown and the Huron nation (Sioui decision);

3. The fiduciary relationship is based on the principles of Aboriginal title and the inalienability of Aboriginal interests, except for alienation by the Crown. This status of inalienability exists to make it easier for the Crown to represent the interests of Aboriginal people in their negotiations with a third party, so as to prevent anyone from taking unfair advantage of them.

In this overview of the four decisions, we see how court challenges have defined and clarified existing Aboriginal rights and Aboriginal titles. These rulings have helped gain recognition for these rights, and shown that such rights are based on the cultures, customs, and traditions of Aboriginal peoples. They have also made clear that the Canadian Supreme Court, in its handling of these cases, has a bias in favour of Aboriginal peoples, while protecting Crown interests. In other words, the Supreme Court must ensure that its decisions will help sustain harmonious relationships between the non-Aboriginal majority and Aboriginal peoples. All of these aspects are largely consistent with the spirit and recommendations of the Royal Commission on Aboriginal Peoples (1996).
The decisions also show how hard Aboriginal peoples have persevered in their efforts to ensure recognition of their rights. When provincial courts have ruled on the existence, recognition, and true exercise of Aboriginal rights, their rulings have been appealed and sent to the Supreme Court. Decisions by our country’s highest court have thus dispelled uncertainties and settled, once and for all, the crucial issue of Aboriginal rights. Finally, these decisions have provided Aboriginal peoples with greater security in the exercise of their activities on their lands and on their traditional territories.


WITH A CONVERGENCE OF MAJOR PRO-ABORIGINAL COURT DECISIONS AND WITH NEW GOVERNMENT INITIATIVES, ESPECIALLY PARTNERSHIPS IN RESOURCE DEVELOPMENT, INCREASING SELF-CONFIDENCE AMONG ABORIGINAL PEOPLES AND CONFIRMATION OF THE JUSTICE OF THEIR CAUSE AND THE APPROPRIATENESS OF THEIR STEP-BY-STEP STRATEGY TO WIN FULL RECOGNITION OF THEIR RIGHTS, INCLUDING SELF-DETERMINATION

This theme is somewhat different from the others in that it focuses on factors, events, initiatives, and historic gains that have created new outcomes that have built on and consolidated Aboriginal progress over the last forty years in terms of political status, general living conditions, and recognition of rights. In other words, these factors have played a leading role in consolidating formerly acquired rights. They have also justified the claims and expressed needs of Aboriginal Peoples. Aboriginal peoples have aspired to take on the main role in managing their own affairs (self-determination) and this just cause looks more and more attainable. Not surprisingly, these deciding factors (government, court, and Aboriginal initiatives over the 40-year period) are related to elements in other themes. For instance, the federal government's 1969 White Paper might be used as an "an ideal type." As fiduciary for Canada's Aboriginal peoples, the government came up with a plan that so disappointed them that it met with unanimous disapproval. The Alberta chiefs responded with a "Red Paper" partly inspired by the Hawthorn-Tremblay Report (CITIZENS PLUS). The Red Paper's authors argued that the White Paper's contents negated recognized treaty rights and as such should be vigorously denounced and put aside. This was the treatment it received due to the strength of the opposition.

The 1973 Malouf Decision (a ruling from the Superior Court of Quebec) recognized that the Cree and Inuit of Nunavik have rights. Malouf felt that such rights might be compromised by a major project to develop hydroelectricity and thus decided to suspend work on the project. This landmark decision paved the way for negotiations that led in 1975 to the James Bay and Northern Quebec Agreement with the Inuit and Cree and in 1978 to the Northeastern Quebec Agreement with the Naskapi.

Other influential factors were the Oka Crisis, the death of the Meech Lake Accord, and the rejection of the Charlottetown Accord. These were non-Aboriginal proposals that the Aboriginal peoples refused to accept while energetically arguing for protection of their inalienable fundamental rights. They thus showed Canadian governments how willing
they were to fight for the advancement of their collective ideals. During these crises, governments were more interested in damage control than in working out long-term solutions. With the 2001 Peace of the Brave Agreement signed by the Quebec government and the Cree chiefs, and the Sanarrutik Agreement a few years later between the Quebec government and the Nunavik Regional Government (the Inuit), we see long-term solutions that illustrate the partners’ will to support common efforts and to share the wealth from development activities on lands where Aboriginal peoples hold fundamental rights. Another example is the recent Common Approach of the Innu of the St. Lawrence North Shore with the federal and Quebec governments. It is likely to produce spectacular changes in the relations between Aboriginal peoples and governments despite, for the time being, negative reactions from non-Aboriginal groups who feel dispossessed of their land.

During this long period, Canadian Aboriginal peoples began to act in concert while paying special attention to regional cultural differences. This policy, which undoubtedly reflected their successes in gaining rights, produced a renewal of cultural identity rooted essentially in traditional cultures and a constant fight to retain elements needed for cultural survival. Renewal was based on several sociopolitical conditions, notably ad hoc actions by the different national Aboriginal organizations in operation during specific periods. All of them made the defence of Aboriginal rights one of their major priorities while espousing the shared concerns of their memberships.

During this time, the leading factor was the 1970 publication of the Red Paper by the Alberta chiefs. This paper rejected the government's White Paper, put forward Aboriginal views, and endorsed the view that natives were really Citizens Plus, as the Hawthorn-Tremblay report had argued. Aboriginal people considered themselves to be the first Founding Peoples. Through their capacities for adaptation and their many skills, they had tamed Canadian territory before European arrival.

A second factor re-oriented and strengthened Aboriginal cultural identity: the Aboriginal peoples were able to manage their own affairs, survive, and grow demographically without outside assistance. We refer here to the strong will of their leaders, throughout the country, to get rid forever of the tutelage status imposed by the Indian Act. They sought to take charge of achieving their goals and managing their institutions. The tutelage system was felt to be oppressive and a source of many past wrongs. Fortunately, as these leaders said, it had failed to assimilate their people. They recognized, however, that the Euro-Canadian value system had adversely affected their own values and had too often acted as a normative frame of reference.

A third factor flowed from new principles of positive identification, including: a) an enhanced collective self-image; b) a way of life that largely drew inspiration from traditional customs while taking advantage of income opportunities in the labour market; c) a clearer definition of how Aboriginal peoples wish to develop once Canadian governments have fully recognized their Aboriginal and ancestral rights, which are key to self-governance; and d) a model of collective self-definition, acting as a container for the other principles. Of course, such a theoretical exercise requires spelling out a constellation of core interdependent factors that influence each other. We speak here as
outsiders who imagine what some of them must look like, knowing that an insider’s view would be more concrete and would emerge from group discussions and consensus. Without any further qualitative analysis being undertaken, these core factors are: a) re-interpreting Aboriginal history through traditional knowledge and lifelong empirical experiences; b) carefully listening to and interpreting elders’ knowledge of the natural environment and wildlife resources and taking advantage of their expertise in collective healing of families and individuals who have been hurt and traumatized by past abuses of the fiduciary system; c) teaching and learning Aboriginal languages in order to recover their vitality and to prevent their extinction; d) revitalizing traditional hunting and fishing, as well as survival skills for youth especially; e) strengthening the feeling of community membership and pride in cultural origins; f) re-appropriating elements of Aboriginal heritage currently in non-native hands and protecting contemporary heritage; g) recovering, whenever legally feasible, Aboriginal lands from Canadian governments, industrial organizations, and social institutions.

Such a re-affirmation of Aboriginal cultural identity, at the individual and collective levels, provides an inward-directed blueprint for social development that respects cultural traditions. It is, so to speak, an essential pre-requisite for self-redefinition. But it will remain inadequate and theoretical if Aboriginal people fail to come up with concrete mechanisms for implementation. To redefine their cultural identity, Aboriginal peoples must succeed on three different fronts, all of which are sine qua non conditions. First, agreements must be reached with governments on land claims and Aboriginal rights. Second, Aboriginal leaders must fully master the many complex tools of industrial societies. Finally, Aboriginal peoples must get rid of negative self-representations, which they too often project onto themselves from non-natives in a mirror-like fashion.


MAJOR ABORIGINAL CRISES IN SOME CANADIAN REGIONS

These crises resulted from profound dissatisfaction by Aboriginal peoples with latent situations that continued to marginalize them and restrain their progress. Aboriginal peoples called on governments to remember their obligations and commitments. They took advantage of the unrest to push governments to design social/economic policies and programs that better reflected their living conditions, drawing inspiration from the recommendations of the Royal Commission on Aboriginal Peoples. At the same time Canadians were increasingly aware that Aboriginal peoples suffered harsh living conditions. Urgent action seemed necessary to resolve this social, economic, and political malaise.

The Erasmus-Dussault Commission undoubtedly produced the most exhaustive report ever on Canadian Aboriginal living conditions and social expectations. The Commission consulted many different groups and sponsored contemporary and historical studies not only by university researchers but also by informed Aboriginal individuals who could inform the commissioners about the cultures of their peoples and the kinds of problems experienced by them while adapting to rapid change. These researchers noted that Aboriginal peoples mostly live in fringe environments where resources are limited.
Historical circumstances that cannot be changed made them a minority and subjected them to a fiduciary system that has continued up to the present and has left behind all kinds of unfortunate after-effects. The Royal Commission was established to make recommendations that would be endorsed by non-Aboriginal people and approved by Aboriginal peoples.

The Royal Commission's report advocated a long-term policy that would recognize Aboriginal peoples within Canada as distinct nations. It called for full respect of their rights and creation of political, economic, and social conditions that would support their full development in line with specificities to be defined by each nation. This vision was neither spontaneous nor intuitive. On the contrary, it was a re-engineering of policy, designed and conceived to develop associative government/Aboriginal relations and partnerships with a view to achieving shared goals fully endorsed by both parties. Such a vision has long interested Aboriginal peoples and will require a major social reorganization of Canadian civil society. Canada, more than ever before, is at a crossroads as far as the future of Canadian Aboriginal peoples is concerned. The status quo is unacceptable; its piecemeal strategies and its unpredictable practices have been dysfunctional and socially devastating.

The Commission’s report highlights poor living conditions (notably low life expectancy, low socioeconomic status, high morbidity and mortality rates, poor sanitary conditions, dietary deficiencies, low levels of schooling, high prevalence of social problems, housing shortages, and deteriorating environmental conditions). This picture requires close attention, clear answers to problems, and full involvement by all those who hold responsibilities in the various Canadian structures that deal directly and indirectly with Aboriginal peoples. Canadian society has been neither quick nor eager in helping bring about the re-engineering proposed by the Commission. From our perspective, Canadian society could not totally reject the Erasmus-Dussault recommendations. Nor could it brush them aside on the pretext that they are disruptive, require financial commitments that surpass available resources, or will take us on a ride whose final destination remains unknown, especially with what will be essentially a third-level of government. To bring about a new rapprochement between Aboriginal and non-Aboriginal people, and a Nation-to-Nation approach as stated in the report, the Commission set forth several basic principles. First, a mutual principle is that Aboriginal peoples hold a twofold status of "first occupants" of our country and "main guardians" of Aboriginal lands. They must thus act in keeping with the rights and responsibilities associated with this status. Second, governments must reject dominance of one group over the other and respect the specific rights of Aboriginal peoples as well as the culture and heritage that each aboriginal individual carries and passes on. Finally, benefits must be shared equitably on the basis of criteria that are consistent with social justice and shared responsibility. Such criteria are key to a respectful relationship, being based on new rules of behaviour to define partners’ rights and obligations.

Implementing these principles is likely to run into trouble if one does not first clear away any ambiguities. Thus, the Royal Commission recommended negotiation as the only acceptable way to reach necessary compromises. We feel that governments and Aboriginal peoples should negotiate on the basis of two key prerequisites: social ethic
and intercultural relations. The first one is well documented in the report. Aboriginal living conditions could be improved, especially if the authorities make concerted and innovative efforts with other partners to share with Aboriginal peoples the wealth of all our natural resources, and not only those covered by treaty or common agreement obligations. In itself, this would still be insufficient. Other planned actions are required: financial aid for economic development; an increase in the quantity and quality of services available to all Aboriginal peoples; and much greater autonomy in the governance of their own affairs. In general, the Canadian population has felt that such efforts are urgent and is ready to support initiatives that non-Aboriginal leaders will make in the best interest of all Canadians. As we will see later on, leaders of the central government are leading the way and a number of provincial governments are modelling their Aboriginal initiatives on those of the Royal Commission’s recommendations, while paying attention to mutually accepted deadlines.

The second prerequisite, intercultural relations, has not received the same attention. We are aware of the many distinct cultures of Canada's many Aboriginal nations. These nations will require intensive and specialized study to understand who they are and what kind of impact they have on intercultural relations at large and on relations between representatives at the bargaining table. The impact is on both parties. This area of concern will have to be dealt with more intensively to gain a better understanding of the diverse cultures of our partners and our relationships with them in daily settings as well as in formal institutional ones. This learning process is needed for both Aboriginal and non-Aboriginal people. For the time being, this shortcoming delays our negotiations with Aboriginal peoples for too long and prevents us from implementing faster some of the beneficial actions that both parties consider to be desirable. Extensive study of the various First Nations’ cultures was not one of the Royal Commission's aims, but it deserves close attention. Much has already been done by anthropologists and other social scientists. Taking into account the rapidity with which Aboriginal cultures are changing, specialized studies are still required to ensure better relations with Canada's Aboriginal peoples and to provide them with quality services that compare to those received by other Canadians.


DEFINITION BY GOVERNMENTS OF THEIR LONG-TERM ABORIGINAL POLICIES AND ESTABLISHMENT OF ACTION PLANS BETTER ADAPTED TO ABORIGINAL LIVING CONDITIONS

After tabling the final report of the Erasmus-Dussault Royal Commission in 1996, Canadian and provincial governments undertook in-depth reviews of their Aboriginal policies. First, they re-affirmed their will to meet the basic needs of Aboriginal peoples and each designed a general strategy and action plan in harmony with those of other non-Aboriginal governments. The federal government released its policy in 1997 and the provinces did likewise shortly after.
The next section will examine the Canadian federal action plan, its basic objectives, and its concrete initiatives, all of which are supposed to follow the guidelines as closely as possible.

The federal Aboriginal Action Plan "Gathering Strength" was designed to improve relations between the federal government and Canadian Aboriginal peoples. It was founded on principles of mutual respect, mutual recognition, mutual responsibility, and sharing as defined in the Royal Commission’s report. It was seen as a draft of new guidelines for Canadian Aboriginal policy. "Gathering Strength" pays equal attention to the past and the future. It begins with a Statement of Reconciliation that acknowledges past errors and injustices to Aboriginal peoples. It then speaks about new views on common goals to be shared by Aboriginal and non-Aboriginal people. Next, it explains four major objectives and measures for immediate action:

a) renew partnerships, with sustainable and significant changes, that will accompany Canadian relations with Aboriginal peoples;

b) strengthen Aboriginal governance and support Aboriginal efforts to establish efficient and responsible governments;

c) develop a new fiscal relationship, i.e., conclude financial agreements between governments and those Aboriginal organizations that will be stable, far-sighted, responsible, and self-sufficient;

d) support strong communities, people and economies and support efforts to improve health and public security, by contributing to investment in human resources and by strengthening Aboriginal economic development.

The Action Plan is a framework for new partnerships with First Nations, Inuit, Metis, and non-status Indians. This is a first step to better working relations between the federal government and Aboriginal peoples. The Action Plan outlines programs that will better meet Aboriginal needs. The partnerships should include Aboriginal people and their organizations, the government of Canada, other levels of governments, and the private sector. As a matter of fact, they should include all Canadians.

The Statement of Reconciliation expresses a wish to eliminate the negative influences that some historical legacies still have on Canadian society. The point is "to learn from our past and to find ways to deal with the negative impacts that certain historical decisions continue to have in our society today." The Plan stresses that First Nation people, Inuit, and Metis have since time immemorial occupied Canadian territory and developed close relationships with Mother Earth. They have organized their societies, and established their own forms of government that allow them to live in harmony with the earth and use resources on a sustainable basis.

Diverse, vibrant Aboriginal nations had ways of life rooted in fundamental values concerning their relationships to the Creator, the environment, and each other, in the role of Elders as the living memory
of their ancestors, and in their responsibilities as custodians of the lands, waters and resources of their homelands.

The Statement of Renewal draws on the Royal Commission’s report. The objectives are to rebuild Aboriginal nationhood, support effective and accountable Aboriginal governments, establish government-to-government relationships between Canada and Aboriginal nations, and take practical steps to improve the living conditions of Aboriginal people. It calls for a partnership based on the four principles of mutual respect, mutual recognition, mutual responsibility and sharing. "Aboriginal and non-Aboriginal people must work together, using a non-adversarial approach, to shape a new vision of their relationship and to make that vision a reality." Canada's vision of partnership means celebrating our diversity while sharing common goals. It means developing effective working relationships with Aboriginal organizations and communities. Above all, it means all levels of government, the private sector, and individuals working together with Aboriginal people on practical solutions to address their needs. Our common aim should be to help strengthen Aboriginal communities and economies, and to overcome the obstacles that have slowed progress in the past.


Moving to new solutions means ensuring that the authority, accountability and responsibility of each of the parties are established. It means recognizing traditional customs, including their role in governance; celebrating Aboriginal languages, heritage, and culture; assisting to build the capacity of Aboriginal institutions to handle new responsibilities; and working to establish mechanisms to recognize sustainable and accountable Aboriginal governments and institutions.

Aboriginal governance will be strengthened by building on treaty relationships where appropriate. This means developing practical arrangements for self-government that are effective, legitimate and accountable; that have the strength to build opportunity and self-reliance; and that can work in a co-ordinated manner with other governments.

The federal government is committed to addressing social change for Aboriginal people by focusing on improving health and public safety, investing in people, and strengthening economic development. These initiatives will be developed in partnership with Aboriginal people, their communities and governments.

Conditions for creating a renewed relationship with Aboriginal people in the North differ from those in the rest of Canada. Significant progress has already been made on land claims and new forms of governance, especially with the creation of the new territory of Nunavut on April 1, 1999.

Before the renewal of the relationship can begin, "a great cleansing of the wounds of the past must take place."

It is for this reason that Gathering Strength begins with a Statement of Reconciliation in which the government of Canada formally acknowledges and expresses regret for the
A vision for the future should build on recognition of the rights of Aboriginal people and on the treaty relationship. Beginning almost 300 years ago, treaties were signed between the British Crown and many First Nations living in what was to become Canada. These treaties between the Crown and First Nations are basic building blocks in the creation of our country.

For most First Nations, the historical treaties are sacred. They impose serious mutual obligations and go to the heart of how the parties wanted to live together. [...] Another key element of a renewed partnership is the recognition that Aboriginal people must participate fully in the design and delivery of programs affecting their lives and communities. The federal government will continue to work with Aboriginal communities and organizations to develop a common vision of the future on priorities for action. The federal government and Aboriginal governments and institutions will also work with other levels of government, the private and non-profit sectors and other partners, as appropriate, to design and implement initiatives at both the national and regional levels. [...] Respect and support for Aboriginal language, heritage and culture is an important element of a renewed partnership. [...] We will continue to work with Aboriginal people to establish programs to preserve, protect, and teach Aboriginal languages, and to ensure that these languages are kept alive for future generations. [...] The Government of Canada agrees with the underlying view that policy development and implementation, and the delivery of programs and services should reflect the new relationship. [...] Respect and support for Aboriginal language, heritage and culture is an important element of a renewed partnership. [...] We will continue to work with Aboriginal people to establish programs to preserve, protect, and teach Aboriginal languages, and to ensure that these languages are kept alive for future generations (http://www.ainc-inac.gc.ca/gs/chg.f.html).

These efforts will be backed by a public education campaign that will build more balanced, realistic and informed perspectives with respect to Aboriginal people, their cultures and their present and future needs (http://www.ainc-inac.gc.ca/gs/chgf.html).

Canada is working at the forefront of many international issues that affect Aboriginal peoples. An example is its work at the United Nations on the Draft Declaration on the Rights of Indigenous Peoples. Canada is committed to achieving a declaration that reflects the unique place of Aboriginal peoples in the world and applies universally; that promotes and protects Aboriginal rights; that works against discrimination; and that provides clear guidance for developing effective and harmonious relationships between Aboriginal peoples and the states in which they live. Other examples include partnerships to implement the Convention on Biological Diversity.
Canada will attach much importance to its northern foreign policy. It is committed to the participation of northern Aboriginal peoples in formulating and implementing Canada's circumpolar objectives. This partnership has been realized by according Aboriginal peoples the status of permanent participants within the Arctic Council, a new international forum of eight Arctic countries formed to promote co-operation and concerted action on issues such as sustainable development and environmental protection (http://www.ainc-inac.gc.ca/gs/chg.f.html).

7. Seventh theme (1990-2005):

ESTABLISHMENT BY FEDERAL AND PROVINCIAL GOVERNMENTS OF MAIN GUIDELINES AND POLICIES WITH A VIEW TO STANDARDIZING RELATIONS WITH THE ABORIGINAL PEOPLES

Previously, there was growing participation by Aboriginal people in decision-making and in social and economic development programs. Now, the courts were forcing governments to devolve some of their authority. Decisions on Aboriginal policies and programs would require Aboriginal participation in order to reach bipartite agreements, in the case of negotiation between the federal government and an Aboriginal nation (e.g., Nunavut), or tripartite agreements when a province was involved (e.g., James Bay and Northern Quebec Agreement). As we have seen, governments changed their positions on how they would decide Aboriginal policy because the courts had ruled that the only way to settle disputes was through negotiation. Negotiation became a core element of a new culture of Aboriginal policy-making. Landmark court cases include the Malouf decision on hydroelectric development in the James Bay area and the Berger decision on the Mackenzie Valley pipeline. Other decisions that we have described above have also created similar jurisprudence on Aboriginal, ancestral, and land rights. Governments themselves have enacted their own policies on recognition of Aboriginal rights, such as when the federal government patriated the Canadian Constitution in 1982, this being followed by First Ministers' Conferences with the chiefs of the First Nations.

Quebec recognized Aboriginal rights in 1985 by passing a resolution of the National Assembly. Specifically, the resolution recognized the Ancestral rights of Aboriginal Peoples and rights endorsed in the James Bay and Northern Quebec Agreement (1975) and the Northeastern Quebec Agreement (1978). The National Assembly considered that these Agreements and other agreements of the same nature have treaty value. It urged the government to pursue negotiations with Aboriginal nations with a view to reaching agreements with those nations that had made such a request or with communities that are part of them in order to ensure implementation of a) the right to self-government; b) the right to their culture, language, and traditions; c) the right to possess and manage lands; d) hunting, trapping, and gathering rights in addition to the right to participate in management of wildlife resources; and e) the right to participate in Quebec's development and to get due benefits. Undoubtedly, the resolution helped pave the way for the Peace of the Brave with the Quebec Cree (2001) and the Sanarrutik Agreement with the Inuit (2002).
We stated earlier that the federal government had been slow to respond to the Erasmus-Dussault recommendations on recognition of Aboriginal rights through formal agreements. Perhaps this assessment is too severe, given the complexity of a federal structure that has to deal with many provinces and three territories. Moreover, because of its fiduciary duty, the federal government is always at risk of creating precedents. Recently, however, it has taken a leading and innovative position, first when it established its Comprehensive Land Claims Policy and afterwards when it formed a large number of negotiating committees. Some of them have been successful in settling comprehensive land claims in recent years. A far from exhaustive list would include: a) the Inuvialuit Final Agreement (NWT); b) the Dene and Metis Agreements; c) the Gwich’in Final Agreement (NWT); d) the Nunavut Land Claims Agreement (NWT); e) the Nisga’a Final Agreement (BC); f) the Umbrella Final Agreement for the Council of Yukon Indians; and g) the Nunavik Agreement in principle (Quebec). Other negotiations are under way notably with the Dogrib, the Treaty 8 Dene, the Attikamekw and the Innu, the Makivik Corporation in regard to Nunavut offshore islands and Labrador offshore islands, the Cree in regard to Nunavut offshore islands, the Algonquins of Eastern Ontario, the Labrador Inuit, and the Newfoundland and Labrador Innu.

It might be of interest to provide a few details about the federal structure and the stages of negotiating Aboriginal claims. A comprehensive land claims agreement, for instance, is a unique modern treaty that provides an Aboriginal people with clearly defined land and resource rights. In addition, this kind of agreement is constitutionally protected. In 1992, the Canadian government agreed to negotiate a comprehensive claim by the Nunavik Inuit to some of the offshore islands, waters, and ice of Hudson Bay, Hudson Strait, and Ungava Bay. In 1993, it agreed to negotiate a Nunavik Inuit claim to onshore and offshore Labrador. The negotiations proceed through a series of stages: Framework Agreement, Agreement-in-Principle (AIP), Final Agreement, and Implementation. In 1993, the government of the Northwest Territories, the government of Canada, and the Makivik Corporation completed the first stage with the signing of a framework agreement that set out the negotiation process and subjects for negotiation.

Nunavik Inuit Marine Region Agreement in Principle

The signing of the offshore AIP completes the second stage of the treaty negotiations. Negotiators now proceed with land selection. The signed AIP will become the basis for negotiation of a final agreement.

The offshore AIP deals only with that portion of the Nunavik Inuit traditional territory known as the Nunavik Marine Region (NMR). Under this AIP, Nunavik Inuit would own in fee simple 80% of the islands in the NMR, including surface and subsurface rights. The AIP also provides for capital transfers of $50 million paid over time and a wildlife research fund of $5 million, as well as resource revenue sharing with the government of Canada. Nunavik Inuit will be guaranteed participation in the management of wildlife in the settlement area through the creation of a Nunavik Marine Region Wildlife Board. Nunavik Inuit will also be participating in land-use planning, which will give them greater control over how development will proceed in the NMR. Management of land-use
planning and environmental assessment in the NMR will be coordinated with existing management systems in Nunavut.

Certainty with respect to land title and resource use will provide a more stable environment for future development and investment in the area. Settlement of the land claim is intended to promote the long-term economic, social and political development of Nunavik Inuit. Negotiations are intended to accommodate the interests of Nunavik Inuit, governments, third parties and non-Aboriginal residents of the Nunavik land claim area. Best efforts will be made to address any overlapping claims of other Aboriginal claimant groups in the negotiations leading up to the Final Agreement.

The Labrador portion of this claim remains unsettled and will be dealt with at a later date.

(Source: http:www.ainc-inac.gc.ca/nr/prs/s-d2002-02207 e.html 2-02207)

The Canadian Aboriginal Negotiation Policy is clear and Canadian governments are involved in an interactive democratic process that aims to define Aboriginal rights and the conditions for implementing them on Canadian territory. Once the agreements have been signed, the next process will be to negotiate the conditions for implementing them, this being at the request of the Aboriginal people. The governments will then ratify the agreements thus reached. In the event of serious disagreements or disputes between the Aboriginal people and the governments over conditions for implementation, it is of course possible to go to the courts for a legal settlement.

**General conclusion**

Although the Long March of Canadian Aboriginal peoples started well and has made significant and steadfast progress in recent decades, much remains to be achieved by governments in order for them to bring about full and complete respect for Aboriginal rights and real self-government. From now on, more than ever, goals have to be set on inseparable issues that are as much related to the negotiating governments as they are to the Aboriginal peoples themselves.

As we have documented in the preceding paragraphs, the federal government has played a leading role in the last few decades in implementing Aboriginal rights on its territory. Such a leadership role has been associated with innovative projects that are still not fully achieved. At the beginning of this millennium, we feel that its success will hinge on three points: a) full respect of the basic principles laid down by federal authorities; b) implementation of socioeconomic projects based on relevant imperatives; and c) general approval by an informed non-Aboriginal population. We will now expand on each of these points.

The *first point* comes down to basic principles. In whatever it does, the federal government will have to ensure irreproachable management of major concerns relating to sustainable development and to achievement of social equity in settings that are usually far removed from large urban centres. It will have to reconcile economic development to raise Aboriginal living standards with resource protection in a fragile environment. In
other words, the challenge is to make sure that Aboriginal industries will be promoted and industrial skills created with a view to training enough workers while avoiding an increase in environmental hazards due to over-exploitation of resources or new pollution sources. In addition, how should governments bring their social and community initiatives for Aboriginal people up to the quantity and quality of those available to other citizens? This question is especially relevant when it comes to health, social services, education, housing, and economic development since these services largely have to respect the basic values and worldview of Aboriginal peoples. Nonetheless, Aboriginal individuals will need access to modern services while their nations attempt to achieve full financial autonomy.

The second point flows from the logic of rights implementation and the kinds of underlying imperatives bound to the process itself. We estimate that there are four major imperatives of equal importance to Aboriginal organizations and government decision-makers: a) political awareness of citizens’ interests by decision-makers, be they from government departments or agencies or from Aboriginal organizations or communities; b) active participation by Aboriginal individuals in the decision-making process in order to change it from a top-down model to a bottom-up one; c) full awareness that policies flowing from such a process must be seen from a systemic perspective, i.e., initiatives in one area of activity may cause reactions in another; d) strategies to achieve major collective objectives must flow from a broad consensus among all partners and use feedback from users to adjust the implementation process along the way.

The third point is related to the Long March itself. This march will continue in the right direction to the degree that non-Aboriginal Canadians know about current Aboriginal living standards and are aware that it is in their interest to live in harmony with the Aboriginal peoples. Such a state of mind will have to be further developed in the spirit of world conventions signed and ratified in the last few decades. These conventions are the conscience of the Western world as it forges new relations with the Aboriginal world. They are providing a new code of behaviour that will respect Aboriginal cultures and allow the Aboriginal peoples to develop fully as political entities and acquire a greater say in their affairs, in Canada and elsewhere. Furthermore, both federal and provincial Canadian governments will have to do more to consolidate implementation of concrete measures to improve health, education, housing, and economic opportunities (http://www.ainc-inac.gc.ca/nr/prs/s-d2005/2-o2749_e.html). From our viewpoint, the historic First Ministers’ Meeting on December 2005, when the federal government signed the Kelowna Accord with the Assembly of First Nations, represents a good prototype of empirical measures to be reproduced on a wider scale. It may further advance Aboriginal relations with governments and give new impetus to the "Long March."

February 8, 2007
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Québec’s role in the Nunavik Self-Governance Process: an Historical Overview

Fernand Roy*

Abstract: The Inuit of Nunavik have been struggling for millennia to survive in a harsh arctic and sub-arctic environment. To survive, they had no choice but to be self-sufficient. During the mid-20th century, the situation changed completely with increasing dependence on government laws, programs, and measures. Nonetheless, because of their long tradition of self-reliance, the Inuit have always considered self-governance to be a major issue, especially during the last forty years. Before the 1970s, they were mostly under the federal administration and the Québec government had only limited relations with them.

The James Bay and Northern Quebec Agreement (JBNQA), signed in 1975, marked a turning point in relations between the Inuit and Québec. During negotiation of this agreement, one of their expectations was to set up a regional government that would deliver most public services. But the JBNQA instead led to the creation of a set of separate public bodies (a school board, a regional municipality, a health board, etc.) and did not really satisfy the Inuit aspiration for self-government. It did, however, pave the way by creating different public institutions that were largely Inuit-run. It also strengthened institutional relations with Québec: as these institutions were set up within Québec's jurisdiction, they gradually developed day-to-day relations over the years with a large number of provincial departments and agencies.

During the 1990s, the Inuit developed their own concept of self-government and began talks with the Québec government in order to set up a unified institution that would meet their aspirations. In time, the talks became more formal negotiations that led in 2003 to the signing of the Negotiation Framework Agreement on the amalgamation of certain institutions and the creation of a new form of government in Nunavik by the Inuit, Québec, and the federal government. Basically, this agreement sets out basic principles and a process for negotiating a new form of government in Nunavik that would be public, would come under Québec's jurisdiction, and would amalgamate the major public organizations of the region. The three signatories began negotiation of an Agreement-in Principle (AIP) during the fall of 2003. After three years of intense proceedings, they worked out in 2006 a draft AIP on this very complex, unique, and innovative issue: the creation of a new form of government that would be both public and controlled by the population of Nunavik, and that would operate over a vast territory (some 500,000 km2) within the jurisdiction of a province.

Keywords: Self-determination/government, Nunavik, Inuit, JBNQA.

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PROCEEDINGS OF THE FOURTH IPSSAS SEMINAR, Kuujjuaq, Nunavik, 2006
The Inuit of Nunavik have been struggling for millennia to survive in a harsh arctic and sub-arctic environment. To survive, they had no choice but to be self-sufficient. During the mid-20th century, the situation changed completely with increasing subordination to government laws and regulations and growing dependence on government programs and measures. Nonetheless, because of their long tradition of self-reliance, it is not surprising to see how important self-governance has been for the Inuit over the last thirty or forty years.

Inuit aspiration for self-government began decades ago. At that time, the Québec government was peripheral to this issue since its relationship with the Inuit was only beginning. But, over the years and especially from 1974-1975 when the James Bay and Northern Quebec Agreement (JBNQA) was negotiated and signed, Québec and Inuit strengthened their relations and the issue of self-determination came to the fore as the Inuit gained experience in managing public institutions and in providing public services to the population of Nunavik.

The mid-1960s and the early 1970s: beginning of relations between the Inuit and Québec

Before and during the 1960s, Inuit organizations and the local population were serviced by the federal government through the Department of Indian Affairs and Northern Development. At that time, Québec had little interest in developing this northernmost and “hard-to-access” part of the province.

The Québec government started to change its approach during the mid-1960s in response to mining companies that were asking for permits to explore and exploit the mineral resources of the North. Québec created in 1963 the Direction générale du Nouveau-Québec (DGNQ), a branch of the Natural Resources Department with a mandate to oversee development of northern natural resources. The DGNQ established the first administrative relations with the Inuit and began to provide various Inuit communities with several public services.

In 1969, the federal government announced its intention to transfer to the provinces the responsibility for servicing Aboriginal peoples. Through numerous discussions between government officials and aboriginal leaders, various proposals were drawn up by the federal and provincial governments and submitted to the Inuit of Northern Québec. Québec City and Ottawa extended the process by creating a federal-provincial commission to visit Inuit communities and discuss the proposals. The Neville-Robitaille Commission held hearings in all of the northern villages in 1970. Among the numerous topics raised by the Inuit, a major one was self-governance. Already, over 35 years ago, the Inuit were publicly expressing their aspiration for a regional government they would run themselves.

