

INTRODUCTION

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The signing of the Labrador Inuit Land Claims Agreement was an extraordinary event for Labrador and is arguably the most important event in recent history in the region for Inuit and non-Inuit alike. The agreement and the resulting creation of the Inuit government of Nunatsiavut represent the culmination of a long, complex negotiating process. The agreement's realization provides a powerful integrating foundation for understanding Inuit history as well as a perspective and context through which to explore and understand future challenges that await not only Inuit but other Labradorians as well. It is for this reason that we start this volume with a discussion of the land claims agreement and the creation of the Inuit self-government of Nunatsiavut.

The sense of anticipation and hope were evident on 22 January 2005 when Inuit from communities throughout northern and central Labrador gathered in Nain's school gymnasium to witness the signing of the Labrador Inuit Land Claims Agreement and to celebrate the long-awaited creation of their own regional government of Nunatsiavut. It had been almost thirty years since the first leaders of the Labrador Inuit Association filed a Statement of Claim on behalf of the Inuit and *Kablunângajuit*¹ of Labrador

¹ *Kablunângajuit* is an Inuttut word meaning “resembling a white person” and is used for the people of northern Labrador who formerly called themselves “settlers,” most of whom are of mixed Inuit-white ancestry (see Brody 1977, 311).

to the lands and resources of the north coast. The president of the Labrador Inuit Association at the time, William Andersen III, described his optimism about the agreement: “The Labrador Inuit Land Claims Agreement will bring real and meaningful benefits to all of us—Labrador Inuit, Newfoundlanders and Labradorians and all Canadians. It provides for certainty and rights and creates clarity for the future. It will allow us to build on the partnerships we have begun to work toward sustainable development, economic growth and social justice” (INAC 2005b).

The negotiated consensus between the Labrador Inuit Association, the government of Canada, and the provincial government to create Nunatsiavut is remarkable in and of itself. In 1949, when Newfoundland joined the Canadian Confederation as its tenth province, the idea, let alone the reality, of a self-governing Inuit homeland in northern Labrador would have seemed unimaginable. During negotiations in 1948 on the Terms of Union for joining Canada, politicians from both Newfoundland and Ottawa discussed responsibility for Aboriginal peoples within the province, but in the end they removed all mention of them from the final agreement. The omission of the Inuit, Innu, Mi’kmaq, and Métis of Labrador and Newfoundland from the Terms of Union implied that they deserved no special status or recognition, unlike Aboriginal peoples in the rest of Canada, and that they should instead be considered as provincial citizens like everyone else in the province (Tanner et al. 1994). Even when the federal and, much later, the provincial government acknowledged their responsibilities towards the Aboriginal peoples of the province, the fight for the recognition of Aboriginal rights was painstakingly slow. While both the Labrador Inuit and the Innu initiated statements of claim over land and other resources at approximately the same time, in the mid 1970s, actual negotiations involved only the Labrador Inuit at that time as a result of a federal policy that restricted the number of Aboriginal groups the Canadian government would officially recognize and negotiate with. The Innu were not on that list. The tripartite nature of the land claim negotiations between the Labrador Inuit Association, the province, and the federal government created numerous stumbling blocks. In the ensuing twenty-eight years, the Inuit had to contend with reluctant governments, unclear jurisdictions, inflexible positions, and unrelenting mineral exploration and other developments on claimed lands (Haysom 1992; Andersen and Rowell 1993). In fact, it was only when the lucrative Voisey’s Bay nickel mine development was proposed in the late 1990s that the three parties accelerated their negotiations (Alcantara 2007). The final version of the Labrador Inuit Land Claims Agreement was therefore hammered out in the shadow of the multi-billion-dollar mining project, but it solidified the rights of Labrador Inuit to govern their own homeland.

