



*Labrador Inuit Constitution  
Summary*

## Message From The President

The Labrador Inuit Land Claims Agreement In Principle which we ratified on 26 July, 1999 and the Federal and Provincial governments ratified on 25 June, 2001 recognizes that we have the right of self-government. It also says that we must prepare the Labrador Inuit Constitution and that the Labrador Inuit Constitution must be approved by a two-thirds majority of Labrador Inuit who vote for that purpose.

Over the past year I have had a draft constitution prepared for your comments. This was followed by a broad based consultation during which many individuals and organizations gave helpful suggestions and points of view, most have been incorporated into a final document. The board of directors and I have reviewed the final draft and are recommending that the Labrador Inuit Constitution is now ready to be taken to the membership for ratification. The Constitution will come into effect at the same time as the final Land Claims Agreement.

Our constitution achieves a balance between our collective aboriginal rights as a people and our personal rights as individuals who make up the collective. It provides for the **accountability** of our political leaders and officials through the ballot box and the exercise of free speech and freedom of association within a culture of respect and responsibility. It will say what the **structures** of our self-government will be, who will form the government and what **powers** the law-makers and government leaders will have. It will set out the basic **rules** by which we can choose who is to **represent** us in the law making and governing assembly. It will say how our Government will work. It will say what **rights** we will have over and above the basic rights in the Charter of Rights and Freedoms and it will set out **rules** to protect the additional rights or to give them affect.

I am releasing this summary along with the legal text of the constitution which will be sent to all households and will be available in all our communities as well as in our offices in St. John`s and Upper Lake Melville. The executive and self-government staff will be traveling to our communities to provide you with another opportunity to discuss the final document. This will be followed by a vote of all the members of LIA to ratify the constitution. I ask that you take the time to read the constitution and to exercise your right by voting to make it a reality.

William Barbour  
President  
LIA.

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## **SUMMARY OF THE MAIN FEATURES OF EACH OF THE CHAPTERS**

### **Preamble**

The preamble to the Labrador Inuit Constitution opens with a simple statement recognising that the Labrador Inuit are part of the divine creation. It says that Inuit honour our ancestors, who have given us our unique culture, and treasure our land. It asserts our inherent right of self-government. It says that the Labrador Inuit Constitution is freely adopted so as to re-affirm our relationship to our land; recommit ourselves to an Inuit society based on Inuit values; halt and reverse the loss of Inuttut and Inuit culture; improve the quality of life and well being of Labrador Inuit; and secure the place of Labrador Inuit as a distinct, self-sustaining and self-governing people within the Canadian federation.

### ***Chapter 1: Founding Provisions***

Labrador Inuit want self-government and the Labrador Inuit Constitution to be built on Inuit ideas and beliefs about Labrador Inuit society and culture. This chapter identifies the main ideas and beliefs that are intended to shape Labrador Inuit self-government and that are to be advanced through self-government. This chapter also establishes some of the most important symbols of the Nunatsiavut Government's identity.

#### **1. Founding Principles**

The following are some of the founding principles expressed in this chapter:

- The will of the Labrador Inuit as expressed in the Constitution is the supreme authority for self-government.
- Labrador Inuit are a distinct Inuit people whose identity is based on ties of kinship; a shared language; common customs and traditions; a shared relationship to our ancestral territory; a common history; and our own cultural, social, economic and political institutions.
- There is a need to maintain and strengthen our relationship with our land, and we have a special responsibility to use and enjoy our land and its resources with care and respect, without greed or waste and as stewards for future generations of Labrador Inuit.
- All Labrador Inuit have a responsibility to support the continuity, integrity and development of Labrador Inuit families. Every family, in turn, has a responsibility to provide for the well being of its members. Every family shares the responsibility for the guidance and conduct of its members.
- The Labrador Inuit share responsibility for the well being, safety, security, good conduct, happiness and freedom of all members of Labrador Inuit society.
- Inuttut is the ancestral language of the Labrador Inuit. Every Inuk has a right to use Inuttut in his or her private life and in dealing with the government. Every Inuk also has a responsibility to teach Inuttut and Inuit culture to Inuit children.