The turning point of 1974-1975 – negotiating and signing the JBNQA

In 1971, the Quebec government announced a major hydroelectric project in the James Bay area. The Cree and the Inuit were opposed, claiming rights to their ancestral territory.
They went to court in 1972 and, a year later, Justice Albert Malouf brought down his decision ordering that all work on the project cease immediately.

This event launched the negotiation, in 1974, by the Cree, the Inuit, Québec, and the federal government, of what has often been called the first modern Canadian treaty: the *James Bay and Northern Quebec Agreement* (JBNQA). During negotiations, one of the major expectations of the Inuit was the creation of a regional government that would deliver most public services. The talks between Québec and the Inuit led instead to the creation of a set of separate public bodies (a school board, a regional municipality, a health board, etc.). Signed in 1975, the JBNQA did not really satisfy the Inuit aspiration for self-government. It did, however, pave the way by creating different public institutions that were largely Inuit-run. It also strengthened institutional relations with Québec. As these institutions were set up within Québec's jurisdiction, they gradually developed day-to-day relations over the years with a large number of provincial departments and agencies.

*The 1980s and early 1990s: the notion of self-government takes shape*

In 1983, the Québec government held for the first time a parliamentary commission on aboriginal affairs. On that occasion, various Inuit organizations presented different views on self-governance to the Premier of Québec, René Lévesque. Lévesque offered to open the door to negotiation on this issue, provided that the Inuit unify their various standpoints and speak with one voice.

It took six years for the Inuit to reconcile their views and set up a structure that could more clearly define the idea of self-governance: the Nunavik Constitutional Committee (NCC), whose members were elected in 1989. In 1990, the NCC tabled its proposed constitution for Nunavik and discussions began with Québec for the creation of a Nunavik government. Unfortunately, external major events overshadowed these embryonic talks: the aftermath of the Oka Crisis and the constitutional talks that led to the Charlottetown Accord, which was rejected afterwards by the 1992 Canada-wide referendum.

*1994-1995: the first in-depth negotiations for a Nunavik government*

At the request of the Inuit, the Québec government appointed for the first time an official negotiator. Discussions started in July 1994 between the Inuit representatives, the Québec government, and the federal government to create a public governmental institution in the northernmost part of Québec above the 55th parallel, covering approximately one-third of the province, and increasingly referred to as ‘Nunavik,”—“the place where we live.”

During this year of intense negotiation, the parties worked hard to design an elected body that would run the future institution. They also outlined an administrative structure and some basic guidelines for financing of the new structure and its powers.
Another external major event, the 1995 Québec referendum on sovereignty, froze talks for awhile. The parties decided to stop discussions at the end of 1995 in the aftermath of this highly emotional political event.

1997-2006: stronger commitment and a broader process

During the fall of 1997, the Inuit leaders and the Premier of Québec approved the idea of creating a commission that would make recommendations on the form of a new government in Nunavik. After a year and a half of negotiation, the Inuit representatives and the Québec government, along with the federal government, signed an accord that committed the Québec government to set up the Nunavik Commission. All three parties would have to negotiate a new form of government in Nunavik once the commission had completed its mandate.

Created in November 1999 and composed of two co-chairpersons and six commissioners appointed by the three parties to the accord, the Nunavik Commission worked intensely for sixteen months and tabled its recommendations in March 2001. It addressed a wide array of items: the elected governing body, the structure of a Nunavik government, a justice system for Nunavik, public finances (revenues, expenditures, public finance process), language and culture, education, health, housing, economic development, natural resources, the environment, and relations with other governments and Aboriginal peoples. It also proposed a process and a timetable for creation of a Nunavik government. The commission’s report was widely distributed in Nunavik as well as to federal and provincial government offices.

As promised, the signatories to the accord started negotiations on self-governance in 2002. In June 2003, they signed the Negotiation Framework Agreement on the amalgamation of certain institutions and the creation of a new form of government in Nunavik. This agreement sets out basic principles and a process for negotiating a Nunavik government. The major principles are:

- the future institution shall be public and open to all residents of the territory;
- it shall be under the jurisdiction of the Québec government;
- it shall result from the amalgamation of the main existing public organizations of Nunavik.

The framework agreement also provided for the following process:

- in the first phase, the parties shall negotiate an Agreement-In-Principle and, afterwards, a Final Agreement to amalgamate the main public organizations of Nunavik into a unified governmental institution with, during this first phase, the powers of the amalgamated organizations;
In the second phase, the Inuit, the Québec government, and the federal government shall negotiate additional powers, but only after creation of the new institution during the first phase.

Negotiation of the Agreement-in-Principle (AIP) started during the fall of 2003. Thereafter, over 70 negotiating sessions and meetings were held with the main Nunavik organizations, as well as with the numerous provincial and federal departments and agencies. Spread over some 30 months, the intense proceedings dealt with a very complex issue: the creation of a new form of government that would be both public and controlled by the population of Nunavik, and that would operate over a vast territory (some 500,000 km²) within the jurisdiction of a province. Undoubtedly the project itself is very unique and innovative, not only in Québec but also in Canada.

Negotiation of the AIP has been completed and the three parties have initiated a final round of external and internal consultations. The goal is to have the AIP signed as soon as possible in 2006 so that negotiation of the Final Agreement may begin that year. How long will it take to complete the whole process? It is difficult to say exactly, but it will likely extend over several years. We know that the Final Agreement will have to detail the way the new form of government will operate from the start: its design, its administrative structure, its financing, its relationship with other governments, etc. We also know that a transition period and process will be necessary in order to produce an orderly amalgamation of the Nunavik organizations into the new form of government as well as to provide its future leaders with an institution that can operate properly right from the beginning. Afterwards, it will be up to the Nunavik government leadership to modify over time this institution's operation so that it may better meet its needs and goals.
ASPECTS OF ABORIGINAL SELF-GOVERNANCE IN CANADA. ALASKA AND GREENLAND
The Dynamics of Collective Identity and Political Changes in Nunavik

Jérôme Bouchard

Abstract: This paper explores the assertion of the collective identity amongst the Inuit of Nunavik while they are laying the foundations of a public regional government. These observations come from the data gathered during my fieldwork in two Nunavik communities and the analysis of the transcripts of the public hearings held in each of the fourteen villages in the framework of the Nunavik Commission (2001). The variations in the types of collective identity expressed by the Inuit while talking about their political priorities and concerns could be more easily analyzed if we compare the informal discourses of the local population with the more official ones of its regional leaders. Following this analytical distinction, I aim to demonstrate that rather than an evolution from a cultural/ethnic sense of belonging to a regional one, my observations suggest that the assertion of the collective identity in the political discourses is more flexible and switch constantly from one type to another according to the social context.

Keywords: Collective identity, Political leaders, Local population, Nunavik government, Nunavik Commission (2001)

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The fourth I.P.S.S.A.S. Seminar held in Kuujjuaq from May 22\textsuperscript{nd} to June 2\textsuperscript{nd} has been a great opportunity for all of its participants to update their knowledge about the contemporary trends related to the issue of self-determination in Arctic societies. The choice of Nunavik to hold this seminar obviously coincided with the original and progressive –as well as on-going and nearly completed- project of the Inuit of this territory to gain more political autonomy. While the Nunavimmiut\textsuperscript{2} are laying the foundations of a public regional government, my master’s project aims to explore the dynamics of identity during this process of major political developments. How do the Inuit of Nunavik assert their collective identity while expressing their political priorities and concerns? More specifically, this paper will address the question of the contemporary identity of the Inuit of Nunavik by comparing their senses of belonging to the locality, the

\textsuperscript{1}  Special thanks to Jean Rousseau and François Trudel who provided valuable comments on an earlier draft of this paper.

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\textsuperscript{2}  I use the term “Nunavimmiut” to refer to all the citizens of Nunavik and the expression “Inuit of Nunavik” to refer specifically to its Inuit population.
region and the ethnic group. We will see that the process of identity affirmation is flexible and intimately linked to the social context of which it is being part.

**On Identity in Contemporary Societies**

The consequences of modernity have led to a point where social identity can no longer be considered to be determined only from birth and family socialization. The increased presence of different cultures and lifestyles in one’s immediate social environment lead to approach identity as a social construction and a dialectical phenomenon (Dorais and Searles 2001:17; Lipianski 1998: 145). Identity is never fixed once and for all, it is a dynamic phenomenon. The concept can be defined as “an intersubjective dialogue during which the actors discover, interpret and express what distinguishes them globally and on a long-term basis from their privileged others[...]

Collective identity

The cohesion of a group relies on few symbols which contribute to distinguish it from surrounding groups. It is strengthened by the identification to common symbols of belonging. This is what Fredrik Barth (1969) refers to when he speaks about “ethnic boundaries”. Some distinctive symbols come to constitute boundaries between the groups. The members of a particular group share some traits that they subjectively think are characterising and differentiating them from the members of the surrounding groups (group identification). Conversely, the members of the other groups assign some specific traits to that group (categorisation). According to Barth (1969: 13-14), the ethnic group is therefore a form of social organisation that results from the interaction of the group with its social environment.

Cultural, Ethnic and Territorial Identities

Collective identity is often qualified; it can be, among others, cultural, ethnic, regional or national. Cultural identity may be defined as “the basic consciousness of one’s own group’s specificity amongst other peoples, in terms of living habits, customs, language, values, etc” (Dorais 1995: 294). It is a particular way to interact with the group’s social and natural environment.

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3 Personal translation (French to English). «un dialogue intersubjectif au cours duquel les acteurs découvrent, interprètent, expriment ce qui les distingue durablement et globalement de leurs autrui privilégiés...»
A group may develop an ethnic identity while integrating the modern state when there’s competition with the other minority groups for the access to the state resources such as economic development, political autonomy or recognition of cultural and linguistic rights. Therefore, ethnic identity is found in complex and unequal societies, “all ethnic groups interact within the same broad social structure, whether it is a national society or the contemporary “global village” (ibid.: 295). Ethnic identity can be defined as the consciousness that a group has of its economic, political and cultural distinctiveness in relation to other groups of that same social structure. Most of the time, but not inevitably, ethnic identity is linked to cultural identity. Some influential actors such as political leaders may select some cultural traits characterising the group in order to use them in their attempt to gain political, economic or symbolic powers and resources (Brass 1991: 75). In the case of the Canadian Inuit, the necessity to assert an ethnic identity began in the seventies when, in the developing land claims’ process, the Federal State tolerated ethnic movements seeking recognition and was in a position to allocate them political and economic resources: “Inuit did not perceive themselves to be a distinct ethnic group, nor were they officially recognized as such until the seventies when the necessity of signing treaties with them made the definition of the category urgent” (Mitchell 1996: 134).

Some scholars like André Légaré (2001: 160) argue that the collective identity in the Canadian Arctic follows a certain trajectory. The latter consist of an evolution from a cultural based identity to a territorial one: “as a region is being highlighted or constructed, basic membership in the collective identity is more and more defined in large-scale politico-spatial terms and less in purely cultural or tribal terms”. A territorial identity may be local, regional, national. It refers to a group of people sharing and being attached to a political and geographically bounded unit “where cultural traits are dissociated from the political aspect of the entity” (ibid.: 145). Culture still has a role to play in the identification of the people but the territory on which they were born and where they live becomes the major source of identification. In the following pages, I aim to demonstrate that the collective identity among the Inuit of Nunavik does not really evolve from one type of belonging to another, i.e. from a cultural/ethnic sense of belonging to a regional one. Unlike the analysis of Légaré, my observations rather suggest that the assertion of the collective identity in the political discourses is more flexible and switch constantly from one type to another according to the social context. The different types of belongings intersect and overlap instead of evolving from one to another. This conception corresponds with the “multi-belonging” situation characterising the members of the contemporary societies (Dortier 1998: 52). The individuals constantly negotiate and interact between several groups to which they belong. None of these groups would be sufficient to characterise exclusively their collective identity.

Nunavik: Recent Historical Context

The James Bay and Northern Quebec Agreement

The dynamic of collective identity is inevitably linked to the political and historical context of which it is being part. At the beginning of the seventies, after a long period of lack of interest for its northern territory, the Québec government started to covet it for hydroelectric development. The opposition showed by the aboriginal populations of the
region as well as court decisions forced the government to start a round of negotiations in order to solve some territorial conflicts. These negotiations, in spite of important divisions, led to the signature of the James Bay and Northern Québec Agreement (J.B.N.Q.A.) on November 11th, 1975. This political accord—known as the first modern land-claim agreement in Canada—gave rise to the advent of a new generation of Inuit leaders and to economic development of the region. According to some scholars (LaRusic, 1979; Duhaime, 1992; Simard, 2003), the agreement also had negative impacts in the northern communities, particularly the increase of dependency upon the southern institutions due to the bureaucratic administration of daily affairs by the government: “The package deal was supposed to produce more aboriginal powers in the administration of the region; it rather produced [...] a great dilution of the public responsibility” (Duhaime, 1992: 156). Finally, we may state that the J.B.N.Q.A. marks the definitive entrance of the Northern Québec’s Inuit into the mainstream capitalist and bureaucratic systems.

The Nunavik Government Project

In the early 1980s, new initiatives were undertaken to soothe dissatisfaction over the implementation of the Agreement, namely the lack of effective powers and the lack of coordination between newly created organisations. A long process of negotiation and consultation was undertaken, when Premier René Lévesque invited the Inuit to speak in a unified voice and to submit a proposal for a new political arrangement in the region. The objective pursued was to create a new form of government in Northern Québec which would unify in a single body the main public organisations created after the J.B.N.Q.A. The process was lengthy mainly because it had to evolve within the political agendas of the federal and provincial governments. Therefore, it was suspended for most of the 1990s as a result of the constitutional debates surrounding the Charlottetown Accord (1992) and the Québec Referendum on sovereignty in 1995. A substantial progress has been made since the establishment of the Nunavik Commission (2001) which held public hearings in all the villages of Nunavik in order to come up with recommendations about the nature and structure of the future government. A Framework Agreement was signed in 2003 by the provincial and federal governments and Makivik Corporation. The three parties are on their way to sign the Agreement in principle in a near future. It is therefore foreseeable to plan the official creation of the Nunavik Government by 2010. For the second time since the signature of the 1975’s Agreement, the Inuit of Nunavik are pioneers by laying the foundations of a regional public government inside provincial boundaries and jurisdiction.

4 The Inuit from Puvirnituq, Ivujivik and a part of Salluit, influenced by the co-op movement, refused to sign the agreement. These people known as the “Dissidents” stood against the idea of selling their land in return of money.

5 Personal translation (French to English). “Le package deal devait produire plus de pouvoir autochtone dans les affaires de la région; il produira [...] une formidable dilution de la responsabilité publique.”
Methodology and Setting of the Research

This contemporary period of major political developments in Nunavik constitutes a great setting for an investigation on the dynamic of the collective identity. The data presented in this paper come from a preliminary analysis of the interviews conducted from January to April 2006 with Inuit living in Montréal, Québec City and, for the most part, in the villages of Kuujjuaq and Quaqtaq. Sixteen persons, from twenty-four to seventy-one years old, have been interviewed. Among them, six hold important political functions in regional organisations. The questions asked to the informants were centered on three topics: 1) their political priorities and preoccupations; 2) their conceptions of the upcoming regional government; 3) their way of defining themselves in relationship with the world surrounding. Other data come from the perusal of the transcripts of the public hearings held in all the villages of Nunavik in the framework of the Nunavik Commission (2001). Some observations resulting of informal discussions on the field and of selected readings complete the corpus.

A Plural and Flexible Assertion of Inuit Collective Identity

The data gathered during my fieldwork and the analysis of the public hearings transcriptions show that the assertion of the collective identity takes different forms and is also flexible according to the context, the objective pursued, the audience and one’s social position. It varies mainly between a cultural/ethnic sense of belonging (i.e. the Inuit) and a territorial one, whether it is local (community and its surroundings), regional (Nunavik) or international (the Arctic). This variation is even more noticeable when we look at the distinctions between the collective identities embodied by the local population and by the leaders of its regional organisations.

The distinction between the political elite and the general population must be comprehended as a division between the official discourses directed to regional, national and international audiences and the more informal and local ones from the daily life of individuals. It follows the separation between three interpenetrating levels in the analysis of ethnicity presented in a more recent paper of Fredrik Barth (1994: 21): 1) A micro level referring to the local social context that is formative of one’s consciousness of ethnic identity like the school and the daily interpersonal relationships; 2) A median level corresponding to the process of mobilization of the group, which is the field of leadership and rhetoric; 3) A macro level related to the state policies, by which resources are allocated, and to the global discourses diffused by international organisations.

Population

The discourses gathered among the Inuit population show a strong sense of belonging to their locality, i.e. the place where they have daily interpersonal interactions. Many Inuit tend first to enact their local identity that stems from their family ties and their knowledge of the surrounding environment: “[...]it’s not even my style to call myself from a vast area, which is too big for one man. I would say Quaqtamiuq, that’s what I care[...]” (Personal interview with a Quaqtaq resident, March 2006). The local identity is also enacted sometimes for a certain kind of claims vis-à-vis the regional organisations such
as, among others, the harvest of the natural resources and a more effective autonomy in
the administration of the daily affairs of the community.

This local sense of belonging comes generally with the assertion of an ethnic identity,
which is the feeling of togetherness with the Inuit people. They constantly bring it forth
by differencing themselves from their privileged others: the Qallunaat (a familiar
expression designating the Euro-Canadians). The members of the Inuit population feel
that they share a common socio-historical condition with the other Inuit of the Arctic.
This solidarity is also reinforced by the consciousness of sharing the same language and
culture. Therefore, they claim recognition of their specificity by the state: “The French,
the English, the Black people, and the Inuit are all different, even if we all live in Canada
[...] Specific references should be used, and Inuit shouldn’t be just mixed in with the
others” (Nunavik Commission, Public hearings in Kangisujuaq, February 23rd, 2000).

This feeling of being distinct in the Canadian cultural mosaic leads them to claim a
government of their own, based on Inuit language, values and culture: “I want to see it
solemnly proclaimed somewhere that the government will be operated to the greatest
extent possible upon the foundation of Inuit identity, language and culture” (Nunavik
Commission, Public hearings in Puvirnituq, March 15, 2000)

As we see, this tendency to emphasize an ethnic identity is manifest in the public
hearings of the Nunavik Commission. While the political leaders and the commissioners
used the expressions Nunavik and Nunavimmiut, the audience replied by using the words
Inuit and Inutiinnuit (the real Inuit). For instance, during the public hearings in
Puvirnituq, where the topic of discussion was the creation of a regional government in
Nunavik, the audience expressed 93 words or expressions referring to their ethnic
belonging while only 12 expressed their regional belonging.

In summary, the Inuit population of Nunavik seems more concerned about their local and
ethnic senses of belonging. The imagined community to which they refer is
unquestionably the Inuit of the Arctic. They generally adhere only secondarily to a
regional identity.

**Political Leaders**

The assertion of the collective identity is quite different when we look at the more official
discourses of the Nunavik political leaders. The regional sense of belonging is more
enacted among them. The leaders of the region’s organisations present the Inuit of
Nunavik as having their own particularities compared to other Inuit groups. It is a society
whose identity has been influenced by the features of their region and by a continuous
contact with the Québec and Canadian societies. They have often been pioneers in the
circumpolar region, as in the co-op movement and the J.B.N.Q.A., because they have a
great faculty to adapt rapidly to new political and social realities. Compared to the other
Arctic peoples, the Inuit of Nunavik have also kept a major part of their traditional
language, culture and traditions while at the same time developing the necessary skills to
deal efficiently with southern mainstream politics: “Nunavik Inuit are pioneers, we’re
ahead of our times compared to the rest of the regions in Canada. We have maintained
our identity, our culture, our traditions and our language”. (Personal interview with the chief negotiator for the Nunavik Government, January 2006).

This more affirmed regional sense of belonging leads them to promote a government which would have effective powers of jurisdiction over the whole territory and not only over the Inuit population. They think this government in regional terms rather than in ethnic ones: “The new government would also be non-ethnic, applying to “aniqtirijulimaat” (all who breathe), based on residency. [...] It will be the government of all the residents of Nunavik, no matter what is their origin” (Nunavik Commission, Public hearings in Kangirsualujuaq, January 21st, 2000).

However, the project of forming a regional public government (i.e. non-ethnic) is not approved unanimously. Even one of the commissioners of the Nunavik Commission seems ambivalent and would like to rethink the very idea of a public government: “I said earlier that the Political Accord that was signed by the two governments and Makivik signifies a public government applicable to everybody, to “aniqtirijulimaat” (all who breathe). But I have started thinking [...] “why can’t we consider forming our very own (implying ethnic) government?” Many people consistently bring this idea forth. [...] While we haven’t dealt with it, it’s an area we may need to look at again” (Nunavik Commission, Public hearings in Kuujjuaq, February 21st, 2000).

In short, it seems that the representatives of the main Nunavik organisations tend to switch from the assertion of a regional identity to the one of an ethnic identity according to the context and their objectives. Certain rights or privileges, like political and cultural recognition, can be obtained by presenting their collectivity as an organized ethnic group, while others, like political autonomy and economic development, can be obtained more easily by stressing a regional identity. The Québec and Canadian governments seem more willing to allocate political and economical powers on a territorial basis rather than on an ethnic one.

Towards the Emergence of a Prevailing Regional Sense of Belonging in Nunavik?

As it was said earlier, the geographer André Légaré (2001: 160) argues that the collective identity in the Canadian Arctic evolves from a tribal based identity to a cultural one and then to a territorial one. From my perspective6, such a transition is hardly conceivable in Nunavik. According to my observations, Nunavik is primarily an institutional reference. Firstly, the institutionalisation of the region goes back to only thirty years ago, which does not let much time for the consolidation of the new regional reference among the population. Then, it is principally the political leaders who occasionally promote the regional belonging in order to gain access to some kind of political or economical resources on the territory. Nowadays, if we pay attention to the Inuit population of Nunavik, we rapidly see that the cultural, ethnic and local belongings are still prevailing. The assertion of a regional identity is at the most secondary among the population. The latter is more worried about local issues and the recognition of its ethnic and cultural specificity at the national level. According to my observations, the general trends

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6 Légaré (2001: 144) focuses his analysis on the political elite of Nunavut whereas mine is more directed towards the general Inuit population of Nunavik.
concerning the identity affirmation in Nunavik could be summarised as in the table below in which the context, the objective pursued, the audience and one’s social position are the main factors influencing the type of collective identity asserted:

**Table 1: General trends concerning the assertion of the collective identity amongst the Inuit of Nunavik**

<table>
<thead>
<tr>
<th></th>
<th>Local Identity</th>
<th>Ethnic Identity</th>
<th>Regional Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Context</strong></td>
<td>-Informal conversations</td>
<td>-Informal conversations</td>
<td>-Official discourses</td>
</tr>
<tr>
<td><strong>Objective pursued</strong></td>
<td>-Local type of claims (like the harvesting of natural resources)</td>
<td>-Cultural, linguistic or symbolic types of claims</td>
<td>-Political or economical types of claims</td>
</tr>
<tr>
<td><strong>Audience</strong></td>
<td>-Daily interactions</td>
<td>-Daily interactions</td>
<td>-Vis-à-vis the Provincial and Federal governments</td>
</tr>
<tr>
<td><strong>Social position</strong></td>
<td>-General Inuit population</td>
<td>-General Inuit population</td>
<td>-Regional leaders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Regional leaders</td>
<td></td>
</tr>
</tbody>
</table>

It could be possible to foresee a more prominent regional feeling of belonging among the population with the upcoming government, which will constitute a kind of forum where actual and future regional issues will be discussed and which could contribute to emphasize the regional reference. On the other hand, the Nunavik region is part of the Canadian federation where the multiculturalism ideology is still influential. With this public policy, the state grants some cultural and linguistics rights and a form administrative autonomy to the ethnic and national minorities seeking recognition (Mitchell 1996: 406; see also Kymlicka 1995). Therefore, a room is open in the Canadian federation for the claims comprising an ethnic component. The Inuit, as a national minority, have to present themselves as an organized group in order to preserve their specificity and to gain access to cultural and symbolic resources. The context is thus favourable to the perpetuation of an ethnic identification among the Inuit, all the more since the ethnic organisations like the Makivik Corporation (regional level), Inuit Tapiriit Kanatami (national level) and the Inuit Circumpolar Conference (transnational level) are still very influential and benefit from a close media coverage in the North.

In conclusion, my observations demonstrate that the assertion of collective identity among the Inuit of Nunavik alternate between ethnicity and territoriality rather than evolving from an ethnic sense of belonging to a territorial one. Instead of opposing these two forms of collective identity, I tried to demonstrate that they can overlap in the process of identity affirmation. The different ways to express one’s feeling of belonging vary and intersect according to the context, the objective pursued, the audience and the social position of the individuals. This brings us back to our opening considerations on identity, which was presented as a dialectical process of symbolic interactions. Identity is
a dynamic and flexible phenomenon evolving and changing as does the social context of which it is being part.

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Knowledge Transfer about New Forms of Nunavut and Nunavik Governance

Michelle Daveluy

Abstract. This paper addresses how people are informed about upcoming changes to governance in northern Canada. It also describes legitimation of arrangements that have already been agreed upon, specifically by comparing public discussion about implementation of new forms of governance in Nunavut and Nunavik. Local initiatives and activities in southern Canada are reviewed. I argue that it is equally important to inform Inuit and non-Inuit for there to be mutual recognition of their respective forms of governance.

Keywords: Nunavut, Nunavik, Public awareness, Mutual recognition, Legitimation processes.

Introduction

In the era of information technology we live in, it is sometimes surprising to see how little effort is made to disseminate information about the new forms of governance in northern Canada. It is not that more information needs to be made available while negotiations are ongoing to change systems of governance, either in the North or elsewhere in Canada (Daveluy 2003). Indeed, through Canada's democratic processes, local people are involved and fully participate in the changes promoted by government agencies. It is another matter, however, to inform them about new arrangements that have already been agreed upon. In these cases, informing the public will generally foster mutual understanding of current governance structures by different segments of the Canadian public. This is in fact an opportunity to endorse new forms of governance as legitimate choices. Such national and international recognition is beneficial; it may even be a prerequisite for diplomatic endeavours.

More specifically, I will compare how the public has discussed implementation of new forms of governance in Nunavut and Nunavik. I will describe both local initiatives and relevant activities in southern Canada that seek to raise public awareness about upcoming changes. I argue that it is equally important to inform Inuit and non-Inuit for there to be mutual recognition of their respective forms of governance. In the process I will discuss academia's role in disseminating information about governance changes in Canada, specifically events organized by Saint Mary’s University Arctic Research Committee between 1996 and 2001 in relation to the creation of Nunavut in 1999. I will then describe efforts to maintain a continuous flow of information about Nunavik since 2001, when the Nunavik Commission's report was completed. In both instances, very limited

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information seems to have been made readily available to the public, although the level of awareness appears to have been just as low in academia. Slightly different strategies have been adopted in each case. This is particularly so with regards to the involvement of Inuit themselves in governance knowledge transfer.

### Nunavut

I personally became interested in public awareness of the creation of Nunavut while discussing with my students about the impending change to the map of Canada that this new form of governance would entail. Some of them thought I was joking. To them, it was easier to believe that I was mistaken or that we had misunderstood each other than to consider a changed Canadian map as a real possibility. I realized that my colleagues and the public in general, were unaware that Canada was creating a new territory. Indeed, a senior university administrator recently told me that he first heard about Nunavut in 1997, during a national broadcast of a CBC North radio program when John Amagoalik and I were being interviewed on the occasion of her being awarded an honorary degree from Saint Mary’s University. We both used the opportunity to talk about the creation of Nunavut.

This unawareness prompted me to launch the Saint Mary’s University Arctic Research Committee in 1996. Its goals were to raise awareness in the South about northern issues, to foster educational links between Saint Mary's University and northern communities, and to encourage northern research and student exchanges. Some of its outcomes include the delivery of an Executive Master’s of Business Administration (EMBA) program in Nunavut (four diplomas awarded by Saint Mary’s University); a short summer program for high school students from Nunavut from 1997 to 2001 (NunaScotia 1997; Anau-Trying not to lose 1999); and a master's thesis on Inuit youth art production in Cape Dorset (Moxon 1999). There has also been research on the Jean Revillon's 1925 voyage (Daveluy, Fletcher and Bishop 1998; Daveluy, Fletcher and Irniq 1998). This project documents historical links between Shelburne, Nova Scotia and Baker Lake, Nunavut (Daveluy 2001). When four Inuit came to Nova Scotia aboard the Jean Revillon, their presence was well covered by the media, e.g., (Halifax) Evening Mail (11/11/1925), Halifax Herald (11/04/1925, 11/11/1925), Shelburne Gazette and Coast Guard (11/12/1925), (St. John’s) Daily Globe (11/12/1925).
The Halifax Herald article of November 4, 1925 was titled and read as follows (transcription):

**Bring Vessels from Actic to be overhauled in N.S.**

**Crew of Eskimos Pilot Schooner on Perilous Trip to Liverpool**

Montreal, Nov. 1- Unique to the annals of Arctic navigation is the bringing down from Chesterfield Inlet bordering on the 55th degree to Liverpool, Nova Scotia, a distance of nearly 3,000 miles, of a northern trading schooner manned by full blooded Eskimos. The schooner Jean Revillon is a fur trading craft belonging Revillon Furers (sic) of Montreal. It was built in 1923 and since then has sailed (?) the Arctic waters north and west of Chesterfield Inlet.

To overhaul the vessel it was necessary to bring it to civilization to Shelburne, N. S. –In Charge of Captain W. H. Robertson, a Newfoundlander, and with C.J. King of Montreal, an engineer, the vessel left on August first, with a crew of four Eskimos.

Taking the Hudson Straits route, the schooner prodded his way through fierce gales. The whole of the journey was a perilous undertaking. Only three weeks late, the Jean Revillon arrived at Liverpool, N.S. on Sunday night, the Captain, engineer and crew thankful that the voyage was nearly at an end. The crew is stated to have been proficient and the experiment has proved successful. It has never been thought advisable to take Eskimos out of their own sphere, but this has proved that the feat can be done.

For about a year, the native crew has worked on the vessel and they have had a good training. Although excellent seamen in their own waters, it was thought that the voyage so far south would be too much for them. The climate south does not agree with them and their journey north is being arranged as expeditiously as possible.

In contrast, there has been a striking paucity of information about the ongoing creation of Nunavut. Consequently, efforts have been made to raise public awareness of Nunavut in Nova Scotia through Nunavut Awareness Days at Saint Mary’s University (in 1996 and 1999), in Halifax (in 1997), and in Shelburne (in 1998), and through the visit of the Jean Révillon with Inuit aboard, the first time since 1925.

In 1997, Nunavut Awareness Days proved to be especially active. This event at Saint Mary's University coincided with a meeting of the Nunavut Implementation Commission in Halifax. The Commission usually held its meetings in Nunavut, in order to maximize
Northerners' awareness of the new territory. Prior to 1997, it had met only once in a southern location, in Ottawa. One of the key moments of Nunavut Awareness Days in 1997 was a panel of Inuit discussing the challenges they were facing in the process of creating Nunavut. The panel included young Nunavummiut and Nunavut commissioners.

The discussion started with comments on the importance for the young generation to acquire the necessary skills to become competent representatives of Nunavut. The Stay in School program was being widely promoted in the hope of training the next generation of Inuit spokespersons. It was particularly interesting to see the young Inuit express their anxiety for the future of Nunavut. They respectfully explained the pressure on them to succeed as individuals in the school system, and how post-secondary education often removed them physically and psychologically from Nunavut, since many had to move away to complete their studies. In short, they doubted whether they could meet the expectations of their predecessors, who had been involved most of their lives with the negotiations that had led to the creation of Nunavut. It was hard for them to share the older generation's exhilaration. Clearly, this new responsibility was associated with a lot of stress among the younger generation. They were very well aware that the Nunavummiut would assess their performance, as would other Canadians, and they felt unprepared to take over when their turn would come.

In light of this discussion, it was not surprising that Inuit co-organizers would more clearly delineate the ambassadorial role of participants in the summer student program, as illustrated by a trip to Shelburne in 1999. As one of the descendants of the Jean Révillon's 1925 Inuit crew, Peter Irniq was guest lecturing to students at the Shelburne County Museum. Under his leadership, the students brought a Nunavut flag to the mayor of Shelburne upon their arrival, as part of the official reception. That same day, two American representatives were visiting Shelburne to develop commercial ventures with the municipality. In a community like Shelburne, many older people know the Inuit through the shipbuilding industry. Among the younger generations, many also know the North first-hand, since Nova Scotia remains a leading source of high school teachers for the North. The American visitors, however, had no previous knowledge of Nunavut. Later on that day, when CBC North interviewed Peter Irniq, he reported that some of the young Nunavummiut had an opportunity to discuss existing joint ventures in Nunavut with the American businessmen. The young students were in Nova Scotia to prepare themselves for post-secondary education, for their sake and for the benefit of others in Nunavut, but in the process they also gained experience in representing their territory.
In 2002, while presenting a paper at the annual conference of the American Anthropology Association, I noted that most of my colleagues were knowledgeable of Nunavut's existence. Many, however, were surprised to learn that the Inuit of Nunavik were also negotiating the establishment of a government and legislative assembly. They wrongly thought that the issue of the Canadian Inuit had been settled once and for all with the creation of Nunavut. I saw a similar reaction as recently as 2004, at the 10th LinguaPax conference in Spain (Daveluy 2004a and b). Even though the Nunavik Commission's report came out in 2001, this ongoing process remained poorly understood in the academic community. It seemed that the scenario for the creation of Nunavut was repeating itself with another instance of Inuit governance in Canada.

The Canadian government representatives on the Nunavik negotiation team did respond to the obvious need for information. They participated in a series of sessions, including one at the University of Alberta in Edmonton in 2002. Inuit were also interested in informing others about Nunavik. This interest culminated in the Nunavik symposium which "[...] was organised especially to inform the public outside of Nunavik of the decades long process that is presently leading to the formation of a Nunavik government" (Nunavik 2005: 3). The Nunavik symposium was held in the south, in Montreal, in the Fall of 2005, to improve outreach to non-Nunavimmiut. Locally, all Nunavik residents have also been involved in a number of public activities, like the Kuujjuaq Forum on Governance. Both the Nunavik symposium and the Kuujjuaq Forum on Governance were broadcast live to Nunavik communities.
Comparison

The two situations discussed here share some similarities. For example, in both cases it was deemed essential to inform everyone directly involved in the proposed changes. This was a stated goal during the creation of Nunavut and it remains a clear priority in Nunavik. Indeed Nunavummiut and Nunavimmiut are the primary stakeholders in debating local governance.