The Labrador Inuit Land Claims Agreement

The land claims agreement represents the final settlement concerning the extent of the Aboriginal rights for the Labrador Inuit, in terms of both governance and land ownership rights (INAC 2005a). The agreement established the Nunatsiavut government and the Labrador Inuit Settlement Area, a region consisting of 72,520 square kilometres of land and a three-kilometre coastal extension totalling 48,690 square kilometres (see Map 1). The region encompasses the five contemporary, predominantly Inuit communities of Rigolet, Makkovik, Postville, Hopedale, and Nain, as well as the Torngat Mountains National Park and portions of the proposed Mealy Mountains National Park Reserve. It excludes the Voisey's Bay area (which the provincial government took off the negotiating table once the huge value of the development was recognized), as well as a swath of land between Nain and Hopedale, which contains the Innu community of Natuashish and the former site of the Davis Inlet community, and where the Innu Nation has outstanding land claims.

The settlement area consists of two main categories of land: Labrador Inuit lands (15,800 square kilometres), which are owned by Inuit (although the subsurface resources are not), and the remaining settlement lands, which are owned by either the provincial or the federal government. The Nunatsiavut government has jurisdiction over Labrador Inuit lands and shares jurisdiction over the remaining settlement lands with either the provincial or federal government (within national parks and in the coastal zone). Nunatsiavut also signed overlap agreements with Nunavik Inuit in 2005 concerning regions in northern Labrador and offshore areas where the two groups had overlapping claims, and it will likely negotiate overlap agreements with the Innu Nation in the future.

While Nunavut and Nunavik are both northern public governments that represent a high percentage of Inuit residents, the Nunatsiavut government is currently the only ethnic Inuit government in Canada (Rodon and Grey 2009). Eligibility criteria for enrolment as an Inuit beneficiary of Nunatsiavut are identified in the land claim agreement. In terms of resource use, such beneficiaries have the right to fish and to harvest wildlife and plants, both for food and for social and ceremonial uses within Nunatsiavut. A number of co-management boards consisting of Inuit, provincial, and/or federal representatives make recommendations to governments on issues of resource management and land use planning. Companies must negotiate Inuit Impact and Benefit Agreements before any development occurs on Labrador Inuit lands and before any major development proceeds in the Labrador Inuit Settlement Area outside Labrador Inuit lands. The Nunatsiavut government is entitled to 25 percent of provincial revenues from any mining development

on Labrador Inuit lands and 5 percent of provincial revenues (plus half of the first \$2 million) from developments elsewhere in the settlement area. The Nunatsiavut government also receives 5 percent of provincial revenues from the Voisey's Bay nickel mine and has an Impact and Benefit Agreement in place for the project. The federal government will transfer \$140 million to the Nunatsiavut government over fifteen years, as well as \$156 million for implementation (INAC 2005a).

The structure of self-government is outlined in the Labrador Inuit Constitution. The Nunatsiavut Assembly is the regional body that represents all Inuit beneficiaries, while each of the five communities has its own elected Inuit Community Government, or ICG (the equivalent of municipal government). Nunatsiavut can also establish Inuit Community Corporations to provide a means for Inuit who live outside the settlement area to be involved in self-government. Currently, there are two Inuit Community Corporations: Sivunivut, serving beneficiaries in North West River and Sheshatshiu, and NunaKatiget, serving beneficiaries in Happy Valley–Goose Bay and Mud Lake. Under the land claims agreement, the Nunatsiavut Assembly has the ability to pass legislation on a number of issues, including education, health, Inuit culture and Inuktitut, environmental protection, child and family services, and income support. It may also establish a justice system concerning Inuit laws and may formally recognize Inuit customary law. Most self-government jurisdictions rest with the Nunatsiavut Assembly, but the ICGs can also pass by-laws (INAC 2005a).

The Nunatsiavut Assembly currently consists of eighteen elected representatives: one regionally elected president; ten members from the seven constituencies (one member each from Rigolet, Postville, Makkovik, and Hopedale, and two members each from Nain, Upper Lake Melville, and the Canadian constituency, which encompasses Labrador Inuit who do not live in the other constituencies); the AngajukKâk, or mayor, from each of the five ICGs; and the two Chairs of the Inuit Community Corporations in North West River and Happy Valley–Goose Bay (Nunatsiavut Government 2010). The administrative centre of Nunatsiavut is in Nain, and the assembly building is in the legislative capital, Hopedale. Each Nunatsiavut community contains some government agencies, although a number of offices are based in Happy Valley–Goose Bay.