- Every Labrador Inuk enjoys his or her individual identity and individual rights as an Inuk as a result of his or her membership in Labrador Inuit society.
- Labrador Inuit men and women are equal in their fundamental human rights and their rights as Labrador Inuit.
- All Labrador Inuit share responsibility for the protection and well being of Labrador Inuit children, elders and those members of Labrador Inuit society who may be vulnerable or helpless.
- The ability of Labrador Inuit social, economic and political institutions to achieve the aspirations of the Labrador Inuit will only come through Labrador Inuit self-sufficiency and fiscal independence.
- Labrador Inuit leaders must be democratically chosen by the Labrador Inuit. Leadership is a personal responsibility that individual Inuit assume of their own free will. The status, powers and functions granted to leaders are entrusted to them for the benefit of all Labrador Inuit. It is the responsibility of all leaders to lead lives deserving of respect, to act wisely and surely in the exercise of their powers, to seek balance and agreement, and to avoid conflict.
- Decisions of Labrador Inuit social, economic and political institutions should promote participation by all Labrador Inuit. Decisions should be made after considering the possible consequences for all Labrador Inuit and the views of those Labrador Inuit who may be in a minority or who may dissent.
- Labrador Inuit social, economic and political institutions must address Labrador Inuit culture, Labrador Inuit distinctiveness and the particular aspirations of Labrador Inuit by means of policies and laws that are relevant to Labrador Inuit needs.
- Labrador Inuit social, economic and political institutions must be accessible, open and responsive to the needs of the Labrador Inuit.
- Laws and policies of Labrador Inuit social, economic and political institutions must use plain language that can be easily understood by all Labrador Inuit.
- The Labrador Inuit are one of the Family of circumpolar Inuit Peoples. Labrador Inuit institutions of self-government have a responsibility to strengthen ties between Labrador Inuit and other Inuit.
- Labrador Inuit have responsibilities to conduct themselves so as to be respectful and considerate of other peoples, particularly toward those with whom treaties and agreements have been made.
- Change and innovation are important features of Labrador Inuit experience. Labrador Inuit social, economic and political institutions should develop policy and ideas that embrace innovation, invention and adaptation of new ideas and technologies in ways that are appropriate to Labrador Inuit.

## **2. Interpreting and Applying the Constitution**

Chapter 1 has rules for interpreting and applying the Constitution. Obligations imposed by the Labrador Inuit Constitution must be fulfilled. Any law of the Nunatsiavut Government or bylaw of an Inuit Community

Government and any conduct that is inconsistent with the Labrador Inuit Constitution must be declared to be invalid.

### **3. Amending the Labrador Inuit Constitution**

Amending the Labrador Inuit Constitution is considered to be one of the founding provisions. Both the elected representatives of the Labrador Inuit and the Labrador Inuit themselves have a role to play in amendments to the constitution. The key or principle provisions of the Labrador Inuit Constitution may be amended by a 60% majority vote of the Nunatsiavut Assembly plus approval in a referendum by more than 50% of Labrador Inuit aged 16 years or older. The second amending formula would deal with secondary administrative and management matters and would allow for amendments to the Labrador Inuit Constitution by a  $\frac{3}{4}$  majority vote of the Nunatsiavut Assembly and the approval of the President. Provisions of the Labrador Inuit Constitution that deal specifically or exclusively with the Inuit Community Governments must be approved by a majority of the Inuit Community Governments. The Labrador Inuit can also initiate changes to their Constitution if 500 or more Inuit petition the President.