On the other hand, it seems to have become increasingly important to provide outsiders with information. Some of us may recall that Canada's state-run television network (CBC/Radio-Canada) went on a regional strike when Nunavut was created on April 1st, 1999. The ceremony in Iqaluit, the territory's new capital, was not broadcast everywhere in Canada. Back then, I discussed the situation with a number of individuals working in various capacities in the organization of the ceremony because the strike was complicating a live public broadcast planned for the occasion at Saint Mary’s University. They showed a lack of concern for media coverage of the ceremony from coast to coast, probably because of the logistical pressures they were already under. At that time, few believed, like I did, that the creation of Nunavut was important enough and relevant to all Canadians to justify national coverage. I was told a number of times that the priority was media coverage for the Nunavummiut. In the end, special measures were taken and 200 citizens came to Saint Mary’s University to view the ceremony and sign a letter of best wishes to be later sent to the Nunavut government. On the first page of the letter appear two signatures in syllabics: two young Inuit relocated to Nova Scotia were hoping their message would make it home.

Conclusion

If we compare the strategies adopted during the creation of Nunavut and Nunavik, we see a different organization of events to raise awareness of the new forms of governance. The Nunavimmiut appeared to lead activities rather than participate as invited guest speakers, as was more often the case during the creation of Nunavut. Instead of an individual representative speaking on behalf of a diverse group of people (a delicate and rarely rewarding role), there seem to have been groups of individuals collectively representing their people in public venues.

The strategy currently in place for Nunavik makes room for multiple audiences to be informed about upcoming changes. Indeed, the information process is now targeting both Canadians and the entire world. This strategy increases knowledge transfer about new forms of governance and also provides the Inuit with better control of information made available to others.

Perhaps all this points to greater awareness of the national relevance of Inuit affairs among Canadians, including the Inuit themselves. Certainly, what may have been resisted in the past as a non-essential courtesy to outsiders, and as an addition to an already heavy agenda, seems to have given way to pro-active networking on Inuit terms.
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NUNAVIK COMMISSION
Abstract: Tribal governments in Alaska operate in a unique conundrum of legal and political practices. The Alaska Native Claims Settlement Act of 1971 aggravated an already complex political landscape. Similar to tribes in the rest of the United States, Alaska Natives face an increasing number of challenges to their sovereignty, rights for self-determination and jurisprudence by state and federal administrations. However, they are obliged to operate within a political paradox not faced by their counterparts. The eradication of the concept of ‘Indian Country’ in Alaska has extinguished a very useful political tool for government to government relations and severed tribes from their land base by transforming title to land into a corporate asset managed by private native corporations. The absence of the territorial aspect of sovereignty, enjoyed by reservations in the rest of the United States, is detrimental to the political and social negotiations of natives and also threatens the very notion of the unique relationship of the Federal government with the Indigenous people of the US. This perpetuates the myth that ANCSA not only terminated aboriginal claims to their land but also terminated the special relationship. Tribal governments try to assert and expand their sovereignty in a game of constant litigation and activism in order to protect the future of self government against the backdrop of ANCSA and the resulting extinguishment of ‘Indian Country’. This project attempts to list and analyze the strategies tribal government has used to meet and resist the new challenges on sovereignty within the specific sociopolitical context formed by ANCSA. It also defines the social and political space that these mechanisms take place. Fieldwork will take place in Fairbanks, Alaska and the surrounding areas of the Yukon flats, the territory of the Gwich’in people. Methods will include participant observation, interviews and focus groups. The end result will provide a preliminary study on the potentials of tribal government in Alaska and will contribute to an understanding of indigenous politics in the United States.

Keywords: self-government, Alaska Native Settlement Act (ANCSA), Venetie cases, tactics, Gwich’in, Yukon.

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Introduction

In the course of Alaska’s colonial history, Natives in Alaska have had to face increased challenges to their tribal sovereignty from other encroaching sovereign bodies. The political conflict that ensued resulted in the loss of Native self government powers. In the
20th century, they found themselves once more the subjects of profound social, political and economic changes. However, this time their reaction was characterized by a renewed conviction to the importance of self government (Cornell et al. 1999).

Today, it is a paramount belief that any honest discussion of the future of Alaska Natives has to address the issue of self-governance. There are a number of reasons for this conviction. Firstly, Natives of Alaska understand the historical importance of self government and the significance of controlling the changes that affect them. There is no doubt that loss of self government has had an adverse impact in Native communities and that outside help, in the form of federal or state initiatives is not always forthcoming or even knowledgeable about what needs to be done. Secondly, the fact is that self government works. One of its main advantages is that the structure of governance itself can be made to fit the specific conditions of each community and correspond to its needs. As Natives learn to exercise their tribal authority, social problems can be addressed swiftly and efficiently and viable solutions can be applied locally.

But most importantly, the faith on self government has been strengthened by the realization of Alaska Natives as a part of a larger national and international indigenous whole. A rising awareness of self government structures and political activism around the world has raised the chances of success at the local level.

Alaska Natives demand to regain governmental control of their communities and to exercise authority in a vast array of issues (Case and Voluck 2002; Cornell et al. 1999; Berger 1995). This demand reflects mostly the needs and hopes of Natives living in rural Alaska. Their efforts take place in the specific sociopolitical context of Alaska, as this was formed after the passage of Alaska Native Claims Settlement Act (ANCSA) in 1971.

This project aims to explore the strategies Alaska Natives have devised in order to assert their inherent sovereign powers vis-à-vis the state and federal government. The post ANCSA political reality poses an interesting conundrum for self government, which tribes need to solve to their advantage in order to be successful in the constant battle to protect their inherent rights.

Before I go into more detail, I will provide a brief overview of ANCSA and discuss its ramifications on the contemporary political and legal situation of tribal governance in Alaska.

**The Provisions of ANCSA**

The Alaska Natives Claims Settlement Act of December 18, 1971 is a unique piece of legislation in the history of Natives American and United States government relations. According to the Act, Alaska Natives agreed to extinguish aboriginal title to land and, in return, were compensated with approximately one billion dollars and the conveyance of 45 million acres of land to state-chartered business corporations operated by Natives. The Act authorized the creation of two kinds of Native corporations to receive the benefits of the agreement; village corporations, which had the right to administer settled land and
regional corporations, which had the task of paying and managing the monetary benefits of the Act. 204 villages, urban or group corporations were created and twelve regional corporations divided Alaska in geographical areas under the administration. Village and regional corporations received land based on population density. The larger the population, the more land would be allocated to the village and region. Villages received rights on “surface estate” (such as timber) in their respective areas while regional corporations were conveyed with “subsurface rights” (such as mining) of all the lands under their management.

Under the provisions of ANCSA land was transformed into stock managed by the corporations. The stock was issued in blocks of 100 shares to approximately 80,000 individual Alaska Natives who became shareholders in the corporations. Alaska Natives residing in villages were enrolled as shareholders in both their village and the regional corporation of their area. Anyone born after December 18th, 1971 could acquire the shares only through inheritance or court order. The corporations and individual shareholders were restricted from selling or otherwise disposing of the shares until December 18, 1991, twenty years after the Act’s enactment. Alaska Natives who resided outside the state enrolled and received shares in a 13th regional corporation headquartered in Seattle. They participated only in the cash arrangements and did not receive land or any other benefits (Case and Voluck 2002).

What ANCSA essentially did, was to extinguish aboriginal ownership of land along with hunting and fishing rights and to transform it into private property that can be taxed, bought, sold and owned. The supervision and management of this property was left into the hands of the village and regional corporations, which were urged to fully engage in the free market economy.

**ANCSA’s Background**

Indigenous and federal government relations in the United States have revolved around three interrelated areas: land, subsistence and tribal government. When Alaska became a state in 1959, these issues that lay dormant for years had to be urgently addressed. The Claims Act dealt specifically with the most pressing of the three: land. The Act brought together the interests of the following four competing agents (Case and Voluck 2002: 157).

Firstly, there were the Natives of Alaska, who had the aboriginal claim to the whole state. After statehood, Alaska Natives found themselves competing with state agencies over their ancestral lands. Immediately, twelve regional associations and one statewide organization, the Alaska Federation of Natives (AFN) had organized in order to represent all Alaska Natives in a potential settlement that would safeguard the title to land for future generations (Mitchell 2001; Hirschfield 1992).

Secondly, there was the newborn state of Alaska that had been given permission to withdraw and use some 103 millions acres under the Statehood Act (Case and Voluck 2002: 156). The need to settle land issues became even more urgent when oil was
discovered at Prudhoe Bay, in North Slope in 1968. Energy companies were committed to construct the trans-Alaska pipeline and pressed for a resolution of aboriginal ownership. For many commentators, oil was the key to congressional settlement (Berger 1995; Weiss and Maas 1992).

Thirdly, the United States government had the obligation to uphold its “trust” responsibility to Alaska Natives by protecting their interests and did so by freezing the state’s land selections until all issues were resolved. In addition, the government claimed for itself almost 217 million acres of land for federal use.

Fourthly, there were environmental groups which became increasingly concerned with the effects of oil exploitation on Alaska’s wildlife and lobbied the government to protect it with the establishment of national wildlife refuges.

But there was more to ANCSA’s intend than settling land claims according to the conflicting wishes of everyone. The federal government and the Native regional associations had agreed that a political solution should not repeat the mistakes of the past by establishing reservations. The main objective was to provide to Alaska Natives all the assets to assimilate and be competitive in a capitalist society. By creating successful corporations and targeting the very fabric of Native relation to land (Case and Voluck 2002; Langdon 2002), it was hoped that assimilation would be a smooth process. However, if Natives did not succeed in the business world, then they faced the potential of losing their land to non Native ownership. This unspoken intend of ANCSA cannot be explicitly traced in documents of the time but it can easily fit in the recurring history of assimilationist Indian policies.

Officially, ANCSA embodied the hope that “the settlement should be accomplished rapidly, with certainty, and conformity with the real economic and social needs of Natives, without litigation, with maximum participation by Natives and decisions of affecting their rights and property” (Prucha 2002: 260). Essentially, it attempted to satisfy in a very short period of time, with stunning complexity and in order of preference the needs and aspirations, explicit or otherwise, of all parties involved.

Problems and Evolution of ANCSA

In his book Seeing Like a State (1998), James Scott makes a compelling argument on how state projects intended to change the human condition, fail dramatically when they do not take into consideration local values and practices. His case studies include social engineering projects such as the collectivization of the Soviet Union and the forced villagization in Tanzania in the mid 1970s. ANCSA could have been a prime example in Scott’s argument but for the insistence of the actors involved in improving it by incorporating local realities and aspirations into the settlement.

In 1987 the US house Committee on Interior and Insular Affairs concluded that ANCSA had achieved few of its initial purposes (Case and Voluck 2002: 168). Many regional and village corporations were unsuccessful and faced bankruptcy, a result of the delay in the
conveyance of land and payments. Litigation was constant, a result of the Act’s ambiguous passages. Billions were spent on the implementation ANCSA and setting up the corporations. Tensions arose between traditional and corporate use of land, a fact that stimulated the creation of tribal sovereignty movements demanding change.

It follows that ANCSA was not a well planned piece of legislation. Although it was hailed as a unique overarching settlement, the legislators and Native groups had probably only a vague idea of its future ramifications and potentials. However, the Act allowed room for experimentation, a fact that Native leaders and state officials counted on from the start. It is indicative that every Congress since 1971 has amended ANCSA in order to create the space within which corporations could maneuver to make ends meet.

ANCSA made plain the fallacy of trying to treat Alaska Natives as a common group. As a result all of its basic provisions had to be slightly altered on a case to case basis, taking into account, at least in part, cultural, political, social and economic realities of the different villages. It had to adjust and proceed into an equal number of distinct settlements which, it was hoped, conformed to the spirit of the Act. This is probably one of the reasons why ANCSA did not fail utterly in its objectives.

The Venetie Case – Indian Country in Alaska

In the late 1980s two legal cases; the State of Alaska v. Native Village of Venetie and Native Village of Venetie I.R.A council v. State of Alaska connected ANCSA with two very important political issues; tribal status of Native villages and Indian country in Alaska (Case and Voluck 2002: 402). In the first case, the state challenged the power of the tribal government to impose taxation on a state sponsored construction project, while in the second the tribal government demanded from the state to recognize and accredit tribal court adoption decrees under the Indian Childhood Welfare Act of 1978. The Supreme Court consolidated the cases and remanded them until tribal status and the existence of Indian Country in Alaska were legally clarified.

Up to that point the question of Alaska Native tribal status had never been legally defined. A popular misconception was that village communities did not have a ‘tribal’ social organization, thus they did not have mechanisms of self-government. However, in practice the right to self determination in Native Villages was always recognized and upheld by federal statutes, especially the Indian Reorganization Act (IRA) of 1936. In the 1970s, ANCSA extinguished all reservations in Alaska, except Metlakatla on the Annette Islands but otherwise sustained tribal governments. Following this rationale, the Supreme Court ruled that Alaska villages are tribes since they have historically exercised self government. In 1993, the federal government included all Alaska Native villages to its lists of recognized tribes.

1 Alaska Native Knowledge Network (ANKN), http://www.ankn.uaf.edu/curriculum/ANCSA/TheCorporateWhale/index.html.
The question of ‘Indian country’ did not fare as well. The concept has had a long legislative and judicial history and describes the geographic extent of a tribal government’s power. According to federal law, Indian Country is the land within reservations, dependent Indian communities and Indian allotments (Prucha 2002). Since reservations were abolished, Alaska Native villages were thought to fall under the category of dependent Indian communities, which is basically a *de facto* reservation with the power of self government, taxation and regulation of non Natives in the village\(^2\). In 1998 the Supreme Court ruled against the existence of Indian Country in Alaska. The argument was that since ANCSA had settled aboriginal claims on land, Venetie lands were not under federal superintendence, that is they were not held in “trust”, a prerequisite for Indian country. ANCSA, then, was interpreted as termination legislation (Case and Volluck 2002: 431), a seemingly unexpected ramification.

The Court’s decision created an unprecedented condition for indigenous peoples in the United States. While it reaffirmed the sovereign status of tribes and their right to self determination, it simultaneously severed their territorial reach.

**The Political Conundrum of Alaska – A Research Question**

The abolition of Indian Country in Alaska was an additional burden to an already complex political landscape within which Alaska Natives had to navigate. In 1999, the AFN Final Report on “Achieving Alaska Native Self-Government” summarized the basic facets of this reality. According to the report, tribal self government has to wrestle with:

- **Structural Complexity:** The structure of governance in Alaska is complicated. Tribes in Alaska are subject to a jurisdictional and administrative nexus of sometimes conflicting or ambiguous federal or state statutes. Even more, natural resource and land management as well as other sociopolitical programs are dispersed among a variety of administrative units such as tribes, municipalities and governmental agencies.

- **Governing Powers:** The powers of self government in Alaska are not well established. After the Venetie case, Alaska is the home of landless tribes. This situation curtails the abilities of self government that has no jurisdiction over territory. Hence initiatives to address social and economic problems are taken out of the hands of the tribe, to state and federal agencies, which usually tend to overlook isolated parts of rural Alaska.

- **Units of self governance:** An Alaska village can be controlled by a tribal council or an IRA council, a state municipality, the village or regional corporation, the state and the federal governments. This distribution of power among a multitude of governing units slows the decision making process and poses difficulties in the accountability of the parties involved.

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Amidst these difficulties, Alaska Natives are breaking new legal and political ground in order to assert their sovereign status and resist outside attempts to diminish their tribal powers. The questions this project will try to elucidate are: a) what are the mechanisms and strategies used in asserting your sovereignty over that of the federal and state government? b) what are the social and political areas in which these strategies take place? The tactics Alaska villages have devised in order to assert and stretch the limits of their sovereignty are fascinating examples of disenfranchised people who use the imposed dominant legal and political structures of society to their own advantage (Lazarus - Black and Hirsch 1994). The practice has been well documented in the anthropological literature of resistance and provides important insights on power relations and the significance of individuals in shaping the dominant structure. My research will contribute to this literature.

**Methodology and Methods**

This is a project in political and legal anthropology. It aspires to interest a wide audience and be of some practical value to people interested in self governance mechanisms. Hence, a balance will be sought between research and theory. For this reason, a prospective collaborator, experienced in tribal politics, is of key importance.

Methods that will be used are:

- **Participant observation:** Participant observation is probably the most basic method of acquiring data and is useful both for data collection and as an analytic tool. At this stage, participation in meetings where tribal government issues are discussed is important in order to get a feel of local issues and how they relate to the larger political context of Alaska. The Tanana Chiefs Conference (TCC) in Fairbanks and the Council of Athabascan Tribal Governments (CATG) are starting points for participant observation.

- **Interviews:** Interviews with key actors on governance strategies are a main tool for research.

- **Focus Groups:** The biggest endeavor of this project would be to set focus groups where self government strategies will be discussed.

In the following paragraphs, I will briefly present three self government strategies. These are taken from the AFN’s final report.

**Mechanisms of Self Governance and Assertion of Sovereignty**

A popular strategy of villages in asserting their sovereignty is by establishing tribal courts and police. In spite of the fact that participation in tribal courts is voluntary, they are respected and used by the local population (Case and Voluck 2002). They make their
decisions based on traditional law and tribal government ordinances but they can also apply to state law. Tribal courts have been upheld by federal statutes. Congress has shown a will to encourage and enhance tribal court systems. The Indian Tribal Justice Act of 1993 reiterates the policy of self determination and government and considers tribal courts as one of its basic components in the exercise of tribal authority.

However, the operation of tribal courts and police has been impeded by lack of funding, and costs and mounting opposition to the state of Alaska, who refuses to recognize their authority. Issues of authority and jurisdiction have plagued the tribal justice system for years. The irony of the whole situation is that the state of Alaska needs tribal courts. Although, the State is adamant in not recognizing the courts, at times it cooperates with them due to the state’s admitted inability to provide adequate judicial services and law enforcement in rural Alaska. Thus, tribal courts can operate unofficially as long as they remain below radar (AFN Final Report 1999).

A second strategy used by Natives of rural Alaska is the consolidation of the governing units. The City of Quinhagak and the IRA Native Village of Kwinhagak, in Kuskokwim Bay on the Bearing Sea decided, as of 1996, to consolidate their two governments and create a common administrative body. In a village where Native support for tribal government is strong, the Memorandum of Agreement (MOA) between the two governmental units authorized a unified budget and a common agenda on community developmental planning. The tribal government has the first role in the distribution and allocation of funds, carrying out agreed upon services and report to the joint council. The departments under the jurisdiction of the city-IRA council are public works, human service, health, safety, natural resources, education etc. These departments employ a proportion of 60% of the village’s adult, working age population. The agreement also provides that any disputes between the consolidated city and IRA councils have to be decided in a tribal court.

A further effort of the joint council is to incorporate the village corporation, Qanirtuuq, Inc. in the MOA. The objective is to form a council with a city-IRA-corporation government and to convince the village corporation to hand over the lands to the jurisdiction of the IRA council. To the extent that this is conceivable, a new way of returning land to tribal jurisdiction is possible which might result, in my opinion, in the reconstitution of Indian Country.

The last strategy to be reviewed here is much more assertive of tribal sovereignty and it involves the “usurpation” of local government, education and other services from regional centers. In 1983, the Yupik village of Akiachak in the lower Kuskokwim River dissolved the city government and invited two more villages to create an independent “Yupiit School District”. This impressive move was part of a plan to create a region-wide tribal organization which they called “Yupiit Nation” (Langdon 2002). Although the idea of a Yupiit Nation is still far away, the people of Akiachak strengthened their sense of identity and improved the life in their village by controlling services such as a health system, improving the sewage system, and managing natural resources.
According to the AFN, report the key to success for the Akiachak government was the conviction that if a tribe wants to be treated as a sovereign entity, it has to act like one. This exemplifies the relational existence of sovereignty as a concept which depends on the ability to recognize and be recognized on the same political terms. To be sure, the State of Alaska resisted all attempts of the tribal government to exercise its authority and there is still much debate on the tribe uncertain political status. But despite all this the tribe continued unabated, effectively expanding the limits of their jurisdiction and authority.

The above strategies are applied in local settings. Unlike ANCSA, any plan of reinstitution of self governance in Alaska has to take into consideration local realities. Moreover, many of these tactics have as an ultimate goal the reconstitution of Indian Country in Alaska, a fact that attests to a future political reconsideration of the concept.

**Conclusion**

One of the shortcomings of the AFN report, pointed out by its writers, is that it is based only on research of secondary sources and lacks a hands-on perspective (AFN Final Report 1999: 13). In a much more limited scope but on the same spirit, I intend to fill that gap. My only fear is that identifying the strategies of self governance and sovereignty assertion is much easier than providing an anthropological account of them, where things will not be as clear cut as they appear in the report.

This research project has evolved from my interest to compare the Alaska Native and the Native American realities in the US. It exemplifies a conviction that Alaska Natives are not that different from other Native Americans. The challenges that they face now are common but the ways to meet them differ. Hence, they can only benefit from a careful scrutiny of the variety of paths followed to tribal government.

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Indigenous Peoples and Self-Governance: Development of the International Discussion since the 1970s and the “Canadian Way” of Implementation

Gerlis Fugmann*

Abstract: Since the 1970s an increasing amount of scientific literature is being found on indigenous issues which led to a growing awareness of the problems of indigenous peoples in politics and in the public worldwide. The foundation of various indigenous organisations (including Inuit Tapiriit Kanatami and the Inuit Circumpolar Conference), the creation of the UN Working Group on Indigenous Populations (1982), the proclamation of the International Year of the World’s Indigenous Peoples (1993) and the proclamation of the first and second UN International Decade of the World’s Indigenous Peoples (1995 – 2004 and 2005 – 2014) created the basis for the international discussion on the rights of indigenous peoples. The failure to reach an international consensus in the form of a UN Declaration on the Rights of Indigenous Peoples is partly caused by the debate surrounding indigenous peoples’ right to self-determination, a sensitive issue in international law. Canada, although officially opposing the recognition of indigenous peoples’ rights on the international level, has found its own way of dealing with self-government aspirations of its indigenous population on the national level. Under the current policy of the Canadian federal government, which recognizes the inherent right to self-government as an existing Aboriginal right under section 35 of the Constitution Act, 1982, self-government arrangements are being negotiated with many Aboriginal groups throughout Canada. The Inuit of Nunavik and their attempt of creating a Nunavik Government, serve as a good example for this recent development.

Keywords: Indigenous Peoples’ Rights, Self-Determination, Self-Government, Inherent Right Policy, Nunavik

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Introduction

The following article is part of the background research for my ongoing Ph.D thesis. It summarizes the international discussion on indigenous peoples’ issues since the 1970s, especially the right to self-determination and self-government. Moreover it examines how Canada at the same time tried to find its own way of dealing with self-government aspirations of its indigenous population. An example for this “Canadian way” will be given in a short case study about the self-government negotiations with the Inuit of Nunavik (Northern Quebec, Canada).

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International Discussion on the Rights of Indigenous Peoples

Since the 1970s an increasing amount of scientific literature on indigenous issues has led to a growing awareness of the problems of indigenous peoples in politics and in the public worldwide. There is no internationally accepted official definition of the term “indigenous peoples”. The United Nations usually refers to the definition of Special Rapporteur José Martinez Cobo taken from his Study on the Problem of Discrimination against Indigenous Populations in 1971:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems. [...] On an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identification as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group) (Hannum 1996: 89).

The international discussion on the rights of indigenous peoples can be divided in several phases, starting in North America and spreading in subsequent phases into Latin America, Australia, Asia and Africa (Kraas 2002: 11f). The debate in North America was initiated by a series of events in the 1960s and early 1970s including an increasing number of reports on bad living conditions of the indigenous population in the 1950s and 60s, the worldwide movement to abolish colonialism in the 1960s, the beginning of the American Indian Movement in the United States in 1968, as well as scientific and media coverage of protests on a statement of the Trudeau Government in Canada on Indian Policy, commonly known as White Paper on Indian Policy in 1969, and protests of the Cree and Inuit in Québec on hydroelectric development plans in their region (1971). This led to a growing self-awareness among indigenous peoples in North America, that some form of political organization would be necessary to improve their situation (Maybury-Lewis 2003: 327; Dittmann and Kraas 2002: 71; Abele 2002: 12). The foundation of many national and international indigenous organizations can be dated around this time, including the Inuit Tapirisat of Canada (today: Inuit Tapiriit Kanatami) in 1971 and the Inuit Circumpolar Conference in 1977 (Inuit Tapiriit Kanatami 2005; Inuit Circumpolar Conference 2003; Abele 2002: 12).

The United Nations contributed substantially to the international discussion. In 1982, a Working Group on Indigenous Populations (WGIP) was established on the lowest level of the United Nations human rights organizations (International Work Group for Indigenous Affairs n.d. a). Indigenous organizations even without consultative status with the UN Economic and Social Council (ECOSOC) gained unlimited access to this Working Group and were able to bring forward their problems and proposals (Office of
the UN High Commissioner for Human Rights 1996 – 2006 c: 2). Among others, the task of the WGIP is the collection of information about indigenous peoples’ issues, and between 1985 and 1993, the drafting of a UN Declaration on the Rights of Indigenous Peoples (Office of the UN High Commissioner for Human Rights 1996 – 2006 c: 2f).

Even prior to the WGIP, the International Labour Organization (ILO), a specialized agency of the United Nations, was the first organization focusing on indigenous issues in a comprehensive way by publishing two important Conventions. The Indigenous and Tribal Populations Convention No. 107 from 1957 still reflected the common view of the 1940s and 1950s, concentrating on assimilation, integration and non-discrimination of indigenous and tribal peoples, but also recognized collective and individual land rights, indigenous traditional legal systems “and the right to compensation for land taken by the government” (Hannum 1996: 93). In 1989 the ILO adopted a successor to this document, the Indigenous and Tribal Peoples Convention No. 169, which is today the most detailed and legally binding instrument on indigenous peoples’ rights, establishing “minimum standards with respect to the civil, political, social and economic rights of indigenous and tribal peoples” (Quane 2005: 655; Office of the UN High Commissioner for Human Rights 1996 – 2006 e: 3). Only 17 countries (Argentina, Bolivia, Brazil, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Mexico, Netherlands, Norway, Paraguay, Peru, Venezuela) ratified this Convention but “its impact extends beyond these states due to its influence on the funding policies of several development banks” (International Labour Organization 2005; Quane 2005: 656).

Further recognition of indigenous peoples’ issues was achieved by the declaration of the International Year of the World’s Indigenous Peoples (1993) by the United Nations, and after recommendations of the World Conference on Human Rights in Vienna that same year, the declaration of the first International Decade of the World’s Indigenous Peoples (1995 – 2004) by the UN General Assembly (Office of the UN High Commissioner for Human Rights 1996 – 2006 a: 6; Dahl 2004: 9). The goal of the Decade was the “strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health” (Dahl 2004: 9). Two concrete major objectives were the:

- establishment of a Permanent Forum on Indigenous Issues by the UN Economic and Social Council (ECOSOC). After extensive discussions, this highest UN human rights organ dealing with indigenous issues was created in 2000 with the mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights (International Work Group for Indigenous Affairs n.d. b). The Permanent Forum has an advisory role for the UN ECOSOC and indigenous organizations even without consultative status with the UN ECOSOC have permission to take part in its meetings as observers (Office of the UN High Commissioner for Human Rights 1996 – 2006 d: 2)

- adoption of the Declaration on the Rights of Indigenous Peoples (Dahl 2004: 9), which was not achieved by the end of the first Decade. The Commission on Human Rights (today: Human Rights Council) established a Working Group on
the Declaration in 1995, with the purpose to review the text and send it to the UN General Assembly for adoption. Indigenous organizations even without consultative status with the UN Economic and Social Council had permission to help draft the Declaration in this Working Group (International Work Group for Indigenous Affairs n.d. c). After more than a decade of discussions the Draft Declaration was finally approved by the UN Human Rights Council in June 2006, as part of the second International Decade of the World’s Indigenous Peoples (2005 – 2014). It was scheduled for adoption by the UN General Assembly in December 2006 but the process was stalled in the last minute, by means of a non-action motion of the Namibian delegation with the support of several countries including the USA, Canada, Australia and New Zealand (International Work Group for Indigenous Affairs 2006). At the moment it is not clear when the Declaration will be finally adopted. If adopted it would not be a legally binding document but a strong moral force, as it would represent a broad consensus of the international community (Office of the UN High Commissioner for Human Rights 1996 – 2006 b: 2).

The Draft Declaration on the Rights of Indigenous Peoples is the first UN document which extensively addresses the collective rights of indigenous peoples (Venne 1998: 115). It contains “minimum standards for the survival, dignity and well-being of the indigenous peoples of the world” (Article 43) (UN Human Rights Council 2006: 72), for example:

- the “right to self-determination” (Article 3);
- the “right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions” (Article 5);
- the “right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned” (Article 9);
- the “right to practice and revitalize their cultural traditions and customs” (Article 11);
- the “right to participate in decision-making in matters which would affect their rights” (Article 18);
- the “right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation, or use, as well as those which they have otherwise acquired” (Article 26);
- the “right to the recognition, observance and enforcement of Treaties, Agreements and Other Constructive Arrangements concluded with States or their successors and to have States honour and respect such Treaties, Agreements and other Constructive Arrangements” (Article 37);
- the “right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration” (Article 39);

(UN Human Rights Council 2006: 58 – 73)

One of the most controversial issues in the international debate about the rights of indigenous peoples is the right to self-determination. The Declaration on the Rights of Indigenous Peoples states in Article 3: “Indigenous peoples have the right of self-
determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development” (UN Human Rights Council 2006: 61).

The right to self-determination of peoples, a fundamental principle and right under international law, was first explicitly recognized in 1960 in a de-colonization context in the Declaration on the Granting of Independence to Colonial Countries and Peoples by the UN General Assembly (Hannum 1996: 34). This Declaration, as well as several other documents in the following years (e.g. International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights 1966), declares: “All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development” (Hannum 1996: 34 and 41). So far the United Nations had been hesitant to extent this right beyond the traditional de-colonization context but the UN process on the rights of indigenous peoples shows that the understanding of the scope of this right may be developing further (Henriksen 2001: 7). The UN Declaration on the Rights of Indigenous Peoples affirms in its preamble that indigenous peoples are equal to other peoples and acknowledges “that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples” (UN Human Rights Council 2006: 60). As the term “peoples” in international law is closely linked to sensitive political and legal issues, there exists no definition of that term (Henriksen 2001: 8). But if indigenous peoples are identified as “peoples” under international law, then they have the right to self-determination (Venne 1998: 119).

Self-determination would enable indigenous peoples to control their own destiny and ensure their continued existence as distinct peoples (Hannum 1996: 95). However, many states are concerned that accepting indigenous peoples’ right to self-determination would “entail a right to secede and to do so unilaterally” (Scott 1996: 818) and therefore would “potentially threaten democracy, stability, peace and the political and territorial unity of existing States” (Henriksen 2001: 14). On the other hand, this concern seems to be unfounded as the territorial integrity is one of the most fundamental principles of international law and the right to self-determination is nowhere interpreted or mentioned to be the right to secede from existing states. The “right of peoples to self-determination is not a right for peoples to determine their status without consideration of the rights of other peoples with whom they are presently connected and with whom they will continue to be connected in the future” (Scott 1996: 818). Moreover, many indigenous peoples also emphasize that they do not claim secession but internal self-determination, meaning the right to self-government or territorial autonomy of their own economic, social and cultural development. The proceedings of a meeting of experts in Nuuk in 1991 identified the “exercise of adequate powers and self-government within the traditional territories of indigenous peoples as a prerequisite for the development and maintenance of traditional indigenous cultures and for the survival of indigenous peoples” (Henriksen 2001: 15).

As internal self-determination or self-government would not threaten the territorial integrity of states it is likely to be accepted more easily and some say it is only a matter of
time until a formal recognition of a right to internal self-determination of indigenous peoples is reached (Quane 2005: 664f). One step in this direction was done by incorporating the right to self-government in the United Nations Draft Declaration on the Rights of Indigenous Peoples. Article 4 acknowledges: “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions” (UN Human Rights Council 2006: 61).

The “Canadian Way” of Dealing with Self-Government Aspirations of its Indigenous Peoples

While an overwhelming majority of the UN Human Rights Council member states voted for the approval of the United Nations Declaration on the Rights of Indigenous Peoples in June 2006, Canada, along with Russia rejected it (International Work Group for Indigenous Affairs 2006). Again in November 2006, Canada was among a group of states opposing and stalling the adoption process of the Declaration in the session of the UN General Assembly.

Despite this rejection of the recognition of indigenous rights on the international level, Canada has found its own way of dealing with self-government aspirations of its indigenous population on the national level.

The claim of Canada’s Aboriginal population to self-government is based on the fact that at the time of contact the Aboriginal population was organized as self-governing societies, which were recognized by the Crown as nations capable of entering into treaties. They have never generally given up their right of self-government in the treaties and although the right of self-government had been restricted by legislation or Crown action, it was never extinguished (Morse 1999: 34).

In the last few decades a growing recognition of Aboriginal rights can be noticed in Canada, influenced by several Supreme Court of Canada decisions (e.g. Calder decision 1973), which led to the inclusion and confirmation of Aboriginal rights in the Constitution Act, 1982 (Saku and Bone 2000: 285). At the same time the Government of Canada attempted to lessen its administrative burden by increasingly placing the responsibilities for their own affairs on Aboriginal peoples (McDonnell and Depew 1999: 353). In 1983 the report of the Standing Committee on Indian Affairs and Northern Development (“Penner Report”) “recommended the development of federal legislation to support self-government, to institute a constitutional right to self-government and to streamline certain policies and administrative practices” (McDonnell and Depew 1999: 354). Partly as a response to the Penner Report, the Government of Canada announced in 1986 its Community-Based Self-Government Policy. The purpose of this new government initiative was to replace the Indian Act by delegating a number of jurisdictions to Aboriginal peoples, which soon “provoked concerns of federal ‘off-loading’” (Dewar and Davis 2000: 7) without examining the financial and human capacity of the concerned Aboriginal groups. The policy was also rejected by most Aboriginal people because it delegated jurisdictions instead of recognizing their inherent
right to self-government. (Dewar and Davis 2000: 7). Therefore only a very small percentage of Aboriginal groups entered into negotiations under this policy.