Negotiated Boundaries and Land Claims Implications

The Labrador Inuit Land Claim Agreement is a negotiated treaty that defines Inuit Aboriginal rights in order to establish “certainty” (INAC 2005a, 2.11). In doing so, it delineates the settlement area, beneficiary enrolment criteria,

and specifically Inuit governance and ownership rights. These boundaries—around land, around people, and around the right to self-govern—may appear to be natural or obvious. Yet, as with any negotiated agreement, the treaty is the result of both historical processes and negotiated compromises between the Labrador Inuit Association and the provincial and federal governments. From this premise, this book explores how the structures and requirements of the agreement reflect the complex history of Labrador, and how the agreement may work to influence both future governance and daily life in Nunatsiavut.

A fundamental aspect of the land claim agreement is the close connection between the geographical boundaries of Nunatsiavut and the criteria for beneficiary status. During land claims negotiations, the Labrador Inuit Association decided to create a regional government based on ethnicity in order to ensure that the new government would focus on supporting Inuit goals, as well as to provide a form of self-government for those Inuit living outside of Nunatsiavut (Rodon and Grey 2009). This decision was deemed necessary by Inuit negotiators, but the resulting focus on beneficiary status creates tensions among some Inuit. Some of the criteria used by the Nunatsiavut government to determine beneficiary eligibility relate to historical or current residency in the land claims area. Beneficiaries must either live in the settlement area or have a connection to it. As chapters in this book illustrate (Whitridge; Kaplan; Rankin et al.; Hanrahan; Evans; Procter and Chaulk), however, Inuit have had a long history of migrating and living throughout Labrador and of interacting with other cultural groups. Although Nunatsiavut is now called the Labrador Inuit homeland, all Inuit have not lived and do not live within its borders.

Chapter 1 (Kaplan) and Chapter 2 (Whitridge) of this volume describe paleo-Eskimo and Inuit migrations into and within the Labrador region since approximately the 1500s. Groups that settled in central and southern Labrador interacted and traded with Europeans, and they likely acted as trade middlemen for Inuit who lived farther north (Kaplan 1983; Kennedy 2009). In the late 1700s, intent on isolating Inuit to Labrador's north coast, Moravian missionaries were the first outsiders to make a concerted effort to define and foster ethnic and geographical distinctions between Inuit, Inuit of mixed ancestry (Kablunângajuit), and non-Inuit (Hiller 1971). With the support of the British and colonial governments, the Moravians began to establish mission stations on 100-acre land grants near Nain, Okak, and Hopedale, and, over the next century, at Hebron, Ramah, Zoar, Makkovik, and Killinek (Brice-Bennett 1977). However, as Lisa Rankin et al. (Chapter 3) demonstrate, despite the Moravian “containment policy” of encouraging

Inuit to live at their mission stations, Inuit continued to live on Labrador's south coast (and elsewhere), beyond the current boundaries of Nunatsiavut. Inuit on the north and south coasts today still maintain strong family and social connections, as well as connections with Inuit throughout many regions of Labrador and Nunavik (see Hanrahan in this volume).

Despite their inability to contain all Inuit within their mission stations, the Moravians eventually succeeded to some extent in creating an Inuit enclave in a portion of coastal Labrador in the early nineteenth century, as the Mission controlled both trade and migration into its communities (Brice-Bennett 1990). However, in the mid-1800s, with more families moving into the region, the missionaries agreed to accept Kablunângajuit and non-Inuit into community and religious life. The Mission attempted to keep the ethnic groups separate, but formal distinctions concerning Inuit identity were not a matter of administrative interest until after Confederation, when the federal and provincial governments began to take more of an interest in Labrador.