### **4. Rights of Participation in Self-Government**

The Labrador Inuit Constitution uses an approach to citizenship in which all beneficiaries of the Land Claims Agreement will be entitled to participate in Labrador Inuit self-government. So, it does not talk about citizenship but, rather, about participation in the political process. All Labrador Inuit aged 16 years or older, no matter where they live, will have the right to:

- participate in referendums to establish and amend the Labrador Inuit Constitution;
- seek election as President of Nunatsiavut if they meet the qualifications for office;
- participate in elections of the President of Nunatsiavut;
- participate in votes to approve the alienation of Labrador Inuit Lands; and
- participate in elections for the Nunatsiavut Assembly as candidates and as voters in the constituencies in which they live.

Chapter 4 establishes a constituency for Labrador Inuit who live in the Upper Lake Melville Region and another for Inuit who live outside Nunatsiavut and the Upper Lake Melville Region so that those Inuit can elect their own representatives to the Nunatsiavut Assembly.

### **5. Capital of Nunatsiavut**

The Labrador Inuit Constitution says that the legislative capital of Nunatsiavut will be Hopedale, and the administrative capital will be Nain. The Nunatsiavut government has a general obligation to decentralise its

offices, to the extent that it is reasonable and economic to do so, with a view to establishing at least one Nunatsiavut government administrative centre in each of the other Inuit Communities.

## **6. Inuttut**

The founding provisions deal with Inuttut. In addition to recognising that it is the right of every Labrador Inuk to use Inuttut in official transactions and business, the constitution says that Inuttut and English are the official languages for Inuit Government decisions, laws and policies. All decisions and laws and policies of the Nunatsiavut Government must be published in Inuttut and English. The Constitution states that the primary language of Nunatsiavut is Inuttut, recognises the diminished use of Inuttut, and puts an obligation on the Nunatsiavut Government to take affirmative action to promote the use of Inuttut. The Nunatsiavut Government, the Inuit Community Governments and Inuit Community Corporations may use either official language for the purposes of government, taking into account all relevant circumstances, and must provide translation services in Inuttut and in English for all Labrador Inuit who request translation services. Each Inuit government must monitor its use of language and take action to promote the status and use of Inuttut.

## **7. Nunatsiavut Flag and Anthem**

The flag and anthem are fundamental unifying forces and symbols of Labrador Inuit identity.

### ***Chapter 2: Labrador Inuit Charter of Rights and Responsibilities***

The *Canadian Charter of Rights and Freedoms* will apply to Labrador Inuit self-government. This means that the fundamental human rights that Labrador Inuit enjoy as Canadian citizens cannot be taken away by the institutions of Labrador Inuit self-government. Chapter 2 of the Labrador Inuit Constitution contains a Charter of Labrador Inuit Rights and Responsibilities which will exist alongside the Canadian *Charter*.

#### **1. Purpose of the Labrador Inuit Charter of Rights and Responsibilities**

The purpose of the Labrador Inuit Charter of Rights and Responsibilities is to ensure that institutions of Labrador Inuit self-government respect, protect and advance the human dignity of all Labrador Inuit while, at the same time, preserving the distinct collective identity and culture of the Labrador Inuit as one of the aboriginal peoples of Canada. Inuit governments must respect the rights set out in the Labrador Inuit Charter of Rights and Responsibilities and individuals are expected to respect and fulfil their personal responsibilities under it.

#### **2. Limitation of Rights**

Rights under the Labrador Inuit Charter of Rights and Responsibilities can sometimes be limited. Limitations can only be done:



- if the law which limits the fundamental right applies to all Labrador Inuit;
- if the limitation can be justified for purposes of preserving Labrador Inuit as a culturally and territorially distinct society; and
- if the limitation is reasonable under all relevant circumstances.

### **3. Enforcement of the Charter of Rights and Responsibilities**

A Labrador Inuk who believes that his or her rights under the Labrador Inuit Charter of Rights and Responsibilities has been broken may act to enforce the Labrador Inuit Charter by making an application to the Nunatsiavut Assembly. If an Inuk is not satisfied with the decision of the Nunatsiavut Assembly, that person can then apply to the Inuit Court for appropriate relief.