After several unsuccessful attempts in the 1980s and 1990s to amend the *Constitution Act, 1982* by incorporating Aboriginal peoples’ right to self-government, the Government of Canada finally announced its Inherent Right of Aboriginal Self-governance Policy in 1995 (Dewar and Davis 2000: 7; Morse 1999: 24ff). This new approach recognizes the inherent right to self-government as an existing Aboriginal right under section 35 of the *Constitution Act, 1982*. This recognition “is based on the view that the Aboriginal peoples of Canada have the right to govern themselves in relation to matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationships to their lands and their resources” (Indian and Northern Affairs Canada 1995). Subject areas that are not negotiable within the Inherent Right Policy are matters related to Canadian sovereignty, defence and external relations as well as other national interests.

The policy emphasizes:

- the preference of enforcing the inherent right to self-government through the negotiation of agreements instead of litigation because the latter would involve a very long and costly process which could potentially cause conflict;
- the preference of tripartite negotiations, including the federal, provincial or territorial governments and Aboriginal organizations;
- that the Government will not re-open or change the provisions of existing treaties and land claim agreements as part of the process to implement the inherent right of self-government;
- the implementation of the right of self-government as new treaties, parts of land claims agreements or additions to existing treaties which are able to get constitutional protection under section 35 of the *Constitution Act, 1982*;
- that the federal, provincial and territorial government as well as Aboriginal governments and institutions are conjointly responsible for the financing of self-government;
- that an implementation plan is needed for every self-government agreement.

(Indian and Northern Affairs Canada 1995)

There is no single “one-size-fits-all” model of self-government. The types of self-government agreements that are being negotiated respect the varied situations and perspectives, as well as the different cultures of Aboriginal peoples that exist across Canada (Morse 1999: 31; Dewar and Davis 2000: 2). The Government of Canada “proposes to negotiate self-government arrangements that are tailored to meet the unique needs of Aboriginal groups and are responsive to their particular political, economic, legal, historical, cultural and social circumstances” (Indian and Northern Affairs Canada 1995).

Depending on the intentions as well as financial and human capacity of the concerned Aboriginal groups, the scope of jurisdictions that are being agreed on in the self-government negotiations range from a single jurisdiction to a comprehensive variety of
jurisdictions (Dewar and Davis 2000: 2). It is also for the Aboriginal groups to decide on whether they intend to take over authorities immediately after signing the self-government agreement or if they prefer to exercise the jurisdictions in a phased manner (Indian and Northern Affairs Canada 1995).

Case Study: Nunavik (Northern Québec, Canada)

Inuit groups in Canada have in the last few decades tried to achieve self-government through public government arrangements, serving all residents of the area, Inuit and non-Inuit alike (Indian and Northern Affairs Canada 1995). The Inuit in Nunavik serve as a good example for this process.

When the James Bay and Northern Québec Agreement was signed as the first modern land claim agreement in Canada in 1975, a new land and administrative regime was created for the Inuit of the Northern Québec. Three categories of land were established, on which the Inuit population received certain rights of usage, with Category III lands making up almost 85 percent of the territory:

- **Category I lands:** Inuit villages and their peripheries which are reserved for the exclusive use and benefit of the Inuit;
- **Category II lands:** public land adjoining category I lands with exclusive hunting, fishing and trapping rights for the Inuit;
- **Category III lands:** public lands where Inuit retain certain harvesting rights.

(Peters 1999: 414; Desbiens 2004: 354)

Several administrative institutions were created for the Nunavik region, establishing a certain degree of control over regional affairs for the inhabitants of the area, who are composed of 90 percent Inuit population (Peters 1999: 414; Secrétariat aux affaires autochtones 1999). Makivik Corporation, as the representative of all Inuit beneficiaries of the James Bay and Northern Québec Agreement, administers the implementation of the agreement and is involved in the economic and social development of the Inuit of Nunavik. The other institutions, including the Kativik Regional Government, the Kativik School Board, the Kativik Regional Development Council and the Nunavik Regional Board of Health and Social Services are public institutions serving all residents of Nunavik (Secrétariat aux affaires autochtones 1999).

However, the public institutions in Nunavik have shown several shortcomings and misconceptions over the last several decades, partly due to the lack of an overarching organizational body (Jull 2001: 17; Duhaime 2001: 53f; Secrétariat aux affaires autochtones 1999). As early as 1983 in a Parliamentary Commission on Aboriginal People in Québec, the Inuit expressed their desire to create a new form of self-government with greater autonomy. This request was agreed to by the Québec government, with the conditions that a consensus over the matter be reached among the Inuit and that this new form of self-government be negotiated with the governmental authorities. Elections were held in 1989 to create a Nunavik Constitutional Committee which started negotiations with Québec in 1990 (Secrétariat aux affaires autochtones 1999). These discussions were interrupted several times during the 1990s but reopened in
1997 at a meeting between the Premier of Québec, Lucien Bouchard and the President of Makivik Corporation, Zebedee Nungak. In 1999, a Political Accord was signed between the Governments of Canada and Québec as well as Makivik Corporation in representation of the Inuit of Québec, creating the Nunavik Commission whose mandate was to propose a new form of self-government for Nunavik (Duhaime 2001: 53).

The report of the Nunavik Commission was published in April 2001 and contained a number of recommendations on the design, operation, function and implementation of a new public government in Nunavik (Duhaime 2001: 53). “The Commission was given the formidable challenge of identifying the means for creating an autonomous form of public (non-ethnic) government which would accommodate Nunavik’s arctic realities while at the same time being capable of functioning within federal and provincial jurisdictions” (Nunavik Commission 2001: 1). Some of the key recommendations were the amalgamation of the existing public government institutions in Nunavik (Kativik Regional Government, Kativik School Board, Nunavik Regional Board of Health and Social Services) and the creation of a unifying body of a Nunavik Government (“Nunavimmiut Aquvvinga”), including a legislative assembly with the “power to adopt laws in the areas of Inuit language and culture, education, health, environment, public security, land and resources, economic development, justice, etc” (Duhaime 2001: 54). As the majority of 90 percent of the population in Nunavik are Inuit, they would be able to dominate the new public government. The current multitude of funding agreements for the existing institutions would be replaced by two block funding agreements with the Governments of Québec and Canada (Duhaime 2001: 54).

In 2003, a Negotiation Framework Agreement for the Nunavik self-government negotiations was signed between Makivik Corporation and the Governments of Québec and Canada. The next stage would be the Agreement-in-Principle which, at the time this article was written in 2006 was still in the approval process with the provincial and federal government.

**Conclusion**

The adoption of the UN Declaration on the rights of Indigenous Peoples by the UN Human Rights Council in June 2006, containing the right to self-determination and self-government, was a positive sign in the development of the international recognition of indigenous rights. Then again the stalling of the adoption process in the UN General Assembly in November 2006 proofs, that although progress has been made in the last decades, the recognition of indigenous peoples rights and especially their right to self-determination and self-government is still a very controversial topic on the international stage. It is not clear, whether the broader international community is willing to ever adopt an international consensus on these issues.

Canada, although opposing the content of the UN Declaration, has managed to find its own way of addressing the self-government aspirations of its Aboriginal population. The ambitious goal of the current Canadian federal policy is to create a new partnership with Aboriginal peoples, strengthen Aboriginal communities, “enhance the participation of Aboriginal peoples in the Canadian federation, and ensure that Aboriginal peoples and
their governments do not exist in isolation, separate and apart from the rest of Canadian society” (Indian and Northern Affairs Canada 1995). Self-government agreements are currently being negotiated all across the country, including the Inuit of Nunavik. The future will show if the current Canadian policy on self-government is effective in reaching this goal or if, like many other efforts in the past, the policy proves to be a benevolent attempt that leads to no real working solutions.

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UN HUMAN RIGHTS COUNCIL
National Parks and Internal Politics: A case study from the Torngat Mountains, Quebec and Labrador

Alexandre Germain*

Abstract. The history of national parks in Canada and in the rest of the world reveals that non-dominant cultures and local communities do not always benefit from national parks. Meanwhile, the development of national (federal and provincial) parks in Nunavik and Labrador, Arctic Canada, takes place in a wider context of power struggles between the Inuit, the provincial, and the federal governments, namely in the context of aboriginal land claims. I illustrate, through the examination of the Torngat Mountains National Park (TMNP) and the “Parc national de la Kuururjuaq” establishment processes, that park establishment can serve a complex of purposes: political advancement, geopolitical positioning, economic activity, and cultural fostering, along with environmental protection. This case study outlines both parks establishment processes and shows that beyond the conservation opportunity, the TMNP presents important societal and identity values for the federal government. Geopolitically, it meets the interests of the Inuit of Labrador and Nunavik, as well as those of the federal and provincial governments. For the provinces, both new and future parks present an opportunity to increase their proportion of protected lands, as well as an opportunity for economic development. Moreover, regional governments are being motivated by the cultural values of parks, and the economic and environmental benefits that they provide. In Nain, the park is primarily seen as a response to the need to protect the environment. In contrast, in Kangiqsualujjuaq, the “Parc national de la Kuururjuaq” receives support mainly for its economic outcomes.

Keywords: National Parks, Inuit, Park values, Nunavik, Nunatsiavut, Canada (Arctic)

Conservation itself needs to be understood as a culturally defined activity, one that is open to biases that reflect the distribution of power within human societies. (English and Lee 2003: 54)

The challenge for protected areas is indeed to engage the cultural values and rights of non-dominant cultures[...]. (Hay-Edie 2003: 100)

National parks are a foreign concept to the Inuit, as they are to most non-Western peoples. As a concept and reality, they emerged in the 1860-70s in the United States and then spread to the rest of the world. Initially, they were often imposed on indigenous

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populations by governments as a direct, and indirect, means of colonization (see for instance, Ramutsindela 2004; Andrade 2003). In Canada, this earlier purpose is no longer acceptable and Aboriginal groups have become a major force in influencing the establishment of national parks. Indeed, more than 50% of Canada’s national park system has been protected through the support of Aboriginal peoples (Peepre and Dearden 2003: 324).

To understand why Canada's Aboriginal peoples have been helping to protect the environment through park formation, we need to review recent developments in Aboriginal rights. A series of court decisions in the past forty years has prompted the Canadian government to reopen its files on Aboriginal treaties and to refine its policies in many respects. This started, in the 1970s, the era of “modern treaties” that recognize the Aboriginal peoples’ ownership over land parcels within a settlement area. Many Canadian national parks, designated before the modern treaties, led to Aboriginal groups being restricted or expelled. The 1979 Parks Canada Policy broke with previous policy by defining a new relationship between local people and national parks. The policy recognized the potential existence of certain Aboriginal rights (Parks Canada 1979: 40) and embraced the concept of joint management. A national park could no longer be established in areas of ongoing land claims negotiations, but the Canadian government could set aside designated lands as a national park reserve until an agreement had been reached. These developments have considerably reduced conflict between Aboriginal peoples and Parks Canada.

It has been observed that the development of national parks in the North has paralleled the evolution of Aboriginal rights in Canada as a whole (see for example Atkinson 2001: 144, 145, 149). Aboriginal land claims are in fact the key to establishing new parks. A number of scholars have actually noted that the strategy of the Nunavut Inuit, during formal negotiations of their Agreement, was to make the Canadian government commit to creation of co-managed national parks that could allow the Inuit to concentrate their “likely-limited” land selections (for Inuit ownership) elsewhere (Fenge 1993: 26; Peepre and Dearden 2003: 338; English and Lee 2003: 52).

In the present constitutional set-up, Canadian provinces also have authority to establish protected areas. While Quebec, with its large francophone majority, is legally classified as a province like any other province, it is a distinctive province of Canada. Indeed, in December 2006, the Canadian parliament passed a motion recognizing the “Québécois” nation. Consequently, Quebec is committed to maintaining and developing both a system of protected areas and a national identity, and this aligns with geography. Quebec has thus developed its own system of “national” parks, a process that reached Nunavik, the northern third of the province, at the turn of the 21st century. In the past three decades, the governments of both Quebec and Canada have entered into negotiations with the Inuit of Nunavik and Labrador, respectively, for the creation of “national” parks in adjacent areas. While the Inuit groups in each area have been separated by geography and historical events, they also share a common language and history. In both cases, negotiations extraneous to park interests were on-going – for a comprehensive land claim, for the Voisey’s Bay nickel mine in Labrador, and for self-government in Nunavik. This concentration of geopolitical interests offers a unique opportunity to examine how
provincial and federal bodies have created parks in an Inuit area at similar places and
times. I will focus on the Torngat Mountains, which straddle the Nunavik/Labrador
boundary, where the Torngat Mountains National (federal) Park (TMNP) was
inaugurated in December 2005, and where the “Parc national de la Kuururjuaq”
(proposed Quebec provincial park) was initiated in 2002 (Figure 1).

Atkinson (2001: 143), echoing a general credence, has stated that:

> The willingness of the Canadian government to cover these costs [for park establishment] is an indication of the importance of national parks in the country's aspirations for the North. The establishment of parks in the North is strongly motivated by the desire to conserve wildlife and their habitats as entire ecosystems in the unique and fragile environments of the area. [...] As well as protecting wildlife, the creation of parks in the North helps to preserve valued and spectacular geomorphological landscapes.

While it is commonly believed that national parks mainly serve to protect the integrity of the environment, there are other considerations. I will illustrate them by examining park development in the Torngat Mountains. Park establishment can serve an array of purposes that vary with the level of government: political advancement, geopolitical positioning, economic activity, and cultural fostering, along with environmental protection. I will first describe how the TMNP came into being. I will then look at Quebec’s approach to park establishment in the area. Finally, I will try to identify the range of motivations that have facilitated the development of national parks in the Torngat Mountains.

© Alexandre Germain (Borders are approximate.)

**Figure 1. Case study area**

The Torngat Mountains and the Creation of a Canadian National Park
Turner (1979: 12) grouped all the Inuit of the Ungava and Labrador under the same term: the Suqinirmiut, “those who dwell under the sun.” Since European contact, however, diverging histories have contributed to the development of two different contemporary regional consciousnesses. The Labrador Inuit were initially exposed to European fishermen from the 1500s and to the missionaries – and traders – of the Moravian Brethren Church as early as 1771 with the establishment of the Nain mission. The Ungava Inuit were much less exposed to Europeans until the early twentieth century (for further information, see Malaurie and Rousseau 2005). The explicit aim of the Moravian missionaries was to free the Labrador Inuit from paganism, and to draw them into a more sedentary way of life. Later, the border of the “Coast of Labrador,” established by the Privy Council of London in 1927 along the crest of the watershed, legally divided the local Inuit and assigned them to two jurisdictions. The two Inuit groups now see each other as distinct.

The Torngat Mountains have retained a strong spiritual meaning for the Inuit of both Ungava and Labrador, in spite of the missionaries’ efforts to eradicate it. Torngait (or tuurngait, sing. torngak), according to the various stories and understandings, are spirits that inhabit mountains or cliffs. They are generally thought to be malicious. The missionaries probably contributed to the belief that torngait are evil spirits. Several accounts have presented descriptions of torngait (e.g. Heyes 2003 cites three sources), but there seems to be significant regional, or even local, variation about their nature. The angakkuk (Inuit shaman) can call for the help of a torngak for hunting, or while confronting another shaman. The torngak joins the angakkuk and provides him with enhanced power. When the angakkuk dies, the torngak takes the form of an animal and goes back to its dwelling place (Anonymous, personal communication). The Torngat Mountains offered the torngait plenty of shelter because they are rugged and imposing. For the same reason, they caught the interest of Parks Canada.

Canadian national parks are established to protect and present outstanding representative examples of natural landscapes and natural phenomena. As shown in the National Park System Plan (Parks Canada 1997), the country is divided into 39 natural regions, the aim being to protect a sample of each of these regions. Parks Canada’s interest in the Torngat Mountains dates back to the early 1970s, and local public consultations about the possible creation of a park were first held in 1977. At the time, and for a number of years afterwards, the population of Nain was not ready to welcome a park (Stix 1982: 352; Judy Rowell, personal communication). For that reason, it was decided that further discussions would be put on hold until the Labrador Inuit could deal with the park proposal within their land claim negotiations (Parks Canada 1997: 67). In theory, if a national park is established on lands claimed by Aboriginal peoples, it does not legally prejudice future land claims settlements. In practice, the federal government has firmly maintained that it alone must hold title to land in national parks (Fenge 1993: 25). The area is thus subject to one type of land use and management regime, and is then deemed, legally, to be vested in the Crown. Thus, Aboriginal claimants usually oppose the creation of national parks before the settlement of their land claims.

The Labrador Inuit settled their land claims with the provincial and federal governments in January 2005. The settlement area is now designated under the name of Nunatsiavut...
(“Our Beautiful Land” in Inuktitut) and the Agreement (the Labrador Inuit Land Claims Agreement – LILCA) includes provisions for the establishment of a Nunatsiavut government. Chapter 9 of the Agreement deals with the establishment of the TMNP. It states that Parks Canada and the designated Inuit organization must reach a Park Impacts and Benefit Agreement (PIBA).

Parks Canada and the Labrador Inuit Association (LIA) signed a PIBA in 2004 and the province of Newfoundland and Labrador agreed to transfer jurisdiction over 9,700 square kilometres of land to Canada for the TMNP. The Labrador Inuit PIBA formalizes the creation of a five-member cooperative management board with equal representation from Parks Canada and the Nunatsiavut government, plus one independent chair appointed by the two parties. The TMNP was inaugurated in December 2005. At that time, however, it did not have the full status of a national park, being instead a national park "reserve" because of the Nunavik Inuit's outstanding land claim over the area. The Nunavik Inuit, who signed Canada's first modern treaty in 1975, still had an unsettled claim over northern Labrador and an offshore area. The “Offshore and Overlap Agreement,” or Nunavik Inuit Land Claims Agreement, was ratified in December 2006. A new PIBA, between the Nunavik Inuit and Parks Canada, should establish a cooperative management board for the TMNP composed of seven members: two appointed by the Nunatsiavut government, two by Makivik, two by Parks Canada, and one independent, jointly appointed member.

**The Koroc River and the “Parc national de la Kuururjuaq”**

The Koroc River (Kuururjuaq in Inuktitut) valley runs from the western slopes of the Torngat Mountains to Ungava Bay. Besides its natural beauty, it constitutes a link between Ungava Bay and the Labrador coast. Humans arrived in the area during the Pre-Dorset period – approximately 4,000 years ago (Kativik 2005). This valley route was used primarily to obtain quartzite from Ramah Bay, but later, from 1770 to 1866, the Ungava Inuit used the same route to reach the Moravian trading missions.

The Quebec government has been historically reluctant to allow the federal government to develop the Canadian network of national parks in Quebec. Nevertheless, three such parks now exist and they required long and complicated negotiations. In 1992, Quebec reserved an area of 4,295 square kilometres within the Koroc watershed for protection; an area that, at the request of the community, was expanded to 4,417 square kilometres. In 1993, Parks Canada visited the community of Kangiqsualujjuaq but failed to generate interest among the Kangiqsualujjuamiut because some restrictions on harvesting activities were implied as part of the park proposal (Maggie Emudluk, personal communication).

Quebec parks are different from Canadian parks, even though both are labelled “national.” In 2001, the Quebec government amended its Parks Act and gave all of its provincial parks the “national” label. Quebec argues that its parks meet the “national park” criteria set out by the World Conservation Union (IUCN). Both Canada and Quebec are dedicated to nature preservation, but their park establishment processes and their management practices differ. A basic difference resides in land tenure. Canada insists on holding the title alone, which means that when Canada and a province agree on
establishing a park, there must be an agreement to transfer land from the province to the central government. In Quebec, however, land claims in general, and the JBNQA in particular, prevail over the Quebec Parks Act. Thus, Aboriginal land does not have to be alienated in order to be converted into parkland and the parties involved do not have to enter into tedious (re)negotiations if a land claim agreement already exists.

In 1975, the Inuit of northern Quebec together with the Cree signed the JBNQA, the first modern treaty of Canadian history. The JBNQA defined the relations between the federal and provincial governments and the Inuit of Quebec. It gave the Inuit hunting and fishing rights over the whole territory, and it classified the land into three categories: Category I (Inuit-owned via community landholding corporations), Category II (co-managed by Quebec and the relevant landholding corporation), and Category III (managed by Quebec). In 1978, the Quebec National Assembly created, by decree, the Kativik Regional Government (KRG) and Makivik Corporation. The former is a supra-municipal body established north of the 55th parallel, and the latter replaced the Northern-Quebec Inuit Association as the trustee for the JBNQA monies. In 1986, by referendum, what was formerly called the “Kativik region” of “Nouveau-Quebec” became Nunavik, “the great land” (Müller-Wille, 1987: 1). In April 2002, in an agreement called Sanarrutik, Quebec, Makivik, and the KRG agreed on a renewed partnership for economic and local development in Nunavik. In this agreement, Quebec transferred some of its responsibilities for park development in Nunavik to the KRG. A subsequent agreement (June 2002) made the KRG a third party responsible for park management. Thus, in theory, Quebec national parks in Nunavik will not be co-managed, but rather managed by the Inuit only. With the establishment of the “Parc national des Pingaluit” in 2004, the first park in Nunavik, the proposed “Parc national de la Kuururjuaq,” jumped to the top of the priority list at the KRG. A “Status Report” was completed in December 2005. The Direction des parcs presented a provisional master plan for the public hearings in Kangiqsualujjuaq, that were planned for March 2007.

Parks for What Purpose?

The above description shows two different processes of park establishment in the Torngat Mountains. By and large, all parties seem to be working towards the same end: protecting the environment. A deeper analysis will reveal other motivations for park establishment. English and Lee (2003: 43) have noted that:

The aim of “conserving nature” does not encompass all of the values that are associated with protected areas. This is evident in even a cursory glance at the history of park movement. Political forces linked to nationalism and Romantic concepts about well-being played a guiding role in the emergence of parks and continue to influence their establishment. Indeed, many scientists would argue that until recently, biodiversity conservation has never been the primary force behind park creation.

Harmon (2003) differentiates between intrinsic and instrumental values in parks and protected areas. He suggests that natural features carry intrinsic values, while associated
cultural features are instrumental. To designate a protected area thus confers instrumental value on it. In addition to the commonly identified economic values of parks and protected areas, Putney (2003) presents a list of the most common “intangible” (non-material) values, namely recreational, spiritual, cultural, identity, existence, artistic, aesthetic, educational, research and monitoring, peace, and therapeutic. Putney (2003: 6) also identifies the societal values of parks; these are values that bring cultures together, such as in parks that serve as “intercultural spaces” and help to bridge modern and traditional cultures. In this regard, English and Lee (2003: 44) note that “parks are embedded in social, economic, and political systems that ensure the values we place on them are linked to ongoing debates about our place in the world.”

Creating a park is thus about allocating new functions and new values to the land. It is also about changing its tenure. Since there are many values associated with parks, there must also be many motivations for park establishment. It is assumed here that these motivations are reflected in the political stances of the different actors. In the following paragraphs, motivations for the TMNP and the “Parc national de la Kuururjuaq” will be analyzed through an actor-oriented approach.

Why Would the Federal Government Want a Park?

Although the objectives of the TMNP, as stated in the Park Impacts and Benefit Agreement, only pertain to environmental protection and the acknowledgement of the special Inuit relationship with the land, there can be various reasons why the federal government is interested in having a park in the Torngat Mountains. While gaining title over public land is not a negligible factor, it generally would not be considered a major one. The TMNP location, however, makes it more interesting. A rapid glance at Canada’s northern parks shows that most of them occupy strategic locations: near the borders or along the Northwest Passage. In a context where Canadian sovereignty in the Arctic is an ongoing concern for the federal government, any action that increases the Canadian presence in the North is construed as positive. National parks thus act as a stamp on the land, asserting Canadian sovereignty. Apart from being a politically and militarily strategic location for Canada in the international context, part of the TMNP boundary is congruent with a provincial border that the Quebec government has never recognized officially. Quebec acceptance of the TMNP establishes once more that Quebec recognizes de facto the contested border.

In addition, the protected area is primarily Inuit and is part of the Labrador Inuit Settlement Area. Canada is thus potentially interested in creating a park that serves as an “intercultural space,” a place that helps draw Inuit and Canadian societies closer. This societal value is attractive. By allowing the Inuit to promote their culture and continue their traditional activities within the Canadian framework of a protected environment, Canada will improve its image and relationship among the Inuit. Parks Canada’s office in Nain and involvement in the community will also increase Canada’s visibility. Accordingly, part of Parks Canada’s budget is dedicated to investments in the community (Judy Rowell, TMNP Superintendent, personal communication).
Finally, there are reasons to believe that national parks play a role in the construction of a Canadian identity. The *State of the Parks Report* (Parks Canada 1998: 1), written when Parks Canada was still under Heritage Canada, states that, “[t]hese remarkable places are a source of pride for Canadians and have emerged as an integral part of our collective national identity.” Accordingly, several authors have discussed the role of landscapes (e.g., Kaufmann and Zimmer 1998) and the place of the North (e.g., Grace 2001) in the construction of Canadian identity.

Establishing a national park on the northern tip of Labrador is certainly of great environmental value. The context of the establishment process, however, suggests that geopolitical considerations as well as a set of “intangible” values (prominently societal and identity values) make its creation especially interesting for Canada.

*Why Would the Two Provinces Want a Park?*

Both the Land Transfer Agreement and the Labrador Inuit PIBA, for the TMNP, suggest that the province of Newfoundland and Labrador is mainly interested in protecting one of its 19 ecoregions and in promoting economic development through tourism. This subject requires further research.

The Quebec government is interested in creating a park in the area for similar reasons. First, as an area of outstanding beauty and ecological diversity, it is worth protecting. Second, Quebec is also interested in promoting economic development for the region. But, for geopolitical reasons, Quebec prefers having its own parks rather than federal ones on its territory. For both provinces, then, environmental and economic considerations (through regional development) are probably the main motivations. There is, however, another motivation for Quebec: by establishing its national parks wherever justifiable, Quebec keeps the federal government away from Quebec territory. The Torngat Mountains are indeed a strategic location next to Labrador, where Quebec certainly wishes to protect its sovereignty.

*Why Would the Regional Governments Want a Park?*

In spring/summer 2006, I interviewed a number of representatives of the Nunatsiavut government and the KRG. Regional governments seem to be pragmatic about parks. William Andersen III, Interim President of the Nunatsiavut government, talked only about economic benefits (personal communication). The Nunatsiavut spokesperson for the TMNP sees the park as a great opportunity to foster Labrador Inuit culture, to create ties with the Nunavik Inuit (who will also sit on the management board), and to teach the youth about the past. Indeed, some elders used to live in the area and have a lot to share. Toby Andersen, one of the LIA chief negotiators for the Labrador Inuit Land Claims Agreement, was in charge of the park file. He said that (personal communication):

> Having the land claim settled was the only way that Labrador Inuit could get protection of the land and the park created. The park became a very powerful tool in ratification of the Land Claim Agreement by both the federal and provincial governments, because LIA took the position that, without the Land Claim Agreement, there would be no park.
The park will protect the land for Inuit to be able to show off to the rest of the world forever, while at the same time allow Inuit traditional practices to continue within its boundaries, will provide for Inuit management of the area and for Inuit business opportunities, and economic development for Nunatsiavut.

Strategically, inclusion of a co-managed national park was also very interesting for the Labrador Inuit. In fact, the Newfoundland government was firm that it would not allow the Labrador Inuit to negotiate ownership over more than 6,100 square miles. The TMNP became an area over which the Inuit have a say in its management, without having ownership. It allowed the LIA to select more “Inuit-owned land” elsewhere within the settlement area.

The TMNP Reserve was also strategically important for the Nunavik Inuit. The Newfoundland government had clearly said that they would never negotiate land claims with Aboriginal groups from outside the province. Makivik thus restricted its Labrador claim to the portion covered by the TMNP Reserve, which Newfoundland had transferred to the Canadian government, thus making it possible to reach an agreement without Newfoundland.

In Nunavik, the KRG is fully committed to park establishment and environmental protection; it wants to make sure, however, that Inuit culture is promoted, along with tourism, and that employment opportunities are created for the Inuit (Michael Barrett, Assistant Director of the KRG Department of Renewable Resources, personal communication). At Makivik, George Berthe deplored the fact that most Southerners know Greenland, Alaska, or Nunavut, while almost none are aware of Nunavik. He added, however, that, “the way to get on the map is through tourism” (IPSSAS Seminar, 26 May 2006). Nunavik parks may well fit into a broader project of Makivik Corporation to “put Nunavik on the map” by enlarging the supply of tourist destinations. Hence, parks were included in the Sanarrutik Agreement of 2002 at the request of the Inuit.

For the regional governments, sustainable economy considerations, cultural values, and environmental protection are probably the most important motivations for park establishment. Geopolitical strategies are once again playing a role in this case. In both regions, parks are becoming a way to be seen by the rest of the world.

*Why Would the Local Communities Want a Park?*

The local communities were involved in different ways in the processes of establishing the TMNP and the “Parc national de la Kuururjuaq.” The LIA, which was promoting the establishment of the TMNP, conducted public hearings in the late 1980s in all of its six communities (Toby Andersen, personal communication). Most of the people I interviewed in Nain (n=60), however, were not aware of these hearings. Nonetheless, 100% of them supported the idea and were happy with the creation of the TMNP. Their answers also suggested that the nearby Voisey’s Bay nickel mine had increased their awareness of the need to protect the environment. Interestingly, the Nain Town Office is not involved in any aspect related to the park.
In Kangiqsualujjuaq, on the Nunavik side, although much money has already been spent on the proposed park, there have been no public hearings yet. They are scheduled for March 2007. The Kangiqsualujjuaq Municipal Office and Qiniqtiq landholding are the main KRG parties in the process, and for reasons of internal politics the proposal has not been widely discussed among the community members. My own survey, carried out among 48 Kangiqsualujjuamiut, shows that seven out of ten people approve of the proposed “Parc national de la Kuururjuaq”; one disapproves, and two have no opinion. At the same time, four or five out of ten think that mining activities would be good for Kangiqsualujjuaq, versus three who do not think so. At the Municipal Office, employment and profits from tourism are the most salient motivations for park establishment.

At the local level, employment opportunities, tourism, and environmental protection are the major motivations, although, in the case of Kangiqsualujjuaq, it might be too early to say for sure.

**Conclusion**

As shown by the history of national parks in Canada and the rest of the world, non-dominant cultures and local communities have not always benefited from national parks. Consequently, there is a need to look at how the development of parks in the Torngat Mountains is unfolding. National (federal and provincial) parks in Nunavik and Labrador have been developed in a broader context of power struggles involving the Inuit, the provincial governments, and the federal government. National parks in general, and especially in this particular context, may be attributed many values other than the protection of ecological integrity.

Accordingly, this case study shows that beyond the need for conservation, the TMNP presents important societal and identity values for the federal government. Geopolitically, as a tactical tool for land claims resolution, it furthers the interests of the Inuit of Labrador and Nunavik; as a claim of sovereignty, it furthers those of the federal government, while the “Parc national de la Kuururjuaq” incidentally secures Quebec’s sovereignty in the region. For the two provinces, both new and future parks present an opportunity to increase their proportion of protected lands, as well as to promote economic development. Regional governments are being motivated by the cultural values of parks, and by the economic and environmental benefits that they provide. In Nain, the park is primarily seen by the local population as a response to a need to protect the environment. In contrast, in Kangiqsualujjuaq, the “Parc national de la Kuururjuaq” is mainly supported for its economic outcomes.

At this point, one can wonder if all these motivations are – or will be – compatible. Could the identity values promoted by Parks Canada eventually conflict with the development and protection of Inuit culture that the TMNP is supposed to sustain? Could the economic values conflict with the protection/preservation purposes of these parks? Will the Inuit feel comfortable with these claims to sovereignty over their traditional territory? So far, both park establishment processes have proven fair and respectful of the non-dominant
(in a Canadian context) Inuit culture; it will be interesting to see how this situation evolves in the future.

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Changes in leadership patterns from the contact period to the establishment of Nunavut and to the future Nunavik government

Caroline Hervé*

Abstract. In the making of Inuit self-governments in Canada, Inuit leaders have always sought to gain the largest degree of local and regional control possible and to keep the closest linkage possible with Inuit culture. In those processes, they nevertheless had to accept many institutional compromises and attempts to incorporate Inuit Qaujimajatuqangit in the new Nunavut government have up to now remained quite superficial. In this article, I first provide a historical overview of the changes in the leadership patterns among the Canadian Inuit and stress the fact that today, many Inuit leaders have turned into professional managers. Such a fact raises many questions: a) what are the political practices that Inuit leaders have learned and used, with special focus on management tools? b) how do Inuit leaders apply management tools? c) how can the practices and ideology of management coexist with the will to respect Inuit culture? These questions are the main focus the first phase of my Ph.D. research project, whose methodological and theoretical framework is hereby briefly described.

Keywords: Inuit leadership patterns, coexistence of institutional structures, learning and application of management tools, Inuit Qaujimajatuqangit, devolution of powers, political anthropology.

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During the last few decades, the Inuit have negotiated the creation of their own indigenous self-government in Canada. Through different agreements between the Inuit of Nunavut or Nunavik and the federal and regional governments, Inuit leaders have striven to gain more control over the local economy, education, and culture. But the place of institutions in this program for self-government remains vague. The Nunavut government has kept the same structure and institutions as those of the Northwest Territories and is often regarded as an extension of the federal government. Despite attempts to blend Inuit values with political practices, through the guiding principle of Inuit Qaujimajatuqangit, it seems that the new institutions of self-government have not yet succeeded in incorporating Inuit culture. In Nunavik, the Report of the Nunavik Commission (March 2001) stresses a need to innovate and to avoid duplication of

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regional or federal structures “whose jurisdiction is not broad enough to address Nunavik needs.”\(^1\) A compromise has yet to be found and is proving difficult.