In 1953 the federal government finally acknowledged that it did have some fiduciary responsibility for Aboriginal peoples in the province, and it negotiated a cost-sharing agreement with the province to fund health services and community infrastructure (Hanrahan 2003; Tanner et al. 1994). This was the first time that Inuit had been recognized as a distinct population in Labrador, and the long history of intermarriage and lack of census data on ethnicity made it difficult for the provincial and the federal governments to determine who exactly was Inuit (especially as they failed to consult Inuit themselves) (Jenness 1965). The governments ultimately decided to designate communities (instead of individuals) as Inuit, and so the first cost-sharing agreements created funding for health services and infrastructure for Hebron, Nutak, Nain, Hopedale, Makkovik, and Postville (Tanner et al. 1994). This decision caused much controversy, however, because the many Inuit who did not live in these communities were prevented from accessing these services. As Peter Evans argues in Chapter 4, Labrador Inuit experienced increasingly more government involvement in their lives after 1949 through a welfare administration that weakened both the authority of the Moravian missionaries and the autonomy of Inuit themselves. A number of influences caused Inuit to move within both the Nunatsiavut region and Labrador in the 1950s and 1960s, moves that have resulted in long-term social, political, and economic consequences. The federal welfare state and mandatory schooling introduced after Confederation encouraged more families to live in the communities, as did the increased wage labour opportunities from U.S. military developments in Goose Bay, Hopedale, and Makkovik (Brice-Bennett 1986; Flanagan 1984; Zimmerly 1975; Richling

1978). The relocations of Nutak and Hebron in 1956 and 1959, respectively, as discussed in detail by Evans in Chapter 4, brought almost 500 Inuit from northern Labrador—"the historical stronghold of independent Inuit," as Evans calls it—to Nain, Hopedale, Makkovik, and North West River, and caused massive social hardships that are still felt today. The politics of identity in the area, first fostered by the Moravians and then accentuated by forced relocations and by government policy, have been explored by a number of researchers (Brantenberg 1977; Kennedy 1995; Richling 1978; Brice-Bennett 1986). Evans (Chapter 4) and Andrea Procter and Keith Chaulk (Chapter 10) contribute to this body of research as they examine how relocation, welfare administration, and industrialization caused extensive changes to the demographic and cultural landscape of Labrador in the mid-twentieth century. Inuit have since based their decisions on where to live within Labrador and beyond on various other criteria, such as education, employment, social networks, and wildfood production. The current configuration of Inuit settlement in Labrador is therefore the result of both historical and more recent social, political, and economic factors, and settlement continues to be a fluid process.

Despite the complexity of both historical and current population patterns and their influence on the politics of identity in the region, official recognition of Inuit status was often heavily based on geographical location. The federal-provincial funding agreements centred on designated Inuit communities. The health provider for much of Labrador in the mid-twentieth century, the International Grenfell Association, used a definition that stipulated that an Inuk would lose Inuit status "if relocated to wage-earning communities and independent means of employment" (Brantenberg 1977, 402). In similar fashion, the structure of land claims agreements requires that the settlement area be connected to beneficiary enrolment and Aboriginal rights. In simplified terms, one of the enrolment criteria in the agreement specifies that the beneficiary or the beneficiary's ancestors must have been permanent residents of Nunatsiavut before 1940, which is when the Goose Bay air base was built and when many people from the coast moved to Upper Lake Melville for work.

The need to demarcate the territorial boundaries of Nunatsiavut and to connect them with beneficiary status is driven by the legal and administrative requirements of the land claims process. The "certainty" that is so fundamental to the land claims process, like other administrative practices, dictates that these definitions be precise and final. Nonetheless, the fluidity of people's lived experiences has not and does not always match the rigid constraints of the agreement. As an example, the formal territorial boundar-

ies of Nunatsiavut do not reflect current configurations of Inuit residence, as almost half of all Inuit beneficiaries live outside the land claims settlement area. In 2009 about 2,609 (or 37 percent) of the approximately 7,027 Inuit beneficiaries lived in one of the five communities within Nunatsiavut. Another 2,323 (or 33 percent) lived in the Upper Lake Melville area of Labrador in the communities of Happy Valley–Goose Bay, Mud Lake, and North West River. The remaining 2,095 Inuit beneficiaries (or 30 percent) lived elsewhere in Canada or beyond (Nunatsiavut Government 2009).