### **4. Contents of the Labrador Inuit Charter of Rights and Responsibilities**

These are some of the main rights which are protected by the Labrador Inuit Constitution:

- **Equality:**  
The rights and freedoms referred to in the Labrador Inuit Constitution are guaranteed equally to Inuit men and women.
- **Human Dignity:**  
All Labrador Inuit have dignity. This human dignity must be respected and protected. However, every Labrador Inuk also has a responsibility to treat others with respect and to contribute to the wellbeing, safety and freedom of all members of Labrador Inuit society.
- **Security of the Person:**  
No Labrador Inuk can be deprived of his or her freedom without just cause under Inuit law, cannot be held without trial and cannot be treated or punished in a cruel, inhuman or degrading way. The Labrador Inuit Charter of Rights and Responsibilities says that every person has the right to be free from violence, even in their own homes. Labrador Inuit cannot be forced to undergo medical, scientific or social experiments, tests or research against their will.
- **Privacy:**  
The Nunatsiavut government will not be able to search people's homes or possessions, open their mail, listen to their telephone calls or take their property without just cause.
- **Freedom of Religion:**  
Labrador Inuit will have the freedom to believe or think whatever they want and to follow whatever religion they choose. However, institutions can follow religious practices, like having prayers at the opening of meetings, but this must be done fairly and people cannot be forced to attend.
- **Freedom of Expression:**

Labrador Inuit will be able to say whatever they want and the media will also be able to say whatever it wants. But, this does not mean that people can incite violence or use hateful speech which tries to get people to cause harm to others because of their race, gender, religion, sexual preferences, language, etc.

- Freedom of Assembly and Association:

Labrador Inuit will have the right to gather together, hold demonstrations, picket and present petitions but they must do all of these things peacefully and without weapons. Inuit will have the right to associate with whomever they wish.

- Status as an Inuk:

People who meet the eligibility requirements to be beneficiaries of the Labrador Inuit Land Claims Agreement cannot have that status taken away. Inuit will also be able to live wherever they want and do whatever work they want.

- Land Rights:

Labrador Inuit Lands will be owned and controlled by the Nunatsiavut Government. Individual Inuit will only have rights to the land under Inuit law. The Labrador Inuit Charter of Rights and Responsibilities says that once rights are given to individuals under Inuit law they can only be taken away in a lawful manner and laws cannot permit arbitrary deprivation of private rights in Labrador Inuit Land. If private rights are to be expropriated they must be done under a law, for a public purpose and compensation must be paid. The amount of compensation must be set by agreement or the Inuit Court.

- Environment:

Inuit have the right to a healthy environment and the Nunatsiavut Government must act so as to protect the environment. Every Inuk has a responsibility to use the land with care and respect, without waste or greed and for the benefit of future generations of Labrador Inuit.

- Children's Rights:

The Labrador Inuit Charter of Rights and Responsibilities gives children under the age of 16 special rights including rights to family care or other care if removed from the family; food, shelter and health care; freedom from abuse or neglect; and freedom from exploitation. Labrador Inuit families have a responsibility to treat children with love and kindness and to live so as to gain the respect of children.

- Health Care, Food, Water and Social Security:

The Labrador Inuit Charter says that every Labrador Inuk has the right to have access to water, food, health care and, if they are unable to support themselves and their dependents, appropriate social services. Every Labrador Inuk has a responsibility to provide for his or her own well being in accordance with his or her abilities.

- Education:

The Labrador Inuit Charter of Rights and Responsibilities guarantees a right to basic education for both children and adults. Every Labrador Inuk has a responsibility to provide for his or her advanced education in accordance with his or her means. The government has an obligation to provide education in Inuttut or both English and Inuttut.

- **Language and Culture:**

Every Labrador Inuk has the right to use Inuttut in personal and community life and Labrador Inuit have a responsibility to respect, preserve and advance the use of Inuttut.

- **Housing:**

Every Labrador Inuk has a responsibility to provide for his or her own housing needs in accordance with his or her means. There can be no arbitrary evictions from housing.