Under these circumstances, Inuit political leaders must be conciliatory and work with established institutions that display ways of thinking and behaving that concord with Canadian values. My research interests have focused on confrontation and coexistence between these two cultural systems and on changes in leadership patterns from the contact period to the establishment of Nunavut and to the future Nunavik government. Such coexistence may be grasped through an historical approach to the dynamics of power and changes in leadership patterns. To this end, several factors have been examined in more detail: degree of centralization of power; succession and recruitment of authority figures; and conflict management and decision-making. I will begin by discussing major leadership shifts during this period.

**Traditional patterns of Canadian Inuit leadership**

In traditional Inuit society of the Canadian Eastern Arctic, authority was a dynamic phenomenon that depended on the group’s needs. When people had to travel long distances, or when subsistence activities required specialized knowledge of a specific environment, the individual who knew the area acted as leader. It is well known that there was no institutionalized power and that decisions were made collectively. Traditional leadership patterns varied from one group to the next. Sometimes there was a leader, sometimes not. The group might follow a successful hunter until he was no longer successful or until they no longer required his special skills. No formal justice system existed. Conflicts were managed by the community, which decided whether the offender should be punished or not. Concepts of social order or social harmony do not accurately reflect Inuit culture. Frédéric Laugrand, Jarich Oosten, and Wim Rasing state in *Perspectives on Traditional Law* (Laugrand, Oosten, Rasing, 2001: 3) that we must consider Inuit justice from a broader perspective:

> Looking for a social order that only aims for social control and does not involve the relationship to game and the spirits would make no sense to Inuit before the introduction of Christianity. In the interviews the elders repeatedly emphasized that transgressions were not so much sanctioned by the community as by spiritual 'agencies' such as the weather or the game.

Thus, the dynamics of power and patterns of leadership before the contact period are not easy to grasp. This leadership flexibility has often bedevilled researchers (Steenhoven, 1959; Rouland, 1979). Some of them have failed in their efforts to discover a political system as a result of being caught in an ethnocentric approach, whereas others have been discouraged by inconsistency in Inuit practices of power. Such a problem might arise because information is lacking in the archives or because researchers are ill equipped to describe and analyze this kind of society. These questions need further investigation.

It seems that a few individuals did exercise sporadic authority over the group. First, the elders had all the necessary experience to give good advice on relations with spirits or animals and were often consulted. Not respecting the elders could lead to serious problems. Also notable were two other authority figures: the chief (isumataq or angajuqqaaq) and the shaman (angakkuk).

There is general agreement in the anthropological literature on the main qualities and attributes of the angajuqqaaq. His function was directly connected to the group’s needs: on matters such as nomadic movement and subsistence his contribution to decision-making was prominent. First and foremost, he was a competent hunter. We still poorly understand how an individual would rise to this rank of leadership. For example, how did leaders manage symbols to show their potential capacity to lead the group? And how exactly was a leader empowered by the group? To what degree did the leader coerce the group? According to Lucassie Nutaraaluk’s memories, upbringing was key to leadership training: “He [his father] tried to make me be the leader in deciding where to go when we were moving from camp to camp to see what my abilities were for after he died. My father did this with me as the previous generation had done with him” (Laugrand, Oosten and Rasing 2001: 114).

The second authority figure was the shaman. Sometimes, the chief and the shaman were one and the same. This person could also be a woman. The angakkuk’s main role was to find the causes of illness and other misfortunes. He induced people to disclose misconduct and disrespect of ritual prohibitions. He might then impose sanctions to restore socio-cosmic harmony. He was regarded as the intercessor between humans, animals, and spirits. A would-be shaman had to experience death and solitude for a while in order to acquire shamanistic clairvoyance (qaumaniq) and to establish contacts with his spirits (tuurgnait).

**First contact period and shifts to sedentarization**

Inuit middlemen are interesting figures for study of the transformation of power. They worked closely with missionaries or traders and were seen as leaders of their groups in the anthropological literature. A missionary would first convert Inuit leaders because of their influence over relatives. But to what extent did middleman/group relations transform the dynamics of power? Were these middlemen empowered and legitimized by their own groups or were they marginalized?

Whalers would employ the best hunters. This recruitment of middlemen seems to have strengthened the traditional organization of authority within the Inuit group. David Riches (1982: 134-146) notes similar leadership organization and similar symbols of leadership entitlement during the two periods. But he shows that Canadian Inuit leadership during the contact period may not have been concerned primarily with matters of productive prowess. He instead suggests that leadership activities were concerned more with matters of Inuit/trader relations. I intend to examine former Hudson Bay Company (HBC) and Royal Canadian Mounted Police (RCMP) policies on middlemen employment.
Later, some Inuit were entrusted by the trading companies with responsibilities at the trading posts. Others worked for the police as guides or interpreters. Gradually, with development of the Canadian government, awareness grew of the Arctic’s strategic importance and the state imposed itself on the region. Three figures were in charge of integrating Inuit people into Canada: HBC traders, missionaries, and the RCMP. With other outsiders, like teachers and judges, these new authority figures drastically changed power relationships within Canadian Inuit groups. Although we know the historical events, e.g., introduction of the justice system into the Canadian Arctic, we do not know how this imposed system affected the dynamics of power.

In the 1960s, the Inuit were encouraged to abandon their traditional lifestyle and settle into communities. Sedentarization did not occur at the same pace in the whole Canadian Arctic. Frank Vallee points out that settled Inuit were sometimes more successful in harvesting wildlife than were their nomadic counterparts because they had obtained better equipment through proximity and trade with the Qallunaat. They needed to master new skills, such as speaking English and being able to negotiate. Many Inuit living close to the Qallunaat were consulted by non-native officials on such matters as how to allocate new Inuit houses and garbage disposal. As Frank Vallee notes, a new leadership pattern arose among the Inuit: “They are taking on the role of representatives of the whole Eskimo community vis-à-vis the Kabloona” (Vallee 1962: 144).

The cooperative system was introduced into the Canadian Arctic in the early 1960s. At the time, cooperatives seem to have played a major role in local government. It would be interesting to learn more about power relationships during this period. Was this new elite a political elite too? What were the relationships between the Inuit managers and their group? How were they chosen by the Euro-Canadians in charge? To set these cooperatives up, the federal government organized training courses. In Kangiqsualujjuaq (George River), for instance, the site of the first cooperative, a six-week summer school was held in a tent to teach Inuit English, arithmetic, reading, and writing. New skills were required from the community leader such as ability to speak English and get along with bureaucrats. In Nunavik, where some Inuit have been general managers since 1967, much time was spent instructing them on appropriate lines of authority. They learned how to hire and fire employees and conduct proper meetings. Inuit cooperative managers became new authority figures at the local level. Frank Vallee describes them as follows:

In almost all of the communities where co-operatives have been established, you will find a small nucleus of native people who become converted to the co-operative ideology. They are typically young adults between the age of 25 to 40 years, people who would not have been leaders in traditional times. These are people whose skills are suited to the present. They are flexible and they try to learn the ropes of modern life (Vallee 1966: 47).

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Qallunaat is the Inuktitut word for White people or English people.
Inuit leaders turned professionals

It is well known that the Inuit began to claim their rights during the 1970s. There were two reasons. The first one was an expansion of identity beyond the group, the community, or even the hunting territory. In 1973, at the first Arctic peoples’ conference in Copenhagen, Inuit leaders from the Canadian North met Inuit from Alaska and Greenland. In 1977, at the Barrow conference in Alaska, they were involved in founding the Inuit Circumpolar Conference (ICC). They wanted to be heard by Qallunaat. Charlie Peter, who worked with John Amagoalik, said: “This lack of resistance is not due to lack of interest and concern, but it exists because of the lack of access to voicing these concerns in a manner which would be noticed and responded to adequately by the governments and business community” (Dall, Hicks, Jull, 2000: 51). With increasing awareness of their specific identity internationally, Inuit leaders learned how to express ideas and how to negotiate. They now knew the tools that could be used to claim their rights.

The claims were launched by individuals who belonged to a new generation of leaders. They had attended universities in the South, were bilingual and did not fear dealing with the federal government. John Amagoalik wrote in his Nunatsiaq News’ column:

In the years when the Inuit Tapirisat of Canada and the various regional organizations were in their formative stages, meetings were relatively few and far between, although no less strenuous. These were pioneering activities of a generation of young Inuit who took the initiative and made use of their training. Training in the ways of the Qallunaat world and in the English language.  

Establishment of the Nunavut government and the future Nunavik government has primarily been the work of Inuit organizations, whose Inuit leaders had pursued careers and acquired skills that would enable them to conduct political negotiations. Inuit political leaders who negotiated self-government are now executives in the Nunavut government. Unlike the first generation of Inuit leaders, most of them have attended universities in the South and learned necessary leadership techniques. My research aims to analyze these different generations of Inuit leaders and their political practices.

Management tools at the heart of Inuit political practices

The Nunavut government intends to blend principles of parliamentary democracy with Inuit values. Inuit Qaujimajatuqangit is a guiding principle of public government. It embodies still relevant Inuit traditional knowledge and values, and guides the government in framing decisions, policies, and laws that reflect the way of thinking, attitudes, and practices of Inuit culture. In addition to these Inuit values, ascertained by the elders, one can find the idea of excellence within the vision for Nunavut’s future, a typical management value. Moreover, a political strategy has been developed to ensure the participation of Inuit residents of Nunavut in the newly created public administration.

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Training sessions have been organized to form a pool of educated and skilled Inuit managers.

I intend to identify the political practices that Inuit leaders have learned and used, with special focus on management tools. Two questions seem relevant: How do Inuit leaders apply management tools? How can the practices and ideology of management coexist with the will to respect Inuit culture? Perhaps Inuit leaders master these tools more easily than do some other indigenous peoples who are in less favourable social contexts. This is of course related to the entry of Inuit people into the Canadian political system and inclusion in Canadian political history. I am interested in knowing more about the interweaving of economics with politics. Management tools were initially developed to make organization more efficient. In the 1960s, American economists decided to apply management tools to the political field. These tools and theories were then used in decision-making, as meant by the term “public management” Management is not only a technique but also an ideology of power. My research aims to analyze the confrontation between these two ideologies of power.

**Methodological and theoretical framework**

This research falls within the tradition of native studies and aims to contribute to anthropological study of the devolution of power from Nation-states to indigenous peoples or NGOs. These are important questions that have implications beyond the Canadian Arctic. The moves to establish the Nunavut and future Nunavik governments are part of indigenous identity claims in general. Since the 1970s, indigenous peoples within Nation-states have been requesting forms and degrees of self-government that suit their unique identities. The unifying role of the larger state has then been altered by political fragmentation in which each indigenous group tries to play a major role. Power has then shifted to new political entities such as indigenous groups, NGOs, or multinational corporations. From this perspective, my research aims to outline the tools that indigenous people have used to achieve self-government.

I will use history and anthropology in conducting my research. After having studied both simultaneously, I feel obliged to understand the political process by combining these two disciplines. Historical methods, together with analytical tools provided by anthropology, will enable me to identify changes in Inuit leadership. To understand the way Inuit leaders use management tools, I will refer to the history of technology, which will help me clarify how techniques circulate and how they are appropriate in other social and cultural settings.⁴

My study will consider the French political anthropology of Georges Balandier (1984, first published in 1967). His approach focuses on practices of adjustment to the established order and provides insight into the dynamics of power, whether institutional or not. Furthermore, the French political anthropologist Marc Abélès (1989; 1990) has extended classical theories in political anthropology to new forms of government. By

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⁴ Management tools are described and discussed in Zeitlin and Herrigel (2000).
studying the French National Assembly, the European Parliament, or NGOs, he tries to grasp the status of political power, the way it is institutionalized, and how it is directed.

My fieldwork will begin in Ottawa and Winnipeg. I will first investigate the Hudson’s Bay Company archives and meet with some Inuit leaders in their southern work environment. This fieldwork will enable me to evaluate my research project. I will then spend five months in the community of Ivujivik, on Hudson Strait, which is Nunavik’s northernmost community. Ivujivik is a little community of less than 300 inhabitants, who still engage in traditional activities. Along with the inhabitants of Puvirnituq and Salluit, the Ivujivik Inuit refused to sign the James Bay and Northern Quebec Agreement in 1975. Instead, they formed a movement called Inuit Tungavingat Nunamini. In October 2006, the highest percentage of votes opposing the Nunavik Inuit Land Claim Agreement came from Ivujivik. I will conduct interviews with elders on leadership and try to understand local politics. The last stage of my fieldwork will be to come back to the community of Ivujivik for two months. Afterwards, I plan to spend three months in Kuujjuaq, Nunavik’s administrative capital, and Iqaluit, Nunavut’s capital to investigate the way dynamics of power are organized in political institutions and the way Inuit are trained for careers as senior public servants.

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Self-Governance and Independence in Greenland: Student positions from three different educational institutions in Nuuk

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Abstract. A Greenlandic and Danish self-governance commission was established in 1999 and is expected to submit its report in 2007. In the wake of interest and discussions about this subject, I am investigating the opinion of gymnasium (the equivalent of high school) students as to self-governance and independence in Greenland. I describe my group of informants, examine the terminology of self-governance and independence, and provide a sketch of the students’ positions about a variety of topics: self-governance and independence, wishes for the future, Greenlandic identity in 2005 and in the future, Greenlandic language. My conclusion stresses the fact that the interviewed students have true concerns about self-governance and independence in Greenland and that they see those processes in a long-term perspective.

Keywords: Inuit of Greenland, youth, opinions, self-governance, independence, identity.

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Introduction

The political parties Siumut and Inuit Ataqatigiit established a Greenlandic self-governance commission\(^1\) in 1999. The commission published its report in the year 2003. In 2004, a Greenlandic and Danish self-governance commission\(^2\) was established by the chairman of the Home Rule government and the Danish Prime Minister. The commission's report is expected to be finished and made public in 2007.

I am investigating student positions on self-governance and independence with a view to understanding whether support for self-governance really exists, as shown in 2005 by the HS analysis opinion poll,\(^3\) which found that 80 percent of the Greenlandic people

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1 In Greenlandic: Namminersorneq pillugu isumalioqatigiissitat.

2 In Greenlandic: Kalaallit qallunaat Namminersorneq pillugu isumalioqatigiissitaat.

3 The HS (Henrik Skydsgjerg) analysis’ opinion poll is titled Self-governance process – report from questionnaire research about the Greenlandic population’s position on self-governance (my translation) and was published in May 2005.

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supported self-governance. Such an opinion seems to contradict the seemingly widespread popular belief that Greenland cannot handle self-governance, let alone independence. A qualitative interview technique was used to understand student positions on self-governance and independence. It involved 9 individual and 3 group interviews. I also contacted first-year gymnasium students to write about Greenland's future by using an article written by Moses Olsen (2004). Three different educational institutions were chosen in Nuuk, because this town has many such institutions and attracts students from all along the Greenland coast. The educational institutions are Qeqqani Ilinniarneruningorniarfik, Saviminilerinermik Ilinniarfik and TNI-school. My reasons for choosing all of these schools were simple. According to Hoedemann (2000), gymnasium students are often seen as having broader interests in and positions on political and social issues and as having a greater tendency to raise questions than do other students at other educational institutions. My own view is that all educational institutions have students who hold opinions on self-governance and independence and who have a background in social studies. In addition, the Greenlandic self-governance commission has sought participation by the entire population in the processes of self-governance. I thus found it very natural to interview students from different educational institutions, and not only gymnasiums.

The theoretical inspiration for my thesis comes from Richard Jenkins’ “Rethinking Ethnicity” wherein he “reassesses the concept of ethnicity by critically examining, developing and expanding the anthropological model” (Jenkins 2001). He speaks of group identification and social categorization, including power relations, in order to talk about interrelated aspects of the ethnicity process. In my thesis, I have used Jenkins’ concepts when exploring ethnicity in Greenland to see how the students currently define Greenlandic ethnicity and how they imagine Greenlandic ethnicity in the future.

**Informants**

In all, there were 31 informants, 17 interview informants and 14 essay writers. Of the interview informants, 13 were Greenlandic-speaking and 4 preferred to speak in Danish.

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5. Qeqqani Ilinniarneruningorniarfik, in Danish: Midtgrønlands gymnasiale uddannelsese. It is the Greenlandic equivalent of high school.

6. Moses Olsen was one of the leading politicians who sat in the Danish Parliament during the 1970s and who pressed for Home Rule government in Greenland. Olsen established the political party Siumut with Lars Emil Johansen and Jonathan Motzfeldt.

7. Qeqqani Ilinniarneruningorniarfik is a gymnasium established in 1987. See www.gu-nuuk.gl

Saviminilerinermik Ilinniarfik is a vocational training school. See www.jernmetalskole.gl

TNI-school is a business school. See www.ninuuk.gl

Their proficiency in Greenlandic varied from beginners’ level to complete fluency. The essay writers were all first-year gymnasium students. When I received their essays, their teacher told me that the students were not so good at expressing their standpoints. Actually, the essays had interesting content. The topic might have been challenging for the students, who had just started at the gymnasium and not taken social studies yet, like the other informants in my study. As mentioned earlier, their starting point was an article by Moses Olsen that develops a critical view of Home Rule and pinpoints the need for Greenland's independence. Olsen focused on four main areas: general issues, the economy, foreign affairs, and ownership of land. His message was that Greenland had to take on more responsibilities and become independent. The students were asked to describe Olsen’s statements and then write down their own opinions about Olsen’s statements. I never met the students and, therefore, they remain anonymous informants. They all wrote their essays in Greenlandic because all of them were being taught Greenlandic at the vernacular level.

In the future, the informants will hold different positions among the educated segment of Greenland's population. Gymnasium students have ambitions for their future, as do the other students. They all represent Greenland's young generation with different life interests. Some are highly interested in politics; one of the informants even ran as a candidate for the Home Rule assembly in his/her hometown.

**Greenlandic terms for self-governance and independence**

In the Greenlandic language, *self-governance* is namminersorneq and *independence* is namminersulivinneq.

<table>
<thead>
<tr>
<th>Greenlandic terms</th>
<th>Namminersornerullutik</th>
<th>Namminersorneq</th>
<th>Namminersulivinneq</th>
</tr>
</thead>
<tbody>
<tr>
<td>Danish terms</td>
<td>Hjemmestyre 1979-</td>
<td>Selvstyre</td>
<td>Selvstændighed (løsrivelse, autonomi, uafhaengighed)</td>
</tr>
</tbody>
</table>

In my interviews with the different students, I noticed a problem in using Greenlandic terms with the Greenlandic-speaking informants. The terms in Greenlandic are very similar, unlike the same terms in other languages. The Greenlandic terms for self-governance and independence are both derived from the word nammineq, which means “to do it on your own”. During my interviews with the Greenlandic-speaking informants, I had to explain some of the questions, compressing or changing them into something the informants could understand.

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9 Greenlandic is taught at three different levels in the gymnasium. The vernacular level is called Greenlandic A. Greenlandic B is for second-language speakers and Greenlandic C is for beginners. All students are taught Danish at the vernacular level. For English, students can choose the level of teaching they wish.

10 Tusagassiivik nr. 3, April 2004.
In my analysis of the terms that the Greenlandic-speaking informants use, I noticed that they would more often say namminersulivinneq (independence) than namminersorneq (self-governance). Many possible explanations come to mind. The students may feel more attracted to independence than to self-governance. They may envision a better future for Greenland with independence rather than with self-governance. They may not often use the Greenlandic terms when debating these subjects or being taught social studies only in Danish, as is the case at the gymnasium. Another noticeable thing: older students were more aware of the concepts than were younger ones. On a final note, the essay-writing informants only used the word independence because it was the word that Olsen used.

**Position on self-governance**

The first question I asked the informants was what they wished for their country in the future: self-governance, independence, or some other direction? Not all of the informants answered directly. All of them started to talk about different problems that Greenlandic society has to solve before implementing self-governance and/or independence. Their answers show that they do not think that Greenland is ready at the moment or in the near future for either status.

The informants’ reasoning in this matter is based on different perspectives. The main argument is that Greenland does not have the right politicians to efficiently implement self-governance. The informants would rather see politicians educated in the social sciences or the humanities before managing further responsibilities. In fact, the informants expressed the view that Greenland's internal political situation is in such a mess that it would be unthinkable to incorporate self-governance into the present government.

Another topic was the absence of a self-sustaining economy in Greenland, such as exists in other countries. The goal of self-governance is a self-sustaining economy according to the commission's report. The informants had trouble imagining how Greenland could become self-sustaining. Their reasoning was that Greenland must first find oil or other valuable resources.

A major topic discussed by the informants was the strong ties of family and friendship with other peoples, primarily the Danish. Interaction has existed between Greenlandic people and other peoples, with whom family and friendship ties have been established. Various forms of interaction still exist at the present time, mostly with the Danish. Informants mentioned that ties between Greenlanders and Danes could not be severed. I noticed that it was the Danish-speaking informants who valued these family and friendship ties; the Greenlandic-speaking informants less so. The informants feared that self-governance and independence would cut the ties between Greenland and Denmark as well as between Greenlanders and Danes.

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11 The Danish-speaking informants were mostly mixed with Danish blood, typically a Greenlandic mother and a Danish father and less typically a Danish mother and a Greenlandic father.
Greenland has experienced different stages of development. In 1953, the Greenlandic people became Danish nationals pursuant to an amendment of the Danish constitution. Industrial development in Greenland began with Nyordning G-50 and then G-60. In a short time, the Danish government built housing on a large scale, further concentrating the population in ports along the coast, where the fishery was at its highest level. Such policies had many consequences for the Greenlandic people in this process of turning them into Danes. Following that period, everybody realized that the Greenlandic people needed a change of policy. In 1979, Home Rule government was established, with the focus shifting from Danish values to Greenlandic ones, such as language. The new form of government had other consequences, such as the need for prospective Greenlandic university students to be fluent in Danish and English. When students cannot master other languages besides their own, they are unable to attend institutions of higher education. In the interviews, some informants discussed this problem and stated that the self-governance process should not take a path that may adversely affect the Greenlandic people, as history has shown for other peoples. They thought that self-governance should have an objective starting point, so that its direction is not biased one way or another. A solid basis must be built up.

**Position on independence**

Independent countries around the world have populations that number in the millions. In Greenland, the total population is approximately 56,000 inhabitants. This total is incomparable with those of other countries. In addition, approximately 12,000 Greenlandic people live in Denmark (Dahl 2005: 154). The informants found it hard to imagine that Greenland with its 56,000 inhabitants can become independent. They compared Greenland with other “big and powerful” countries, instead of thinking of Greenland as a special case among independent countries. In talking about Greenland's population, the informants alluded to a military dimension. Some said that we cannot protect our own country against other countries and have to get help from other “superior” countries to keep out unwanted inhabitants who are only thinking about taking advantage of the land. The informants compared Greenland with other countries, noting that other independent countries manage their own political, military, and foreign affairs. In addition, the informants did not believe in independence if the population remains at a low demographic level.

The economy has played a key role in discussion about independence. No self-sustaining economy, no independence. In public debate about self-governance and independence, politicians and interest groups have drawn a portrait of the state of Greenland's economy. Everybody thinks that the economy is in a really bad state and that Greenland cannot exist without transfer payments from Denmark. The informants’ position on the economy might be influenced by the amount of knowledge they received in the post-secondary educational system, among other things. In general, they saw economic self-sufficiency as representing the biggest challenge to self-governance and independence. They hoped that oil or other resources will provide the economy with a bright future.
**Wishes for the future**

The informants’ wishes for the future have been quantified. Ten (10) of the informants wanted Home Rule to continue. They thought that it is still suitable for Greenland. At least fourteen (14) students saw self-governance and independence as a natural development, but their wishes were expressed differently. Some said that self-governance and independence should happen in the distant future. Some said that they might not see it during their lifetime. Four (4) students did not think or wish that Greenland should become independent. Three (3) students were categorized as wavering, with opinions influenced by critical views on Greenland and on Denmark as well.

**Identity**

Positions changed when the economy was removed from discussion of self-governance and independence and replaced with other issues.

I raised identity as an issue in order to understand how informants define Greenlandic identity in a contemporary world and what kind of future they see for Greenlandic identity in a regime of self-governance or independence. I also asked them how they would present themselves and their country if going abroad once Greenland is self-governed and/or independent.

**Greenlandic identity in 2005**

The informants were asked how they define Greenlanders in the year 2005. It did not seem difficult for them to answer the question and they had a lot to say. As with self-governance and independence, the informants defined Greenlanders in different ways, depending on their values and how they saw themselves and others. Here are some of the various elements identified by the informants in defining Greenlandic identity in the year 2005: having Greenlandic parents; having Greenlandic blood; being able to speak Greenlandic; growing up in Greenland; working in Greenland; having Greenlandic family; "Kalaalivivik" (being a real Greenlander); belonging to a community of social benefits; showing mutual respect; having knowledge of the weather; being global and modern citizens; and belonging to a multicultural community that has many relationships with Europe and many opportunities.

The informants did not seem worried about Greenlandic identity. They were well aware that identity is manifold and that individual feelings are in focus when talking about Greenlandic identity. Even though individual feelings were in focus, almost all informants valued local ancestry as a basic element in defining a Greenlander. The Greenlandic language also came into the picture.

All of my informants categorized themselves as Greenlanders. Some of them had a foreign parent and a Greenlandic mother. Most Greenlanders have some European heritage so physical appearances differ from one person to the next. Historically, Greenlandic people have many links to Europeans and this factor made the informants very tolerant about defining a Greenlander. They were not so strict about who is and who...
is not labelled as a Greenlander. In defining a Greenlander in the year 2005, they used words that describe their daily life and invoked images they could connect to.

The informants were able to place different kinds of Greenlanders in different groups. There are for instance groups who do not speak Greenlandic, the real Greenlanders (kalaalivivit), groups who are seen as alcoholic, and so on. Such descriptions show how the informants saw their compatriots. They identified and described their group (group identification) and they described how others are (social categorizing). There was also a clear difference between Danish-speaking and Greenlandic-speaking informants. The former seemed more European while the latter valued traditional lifestyle and language most of all. The informants identified with Europeans in their daily lives. They saw themselves as a multicultural community because the Greenlandic population is mixed with people of other ethnic and cultural heritages. They have especially assimilated into Danish culture. The informants also felt that identification depends on individual feelings—whether you want to call yourself a Greenlander or not.

**Greenlandic identity in the future**

Some informants had lived in other countries as exchange students. Some had been abroad and given presentations about their country and culture.

The informants’ views about Greenlandic identity in the future were very similar to how they defined Greenlanders in the year 2005. Another dimension was pride. Greenlanders are a proud people nowadays, and will be even prouder in the future with self-governance and independence. Other aspects: some informants did not hope that Greenlanders would become patriotic and one stated that self-governance and independence do not mean that people will become more Greenlandic. Other statements show that Greenlanders are unafraid of challenges and will be better educated in the future. They are hardworking and able to bear self-governance and independence. One important thing informants also mentioned is that Greenland will be known as Greenland and will not be connected to Denmark as it is nowadays. Some informants said that the nature of the future relationships between Greenland and Denmark will depend on what discourse they will choose, which languages they will learn, and generally what the land will require from its inhabitants. Therefore, it is difficult to say how Greenlandic identity will fare in a future with self-governance and independence.

The informants loved to talk about their country to other people. Some would start to recount its history, from colonization to self-governance and independence. Others would wear their Greenlandic jewellery when abroad to show their difference from other people. They also stated that the future Greenlandic identity will not differ substantially from the current identity. Greenland's traditional lifestyle was always mentioned, because it affects and influences the current way of life. The informants also hoped that this lifestyle will be noticeable in the future. Their talk focused on the contrasts between traditional and modern lifestyles. They looked forward to telling other people that they are no longer part of Denmark. Generally, their description of Greenland and its population began in the individual way of experiencing their country. For most, the descriptions were positive and that is, of course, very natural. Who would do otherwise?
Greenlandic language

Debate about the Greenlandic language has been ongoing for several decades now. People differ in their positions according to their individual values. Greenland's politicians are also currently arguing about the Greenlandic language, and the different political parties have ideological stands on languages in Greenland as well. Some parties value the Greenlandic language very much, and some are more tolerant of languages other than Greenlandic. Greenland's politicians even argue a lot over whether Greenlandic should be valued more or not. An association of Greenlanders who cannot speak Greenlandic, called GLDK, also exists. Its members feel discriminated against in their own community because they only speak Danish. Nevertheless, most of my informants saw the Greenlandic language as an identifying criterion. They said that Greenlandic is a cultural heritage, which all Greenlanders must appreciate and respect. The informants knew that other languages such as English have to be learned, be it to get a higher education, to be more efficient in a context of globalization, or to foster foreign relations in a situation of self-governance and independence.

Debate over language did not excite as much discussion as Olsen’s article did. However, the students underlined the importance of keeping the Greenlandic language. They found it unacceptable that people from other countries do not learn the Greenlandic language when coming to Greenland to work. Others thought that Greenlandic is suppressed and not respected by others. One student wrote that it is necessary and unavoidable to learn Danish, explaining that the official language in the Home Rule government and in the local authorities is Danish even though it is Greenlandic according to the rules. Furthermore, the arrangement between Greenland and Denmark is that Greenlanders can study in Denmark “for free” on the condition that they can communicate in Danish when enrolling for higher education. Others thought that instead of learning Danish, people should begin to learn more English, because it is an international language. With Danish one can only go so far; it is necessary to communicate in English if one wants to negotiate with other countries.

Distinct community within the Kingdom of Denmark

The Greenlandic people are not recognized as a people under the laws of Home Rule. They are seen as a distinct community within the Kingdom of Denmark. This is one of the reasons why, for example, the Greenlandic people cannot compete in the Olympics as Greenlanders. People get confused: sometimes being Greenlanders while not being seen as a people and while being part of the Danish kingdom. Sometimes, identities can shift because Greenlanders are lumped in with Danes. Greenlandic people may become Danish e.g., during football and handball competitions between Denmark and another country. If Denmark wins, e.g., in European football competition, Greenlanders feel that they have won. If Denmark loses, Greenlanders say, “they lost.”

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12 Greenlandic people can study in Denmark with financial aid from the Home Rule government. The practice is widespread for universities and other educational institutions that are unavailable in Greenland.
The answer to my question is: “Yes, Greenlanders are a people.” This is undeniable. I noticed that some informants were not even really aware that Greenlanders were not a people. I had to come up with an example such as the passport. But, generally, most informants agreed that Greenlanders are a people.

Concluding remarks

Why did I connect self-governance/independence to identity? Building a nation is connected to creating a national identity, a people. The Greenlandic people and the Danish people differ in many ways, but share similarities as well, because of the interaction between them. The connection between the two different peoples is colonization and the Danish commonwealth. The Danish kingdom has seen itself as a good colonizer at times. The question can be discussed in various ways.

The interviews and essays show which problems the informants were concerned about. The political situation in Greenland plays an important role. The Greenlandic community’s problems also came up in discussion. The lack of a stable economy was one of the concerns the informants were worried about. But without these concerns, most informants saw the process of self-governance and independence as a natural way to develop the country. The question is then: When will the Greenlandic people be ready?

The informants saw Greenlanders as a people. The problem is that Greenlandic people are Danish nationals. The informants did not really consider Greenlandic people to be Danish. They saw themselves as Greenlandic, while often having family and friendship ties with Danes. Would these ties suffer under self-governance and independence? My personal answer is “no.” They would not. These ties would have to adjust to other rules and systems, but I do not think that they would be destroyed.

There are many issues to be discussed in Greenland's self-governance and independence process and the informants did discuss many of them. One general opinion was to “take it slow.” They also stated that self-governance and independence are a natural development for the country and that this process should include the population on all points. The informants believed that a future Greenland will have self-governance and independence, when it is ready economically and when there are enough educated Greenlanders.

Acknowledgements

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On our passports, Greenlanders are categorized as Danish nationals.
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“But We Know Different, We Live Here”: Public Participation in Environmental Assessment Hearings from Voisey’s Bay, Labrador and the Sahtu Settlement Area, Northwest Territories

Carly McLafferty*

Abstract: The ways in which the Canadian nation state has considered Aboriginal perspectives or resource management has changed dramatically over recent decades. Processes such as the inclusion of what has been politically categorized as Traditional Knowledge in scientific and management regimes, increasing emphasis on public participation in resource decision making, and legal requirements for consultation by government and proponents in projects on or near Aboriginal lands have provided Aboriginal communities with state sanctioned mechanisms for addressing proponents, government officials, and scientists. However, perceptions of resource co-management, public participation, and industrial impacts are often differently perceived by those who do not participate in Aboriginal lifeways. This paper explores public participation in Environmental Assessment hearings associated with the Joint Review Panel for the Mackenzie Gas Project in the Sahtu Settlement Area, NWT, and the Voisey’s Bay Nickel Project in Voisey’s Bay, Labrador. I argue that in Canadian Environmental Assessment regimes, industrial impacts are often evaluated from the standards of technocratic artifacts and arguments limiting the ability to have Aboriginal narratives considered as valid forms of evidence. In this way, impacts as they are conceived within Canadian Environmental Assessment regimes fail to capture the full extent to which industrial projects are experienced by northern Aboriginal peoples.

Keywords: Aboriginal Consultation, Environmental Assessment, Dene, Resource Development in the Canadian north, Local knowledge.

Introduction

Recent attention to the cultural connections and constructions of landscape by anthropologists, human geographers, sociologists and others has provided a systematic re-thinking of how individuals consider their environment as a central part of human experience (c.f. Basso 1996; Gupta and Ferguson 1997; Heidegger 1977; Ingold 1993; Palmer 2005). It has also been widely acknowledged that ways of knowing and conceptions of truth are closely connected to conceptual systems; as Scott Rushforth writes: “there is no truth independent of individuals and of their culturally based

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interpretations of the world” (1992: 484). Indeed, there is a large corpus of work aimed at examining (and often critiquing) the integration of indigenous knowledge systems and Euro-American institutional and ideological apparatuses. In many of these works, primary experiential knowledge (Rushforth 1992), knowledge acquired through generations of living on and intimately interacting with the land and animals (Brody 1981; CEAA 2004; Nadasdy 2003), knowledge acquired through dreams or other mediums (Riddington 1990), and knowledge acquired through the telling and hearing of stories (Cruikshank 1998, 1990) are considered in their own right as valuable as technocratic forms of evidence. Many of these forms of knowledge have been politically categorized as traditional ecological knowledge and when considered in the evaluation of the effects of industrial projects are widely considered to “contribute to a fair and balanced Environmental Impact Assessment Process” (MVEIRB 2005: 5).