Many of the other characteristics of the agreement have similarly complex relationships with historical and current reality. As Procter explores in Chapter 8, one of the fundamental aspects of the historical development of official Inuit status is subsistence harvesting, despite the long-standing Inuit involvement in the global economy. Although every outside organization to impact Inuit society in Labrador since the 1700s has made some effort to either support or undermine Inuit subsistence practices, the connection between Inuit identity and wildlife harvesting has remained strong. At various points in time, and for various reasons, the Moravian Mission encouraged both subsistence and commercial wildlife harvesting. Traders such as the Hudson's Bay Company employed policies that hampered subsistence harvesting. The provincial government, at different times, both encouraged and impeded wildfood production (Brice-Bennett 1986). By the mid-twentieth century, as Evans also examines in Chapter 4, a belief among officials in the benefits of modernization resulted in pervasive policies for transforming Inuit into wage-earning citizens. Despite all efforts to discourage or disparage Inuit subsistence practices, however, governmental policy and Inuit themselves have both maintained that there is a fundamental connection between Inuit identity and subsistence. As Procter discusses in Chapter 8, official recognition of Inuit status has often involved some reference to non-commercial activities, and the increasing body of legal opinion about Aboriginal rights centres on subsistence practices. Labrador Inuit have also proven to be resilient to all attempts to challenge subsistence harvesting practices, as Maura Hanrahan (Chapter 5), Lawrence Felt et al. (Chapter 6), David Natcher et al. (Chapter 7), and Laura Fleming et al. (Chapter 9) discuss in detail. As these chapters relate, Inuit have continued to uphold the cultural importance of harvesting and sharing, and have continued to adapt these practices to the global economy and to environmental and social change, despite all the social upheaval caused by governmental attempts to control their lives over the past 250 years.

The land claim agreement further supports the continuity of harvesting activities and wildfood sharing by recognizing the Inuit right to harvest with-

in the settlement area for their food, social, and ceremonial needs (INAC 2005a). But with the recognition of rights come also the responsibilities and incursions of governance. In granting these harvesting rights, the agreement requires that specific governance tools be used to control and monitor this harvesting. Felt et al. (Chapter 6) discuss the stipulations in the agreement that the Nunatsiavut government must control subsistence harvesting by using Inuit domestic harvest levels. These requirements in turn produce new research needs, and both Chapters 6 and 7 discuss the ways in which the Nunatsiavut government approaches Inuit governance through an integration of scientific and Inuit knowledge. Once almost invisible to government administration, subsistence harvesting is becoming increasingly scrutinized, but this time by an Inuit government. In similar fashion, the agreement requires that the Nunatsiavut government engage in a land use planning process. As Procter and Chaulk discuss in Chapter 10, the governance tools of land use planning can be seen as insidious methods of facilitating development and appropriating Inuit resources. However, as they argue, in the hands of Inuit the tools of land use planning can also offer “the opportunity to employ techniques of state control to pursue their own goals and to control their own social and economic development.”

The decision by Labrador Inuit to engage in the land claims process in order to further their goals of self-governance has therefore had many different consequences. As the chapters of this book discuss, the complex history of Nunatsiavut has resulted in the current social and demographic diversity. The legal and administrative requirements of the agreement can generate tension between its definitive social and geographic boundaries and the complexity of multiple lived realities. The governance requirements of the agreement also often intensify governmental presence in people’s lives and on their lands. Nonetheless, as Procter and Chaulk argue, many Inuit see the land claims process and the Nunatsiavut government that it has created as the Inuit’s best chance to withstand the pressure by outside governments and powerful industrial interests to control their lives and appropriate their resources. By taking things into their own hands, Inuit will be better able to deal with the complexities and incongruities of governing Nunatsiavut.

The book concludes with a discussion of government and governance in Nunatsiavut within a broader political and analytical context, while at the same time drawing from the themes developed in other chapters. By widening the analytical focus, we can better understand “end of line” government decisions among a much wider array of players and reinforce the perspective that government decision making is the final step in a complex and increasingly inclusive process of interaction, lobbying, and negotiation. With this

context in mind, three areas of challenge and opportunity facing the new government and its people seem particularly relevant: 1) maintenance of traditional institutions of government and governance; 2) the ethnic basis of membership; and 3) effective participation and relationships in wider levels of governance at regional, provincial, national, and pan-ethnic levels. Each contains both challenges and opportunities for the new government and its people. Past political and socio-economic experiences, as explored in the chapters of this book, bode well for the future of Nunatsiavut. Given the history of cultural continuity in the face of political, social, economic, and environmental change and intervention, Labrador Inuit will no doubt be able to adapt the new governance structures to their own purposes and to the way toward a bright future.

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