- **Financial Obligations related to Social Rights:**

The Nunatsiavut Assembly has an obligation to take reasonable measures within its available financial resources and other priorities to advance the social rights contained in the Labrador Inuit Charter such as the rights of children, rights to water, food, health care and social services, rights to education and rights to housing. Inuit will not be able to use their entitlement to those rights to force the Nunatsiavut Government to raise taxes, borrow money or use deficit financing.

- **Fair Treatment by Government:**

All government action must be authorised by law and it must be carried out reasonably and fairly.

### ***Chapter 3: President Of Nunatsiavut***

#### **1. Functions of the President**

The President of Nunatsiavut will be an elected official, elected by all the Labrador Inuit no matter where they might live, who will be the formal head of the Nunatsiavut Government.

The President will have powers to ensure stability; that there could be no interruption in governance; and that governments act legitimately and in accordance with the Constitution. The President acts as chairperson of the Nunatsiavut Assembly and of the Executive Council. In the event of a tie vote in either the Nunatsiavut Assembly or the Executive Council the President would get a deciding vote.

The President appoints as First Minister an ordinary member of the Nunatsiavut Assembly who has the support of the majority of the Assembly. The President has specific responsibilities to ensure the constitutionality of bills passed by the Nunatsiavut Assembly and to hold referendums, and make sure elections are held. In most other matters, the President will only act on the advice and direction of the Executive Council.

The President will sign all bills into law and is responsible for keeping a register of all laws and for publishing them.

## **2. Absolute Majority Vote for President**

A candidate for President must receive an absolute majority of votes in order to be elected President. Therefore, if there are ever more than 2 candidates for election as President and one of the candidates does not receive an absolute majority of the votes cast, there will be a second ballot between the 2 candidates who received the most votes on the first ballot. The winner of the second ballot will be President.

In order to allow all Labrador Inuit to vote for the President, those Inuit who live outside Nunatsiavut and Upper Lake Melville can vote by mail.

## **3. President's Term of Office**

The President will serve a 4 year term of office. The President will be eligible for re-election but may not serve more than 3 consecutive terms as President.

## **4. Qualifications for President**

The President must be able to understand and speak Inuttut. The President must also be 25 years of age or older.

### ***Chapter 4: Nunatsiavut Assembly***

#### **1. Structure of the Nunatsiavut Assembly**

The Nunatsiavut Assembly will be headed by the President who will act as the Chair or Speaker. The minimum number of representatives in the first elected Nunatsiavut Assembly will be 16, including the President. In addition to the President the Assembly will be made up of the AngajukKât of each of the Inuit Communities, the Chairperson of the Upper Lake Melville Inuit Community Corporation, 2 ordinary members elected by Nain, 2 ordinary members elected by Upper Lake Melville, 1 elected by Hopedale, 1 elected by Makkovik, 1 elected by Postville, 1 elected by Rigolet and 1 elected by Labrador Inuit living elsewhere in Canada.

Because the AngajukKaat and the Chairpersons of the Inuit Community Corporations will have their own responsibilities, these members of the Nunatsiavut Assembly will not be eligible to be members of the Nunatsiavut Executive Council. In other words, the Nunatsiavut Government will be run by members of

the Nunatsiavut Assembly who have been directly elected to the Nunatsiavut Assembly. These members are called ordinary members.

## **2. Constituencies and Elections**

As noted above the membership will be divided into 7 constituencies as follows: Nain, Hopedale, Makkovik, Postville, Rigolet, Upper Lake Melville, and the rest of Canada. Each of these constituencies will be represented by one member but if the population of a constituency exceeds 1,000 they will be represented by 2 ordinary members of the Assembly. As the populations increase the number of representatives will increase up to a maximum of 4 representatives per constituency. The Nunatsiavut Assembly may provide for the establishment or re-establishment of a permanent community in Nunatsiavut, and to provide for representation of the community in the Nunatsiavut Assembly.