Given the attention paid to cultural constructions of landscape and knowledge as noted above, it is surprising then that less attention has been paid to cultural conceptions of impacts relative to industrial projects. It has been pointed out that perceptions of costs and benefits of resource development are often differently perceived by those who do not participate in Aboriginal lifeways (Brody 1981; Elias 1995; Riddington 1998; Rushforth 1992; Smith 1997). For example, it has been well established that the intimate relationship between Aboriginal peoples and their environments encompasses a host of cultural, spiritual, and cosmological relationships that are not easily translated into quantifiable, techno-rational categories (c.f. Cruikshank 1998; Nadasdy 2005). Proponents of large-scale industrial projects, on the other hand, tend to perceive nature as passive, separate from people, and fully realized through labour, commodification, and the expropriation of resources (c.f. Escobar 1999; Seed 2001). In this paper, I would like to explore the concept of impact as it relates to perceptions of change and continuity within variable industrial landscapes. I would like to argue that impacts as they are often conceived within Canadian Environmental Assessment regimes fail to capture the full extent to which industrial projects and development processes are experienced by northern Aboriginal peoples in Canada. As a part of this analysis, I would like to argue that rather than evaluating impacts from the standards of technocratic artifacts and arguments, we should start with conceptions of industrial impacts as they are expressed in narratives that both relay and inform human experiences, choices, and actions. In this way, it is my hope, narrative expressions of industrial impacts are not limited to expert judgements, statistics, or biophysical data, but rather, can account for the lived experiences, knowledge, and value-systems that do not negate the self-conceptions that people have of themselves.

The title of this paper was a statement made at an Environmental Impact Review hearing conducted by the Joint Review Panel for the Mackenzie Gas Project. Public hearings are one of the many tools utilized by governments and industry representatives to examine the multi-layered effects of industrial projects in the Canadian north. Serving as the basis for the present analysis of cultural constructions of industrial impacts, I will explore statements made at two Environmental Impact Review hearings: one regarding the proposed Mackenzie Valley Pipeline in Délı̨e, NWT and the other involving the development of a nickel mine at Voisey’s Bay, Labrador. The analysis is based on an
examination of the transcripts of both of these proceedings, supplemented by fieldwork conducted in Déline in April, 2006.

Finally, I argue that issues surrounding governance and self-determination are closely related to issues surrounding industrial activities on indigenous lands in that they both involve questions surrounding the control of lands and institutions by non-local sources that ultimately (or at least officially) influence the power that individuals and collectives have over their lives. As I will attempt to argue throughout this paper, the effects of industrial development result from not only the industrial activity itself, but also from the process of assessing development.

Re-thinking Conceptions of “Impacts”: A Narrative Approach to Assessing Industrial Experiences

Narrative, Cheryl Mattingly writes, “is a fundamental way of giving meaning to experience” (Garro and Mattingly 2000: 1). The concept of narrative has a long history within anthropologic disciplines and analyses of the treatment of narrative within anthropology are available elsewhere (c.f. Bonvillain 2003); but for present purposes, and following Walter Fisher, I consider narration to be “a theory of symbolic actions – words and or deeds – that have sequence and meaning for those who live, create, or interpret them” (1984: 1). More than simply the accounting for and re-telling of experiences, narratives are made meaningful in the context of shared symbols and cultural resources, and express ways interlocuters order experience and construct reality. In other words, the meaning and value given to narratives reflect certain expectations, understandings, and values gained through participation and experience in a specific social and moral world (Garro and Mattingly 2000: 3).

In an article entitled “Narration as a Communication Paradigm” Walter Fisher (1984) suggests that practical reasoning, as it is conceived within EuroAmerican technorational regimes, leaves little room for the consideration of public or lay expressions of knowledge or alternative conceptions of truth. For Fischer and others, this mode of reasoning has required vast domains of daily life be transformed and evaluated by specialists, experts, and others who are said to have the appropriate and requisite knowledge to draw conclusions or inferences relative to the subject at hand. This model of reasoning, however, limits the ability for other types of knowledge and knowledge expression to form a basis of critique or truth-making. Fischer proposes a consideration of narrative as an an alternative means of conceptualizing human communicative reasoning. For Fischer, narration considered as an instrument of reason offers a descriptive account of human experience, choice, and action rather than an evaluation of arguments based upon technorational standards of inference and formal logic.

The above distinction between EuroAmerican argumentative constructs and the narrative paradigm proposed by Fischer is, in my view, essential in understanding cultural conceptions of impacts relative to industrial activities in the Canadian north. If we suspend for a moment the idea that technocratic artifacts associated with assessing environmental impacts (i.e. Environmental Impact Statements) are not privledged forms of truth, we can consider them as one of the many narratives told, alongside those of local
people, about the effects of industrial development. In order to do this I will examine two specific case studies involving Environmental Impact Statement narratives together with narratives employed by local people to describe their experiences of the effects of industrial development in their own lives.

**Mackenzie Valley Pipeline Proposal**

In October 2004, five resource companies collectively known as the Mackenzie Gas Project (MGP), submitted applications for regulatory approvals to agencies responsible for assessing and regulating energy developments in the Northwest Territories. The purpose of this project is to develop three onshore gas fields in the Mackenzie Delta, and to transport natural gas, and natural gas liquids (NGL’s) through a 1,194km pipeline from processing facilities near Inuvik into existing Alberta pipelines for export into Southern markets. Under the *Mackenzie Valley Resource Management Act*, the application for regulatory permits triggered a Preliminary Screening, followed by an Environmental Assessment and an Environmental Impact Review which is currently being conducted throughout the Mackenzie Valley by the Joint Review Panel for the Mackenzie Gas Project (JRP). The JRP has been charged with evaluating the potential environmental and socio-economic impacts of the proposed pipeline in the project area.

Prior to the Environmental Impact Review, the proponent (in this case Imperial Oil acting on behalf of the Mackenzie Gas Project) was required to submit an Environmental Impact Statement describing the baseline biophysical and socio-economic conditions and providing an assessment of potential impacts and mitigation or management measures aimed at reducing anticipated adverse effects. Within Environmental Impact Statements, impacts are often considered to be ecological or socio-economic in nature and typically involve any change to the ecological or human environment, whether adverse or beneficial, resulting from a product, process, or approach. Responsibility for assessing these impacts typically rest with the proponent of a development through a project’s Environmental Impact Statement, and with various boards and agencies responsible for conducting formal Environmental Assessment processes.

Narrative expressions of specific environmental impacts within the Environmental Impact Statement (i.e. effects on moose populations) are typically based upon public and professional judgements of biophysical indicators, current abundance and distribution of wildlife populations, and the identification of important habitats that might be affected by project development (MGP 2004: 10-1). For example, when talking about effects on moose, the Environmental Impact Statements reads:

> Moose use habitat along the edges of waterways. Although clearing vegetation in forested areas will produce more browse for moose, clearing areas along rivers and streams will affect moose habitat availability and might affect how moose move along these corridors and use them for overwintering. Moose might be displaced from habitat

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2 As part of their Environmental Impact Statement, Imperial Oil conducted surveys of local hunters and harvesters (both Aboriginal and non-Aboriginal) to gain insights into wildlife distribution and population levels for base-line data.
from construction noise, but once people leave disturbed sites, moose will often return to use them. Effects on moose habitat during operations should be less than construction because fewer people will be working along the right-of-way and because shrub communities cleared during construction will regrow and provide forage for moose. The largest potential effect is of moderate magnitude and long-term duration (MGP 2004: 10-3).

Thus, for Imperial Oil, project effects on moose do not constitute a significant impact. The reasons that this impact is not significant are: moose might be displaced from certain areas because of construction activities but they will return at a later time, the vegetation and forest cleared for project activities will grow back, and the geographical extent of disturbance is limited to the constructions zones, the pipeline right-of-way, and project access roads, although there is an acknowledgment that extended road infrastructure might lead to increased hunting pressure. In the end, this small disruption to moose and moose habitat is considered to be of “moderate magnitude,” and certainly not enough to justify termination of the proposed pipeline.

When we examine how Sahtu Dene people speak about moose, we can see fundamental differences in how project activities and impacts are conceptualized. The following is a narrative given by Charlie Neyelle during a Community Hearing of the Joint Review Panel for the Mackenzie Gas project in April, 2006:

(Speaking through an interpreter) I want to talk about those stuff, which that connecting to the universal law that they (the Elders) follow. And they obey the universal law of the animals, moose, and caribou and any animals. They obey the universal law. And this universal law has been destroyed with the animals. The moose have their own universal law how to go on the land. The moose are a very, very intelligent animal. They’re very clever, and he knows the area. Once you come back to that area when he was a thousand miles away, he’ll come back. There’s something wrong, no, I’m not going to go back there again. He going the other way[...] And here the universal law that going across Mackenzie, the universal law for the animals and the waters and the minerals, we live by that a lot. And animals themselves, they live by their own law. So we both are very pleased with each other. The animals are very pleased with us and we’re very pleased with them because we obey those universal law. We really respect the land. And then, the Elders saying your whole land, from way up in the Arctic to all the way down south, and the whole North American and South America, they’re like your whole body. And your body is all being ripped apart. It’s being ripped apart and the scar all over the body. And one rip right across from the tip of your hand to all the way across your whole body to the end of the tips. (Charlie Neyelle, Transcripts of the Joint Review Panel for the Mackenzie Gas Project, Community Hearing in Délina, April 3, 2006: 1643-1645).
As we can see from the above narrative, effects of industrial development constitute more than what might be termed a significant impact. Indeed, they amount to a breakdown in moral and physical relationships that extend beyond particular projects, or isolated project affects. When speaking about moose, Mr. Neyelle indicates that there is a unique relationship between humans and animals that is based upon mutual respect, that both humans and animals are responsible for maintaining that relationship, that moose are intelligent and sentient beings who choose whether or not to return to a damaged area, and that the relationship between humans and animals can not be restored through monetary means. Mr. Neyelle also speaks of a universal law that connects animals, humans, and the landscape that must be obeyed in order for the relationship between them to be maintained. Mr. Neyelle’s narrative, however, goes beyond a consideration of project impacts solely on moose. Mr. Neyelle describes the landscape as an extension of his physical body, and the effects of industrial activities as scars and the ripping of his flesh. When the landscape is perceived in this manner, as both an animate and feeling entity, and as an extension of oneself, any “impact” is significant in the sense that it compromises the health, well-being, and ultimately survival of the self. For Mr. Neyelle, it seems, impacts constitute not only ecological changes in the environment as a result of industrial activities, but a literal tearing apart of his physical and social body.

Statements made by other residents of Déline on April 3, 2006 echo similar conceptions of industrial impacts. Other residents told stories of their lives in the bush, of how they hunted, trapped, fished, set up camp, and traveled on the land; they talked about how they continue to do so today, and of the importance of passing that knowledge and skills onto their children. Other members of the community sat in front of the microphone and confirmed these stories and associated messages as true. Thus, the narratives told by residents of Déline about their experiences with industrial activities, and their reasons for concern regarding the effects of those projects make sense within the context of Sahtu Dene narrative and socio-cultural structures. The stories presented by residents of Déline provided meaningful reasons as to why the impacts associated with the Mackenzie Gas Project might be conceptualized differently by the residents of Déline and the proponents of the pipeline.

Voisey’s Bay Nickel Mine

In September 1993, a prospecting firm hired by Diamond Fields Resources laid claim to one of the largest deposits of nickel ore in the world. This claim, approximately 350km north of Happy Valley-Goose Bay, is on the traditional territory of both the Innu Nation and the Inuit of Labrador. Called Emish by the Innu, and Tasiujatsoak by the Inuit, Voisey’s Bay became the project site for the Voisey’s Bay Nickel Company Ltd. (VBNC) mine/mill complex which has an estimated production capacity of up to 150 million tons of mineral resources. Under both provincial and federal laws, the VBNC was subject to an Environmental Assessment including an Environmental Impact Review and associated public hearings under the Voisey’s Bay Mine and Mill Environmental Assessment Panel (hereafter, the Panel). On April 1, 1999 the Panel released it’s final report finding that the project “would not seriously harm the natural environment, or country foods and people’s ability to harvest them[...]the project has the potential to offer the people of northern Labrador lasting social and economic benefits through
employment and business opportunities” (CEAA 1999: 3). In 2003, VBNM began construction of the mine, and the first concentrate of minerals was shipped on November 17, 2005.

Similar to the Mackenzie Gas Project in the NWT, the proponent (VBNM) developed an Environmental Impact Statement for submission to the Voisey’s Bay Mine and Mill Environmental Assessment Panel. The results of the Environmental Impact Statement were submitted to the Panel in December 1997, and were also made available to the public at that time. During the Community Hearing held in Utshimassits on October 16, 1998, the proponent gave the following narrative regarding potential impacts resulting from VBNM project activities:

The critical importance of the land and the people's relationship to it is a theme that has rung out loud and clear through stories, questions and discussion. In summary, the Project design and the implementation of sound environmental monitoring and management practices, including appropriate mitigation measures, will reduce the physical impact on the land. As a result, we do not believe that there will be significant physical disruption to Aboriginal land use and the preservation of culture and tradition that accompanies time on the land (Herb Clark, Vice President of Corporate Affairs at Voisey’s Bay Nickel Company, Transcripts of the Voisey’s Bay Mine and Mill Environmental Assessment Panel, Utshimassits Community Hearing, October 16, 1998: 1854).

From the above narrative we can see that VBNC does not believe that project activities will constitute a significant impact on the ways Labrador Innu and Inuit spend time on the land. The reasons that impacts are not considered significant are: VBNC has heard the Innu and Inuit people’s insistence that the land continues to be a fundamental part of Innu and Inuit cultural, spiritual, social and general well-being, there will not be significant ecological or biophysical damage done to the land, and mitigation measures such as environmental monitoring, providing jobs at the mine site, providing traditional food at the work-site, and providing cultural sensitivity training will preserve Inuit and Innu lifeways.

Indeed, narratives presented by residents at Goose Bay and Utshimassits do express the importance of the land, and land-based activities to Innu ways of life. However, as Elizabeth Penashue points out in the following narrative, despite the acknowledgment of the importance of land by VBNC, there is a general misrecognition of how and for what reasons the land is important to Innu people. As I think the following narrative suggests, proposing mitigation measures such as environmental monitoring and providing employment at project sites fail to take seriously the intimate connection that Innu people have with their land, and fail to account for the intricacies of that relationship:

(Speaking through an interpreter) When people hear about the Innu raising concerns about a certain development or a certain proposed project, the Innu are not saying that they are opposed to all forms of economic development. They’re not saying that they’re opposed to
creation of employment for people. She realizes and agrees that people need employment, people need economic development to be able to survive. I think you have to understand what the Innu are really saying when they say that they have a concern about the certain type of industrial development that is being proposed[...]. Living on the land was very, very important and fundamental to my parents. I was born and raised by my parents in the interior and I want to follow that way of life. I want to maintain that way of life because I experienced how happy my parents were there, how much they respected the land, how important and fundamental it was to their way of life, and I think that’s critical and important for me to follow[...].My father used to go there (Emish); meet with people from the surrounding area; people from any parts of our territory, and they hunted caribou there, they celebrated there, they were happy there and they gathered there, and it was a very important area for the Innu, and what is so hard for me to understand is why cannot the Government or the non-Innu people understand how important the land is to us (Elizabeth Penashue, *Transcripts of the Voisey’s Bay Mine and Mill Environmental Assessment Panel, Goose Bay Technical Hearing, September 11, 1998*: 280-283).

Ms. Penashue’s narrative points out that the land is important, not only because it provides the necessities for life, but also because it is a place where people gather, celebrate, hunt, experience joy, and ultimately pursue a kind of life that is good, valuable, and worth living. It is more than eating country foods, it is more than obtaining resources for subsistence; it is an experience and a fundamental way of being. Thus for Ms. Penashue, the reasons for concern over the affects of these sorts of industrial projects are related to the intimate relationship she feels with the land, a relationship that fosters a certain way of life that is valuable and worthwhile, and a relationship that will be altered as a result of industrial activities.

**Discussion and Concluding Remarks**

Environmental Assessment practices are increasingly employing alternative forms of evaluation and planning including a shift toward public participation and involvement, adaptive management strategies, and the integration of multiple knowledge sources (*c.f.* Armitage 2005). Many of these processes involve identifying ecological or socio-economic thresholds, the prediction of ecological and socio-economic impacts, and the implementation of appropriate mitigation measures or, when this can not be accomplished, the establishment of various types of compensation. However, as I have attempted to demonstrate in this paper, just as the significance of landscape and knowledge differ across spatial, temporal, and cultural boundaries, perceptions of the impacts of industrial activities can be differently experienced by those who do not share the same culturally-based interpretation of the world. That is, the effects of industrial activities can not be assumed to affect individuals or collectivities in the same or similar ways, but, rather, must be considered within the specific contexts, histories, and value-systems of those who experience them. While the two proposed projects considered here are different in their goals (one seeks to transport natural gas, while the other seeks to
extract mineral resources), they are also similar in the sense that they both involve the extraction of resources by extra-local corporations who seek to make a profit from resource commodities. And while the local peoples who are most directly affected by these large-scale industrial projects have unique identities, histories, and cultures, they are also similar in the sense that they have intricate relationships with their homelands. These relationships involve unique physical, social, and spiritual elements that include, and yet extend beyond the harvesting of resources from their immediate environments. In considering the use of narrative to explore descriptions of these impacts, I have attempted to consider each method of expression a story; a story that is based upon ‘good reasons’ and that reflects certain understandings and values for those who express and interpret them. In doing so, I have attempted to consider each as it’s own culturally constructed version of truth-making, in the sense that each narrative reflects an intersection between the meaning and significance of the story, and the experiences, values, and expectations of the narrator.

What we are encountering through the various narratives regarding the effects of industrial activities are, I think, questions of voice; they are examples of what Walter Fisher (1984: 14) describes as rival stories being told. In considering the impacts of industrial development as insignificant, proponents of industrial projects deny the self-conceptions that local people have about themselves and about the world. Until Environmental Assessment processes more widely reflect Aboriginal views about the land, the world, and their place in it, Aboriginal participation in processes aimed at assessing environmental impacts remains an insertion into a dominant paradigm of a certain kind of knowledge, rather than a serious challenge to the paradigm itself.

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Issues in the study of youth and self-governance

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Abstract. Arctic youth makes an important contribution to Arctic peoples’ self-determination. This paper addresses issues in the study of youth and self-governance based on material provided at IPSSAS seminar 2006 and the authors’ upcoming research among Inuit youth in Greenland (2006-2009). The text, written in an exploratory manner, presents issues of self-governance related to young people in Greenland and from the point of view of the Nunavik Youth Association. It also explores some aspects of the potential relevance of the term “co-determination” in discussing self-governance in general.

Keywords: Inuit youth, co-determination, everyday-life, participation, influence

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The 4th IPSSAS seminar in Kuujjuaq was a great insight in Nunavik’s youth participation in the politics of autonomy. The voice of youth was without any doubt an issue of great relevance in building the future Nunavik Government. During my visit in Kuujjuaq, I sensed a great deal of positive expectations for young people’s entry into leadership and strong support from elders, native corporations, federal agencies etc.

The theme of the IPSSAS seminar focused on contemporary dynamic and trends of self-governance in Arctic societies. My own research topic investigates how youth in Greenland uses and understands urban settings. The coherence of youth and self-governance is in this article based on presenting the following issues: participation of youth in decision making, youth integration into society, and co-determination.

Arctic youth makes an important contribution to Arctic people’s self-determination through various activities and institutions: discussion meetings, writing, involvement in voluntary work, organizations such as Inuit Circumpolar Youth, just to mention few. Surprisingly, our knowledge about Arctic youth and their ideas about self-governance is very limited. I therefore approach the theme of ‘self-governance’ by exploring the issues closest to the young people. The reason for writing about youth participation in decision making, youth integration in society and co-determination is simple: I see these topics as key issues in young peoples’ management of present and future self-governance.

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PROCEEDINGS OF THE FOURTH IPSSAS SEMINAR, Kuujjuaq, Nunavik, 2006
Greenland is the starting point in dealing with youth and self-governance in this article. First, I would like to present a short background on self-governance in Greenland and shortly address the issue of youth in the Greenlandic Self-Government Commission’s report. After this introduction, I present one of the few works on youth and self-determination in Greenland, in which the author focuses on shifting ideas of self-determination based on interviews with high school students. Writing about youth while thinking through transitions and by emphasizing some concrete issues young Inuit cope with in everyday life, I then address some challenges connected to participation and integration into society. In addition, I present a short example of youth agency in decision making from the view of my own project. The last part of this article deals with the term co-determination, which is in my opinion relevant when exploring the areas of youth influence in society.

**Self-governance in Greenland**

According to Danish anthropologist Jens Dahl, when Greenland Home Rule was introduced in 1979 “[...] few people anticipated that Greenland would [...] develop a de facto self-governing system of government in such a short time. However, responsibilities were swiftly assumed from the Danish authorities and, within a few years, Greenland had established its own parliamentary system” (Dahl 2001:37). The introduction of Home Rule has revealed many obstacles for expansion of the functioning administration and self-governing system, still within the realm of Denmark, “[...] as limitations of authority of The Greenland Parliament and government to take autonomous decisions without getting permissions from Danish authorities [became obvious].” In 1999 Greenland Home Rule appointed a Greenlandic Self-Government Commission. This decision indicated a strong need to revaluate the longstanding relationship with Denmark. “It is important to note that the mandate given to the Commission by the Home Rule Government is that of investigating Greenland's autonomy within the Danish Commonwealth (realm),” says Dahl (ibid.:39).

In 2003, Greenland Home Rule Government presented the Greenlandic Self-Government Commission Report to the Greenland Home Rule Parliament. It also proposed the establishment of a Danish-Greenlandic Self-Government Commission consisting of Danish and Greenlandic MPs (Selvstyrekommissionen 2003). In 2004, the Danish-Greenlandic Self-Government Commission became a reality. The objective of the new commission’s work is to evaluate and propose the widest possible transfer of competence to the Greenlandic administration. The Danish Government and the Greenland Home Rule Government have agreed that it is up to the Greenlandic people to decide when and how to achieve independence from Denmark, and that the revisited self-government agreement between Denmark and Greenland will not affect this matter. According to Jacob Janussen (Chairman of the Greenlandic Self-Government Commission), this confirms both the present and recent Prime Minister of Denmark’s statement, according to which the Danish Government will not interfere with a Greenlandic referendum in favor of independence (Janussen 2006). The Commission Report was expected to be completed in 2006, but is still awaited. Many people look forward to read the commission's recommendations. Furthermore it will be interesting to see the Danish reaction on the matters presented.
The Young generation in the Greenlandic Self-Government Commission’s report

A brief search through the 630 pages long Greenlandic Commission’s Self-Government Report gives a fairly good idea about which role youth plays in the politics of self-government (Selvstyrekommissionen 2003). Youth is handled as a major resource of the Greenlandic society. When addressing economic growth, it is argued that this can only be reached through increased support of education and training in leadership for young people. This statement may be old news to some, but it nevertheless challenges the forthcoming Danish-Greenlandic Self-Government Commission Report. How will this commission handle the fact that; "[...][the]younger generation suffers from deficient educational system and being unable to settle in a labor market that operates under conditions defined outside of Greenland" (IWGIA: ibid.)? Since the Greenlandic Self-Government Commission Report is actually an important foundation of the upcoming Danish-Greenlandic report, I expect the new report to be much more concrete and maybe a little more painful. Painful, in a sense of cutting through sensible topics and proposing concrete political measures in favor of change, e.g. the need of making young Greenlanders to return home after finishing education abroad, by simply signing contracts with the students.

Youth and self-determination in Greenland

Niels Hoedeman (2000) has investigated ideas of self-determination in Greenland after two decades of self-government, introduction of Home Rule and following development. Although Hoedeman’s research is only based on a small amount of data, it is one of few works on young people’s perceptions of self-determination in Greenland. His investigation is based on interviews with 17 high school students in Greenland’s capital, Nuuk. Hoedeman’s survey results indicate changes in ideas of self-determination. The ideas of self-determination in the 1970’s is characterized by the author by a pronounced degree of ethnic and cultural focus, playing an essential role for the revitalization of the Greenlandic identity and for the mental preparations for the coming Home Rule. Dealing with the subject of introduction of the Home Rule Government, Hoedeman draws attention to the fact that focus on ethnicity and culture has decreased remarkably, while national identity seems to have become a still more important value. According to the author, these changes reflect the development of the home ruled society in the preceding decades, highly legitimized by national values rather than ethnic values. The comprehensive level of self-determination achieved by the introduction of the Greenland Home Rule has strengthened the national consciousness of the Greenlanders and given them a strong feeling of self-determination. National consciousness was here expressed through feelings of affiliation and urge for responsibility for the benefit of the country. This has become a superior element in the ideas of self-determination, while the role of ethnicity has diminished. Hoedeman’s main point about the diminishing focus on ethnicity is that it has had an influenced on the Greenlanders’ relationship to Danes in Greenland. The relationship between Greenlanders and Danes has shifted from an ethnically focused, horizontally defined relationship in the 1970’s, to in principle, a non-ethnically focused, vertically defined relationship, after the introduction of the Home Rule (Hoedeman 2000).
Youth, participation and integration into society

Involvement of youth within the arena of complex decision making (such as forming a government) is continuously evolving in Nunavik as it is in Greenland. In Nunavik, Inuit Youth are scheduled to get an advisory role in the new Nunavik Government. In Greenland, the Home Rule Government arranges special events such as a youth parliament on a yearly basis. If you look at the national youth organizations, The Nunavik Youth Association “Saputiit” is a multi-million dollar organization covering employment, social and recreational events, cultural awareness and education, all within the presence of challenges in a rapidly changing world (Epoo 2005). In comparison to that, the Greenlandic National Youth Association “Sørlak” gets about 2 million Danish Kroner from the Greenlandic Home Rule plus extra funding for a variety of projects (Sørlak 2005). As I described earlier, the Greenlandic youth is explicitly mentioned in the self-government reports, something which likewise applies in Nunavik.

When addressing youth and self-determination, it strikes me that youth as a category has a double role in the self-determination process. In my mind, youth are in a double transition. One transition takes place on a personal level - in the process of growing from childhood into adulthood and acquiring freedom and responsibilities for themselves. The second transition takes place on the level of national interest. Here I apply an international perspective on Greenland, like being as an example a country in transition from earlier state of involuntary dependence on the road to independence. In this case, I see youth involved in issues concerning them as citizens integrated in society.

Both spheres (individual/private and collective/national) are filled with expectations, visions, the process of obtaining skills, experiencing downfalls, success, and possibly in need of a great deal of creativity. What I learned from my participation at IPSSAS seminar in Kuujjuaq is that challenges among Inuit youth may not be similar in each country. Jonathan Epoo, president of Saputiit, addressed this issue in his speech at the “parliamentary session,” in May 31st 2006 (an event within the seminar), in the following manner:

We must better support young people having difficulty integrating into society. Right now, when you’re a young Inuk living in the north, the future doesn’t present itself like anywhere else in Quebec. The few job openings, the almost impossible thought of moving out of your parent’s house because of the lack of housing, the consumer oriented society that you see on TV, the few available activities and recreational opportunities make it hard to have a passionate hobby. All of those factors combined to many more contribute to a crisis our youth is facing today: who am I? Where am I going? What does the future hold for me? If all youth face those questions, the answers are drastically different when you’re an Inuk. Even the concept of integrating into society takes another meaning in our communities: graduating, moving out of your parent’s, getting a job, go out and have fun, find a life partner, all of the southern indicators of a passage from childhood to adulthood that mark the entry into society don’t apply here. Maybe part of the answer is to
go back to our traditional passage rites and then the whole process will have meaning again for our young people and their children’s children also. (no housing – no independence – no parental or adulthood skills – forced to be dependent to parents)” (Epoo 2005).

It is difficult for me to understand some of the ideas expressed in the above presentation, such as; “[...]the concept of integrating into society takes another meaning in our communities[...]” and “[...]maybe the part of the answer is to go back to our traditional passage rites and then the whole process will have meaning again for our young people and their children’s children also (no housing – no independence – no parental or adulthood skills – forced to be dependent to parents) (ibid.).” It is not quite clear to me what the movement back to traditional passage rites (rites de passage?) mean, especially in connection with the issues raised about lack of housing, etc. Judging from my experiences among Greenlandic youth, I guess that Epoo is making his statement with a bit of sarcasm. He is ‘not’ saying that the past is irrelevant, no, he is in my opinion making a statement on the present socio-economical challenges which his organization is actually trying to solve out. In this case, the past is a relevant and forceful background. Nevertheless, it is the state of current affairs which is pressing on youth’s everyday life. The issues raised by Epoo’s speech are in my opinion important because they reveal what sort of concrete issues young people cope with. I hope that there will be more information in the future on issues such as housing, education, transfer of knowledge, power etc. among Inuit youth, not only in Nunavik but all over the Arctic.

It is a fact that youth throughout the Arctic play a role in their society’s quest for self-determination. Youth are ‘actors implemented’ in the self-governance process through a variety of organizations, some directly connected to political decision makers (e.g. annual youth parliament in Greenland; NIYC – National Inuit Youth Council in Canada etc.), some belonging to transnational communities (e.g. Inuit Youth International). They are all addressing the current state of affairs internal to youth's daily way of life and from youth’s point of view. What seem to be the questions could be the following: what kind of life do the "actors implemented" actually live? Where do they go now and where do they go in the future? Is self-government a question of co-determination for youth? Who and what provides spaces for co-determination on the national and community level of self-governance? Do Inuit youth visions always become reality? My point here is that we know too little about the everyday life of Arctic youth. Although there are organizational tools for young people in the Arctic, there is too little information on the people involved in those organizations.

Everyday life, influence and co-operation

“Youth and the City – investigating urban youth culture in Sisimiut, Greenland: visions, skills and creativity” is the working title of my Ph.D. project (running from 2006-2009). It focuses on how youth in Greenland uses and understands urban settings.

My project describes and analyses youth activities and the temporalities in which these activities take place –the urban area of the second largest city in Greenland, Sisimiut.
Based on the premises of action anthropology, my project will additionally discuss how knowledge and skills, embedded and lived out by the local youth culture, connect with ideas implemented in the elementary school statutory instruments. I would like to flesh-out some of the youth’s concrete views on qualities of institutional and non-institutional contexts and investigate how these experiences can be of value in the school system. Although my research is not directed towards discussing self-determination, I see my project as an important contribution to public debate on youth’s everyday life. I seek to open spaces for youth expressions, on their own premises, and furthermore draw attention to the many faced youth cultures in the Arctic.

I would like now to give a short example of youth agency in decision making. This example was produced prior to the IPSSAS seminar, as an illustration of where young people get a voice in the city I work in.

Sisimiut was established 250 years ago by Danish colonists. Today it is said to be one of the most progressive cities in Greenland, both in cultural and economical sense. The city offers various facilities for young people: a variety of educational institutions by Knud Rasmussen People’s High School, The Language Centre, The Building and Construction School, a Local Vocational School, and 3 Elementary Schools (one of them a Deaf School). In addition, there are the youth clubs Sukorsit and Nutaraq, a Community Hall, and a Citizens Hall etc. Leisure time can be spent on a ski slope, practicing kayak skills or dog-sledging, at the local Skidoo Club or Diving Club. Finally, small job employment is available at the Grill Bar, Discothèque, kiosk, grocery store etc.

The local newspaper SivdleK˚ published a short article about youth holding a meeting in the youth club Nutaraq (SivdleK˚ 2006:6-7). What is interesting about this story is the fact that 5 groups of young people presented their own ideas and needs in the city from a youth perspective. In this way youth went public with proposals on establishing spaces for leisure activities, something the municipality of Sisimiut isn’t providing according to the article. Not only is the article a statement to the town authorities, but also a statement about the need for cooperation between young people.

One of the meeting participants had the following comment on the outcome; "It is OK with this meeting, but there should be many more, then there would be progress" (ibid.).

Co-determination - an important issue in youth and self-governance

The voice of youth is drawing more and more attention all over the Arctic. Young people face many different challenges in everyday life. The response systems to the many faced problems and successes are also complexities in themselves – family life, public services, organizations, constitutions, cultural trends, traditions, movements, education, stock-markets etc. In discussing self-governance and youth, I think it is also possible to include the term co-determination. This term refers in my point of view both to youth participation in decision-making and the actual environment (arenas) of youth agency, opinions and contributions. In democracy theory or litterature on corporate governance, co-determination is about participation and influence. Focusing on participation and influence in the partnership between youth and decision-makers is in my opinion a good
point of departure for mapping down the actual institutions, governments, discussion tables, workshops etc., where youth formulate actual plans and proposals necessary for the final decisions and law regulating areas. Co-determination is an important issue in studies of youth and self-governance, because it draws our attention to concrete examples of youth’s agency, unfolded and displayed, not only in the political arena of decision-making, but in their everyday perspectives as well. From the case of Saputiit Youth Association of Nunavik we can see how young people not only seek “self-governance,” in a sense of obtaining control over their own lives in the society, but how they also seek for partners with whom they can develop their experiences. The partnership between youth and decision-makers is a progressive case in most of the Arctic communities.

In summary, discussing self-governance should in my opinion not only address peoples’ rights to choose their own destiny as a nation, but also include the problems individuals are coping with within the process. What I find interesting about the term co-determination is the fact that it emphasizes “doing self-governance” rather than accepting it as a choice prescribed by politics. Focus on co-determination can in my opinion help in unfolding the realities of the implicated youth in the process of self-governance.

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The effect of federal agency culture, bureaucratic structure, and agency history on the co-management of marine mammals management in Alaska

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Abstract. Since 1994, federal agencies in Alaska have been directed to develop co-management institutions for regulating aboriginal marine mammal hunting. Many researchers have investigated the role of local community self-organization in the success of co-management institutions but few have studied federal bureaucratic capacities to engage in the same institutional processes. This paper examines the extent to which organizational culture, structure, and history affects the performance of federal agencies in marine mammal co-management regimes in Alaska. Through the lens of institutional analysis, the author compares two federal agencies, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, in their participation in co-management institutions for polar bears, walrus, bowhead whales and beluga whales. Despite being guided by the same federal policies regarding marine mammal conservation, the agencies’ implementation of and active involvement in co-management has been different in terms of how they develop collaborative agreements, for what purposes, and the structure of forums for interaction between staff and user communities. Preliminary analysis of one year participant observation of the boards suggest that co-management regimes under NMFS are less tightly linked to their agency partner agendas and thus foster greater autonomy in decision-making at the local level. However, regimes under USFandWS exhibit more coordinated collective action and may prove to be more stable and effective under increasing pressures of climate change on marine mammals in the Arctic. The next phase of research involving social network analysis and semi-structured interviews is also outlined.

Keywords: co-management, marine mammals, bureaucratic culture.

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Introduction

Co-management involves the sharing of institutional resources and decision-making power between levels of government and local communities (Pinkerton 1989). In Alaska, co-management gained prominence in the 1990s as a strategy amongst Alaska Native marine mammal subsistence users to create dialogues between resources users and the

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government, as well as to develop political support for local management strategies such as whaling crews or local harvesting rules. Many co-management theorists have focused on institutional design as a key factor in co-management success. However, in a comparative study of caribou co-management systems in Alaska and the Northwest Territories, Kruse et al. (1998) found that effectiveness of the system was more a product of relationships between the actors involved, and less a product of the institutional design. Following this line of inquiry, this paper examines to what extent organizational history, structure and culture –beliefs, identity, behaviors, norms, and practices-- in a federal bureaucracy enhances or constrains relationship building, learning, and responsiveness across levels of government. This paper is based on research conducted for a dissertation comparing two federal agencies, the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), in their implementation of the Marine Mammal Protection Act of 1972.

The study of resource management policy and practice is an applied field addressing interdisciplinary questions and therefore a researcher is able to draw on several different fields in order to answer questions. Resource management questions involving human dimensions have been investigated through sociological, historical, anthropological and organizational management fields. This study relies on ethnographic approaches to analyzing bureaucracy. The idea that a federal bureaucracy could have a culture that affected its performance streams from responses within sociology to Max Weber’s theory of bureaucracy. Weber described the ideal type of bureaucracy as one based on formalized, compartmentalized offices with sharply defined labor rules, fixed jurisdictions, a clear chain of command and rules of professional conduct to ensure the consistent, objective application of rules to the governed (Gerth and Mills 1946 as cited in Heyman 2004). Weber’s construction of bureaucracy was highly rational. Anthropologist Laura Nader (1972) and organizational sociologist Charles Perrow (1986) questioned the rationality of actual bureaucracies in practice and inspired others studying bureaucracy to conduct their studies using ethnographic methods, to capture what agencies actually do and compare actions to what they say they do in policy documents or public statements. If a bureaucracy isn’t purely a rational tool to objectively deliver policy, then, it must have an informal social, political dynamic by which policies are internally framed, debated, prioritized and advocated for before the policymakers engage with their constituents, bosses, and area of responsibility. It is this social, political dynamic and the dominant mental models that shape the range of policy choices that I am conceptualizing as an agency “culture.” For instance, staff familiarity and perceptions of the usefulness of traditional ecological knowledge will likely affect their support for including it in management decision-making.

The US Fish and Wildlife Service and the National Marine Fisheries Service have implemented co-management agreements in Alaska in qualitatively different ways. I seek to understand why these differences exist between the bureaucracies and how the differences affect each co-management regime’s ability to effectively conserve resources. In order to understand the politics of communications within a co-management framework, I examine cultural influences on federal agency personnel, especially as how they relate to communities in rural Alaska and co-management boards. Culture in this sense is intrinsically related to bureaucratic structure and agency history because the
breadth and diversity of an agency’s mission affects the extent to which co-management is prioritized. Historical relationships between agency staff and Alaska Native communities also influence the likelihood that any federal rules will be effective.

My working hypothesis is that agency cultures, structures and history affect the construction and maintenance of policy networks facilitating co-management. In turn, the shape and intensity of interaction among network members affects policy creation and the effectiveness of policy interventions. I examine my research question through two comparative case studies involving multiple field sites: the co-management board meetings, the federal agencies involved and an Alaska Native village with an active marine mammal subsistence hunting population. The multi-sited approach allows a broad ethnographic portrait of the network of people involved in co-management.

Methodology and Methods

This study is built on interdisciplinary methodologies, combining concepts of organizational culture with the institutional analysis and development (IAD) framework from political science (Ostrom et al. 1994).

The IAD framework helps one to map and understand how users of common-property resources build resource management regimes that enhance shared understandings of the resource and create incentives for compliance to rules limiting use of scarce resources. Using the IAD framework, agency culture can be conceptualized as a key factor affecting actors’ motivations to collaborate and therefore, a driver shaping the policy arena – in this case, marine mammals management in Alaska. In the IAD model the patterns of interaction produced by the policy arena affect the outcome and institutional performance. My research builds upon this work by documenting patterns of interactions among actors produced in the arena and investigating agency culture as a key driver shaping these patterns.

Agency bureaucracies are difficult to conduct ethnographic work within because of secrecy and the lack of opportunity to observe the field site directly. Following Nader’s (1972) encouragement to “study up”, I am borrowing methods from the anthropology of bureaucracy (Heyman 2004). Heyman argues for the use of both “broad-brush” (organizational structure, rules, etc.) and “particularistic” (informal modes of interactions) approaches to studying bureaucracies. For structural analysis, Heyman recommends the approach of Mascarenhas-Keyes (2001) in her “rapid organizational analysis” of a computer networking organization. Mascarenhas-Keyes offers an index of questions researchers should ask about the structure of the organization, how it interacts with other organizations, and who holds power within the organization, formally as well as informally. As opposed to organizational culture studies within the business literature that focus on mostly apolitical factors such as formal structures (see Perrow 1986), anthropological methods of studying bureaucracies provide a contextualized, “thick descriptive” approach emphasizing power relations between actors. The sharing of power is an explicit goal in many co-management agreements between various scales of government (including Tribal governments), and therefore is markedly different than a relationship involving most corporate interactions.
Weeden (2002) argues that an anthropological conceptualization of culture as “semiotic practices” adds value to political analyses. As a lens, it offers a view of political phenomena by focusing attention on how and why actors invest them with meaning. Weeden suggests that a semiotic practices approach avoids the “[...]ahistoric, empirically untenable formulation of culture currently invoked by political culture and some rational choice theorists” (Weeden 2002: 726).

Using a multiple case-study approach (Yin 1984), co-management regimes for polar bears and walrus formed with the US Fish and Wildlife Service are compared to co-management regimes for bowhead whales and beluga whales formed with the National Marine Fisheries Service. The first phase of the research project presented here is based on participant observation of two co-management boards’ annual meetings and content analysis of co-management board meetings and reports. A future piece to this fieldwork will be to interview individuals involved with the boards for their perceptions of co-management and its level of success in conserving animal populations.

**Marine Mammals Management in Alaska**

Marine mammal resource management in Alaska has shifted over the past 50 years from a predominantly local knowledge-based regime to a scientific management system, culminating in the Marine Mammal Protection Act of 1972 (MMPA), which restricted mammal harvests only to indigenous subsistence hunters, and only within a scientific management system for sustained populations. Two federal agencies, the National Marine Fisheries Service and the US Fish and Wildlife Service, hold federal management authority over marine mammals. The conservation and subsistence harvesting of marine mammals in Alaska are today regulated at many different policy levels, from local traditional rules governing use by Alaska Native communities, to tribal ordinances, to federal agency rules and federal environmental laws such as the MMPA, the Endangered Species Act of 1973, and numerous international treaties.

The MMPA was considered an innovative approach to wildlife management at the time of its passage, as it required agencies to evaluate populations based on an “optimum sustainable yield” versus the concept of “maximum sustainable yield” concept, which is more conventional in fisheries management. This change introduced a conservative management philosophy into wildlife management, largely acknowledging the significant uncertainties involved in marine mammal population ecology and marine ecosystem ecology (Eberhardt and Siniff 1977). Incomplete understanding of the system has in some cases led to strict federal management prescriptions, such as a complete ban on subsistence bowhead whale hunting (Freeman 1989).

With the centralization of management, traditional/local knowledge, as well as institutions based on that knowledge system, was supplanted by centralized governance based on universal “science” systems of knowledge (Berkes 2002). In Alaska, this shift led to significant social conflict and multiple acts of resistance to federal rules and enforcement mechanisms (Spaeder 2000). With a shift towards more co-management of resources in Alaska, however, agency wildlife managers now recognize the significant informal authority of subsistence users over resources as well as legal impediments to the
sharing of formal, legal jurisdiction. Most co-management arrangements in Alaska involve wildlife or the management of public lands to which indigenous peoples retain some unique relationship – such as walrus, polar bears, bowhead whales and their habitats. A linked network of resource governance now exists across the state in Tribal offices, regional Alaska Native non-profit organizations, state-wide co-management boards, and in user communities. Understanding the dynamic distribution of power and the resultant outcomes of co-management in an Alaskan context is an important objective of this project.

Case studies

Unlike land-claims agreements in Canada, co-management bodies in Alaska had their genesis in various ways and represent a variety of power-sharing relationships amongst federal and state agencies, rural (predominantly indigenous) communities, and, depending on the resource at hand, other stakeholders. Political organizations representing marine mammal subsistence users (both hunters and artisans), however, mobilized around the 1994 Congressional reauthorization of the MMPA to introduce a provision requiring the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to enter into co-management agreements with Alaska Native organizations. The provision specifically included funding for the Alaska Eskimo Whaling Commission (AEWC) and the Eskimo Walrus Committee – both of which were founded in the late 1970s in response to political crises. Eventually, the two agencies also developed co-management agreements with the Alaska Nanuuq (polar bear) Commission and the Alaska Beluga Whale Committee as well as a few others. The bowhead whale and polar bear co-management regimes and their partner federal agencies constitute the two principal case studies in this dissertation.

The National Marine Fisheries Service (NMFS) is the chief federal agency regulating both commercial and subsistence-harvested marine animals. This agency has conflicting missions: the development of a sustainable fishery industry and the protection of marine mammals, many of whom depend on the same fisheries for food. Moreover, NMFS's mission in fisheries development and management brings it into close association with the fishing industry which critics argue has "captured" the agency (see McBeath 2004). Key management duties relating to marine mammals are shared between four offices: the Alaska Regional Protected Species offices in Anchorage and Juneau, the headquarters office in Washington, DC, and the National Marine Mammal Laboratory in Seattle. The majority of staff are wildlife biologists. To this day, the regime for bowhead subsistence management remains most active at the local levels, where whaling captains and AEWC officers manage and report to their federal partners. Linkages to federal partners seem strongest in terms of the ongoing biological research plan and in negotiations with industry over offshore oil and gas exploration.

Several respondents familiar with both agencies report that NMFS has a low prioritization for co-management activities as compared to the U.S. Fish and Wildlife Service (USFWS). Co-management agreements with Alaska Native organizations are negotiated separately from budgeting processes, resulting in some boards having to spend significant time on lobbying Congress to receive base funding. In contrast, agreements
developed with USFWS are budgeted through the department’s annual funding from Congress, thus tying the co-management boards to their partner agency more fully than boards acting with NMFS.

The USFWS is the premier agency in the United States regulating activities that may impact wildlife on federal lands, and protected species on other lands. They are predominantly a terrestrial agency as part of the Department of the Interior, but also have jurisdiction over walrus, polar bears and sea otters in Alaska. They have a strong presence in Alaska as federal wildlife refuge managers and have a substantial staff of social scientists within their terrestrial division, as required for work implementing federal lands acts such as the Alaska Native Claims Settlement Act. Their marine mammal division has its own office in Anchorage but also works with the marine mammal specialists at the U.S. Geological Survey’s office in Anchorage. As part of the Department of the Interior, USFWS has been criticized for its perceived disruption of economic interests when development has threatened endangered species habitats (see Clark and McCool 1995).

USFWS has worked closely with Alaska Native communities in analyzing critical habitat issues for marine mammals, and no lands have yet been restricted. Internationally, USFWS has ongoing projects with Russian counterparts and other countries involved in international treaties protecting animals with special conservation needs. The service also enforces the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In addition to export/import permits, USFWS has a fairly bureaucratic system for collecting information from harvested marine mammals called the Marking, Tagging and Reporting program. Significantly, the service employs a large enforcement team to fight trafficking of endangered or threatened species. However, past large-scale enforcement actions remain a legacy in the walrus co-management relationship. Hunters who violate the Marine Mammal Protection Act may find themselves convicted of a felony and unable to possess firearms afterwards. This unintended consequence of federal criminal law has reportedly created hardships in some villages in which key hunters were arrested and unable to hunt lawfully.

Polar bear management in Alaska is a fairly diffuse network, as compared to the vertically integrated workings of the bowhead regime. Hunters report their harvest to USFWS authorized taggers, residing at several local government organizations and a few at-large operators in the community. Local and regional fish and wildlife management committees provide a potential forum for collective action on polar bear management, but are not systematically connected to the Nanuuq Commission. Harvest reporting is encouraged by taggers and USFWS personnel, who in times past had threatened enforcement action in order to improve compliance. Now taggers and local wildlife staff are more likely to call on successful hunters to come and report their catch if they have not yet done so.

**How do these profiles affect resource management?**

This paper stems from a two-year dissertation project in progress examining how cultural profiles of these two agencies affect policymaking in Alaska. Preliminary results suggest
that NMFS’ low prioritization of co-management activities and financial independence from co-management boards foster marine mammal co-management regimes that are somewhat more autonomous than those partnering with USFWS. That autonomy has allowed co-management boards such as the Alaska Eskimo Whaling Commission to pursue an independent research agenda important to whalers and their families that may not be prioritized by federal agencies, such as testing for pollutants and assuring population censuses use traditional knowledge to achieve the best science possible.

Autonomy has been a two-edged sword, however, as the Alaska Eskimo Whaling Commission has been tasked with not only recording harvest statistics, but also with leading a very expensive research program to obtain scientific estimates of population and other aspects of marine mammal management. The burden of funding all of these scientific programs is shared with the regional borough government’s Department of Wildlife Management and largely funded through Congress. Armed with harvest statistics, biological studies and anthropological studies of the importance of the bowhead harvest, the AEWC director and local biologists attend the annual meeting of the International Whaling Commission (IWC) to maintain the international recognition of the Inupiat and Yupik bowhead harvest. The National Marine Fisheries Service’s home department, the Department of Commerce, heads the American delegation to the IWC. With the population status of bowhead whales continually improving, the most significant threats to Inupiat and Yupik whaling communities are political and industrial. The political threats stem from interference by other countries who would like to whale commercially under the IWC regime; the industrial threats come from offshore oil and gas exploration and development.

The Nanuuq Commission and the Eskimo Walrus Commission illustrate a more tightly linked collaboration model with their partner agency, USFWS. Their budgets and program priorities are negotiated together, which has sometimes resulted in a predominance of agency-requested projects versus Commission-requested projects. However, the focus of the Nanuuq Commission on its role in the pending Polar Bear Treaty between the U.S. and Russia has been supported by both the agency and the Commission equally. These tightly linked boards could theoretically be more institutionally resilient in the long-term than more autonomous NMFS boards if climate change-related impacts on marine mammals cause the federal government to take more direct regulatory action on hunting. To date the tight links have not created significant compliance to reporting rules perhaps because the subsistence polar bear harvest in the Beaufort Sea on the Alaska side of the Canada – U.S. border has largely kept below the voluntary quota agreed to by the North Slope Borough and the Inuvialuit Game Council. The low subsistence harvest and stable bear population hasn’t engendered the sort of public scrutiny that the bowhead whalers have had to bear. However, the changing climate is creating more bear-human interactions that could potentially turn deadly. Bears have been moving from shrinking ice flows onto land in search of whale carcasses or due to food stress. This trend has increasingly required management strategies to keep humans and bears separate.
The next stage of research

The next stage of research will involve interviews with resource managers, co-management board members, and subsistence hunters. The agency interviews will inform the in-depth development of a cultural profile of agencies. A final stage will be to map the social network patterns agencies develop with their co-management partners in order to test my hypothesis regarding agency culture and communications patterns. The environmental context in which my cases lie has changed dramatically in the past 30 years. The northern seas are experiencing rapid ecological changes and putting many animals – and the communities who depend on them—at risk. The challenge for agencies and communities to collaborate on fair, ecologically rational and culturally viable strategies for resource management looms large.

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Aboriginal Self-Governance in Canada:
Two critical viewpoints

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Abstract. This paper provides a short summary of two critical viewpoints on Aboriginal self-governance in Canada, the first one by a political scientist, Tom Flanagan, and the second one by a sociologist, Jean-Jacques Simard. Flanagan examines this process in the framework of the First Nation’s reserves across Canada, whereas Simard does a thorough analysis of the report of the Nunavik Commission, aimed at establishing a public self-government in the northern part of the Province of Québec named Nunavik. Both strongly suggest that reforms and new approaches are needed to develop self-governance among the Aboriginal Peoples of Canada and to solve many of their contemporary social, economic and political problems.

Keywords: First Nations, Inuit of Northern Québec, Canada, Nunavik, Self-governance, First Nation’s reserves, Nunavik Government.

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The IPSSAS Seminar held in Kuujjuaq in 2006 under the theme of “Self-Governance in Arctic societies” represented a one-in-a-lifetime occasion to learn more and in situ about the development of a new form of public self-government for the residents of the northern part of the Province of Québec, now named Nunavik. A keynote guest to the Seminar and member of the Nunavik Commission, Marc-Adélard Tremblay, Professor emeritus of Université Laval, gave a few lectures on many aspects of the Nunavik Commission’s Report and had long and fruitful exchanges with graduate students and Faculty during the first week of the Seminar. Students and some Faculty also made presentations of their research subjects, most of which had direct links with the theme of the Seminar. The Sivunivut Forum (also called the Kuujjuaq Forum on Governance), a two-day event opened to the members of the community of Kuujjuaq and relayed through local radios in every other Nunavik Inuit community, enabled everyone to hear the presentations of some of the most prominent leaders of Inuit institutions in Nunavik and to observe a mock parliamentary session of a future Nunavik Legislative Assembly. A few other Inuit, such as Senator Charlie Watt, as well as a few non-Inuit technocrats and lawyers, such as Donat Savoie, Fernand Roy and Paul Bussières, also provided

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stimulating insights in the James Bay and Northern Québec Agreement (JBNQA) and the Nunavik self-governance negotiation process.

On the final day of the Seminar, during a meeting devoted to its oral evaluation, students and Faculty expressed their overall satisfaction about what they had learned on Aboriginal self-governance in Nunavik and elsewhere in the Arctic. They stated their appreciation for having been exposed to new facts and perspectives in the various presentations, participating to exchanges with others and having the chance to visit and to share some of the life inside the Inuit community of Kuujjuaq. One Ph.D. student nevertheless stated that he would have appreciated to be given some critical insights into the processes of Aboriginal self-governance in Canada and more particularly in Nunavik. As main organizer of the seminar, I personally regretted that this critical viewpoint had indeed been lacking, stated that it nevertheless existed in the academic literature and recognized that it should have been discussed, had we had the time and the resources to do it, in order to get a clearer picture of the two sides of the coin.

To begin a short walk in this direction, I will undertake a short review of two noteworthy critical viewpoints on Aboriginal self-governance in Canada, since they offer original and alternative ways of thinking about this process. These viewpoints have seemingly occupied a fairly minor place in the Canadian public debate and academic milieu up to now, for a variety of reasons too long to explore here. I do not wish to necessarily accredit such viewpoints, but at least to point out at their existence and at the necessity of taking them into consideration in any analysis and interpretation of the process of Aboriginal self-governance.

**Self-governance in Canadian Indian reserves**

Tom Flanagan is professor of political science at the University of Calgary and occasional columnist in a Canadian daily national newspaper. In 2000, he published a highly provocative, very controversial and award-winning book titled *First Nations? Second Thoughts* (Flanagan 2000), translated and published into French in 2002 (Flanagan 2002). In this book, Flanagan states that in early 1997, he was invited with more than a hundred others speakers to a McGill university conference devoted to an analysis of the recently tabled (Fall of 1996) Final Report of the Royal Commission on Aboriginal Peoples (RCAP). During the conference, he was one of the very few scholars to show discontent about the report, an attitude which others participants to the conference received politely, but clearly did not want to share or to be associated with. Such a reaction led him to believe that he was confronting what he calls “the Aboriginal Orthodoxy”, which he defines as “[...]an emergent consensus on fundamental issues [in the public policy towards Canada’s aboriginal peoples][...]widely shared among aboriginal leaders, government officials, and academic experts, [weaving] together threads from historical revisionism, critical legal studies, and the political activism of the last thirty years” (Flanagan 2000: 4).

In order to develop his critical analysis of the RCAP report, Flanagan decided to spend some time doing research on the topic and writing the above book on the subject. *First Nations? Second Thoughts* is based on a wide variety of sources, such as government
reports, academic books and articles, and judicial decisions. It contains a series of essays on a wide variety of topics. It traces a short historical account of government and Aboriginal relationships following the publication of the RCAP report. It presents this report as “a monument to the new orthodoxy” (p. 5) and suggests that Canada is facing a serious threat if the recommendations of the RCAP report are to be enacted. It finally makes a list of eight propositions characterized as “dubious” and which are said to be the foundations of the Aboriginal Orthodoxy.

We cannot evidently present in any detail those eight propositions. They are formulated in Chap. 1 of the book, each accompanied with Flanagan’s own critical commentaries, and become afterwards the themes of the eight following chapters of the book. Let it nevertheless be said that they touch the themes of Aboriginality, Civilization, Sovereignty, Nationhood, Self-Government, Property, Treaties/Agreements/Land Surrenders, Subsistence. The proposition on Aboriginal self-government, as formulated in Chap. 1 (p. 7), reads as such: “Aboriginal peoples can successfully exercise their inherent right of self-government on Indian reserves” and receives Flanagan’s following critical commentary: “Aboriginal government is fraught with difficulties stemming from small size, an overly ambitious agenda, and dependence on transfer payments. In practice, aboriginal government produces wasteful, destructive, familistic factionalism”. How can Aboriginal self-government be so problematical? We have to read chap. 6 to discover why.

In this chapter titled “The Inherent Problems of Aboriginal Self-Government”, Flanagan deals mainly with self-governments in Canadian Indians reserves. Citing as examples the case of a few Albertan ones, he goes on to show that at least some of them have abundant revenues stemming from various sources (annual royalties in oil and gas, federal government money transfers, band-owned businesses, etc.), which should normally bring wealth and well-being to these First Nations’ communities. But there are inherent and often concealed problems in the local and external management of those reserves. Locally, remuneration of band council chiefs and counsellors is often excessive; band administrators tend to favour close kinship ties in the process of filling jobs in the reserves; local administration of welfare reveals many cases of waste and mismanagement; band administrators sometimes make doubtful choices, such as holding meetings of band council members not in their own reserves, but in foreign countries. Management of funding of Indian reserves by the federal government and the Department of Indian affairs seems to be as problematical: as sometimes revealed by the auditor general’s annual reports, funds transferred to Indian reserve administrations for running basic services to the community have sometimes been invested and lost in the stock market, been spent in clearly excessive travel expenses, been used as contributions to political parties and even been redirected to sue the federal Crown.

Would the Albertan Indian reserves involved in such problems of fiscal and budgetary management be well-off according to Canadian social indicators, the problem underlined could be less discouraging. But alas, this is not so. Social statistics in those reserves reveal above average levels of welfare recipients and of deaths by suicide, accident, violent crime, drug overdose. Wealth seems to be directed to a small fraction of the Indian population, while the rest seems to be living in extreme poverty. According to
Flanagan, self-government in Indian reserves in Canada does not seem to work as it should do. In his words (Flanagan 2000: 94), “the problem is that aboriginal governments in Canada are beset with structural features that encourage rather than constrain venality, and that these structural features are so deeply engrained as to be inherent”.

What follows in Flanagan’s presentation of Aboriginal self-governments in Canada is an identification and characterization of the above mentioned problematic structural features, followed by their implications, which we will briefly present (Flanagan 2000, 94 and following):

Feature 1 – *Nature of the institutions involved in Aboriginal self-governance.*

Aboriginal communities in Canada cannot revive their past communal patterns of governance and have to live with the bureaucratic institutions imposed by the Indian Act. They are now almost fully integrated into Canadian society and cannot envision any future change of governance structure.

Feature 2 – *Size of the institutions involved in Aboriginal self-governance.*

Aboriginal communities in Canada have a small size and are often located far from major centres of population. They sometimes work together and pool resources with neighbouring Indian and non-Indian communities, but such cooperation is often limited by cultural conflict or inter-community competition. As a consequence, they are beset by important difficulties: shortage of financial resources and skilled personnel, factionalism deriving from kinship ties and religion, as well as growing class differentiation, as many educated and often more prosperous Indians live off reserve more or less permanently.

Feature 3 – *Scope of Aboriginal self-governments.*

Aboriginal self-governments have a wide range of responsibilities which include service delivery, economic development, resources and environmental management, law enforcement, cultural preservation and adaptation, much more than other levels of federal and provincial governments. They thus need a large administrative public sector. Being what they are and belonging to a type of communities described above (small size, limited resources, shortage of personnel, etc.), they are bound to work under a single governmental structure -the band council-, which concentrates authority in a very small group of elected officials, not without dangers as to the development of internal factionalism.

Feature 4- *Funding of Aboriginal self-governments.*

Aboriginal self-governments have many sources of revenues, but most often depend on transfer payments from the federal government. In addition, band councils nowadays have the power to levy property taxes on reserves, but they generally do so not for their own residents, only for non-Indians leasing properties on the reserves. On reserves, Indians do not thus generally pay taxes, a rule which creates a very peculiar sort of
general state of “état providence” and way of distributing revenues and wealth, from band council to its population. As a consequence, aboriginal self-governments are seldom open and accountable.

In Flanagan’s view (2000: 106-112), unless reforms are taken, such features of Aboriginal self-governments in Canadian Indian reserves will continue to have a wide set of negative implications on the life of Aboriginal people in Canada, most often reflected in a set of negative social indicators as compared to the rest of the Canadian population. At least minor reforms enacted by the Federal government or by Aboriginal leadership are already underway in various fields, such as better education in public administration, more accountability, wider diffusion of information, etc. But much more drastic steps must be taken. Taxation should be universally implemented inside Indian reserves. New collective and private property rights, such as in land and housing, should be developed. Farming should be improved in reserves possessing large agricultural lands. Aboriginal governments should be elected for longer periods and have less extensive powers in all fields of life. The status of Indian reserves should be the object of active questioning, although it is evident that Indians in Canada will never accept to abolish what they often consider nowadays as their homelands. Finally and not the least, Canadian Indians should seek true social progress through “emancipation from political control, whether exercised by federal bureaucrats or their own politicians” (Flanagan 2000: 112).

These criticisms of self-government in Canadian Indian reserves, which are above only shortly summarized and excerpted from a book dealing with many other themes more or less related to Canadian Indian self-governance, are challenging in many ways and could be the object of long and passionate discussions. Flanagan traces an almost totally negative portrait of the Canadian Indian reserve system and of its main leadership institution, the band council. He presents Aboriginal self-government in Canada as an ill-structured and badly run system of administration, which has for a long time needed long-awaited reforms. He often illustrates his assertions with the worst examples possible, overtly eliminating a wide set of other examples which could contradict his sayings. He never gives a chance to the expression of the voice of Aboriginal peoples as the existence and development of their own system of governance. His characterization and his suggestions of reforms of the system of self-governance of Canadian Indian bands are not new, since the governmental and academic literature on Canadian Indians, including the RCAP report, often makes reference to and discusses those matters. More basically also, it could be said that Flanagan’s criticisms are limited to the Indian reserves in Canada and do not account for the variety of forms of self-governments which have been put in place and developed among the Canadian Aboriginal population in the last decades, be it among the Indians, Métis or Inuit, an aspect of the problem which we will try to explore in the following section of our article.

Self-governance in Nunavik

Jean-Jacques Simard is professor of sociology in Université Laval, where he has taught for over thirty years. While formerly working as a civil servant for the Direction générale du Nouveau-Québec (now Nunavik), he undertook and finished an unpublished Ph.D. thesis on the development of the cooperative movement among the Quebec Inuit (Simard,
1982). After becoming professor, he continued to research the recent and contemporary Aboriginal situation in Northern Québec, mostly in the framework of the implementation of the James Bay and Northern Québec Agreement and of the growing governmental administration in those territories (Simard et al., 1996). Quite recently, Simard has gathered his career-long and most influential articles in a provocative and award-winning book (Simard 2003) titled La Réduction: l’Autochtone inventé et les Amérindiens d’aujourd’hui, dealing with a variety of topics regrouped under five thematic categories, “the invention of the Aboriginal”, “the first national question in Québec”, “the frozen revolution of the Inuit”, “the experience of James Bay” and “back to the future”.

What does La Réduction strive to demonstrate? As a general thesis, Simard (2003, chap. 1) states that the Aboriginal people of Canada, throughout their historical relationships with the Euro-Canadian immigrants, have undergone a general reduction, be it at the geographical, economic, political, juridical, cultural and identical levels. He pleads that the Canadian elite and government, under the influence of various lobbies within the Canadian Aboriginal people, the Canadian public and international institutions, have been pushed to recognize the wrongdoings of this reduction. They have done so in the last decades by granting the Aboriginal people of Canada a nationalitarian primacy, based on a natural and ethno-genetically inherent right to self-governance, as a way for Aboriginal peoples of Canada to preserve their languages, cultures, institutions and traditions, and to develop, maintain and reinforce their links with their lands, their waters and their environment, according to their values and priorities, to insure the integrity of their societies. As generous as it seems to be, this policy of the Canadian government is, according to Simard (ibid.: 23), a simple continuation of “the ideology of a sociohistoric regime of segregation”, variously qualified as “ethnic, paternalistic and bureaucratic, ancient and deeply incrusted into the habits, the mentalities and the tide of history” (my translation).

As much as in the case of Flanagan’s “Aboriginal Orthodoxy”, no detailed description and analysis of Simard’s thesis about the past and contemporary reduction of Aboriginal people in Canada is possible here. It is nevertheless interesting to know that in the illustration of this thesis, he deals with the Inuit situation within Québec (and also Alaska for one chapter), in seven chapters of his book. One of those chapters (number 12), titled “Last episode: a government for Nunavik”, is devoted to the analysis of the report of the Nunavik Commission, the report which was one of the main topics of our discussions during the IPSSAS seminar in Kuujjuaq. It thus seems worthwhile to make a short summary of this chapter, since its diffusion has been up to now quite limited and since it contains critical viewpoints about the Inuit self-governance process in Nunavik which may prove valuable.

The Nunavik Commission, composed of Inuit representatives, public servants and university professors, was set into place in November 1999, to determine how Arctic Quebec could govern itself. At the end of 2000, it tabled its report (Nunavik Commission, 2001), which has since gone and is still going through lengthy discussions and negotiations. According to Simard (2003: 223-242), many aspects of the content of this report can be commented upon and even criticized, be it its general purpose, the type of
citizenship it proposes, the nature of its representativity, its financing, its information, as well as its overtones of ethism and clientelism.

Comment 1 - General purpose of self-governance

The report of the Commission proposes the development of an original model of public self-government, within the framework of the province of Québec and Canada, with “some electoral processes, some powers, some skills, some financing, some resources and the administrative capacity” sufficient to operate, enough to provide Nunavik with a constitution (Simard 2003: 223-224). At this general level, Simard believes and often reiterates that by often mentioning the specific needs of the population and by often defining what nature and type of institutions the Nunavik government should have, the Commission already substitutes itself to the new Nunavik government to be developed, which should simply strive to provide “good government”.

Comment 2 - Type of citizenship

The regional citizenship in Nunavik will be a public one, not an ethnic one, meaning that the Nunavik government will have to be a government open and responsible as well to Inuit as non-Inuit in this regional territory. In reflecting upon this aspect of the report, Simard (2003: 226) sees possible contradictions arising from the fact that the future Nunavik government will seemingly have a two-sided and partly contradictory mission: to develop institutions able to protect the Inuit identity as well as keeping a non-ethnic character in its activities. In his view, Makivik Corporation – rather than the new government to be put in place – should have been given the mandate to defend all kinds of rights pertaining to Inuit identity and culture, while the Nunavik Government should have had the only mandate to be a good and responsible government for all the Inuit and non-Inuit residents of Nunavik.

Comment 3 - Nature of self-governance

According to Simard (2003: 228), the notion of self-governance or political governance is but indirectly defined in the report. Self-governance should imply a large measure of autonomy and the Nunavik Commission seems to have placed the future Nunavik Government within the framework of a simple delegation of administrative powers and transfer of resources from the Canadian Crown and from the Quebec provincial government, what appears to be an insufficient autonomy.

Comment 4 - Governmental responsibility

On this aspect of self-governance in Nunavik, Simard (2003: 229-233) sees many possible hurdles in the Commission’s plan for a Nunavik Government. The capacity of the proposed Nunavik legislature to represent all citizens could be hampered by the small size of the communities in Nunavik, where familial and immediate solidarities continue to predominate rather than a wider regional political consciousness. The division of responsibilities between levels of governments (federal, provincial and regional) remains
sufficiently shared and overlapping to possibly create conflicts and to weaken the regional government. Transfer payments, rather than taxation, will continue to represent the largest proportion of the future budget of the Nunavik government, thus weakening its real political autonomy and responsibility. The new structure to be put in place may very well limit the growth of autonomous initiatives, citizen’s associations and even business ventures. Finally, public information and media coverage may represent a problem, taking into consideration the size and geographical dispersion of the communities, the diversity of languages (Inuktitut, English, French), and the problems of recruiting and training journalists.

Comment 5 – Political culture

In his most cryptic criticism of the Nunavik Commission’s report, Simard (2003: 233-237) seems to doubt that the future Nunavik Government and its citizens will have the sufficient political culture to make place to and accommodate some dynamic societal processes within the Nunavik community. In his view, the new Nunavik Government will be simply a new -now Aboriginal- bureaucracy replacing the former colonial bureaucracy created by the James Bay and Northern Québec Agreement. There is no guarantee that this new bureaucracy will be able to manage the “tensions” between clientelism (incarnated by Makivik) and self-determination (incarnated by the Inuit cooperative movement in Nunavik), with possible effects on future economic development.

Comment 6 – Ethnism and clientelism

As lasts criticisms of the report of the Nunavik Commission, Simard (2003: 237-242) further attacks two of its aspects, the role of Inuit elders and the way to finance the new government. The Nunavik Commission’s report recommends the establishment of a council of elders, which would be the guardian of the language, the culture and the values of the Inuit. Such a measure would, in Simard’s view, place ethnism at the top of the new governmental structure and contradict the principle of public citizenship at the basis of the new governmental structure. Other ways of reaching the same sound objectives could have been easily found, with the Makivik Corporation again playing a central role. As to clientelism, Simard again develops a number of personal ideas as to the ways the Nunavik government should be financed. Whereas the Nunavik Commission seems to insist on the future continuation of federal and provincial governments’ transfer payments, Simard would prefer to see a regional taxation put in place, so as to insure a more convenient governmental responsibility and political representation.

In summing up his critical analysis of the Nunavik Commission’s report, Simard (2003: 241) seems to regret that it does not open the road to a full collective type of governance and that it is inspired by a conception of Aboriginal self-governance which is “more technocratic” than “democratic” and more “paternalistic” than “autonomist”.

Simard’s above assertions should certainly be the object of an in-depth analysis to fully convince anyone that the project of self-governance in Nunavik is a piece of the on-going reduction of the Aboriginal people in Canada. But the reader must be reminded that his comments about the report of the Nunavik Commission are only one chapter in a very
long book, in which quite many other dimensions of this reduction are explored, quite often very convincingly, be it for the Inuit or other Aboriginal populations in Canada. We must add that the concluding chapter of the book, chapter twenty-two, is the reprinting of a comment which Simard published in the French translation of Tom Flanagan’s book cited above and in reference. Titled quite provocatively *How are the Aboriginal People to be comforted?*, this chapter lauds Flanagan’s contribution, suggests that the Canadian public has but an indifferent attitude to the Aboriginal aspirations (including self-governance) and even expands the thesis of reduction, by stating that through its programs, “the Canadian state has fed an irreversible movement of recognition of identity and political self-determination carried by the [Aboriginal] middle classes in ascension, aspiring to become “elites of development” in all domains” (Simard 2003: 413). This further critique of the development of self-governments among the Aboriginal people of Canada seems to add a further dimension to Simard’s reduction thesis and to point at the importance of studying classes among the Aboriginal peoples of Canada, an approach developed quite a long time ago by Mitchell for the study of Inuit in Canada (1996).

**Conclusion**

We have made a short review of two quite recent critical viewpoints about Aboriginal self-governance in Canada, one by a political scientist, Tom Flanagan, and the other by a sociologist, Jean-Jacques Simard. Flanagan criticizes the self-governments of the Canadian Indian reserves and their main leadership structures, the band councils, a system of administration of Indian reserves which has been put in place under its present form by the early 1970s. Simard criticizes the content of the report of the Nunavik Commission, whose mandate was to suggest means and ways to develop a new structure of self-governance for the Inuit and residents of Nunavik, a structure which remains to be developed in a near future. Flanagan and Simard each have a central thesis, partly related. Flanagan believes that there is an “Aboriginal Orthodoxy” in Canada which is detrimental to the Indians, whereas Simard believes that the Canadian administration of Aboriginal peoples has led and still leads them to their overall reduction. To prove those theses, both authors explore quite many aspects of the life of Aboriginal Peoples in Canada, including self-governance. Flanagan sees some inherent problems in the system of self-governance of Canadian Indian reserves and goes on to identify these problems. Simard sees numerous potential problems in the plan to provide self-governance to Nunavik and tries to explain what the source of those problems are. Both seem to agree that urgent reforms are to be enacted or that new approaches are to be taken to solve the problems of Aboriginal self-governance in Canada.

By developing this short review, I hope to have identified and provided some insights in the critical contemporary thinking about Aboriginal self-governance in Canada. I must remind the reader that many social sciences approaches to this topic exist and that not all are as critical as are the two challenging ones reviewed above. For those interested in alternative approaches to Aboriginal self-governance, I would suggest the reading of two books written by anthropologists, one by Richard Salisbury (1986) and the other by Toby Morantz (2002), both of whom make detailed historical and contemporary presentations of the James Bay Crees’ approach to self-governance, particularly emphasizing their
dynamic role and strategies in this process, a side of the picture which is almost totally
absent in the contribution of Flanagan and Simard.

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BACKGROUND PAPERS ON SELF-GOVERNANCE
Self-Governance in Canada’s North: Challenges and Prospects

Lindsay Staples*

Editor’s Note: Subtitled “Background Paper for a Northern Dialogue”, this short overview of some of the most important dimensions of the theme of self-governance in the Canadian North was prepared to guide the Canadian Polar Commission (CPC) in the planning of its activities. The Editor found it on the CPC website and saw enough interest into it to suggest its reading to all IPSSAS Seminar 2006 participants. It is reproduced here for a wider diffusion, even if its content did not inspire any of the papers read during the seminar or submitted for publication in the Proceedings.

Keywords: Land Claims Agreements, Self-Government Agreements, Intergovernmental Relationships and Partnerships, Capacity in Northern Governance, Devolution.

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What counts here is the intimate relationship among the themes of economic development, the evolution of political institutions and native land claims, the absolutely fundamental nature of the issues being debated, and the fact that the North is currently passing through a particularly formative period. Northern politics today are truly a struggle over the shape of the future. Once the choice of future is made, it will prove to be a very enduring choice.

Gurston Dacks, A Choice of Futures: Politics in the Canadian North (1981)

The work of accomplishing self-governance in Canada’s northern territories remains a work-in-progress - extending over some 30 years now and still counting. This formative period in self-governance continues to bear witness to some remarkable achievements with significant and enduring consequences for the people of northern Canada:

- the election of territorial legislatures
- the settlement and implementation of a majority of land claims settlements
- the negotiation and implementation of some self-government agreements with Aboriginal people

* North\West Resources Consulting Group, Whitehorse, Yukon, for the Canadian Polar Commission, March 12, 2004.
• the division of the Northwest Territories and the creation of a new territory – Nunavut – and its public government
• the devolution of federal responsibilities to the Yukon for the administration and control over lands and resources
• the establishment of new regional and local organizations with legislated responsibilities for natural resource management and development
• several concentrated periods of accelerated economic growth associated with potential and actual large scale developments in hydrocarbon exploration and development, mining (notably diamonds and nickel), and hydro dams (James Bay and Northwest Territories), pipelines (Mackenzie Valley and Alaska Highway) and related infrastructure.

Notwithstanding these achievements and the choices that have been made to realize them, each continues to carry significant challenges. The response to them will have long-term effects on the future of Canada’s three northern territories, northern Labrador and northern Quebec and the people who live and work there.

Self-governance refers to the legal concept of self-determination, and in northern Canada the prospects for the full achievement of self-governance continue to remain tied – as they did 30 years ago – to finalizing outstanding land claim agreements and self-government agreements and effectively implementing negotiated agreements, the further development of new political institutions and arrangements, and increased economic and fiscal self-reliance.

This paper provides a very brief snapshot of some of the most significant challenges and obstacles facing local, Aboriginal, regional and territorial governments in the three territories, and provincial and regional governments in northern Labrador and northern Quebec, if progress that has been made over the last 30 years is not to falter. Sound, affordable and effective self-governance remains a basic goal across northern Canada. While the paths of each region vary, reflecting their diverse and different circumstances, there are many issues that remain common to them.

A pan-northern dialogue between the peoples and public and Aboriginal governments of Yukon, Northwest Territories, Nunavut, northern Labrador and northern Quebec and the government of Canada is urgently needed and long overdue if the political choices that have been made by them over three decades are to endure in such a way so as realize the objectives and promises of their respective agreements. This paper outlines some of the issues and questions this dialogue could consider.

1. Negotiating Outstanding Land Claims Agreements and Self-Government Agreements

For over 30 years, the completion of land claims agreements and self-government agreements have been critical to northern political and economic development. In the Yukon, Northwest Territories and Labrador\(^2\), large areas remain where land claims

\(^2\) The Labrador Inuit Land Claims Agreement is currently proceeding through a ratification process.
agreements have not been ratified. In these same areas of the Yukon and throughout much of the Northwest Territories and northern Labrador, self-government agreements have either not been negotiated or ratified. Together these circumstances raise serious questions with respect to how the rights and entitlements, powers and responsibilities of these agreements are distributed throughout the territories, and how the standing of Aboriginal groups and communities that “have” or “have not” reached agreements are affected.

- How does this circumstance affect the ability of federal, territorial and provincial governments, and Aboriginal organizations with agreements to manage economic and social development?
- How will regions and communities without agreements manage and control the benefits and impacts associated with economic development and program transfers from territorial, provincial and federal governments?
- What options exist for public governments to govern in this circumstance, and, importantly, what interim arrangements are possible that might address the interests of “have not” communities and regions, and those of the territorial, provincial and federal governments.

2. Implementing Land Claims Agreements and Self-Government Agreements

In 1986, the Federal Comprehensive Claims Policy observed that:

 [...] land claims negotiations are more than real estate transactions. In defining their relationships, Aboriginal peoples and the Government of Canada will want to ensure that the continuing interests of claimants in settlement areas are recognized. This will encourage self-reliance and economic development as well as cultural and social well-being. Land claims negotiations should look to the future and should provide a means whereby Aboriginal groups and the federal government can pursue shared objectives such as self-government and economic development.

Land claims agreements and self-governments are often understood as establishing unique contractual and political relationships between federal, territorial and provincial governments, Aboriginal governments and northern peoples. The contain sweeping goals and objectives that extend across broad dimensions of Canadian society: social and cultural life, economies and environment, and political governance. They are a significant constitutional force in shaping the future of northern Canada.

On November 12 and 13, 2003, Aboriginal leaders representing all of the Aboriginal peoples of Canada who have entered into land claims agreements since 1975 met together in Ottawa. Redefining Relationships: Learning from a decade of Land Claims Implementation was a two-day conference of more than 350 people including Aboriginal leaders, as well as policy makers and politicians. Following the conference, and in light of the common concerns that had been discussed over the course of the two days, participants issued a joint statement calling on the Government of Canada to develop a
new land claims implementation policy in close consultation with Aboriginal governments and organizations who have achieved land claims agreements. This statement focused on addressing concerns in three main areas:

(a) The nature of legal, political and bureaucratic relationships between Canada and Aboriginal parties to land claims agreements and self-government agreements in the implementation of these agreements;

(b) The nature and level of the federal commitment towards the goals and objectives of land claims agreements and self-government agreements; and,

(c) The nature, function and responsibility of implementation audits and reviews.

A new dialogue between Canada and other public and Aboriginal governments is needed to address many of the concerns associated with the implementation of land claims agreements and self-government agreements that have accumulated over several decades. To date these discussions, when they have occurred as a part of scheduled implementation reviews, have done little from the perspective of northern peoples and public and aboriginal governments to address accumulated issues and concerns. A new dialogue could begin by focussing on many of the questions raised throughout this paper. Several other more fundamental ones are listed below.

- What is the fundamental relationship of the Canadian government, as a party to land claims agreements and self-government agreements, to the other parties in the implementation of these agreements, and how is this relationship affected by current or future devolution of federal responsibilities to northern public and Aboriginal governments?

- What is the nature and level of commitment by the federal government to achieve the broad objectives of land claims agreements and self-government agreements.

- What is the desired and most effective form and function of bureaucratic relationships between public and Aboriginal governments in circumstances where land claims agreements, self-government agreements and devolution agreements have been completed and are being implemented?

- What is the most effective approach for the parties to land claims agreements and self-government agreements to review and evaluate progress towards their goals and objectives and to adjust their implementation strategies accordingly?

3. Institutional Fit between Land Claims and Self-Government Arrangements

Citizens’ rights and beneficiaries’ rights refer to different sets of rights and entitlements established through self-government agreements and land claims agreements respectively, and may apply to the same or different groups of people within a
community or region. The political institutions established to protect and manage the rights and entitlements of land claims beneficiaries may or may not be the same institutions that are responsible for the rights of Aboriginal citizens under self-government agreements and arrangements. Whether land claims and self-government institutions are one and the same or distinct and different, questions and issues have arisen in the negotiation and implementation of self-government arrangements that focus on institutional mandates and structures. These are associated with concerns about conflicts between land claims and self-government organizations that may overlap and infringe on the responsibilities of one another or undermine the rights and entitlements of beneficiaries and citizens.

○ Where do potential or actual conflicts of interest and activities arise within and between Aboriginal institutions responsible for the implementation of land claims and self-government arrangements and how are these undermining the effectiveness of these institutions, and their ability to responsibly protect and advance the rights of their beneficiaries and citizens?

○ What options or models exist that could contribute to overcoming these conflicts?

4. Intergovernmental Relationship and Partnerships

In a post-land claims and self-government environment, one of the most challenging obstacles is the state of relations between different orders of government. To the extent that these relationships remain confused and conflicting, progress to achieve effective self-governance at any level of government is seriously compromised. The question of how federal, territorial, provincial, regional, local and Aboriginal governments should work together in a post-claims, post-self-government, post-devolution world is not one that has been explicitly addressed by many, if any, governments, and remains an open question. Where the structures of local or Aboriginal governments have changed, it is not clear that their relationship with regional, territorial, provincial or federal governments have been appropriately modified as a result. Conversely, where relationships, powers and practices have been altered by self-government agreements and arrangements, it is not always evident that the organizational structures of the different orders of government have been significantly modified. Opportunities for improved sharing of resources, innovative program delivery and legislative cooperation appear compromised as a result and may result in lost opportunities for cost-savings and harmonized regimes in governing.

○ How have Aboriginal, local (municipal), territorial, provincial and federal governments accomplished new working relationships and organizational approaches in the areas of legislative and policy development and program development and delivery to better achieve the goals and objectives, as well as the spirit, of land claims agreements and self-government agreements specifically, and to improve the effectiveness of northern governing institutions generally? Where they have not, what have been the obstacles to new approaches and relationships in this area?

○ How effectively have federal, territorial, provincial, local and Aboriginal governments shared human and financial resources to accomplish their shared objectives, and what has prevented them from doing so?
How well equipped are Aboriginal governments in the areas of organization, political leadership, senior management, human resources and fiscal capacity to meet their obligations and responsibilities in a post-land-claims and self-government world?

What are the significant obstacles that constrain the ability of the public and Aboriginal governments to govern in a post-devolution world?

5. Fiscal Capacity in Northern Self-Governance

The Federal Government invests heavily, on a per capita basis, in northern governance and program support. With that investment comes an obligation for northern governments to spend cooperatively and as efficiently as possible. However, northern Aboriginal and territorial governments view their financial capacity as limited and inadequate by virtue of financial agreements and arrangements with Canada that fail to provide monetary resources sufficient to fill their program and jurisdictional responsibilities at a level that meets the needs of their citizens and provides the infrastructure to facilitate northern development. Financial transfers from Canada to the territorial governments are ones typically associated with a relationship of dependency between the have and have-not regions of Canada. However, they are exacerbated by a formula containing a so-called “perversity” factor where increased territorial revenues are offset by equivalent federal deductions in the financial transfer that quash any financial incentives for territorial governments to become more self-reliant through regional measures that facilitate economic development.

The unique challenges of adequately funding health care in Canada’s northern and remote communities remains an important area of significant concern. Although northerners live in a land that is one-third the size of Canada, their small numbers appear to mask their unique health care and community needs. As recently as February 24, 2004, the provincial and territorial premiers, through the Council of the Federation in an appeal to the Prime Minister, recognized these challenges and observed that “the federal Finance Minister has also not fully addressed Canada’s commitment to the three territorial premiers to deal with the inadequacies in the per capita funding formula. Premiers strongly recommend that meaningful action be taken”

The provincial and territorial premiers have recognized that concluding fair devolution and resource revenue sharing agreements with northern governments will remove significant barriers to improved federal/provincial/territorial relations. Importantly, they have recognized – again, through the Council of the Federation (February 24, 2004) that “A fair deal on devolution and resource revenue sharing will give northern governments what other jurisdictions in Canada already have – the authority to generate own-source revenues and control the scope and pace of resource development.”

Funding levels negotiated by Aboriginal governments with Canada in Programs and Services Transfer Agreements (PSTAs) are based on existing budgets and are frequently subject to the complaint that they don’t reflect what programs and services actually cost. Similarly, funding levels for implementation of land claims agreements are viewed as insufficient for fulfilling legal obligations and activities assigned to the responsible Aboriginal organizations. (Territorial governments hold the same perception with respect
to their claims-based implementation responsibilities and funding). Scheduled funding reviews are perceived as hollow and ineffective. Aboriginal governments, much like the territorial governments, generally view the federal fiscal constraints on their Own Source Revenues – constraints in the form of tax and resource royalty limits - as undermining their efforts to reduce dependency and to finance their government operations.

In the last five years as large scale development projects associated with diamond mining and the prospect of gas field developments and pipelines have materialized in the Northwest Territories, resource revenue-sharing between Canada and the territorial and Aboriginal governments has come to the fore as a central issue defining the future political and economic relationship between northern governments and Ottawa. This is more fundamental than a disagreement between two orders of government. What is at stake is the confidence of communities to support development with the confidence that the benefits that will flow to the South will also flow to northern communities and regions. The northern interest is not narrowly confined to the adequacy of public infrastructure; it extends to a broad concern about a standard of living in northern communities that is comparable to other parts of Canada, and enduring benefits from resource development that will contribute to sustainable communities.

- How should a process for addressing and resolving resource-revenue sharing issues between Aboriginal and territorial governments and Canada be structured? How will regions and communities without self-government agreements be affected by this process?
- How should financial arrangements governing program transfers between Canada, territorial governments, provincial governments and Aboriginal organizations be structured and negotiated?
- How should Aboriginal program funding requirements for “citizens” and “status” Indians be addressed by Aboriginal organizations, Canada and territorial and provincial governments?
- How should financial reviews of land claims and self-government implementation funding be conducted and how should disputes be resolved?

6. Human Capacity in Northern Self-Governance

The human resources required in northern public and Aboriginal governments to implement their respective responsibilities under land claims agreements, self-government agreements and federal program devolution, and to meet the challenges of large-scale resource development projects cannot currently be met by northern labour forces. Sustainable economies in Canada’s northern regions are not achievable with a highly transient labour force of outside workers.

Arguably, more than any other issue, the lack of capacity to develop skills and governance is the greatest obstacle facing northern public and Aboriginal governments in meeting the challenges of self-determination. This is not an issue of limited ability or a lack of public will. It is about securing the resources and implementing the measures to develop the capacity of northern people and institutions.
Land claims agreements on the one hand provide for “representative public services” to facilitate the participation of Aboriginal people in northern governments throughout the employment hierarchy. However, they have often failed to provide adequate measures to build this capacity, especially given the magnitude of the gap between governments’ capacity needs and available human resources.

Aboriginal governments and organizations face the same problem – albeit more painfully - since their institutional needs often exceed the skills and expertise that their beneficiaries and citizens can currently provide. This can be a discouraging and dispiriting phenomenon for beneficiaries who celebrated the goal of “full economic participation” established in their land claim agreements. However, notwithstanding these obstacles and challenges, the efforts of the Government of Nunavut to build and increase Inuit representation at the most senior levels of the civil service bear close attention and consideration by other northern governments and the federal government.

o What strategies can address the gap between the human resource requirements of northern public and Aboriginal governments and available human resources, especially with respect to Aboriginal northerners?

o Are there trade-offs that are acceptable between maintaining a high level of public services and under filling government jobs to meet the claims requirements of a representative public service and the objective of full economic participation by claims beneficiaries? What are the limits of such trade-offs?

o What are the requirements of a northern Canadian labour force that are essential to achieving sustainable economies?

7. Sustainable Economic Development

Political self-determination lies at the core of northern self-governance. It is closely linked to the development of sustainable northern economies that can contribute revenues to finance government and create wealth in support of its citizens. The key elements of a sustainable northern economy include fiscal fairness for Aboriginal and territorial governments with Canada, and a labour force that is skilled and suited to meet the needs of government, private sector businesses and local traditional economies, while maintaining those cultural values that define the identify of northern peoples and their ways of life.

One of the greatest challenges in achieving a sustainable economy will be defining and establishing the mix and balance between an industrial economy that will generate significant wage activity and revenues, and a traditional economy that continues to provide the social “glue” and cultural foundation of most northern communities and Aboriginal households. This challenge will not be easily met.

The Mackenzie Valley Pipeline Inquiry of the 1970s and the more recent environmental assessment of the Voisey’s Bay mining project attempted to answer this critical economic question in advance of land claim agreements – how to balance the divergent requirements and opportunities of the northern mixed economy?. Indeed, both reviews suggested that negotiated land claim agreements were fundamental to finding the
appropriate balance in a mixed economy of industrial activities and traditional economic (generally non-cash) activities. Land claims agreements have provided new tools to address the old questions associated with building sustainable northern economies. However, the answers to this question are far from being fully-formed, and, in many instances, remain highly speculative. It is a question that remains pressing and will be difficult to answer in the face of the large-scale developments that are being implemented or promised in some regions of northern Canada. How it is addressed and how it is answered will be focus of extensive public and political attention over the next five years.

In other regions where economic activities are small-scale and largely limited to local economies that are public sector-driven, with a modest small-business sector, and a traditional economy that is subsidized through public transfers, the question of how to build sustainable economies remains equally important although, perhaps, less pressing. The insights into this question may be different than they were prior to the settlement of land claims and are worthy of discussion.

- What tools do land claims agreements, self-government agreements and devolution agreements provide to further the development of northern sustainable economies?
- Are these economic measures adequate to building economic sustainability, and, if not, what other partnerships, arrangements or measures are necessary to accomplish this?
The Kativik School Board and the road to genuine Inuit empowerment

Editor’s Note. The following presentation was read by a representative of the Kativik School Board during the Kuujjuaq Forum on Governance, a two-day set of activities opened to the IPSSAS’ students and the whole Inuit community. This Forum involved presentations by various leaders or representatives of Nunavik Inuit institutions, questions and answers about the content of those presentations and even part of a live meeting of the Council of the Kativik Regional Government, dealing mainly with the theme of renewable resources. The text is published with the kind permission of the Kativik School Board and is intended to provide an outlook on some of the many themes presented and discussed during the Forum.

Keywords: Kativik School Board, Nunavik Commission, negotiations, consensus, culture and language preservation, empowerment, Nunavik Government

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The Kativik School Board (KSB) is one of the institutions that was created following the signature of the James Bay and Northern Québec Agreement (JBNQA) in 1975. It came into existence in 1978, and it is a school board with unique characteristics, but before getting to these, I think it is important to recall the state of education in Nunavik at the time of its foundation.

Inuit educated their children for centuries before the first non-Inuit came to Nunavik. However, when the time came for us to leave the nomadic way of life and to settle in communities in the 1950s, the Federal Government started to establish local schools. Then in the 1960s, the Québec Government decided to assert its presence in Nunavik and introduced its own school system. So we had two parallel systems for a rather small student population. The federal schools taught all subject matters in the English language, while the language of instruction in provincial schools was French. The provincial system also had an embryonic program for introducing Inuktitut as a language of instruction, and introduced the concept of parent committee. Two outsider Governments were competing in the field of education, and Inuit were left out of this competition. Under this regime, use of Inuktitut among Inuit youth started to decline.

To our Southern observers, the creation of a school board might not be seen as something revolutionary. However, this institution gave the Inuit the opportunity to take back a significant degree of control over the education of their children. Like other school boards, the KSB is led by a council of commissioners who are individually elected in their communities.

The JBNQA not only provided for the establishment of the KSB, it also gave it special responsibilities and powers to look after the specific needs of Inuit. It provided that in
every community there would be an education committee, which is roughly like a parents committee in the south but with special powers. This was a gain for the Inuit who never had a say in their children’s education. More particularly, Inuktitut was recognized as a language of instruction, and to this end, the KSB could establish qualifications, employment criteria and special training courses for Inuit teachers; and adopt ordinances dealing with matters of language and culture, which cannot be vetoed by the Minister of Education.

The inclusion of the Inuktitut language and the Inuit culture in our programs is primarily what sets the KSB apart from other school boards. In order to teach these subjects, we had a level of autonomy in the field of curriculum development since the Inuit, not the Quebec Ministry of Education, were best suited to determine how this should be achieved. This was our initial contribution to the development of Inuit self-rule.

The issue of culture and language preservation and re-appropriation goes well beyond the point of a quest for power. Just like the creation of the KSB allowed the Inuit to take control of its educational institutions, and the creation of education committees allowed Inuit parents to have a say in school life, the capacity to determine the content and value of language and culture courses strikes at the heart of defining Inuit identity in today’s world. Asserting Inuit identity is the basis of individual and social empowerment, and culture is both the motivation and justification for any self-government project. Québécois will understand our view that culture and language are inseparable.

We have come along way since 1978. Today, not only are there Inuit teachers but also Inuit school administrators and student counselors. The KSB is closely associated with McGill University in offering undergraduate programs taught in Inuktitut which are designed to prepare and train these employees.

The KSB also has the capacity to enter into agreements concerning post-secondary education. Most Inuit who take pre-university courses go to John-Abbott College or to CEGEP Marie-Victorin, both of which are parties to such agreements. This is not usual business for a school board. Likewise, we have a curriculum development center whose functions include developing courses, textbooks and teaching materials in Inuktitut. The JBNQA did not say that this center could develop courses, but only select the most appropriate (from other sources), nor did it allow KSB to oversee post-secondary student services. These additional powers were given, with the support of Makivik, through an act of the National Assembly of Quebec in 1988. Like other organizations controlled by Inuit, the KSB has managed to expand its original jurisdiction over the years in order to better meet educational needs and challenges. Therefore you will understand that we are very keen on preserving gained ground either within the present structure, or a new one.

Let me summarize what has been and what is now our position on the impending Nunavik Government. This summary in only meant to illustrate the path followed.

In short, the story dates back to 1999, when a ‘Political Accord’ was reached between the Canada and Quebec governments, and the Nunavik Party which was made up of Makivik, the KSB and the other organizations that would be amalgamated under the Nuanvik
Government – the Kativik Regional Government (KRG) and the Nunavik Regional Board of Health and Social Services (NBH). At the time, it was understood that every member of the Nunavik party was to be involved in any negotiations. A Nunavik Commission was set up to which the Federal, Provincial and Nunavik parties appointed members. The purpose of this commission was to prepare recommendations on a unified government in Nunavik. The Political Accord stated that these recommendations had to be the result of a consensus from all its members. A report would follow, a negotiation on self-government would take place later on.

Unfortunately, a consensus could not be reached. While the KSB believed that the process defined in the Political Accord had to be followed, some members of the Nunavik Commission took a different view, and issued a report in 2001, entitled ‘Let Us Share’. It was endorsed by Makivik and from then on, Makivik has been the sole carrier of the file. A ‘Framework Agreement’ was signed by Canada, Québec and Makivik in 2003, defining two phases in the implementation of a Nunavik Government. The first one was meant solely to amalgamate NBH, KRG and KSB, and the second one involved discussions about additional powers for this new form of government. Each phase would involve a separate round of negotiations and the conclusion of a distinct agreement.

The KSB believed that, since the Framework Agreement was not the result of a consensus, it was a breach of the Political Accord. We also believed that this two-phase process did not provide any guarantee that a Nunavik Government would in fact obtain a significant level of autonomy. This is why we filed a request to the Superior Court – to obtain that the Political Accord be respected. Meanwhile, Makivik and the two levels of government started to negotiate a draft agreement-in-principle (AIP) corresponding to the first phase of the process. Therefore, KSB also filed a motion for an interlocutory injunction so that this process would be halted until a court decision was rendered on its main action.

In March 2004, the motion for an interlocutory injunction was dismissed and the KSB decided not to appeal this decision. While we were waiting for a hearing date on the main action the Commissioners decided at their October 2004 meeting to reconsider their approach, and chose withdraw from judicial proceedings. We believed that this division would be seen as a sign of good faith by other Inuit stakeholders, and we furthermore decided to contribute to ongoing discussions on the AIP by proposing six changes.

The changes proposed by the KSB were aimed at improving upon the AIP, which is anyway a work in progress. First, since the main problem with the two-phase process is the absence of a guarantee that a unified regional structure will ever be empowered to make decisions as a true government, we suggested that the amalgamation of KRG, NBH and KSB be effective only when the second phase of negotiations is completed and an agreement on new powers has been reached. Alternately, a second change would be to have the AIP state clearly that what it contemplated is not a form of government, but rather a regional administration.

The purpose of the first phase is explicitly to amalgamate the existing organizations without modifying their powers and responsibilities. Since these organizations are not a
level of autonomous government in the true sense of this word, it is difficult to understand how their combinations are not a level of autonomous government in the true sense of this word, it is difficult to understand how their combination could be one. The Office on Nunavik Negotiators answered the first proposal by saying that it would amount to overthrowing the Framework Agreement, which they were not prepared to do. They also disagreed with the second one. In any case, the latest version of the AIP does not mention “self”-government, except in the preamble as an historical reference to the time when it was first talked about in the 1980s. The rest of the AIP only speaks of a “Nunavik” government. The ambiguity lied in the word “government”.

Other changes are aimed at preserving financial and institutional benefits in terms of budget and control by a body of elected persons specifically dedicated to education. The concern for funding levels and formulas stems from the unique responsibilities we have to foster the Inuit language and culture, which has all kinds of implications in terms of activities that are outside the normal scope of a school board. The AIP provides that “block funding” agreements could eventually be devised to unify all financial transfers to a Nunavik Government. Until then, existing transfer formulas would still apply. Our objective is to ensure that any funding devoted to education be exclusively used to this end.

This is necessary to preserve our ground, since we understand that a Nunavik Government could need a few years before reaching a block funding agreement. It is also in the interest of Inuit that the other governments could not be allowed to direct a future Nunavik Government to subsidize a department in deficit by using monies allocated to another one. This could very well be a crucial point and is by no means based on hypothetical speculation, given the financial problems that other organizations have faced. On this question, the Nunavik negotiators have shown a certain openness.

Two other changes deal with the preservation of a level of specialized expertise in education among elected representatives. The school board model exists practically everywhere in North America and it is also a widespread model in the world. Even if it was abandoned in Nunavik, there should be a body of people dealing exclusively with education matters, and they should be integrated into the fabric of a Nunavik government. Cultural reasons support this view, for it has always been considered in Inuit culture that the education of children is not just the responsibility of the nuclear family, but that of the whole community. This is why the KSB asked that the continued existence of education committees be guaranteed in the AIP. In fact, other institutions have already been given such guarantees, like the municipalities, the hospitals and the Municipal Housing Bureau. It would only be natural to add the Education Committees to this list, and we were told that it was never intended to abolish them even though they were not mentioned. In this context, we understood that they would be added to the list.

The AIP provides that the Nunavik Assembly, which will replace the governing boards of all three amalgamated organizations, could set up standing committees on matters pertaining to the business of Nunavik government, and also consult certain other organizations in their specialized field. The KSB believes that the standing committee on education should be made up of the presidents of education committees, or the presidents
could set up an association that would be recognized as a special advisory body on education, just like Avataq is recognized in the AIG as an advisory body on cultural issues, and Saputiit on behalf of Inuit youth is recognized too. The previous versions of the AIP offered an interesting frame of relationship between the Nunavik Assembly and such advisory bodies. It was said that they could raise questions and make recommendations to which the members of the Executive Committee were compelled to respond within a time limit. This is interesting, because the purpose of administrative consolidation for coordination and efficiency purposes could be met at the same time, and a certain system of checks and balances would be in place that would allow Nunavik civil society to raise important issues from outside the political forum. Unfortunately, these provisions have omitted in the latest version. We do believe that they should be reintroduced, given the fact that the Nunavik government will be a public institution open to all residents.

This is especially important for cultural reasons. The Inuit have agreed to a non-ethnic form of self-administration ever since the JBNQA was signed in 1975. The KSB, for instance, is a public institution even if it has special responsibilities in cultural matters.

However, it is important to maintain a balance between public and cultural poles in the government of this unique society. To this end, the standing committees of the Nunavik Assembly and the special advisory bodies should have the same powers and privileges. To our knowledge, this is the case in the latest version of the AIP. On the other hand, the AIP says that the Nunavik Government could establish or abolish any standing committee (like the one on education) as it sees fit. We believe that the few recognized special advisory bodies should not be subject to this precarious status. One cannot imagine that Avataq or Saputiit could be deprived of this status in the future, nor should the presidents of education committees. We understand this difference of status between standing committees and special advisory bodies is found in the current version of AIP.

Finally, the last change put forward by the KSB was to make sure that the status of use of the English language, apart from Inuktitut and French, would be preserved in the Nunavik government. This request is basically fulfilled in the AIP.

In conclusion, I hope that this presentation of our position has enabled you to understand the reason why the KSB is so strongly concerned by the issues at stake in the process for negotiating a new form of government in Nunavik. Be assured that the KSB remains fully committed to cooperate in the project.
International Ph.D. School for Studies of Arctic Societies (IPSSAS)

The fourth IPSSAS seminar was held in the Inuit community of Kuujjuaq, in the northern part of the Province of Québec named Nunavik, where the government of Québec, the government of Canada and Makivik Corporation have in a recent past negotiated and signed Agreements-in-Principle on the creation of a Nunavik Regional Government. The central theme of the seminar was “Self-governance in Arctic societies: Dynamics and Trends”, as this process has been one of the major dynamics of the economic, social and political life of many Inuit regions of Northern Canada (Nunavut, Nunavik, Nunatsiavut, Inuvialuit Settlement Region), as of other regions of the circumpolar world.

Nine graduate students (five female, four male) from six different countries/territories (Canada, Denmark, France, Germany, Greenland, the United States) registered and participated to the seminar, which took place in the main office building of Makivik Corporation in Kuujjuaq and in the Kuujjuaq Convention Centre. Other participants to the Seminar included Faculty and researchers from the same countries, several Inuit guests from the Kuujjuaq community and from many other communities in Nunavik, as well as representatives of the various governments involved in the process of creation of a Nunavik Regional Government.

The Proceedings of this fourth IPSSAS seminar include contributions from the following individuals (in alphabetical order): Jérôme Bouchard, Michèle Daveluy, Andreas Droulias, Jules Dufour, Gerlis Fugmann, Alexandre Germain, Caroline Hervé, Pia Lynge, Carly McLafferty, Jakub Christensen Medonos, Chanda L. Meek, Fernand Roy, Marc-Adélard Tremblay, François Trudel. In addition, background papers on Self-governance in Canada from the Canadian Polar Commission and the Kativik School Board are included.