Ordinary members of the Assembly will hold office for 4 years which means that an election will be held once every 4 years. All Labrador Inuit who live in a constituency and who are over the age of 16 will be eligible to represent the constituency and to vote in an election within the constituency. Voters in the constituency for the rest of Canada will vote by mail.

The Labrador Inuit Constitution does not set out all the details and rules for holding of elections. It just sets out a framework of basic guarantees and the Nunatsiavut Assembly will have to pass an election law setting out all the details and rules of how elections are to be run.

## **3. Rules for How the Assembly Conducts its Business**

The Nunatsiavut Assembly has the power to make its own rules about how it conducts its business by making "standing orders." Standing orders must ensure that the proceedings of the Assembly are open and that they give all members a fair chance to participate. The Assembly can also appoint committees which can include people who are not members of the Assembly. The Constitution encourages consensus decision making but does allow for votes at the discretion of the President.

## **4. The Law-Making Process**

The Nunatsiavut Assembly must consider a proposed law twice before it can become law. Labrador Inuit will have an opportunity, between the first and second considerations, to raise concerns and make any comments that they wish. Laws amending the Labrador Inuit Constitution or authorising the sale of Labrador Inuit Lands will have to be passed by a 60% majority of the Assembly and be approved in a referendum by Labrador Inuit.

It is the responsibility of the President of Nunatsiavut to ensure that all laws passed by the Nunatsiavut Assembly are constitutionally valid. A law will only come into effect when it is signed by the President. All laws then must be published.

## **5. Code of Conduct**

The Nunatsiavut Assembly must establish codes of conduct, ethics, and conflicts of interest guidelines for members of the Assembly, the Nunatsiavut Executive Council, Inuit Community Governments and the employees of the Nunatsiavut government. The Nunatsiavut Assembly will also have to investigate serious complaints made about actions of members of the Assembly, the Executive Council and government employees.

### ***Chapter 5: Nunatsiavut Executive Council***

#### **1. Composition of Nunatsiavut Executive Council**

The Nunatsiavut Executive Council is made up of the President, the First Minister, the Treasurer and other Ministers.

The President of Nunatsiavut is the Chair of the Executive Council. The First Minister is an ordinary member of the Nunatsiavut Assembly who is nominated by the Assembly and appointed by the President. The First Minister will nominate the Treasurer and the other members of the Executive Council, who are called Ministers. The Ministers will be appointed by the President but be chosen by the First Minister.

#### **2. Executive Authority of the Nunatsiavut Government**

The Nunatsiavut Executive Council has the executive authority for running the Nunatsiavut Government. The Executive Council will:

- implement Inuit laws;
- develop and implement policy;
- supervise and coordinate all departments and divisions of the Nunatsiavut Government;
- prepare and initiate new laws in the Nunatsiavut Assembly.

#### **3. Accountability of Nunatsiavut Executive Council to the Assembly**

The First Minister has to get the approval of the Assembly for the appointment of Ministers. The First Minister and the Ministers must resign if they no longer have the support of the Nunatsiavut Assembly. Members of the Nunatsiavut Council must respond to questions and requests for information made by

members of the Nunatsiavut Assembly, the First Minister must present an annual report to the Assembly, and the Treasurer must present annual financial statements to the Assembly.

#### **4. Ministerial Functions**

The Nunatsiavut Executive Council appoint the members of the staff of the Nunatsiavut Government who are known as the Nunatsiavut Civil Service.

The Executive Council has the power to make regulations or orders in accordance with Inuit laws.

The Nunatsiavut Executive Council will have the administration and control of all the property of the Nunatsiavut Government. All Government property will be held by members of the Executive Council in a fiduciary capacity and all members of the Nunatsiavut Executive Council will be required to act in accordance with the founding principles respecting leadership and a code of conduct. The code will be established by the Nunatsiavut Assembly and will set up agreed rules about how members of the Executive Council must behave.

#### ***Chapter 6: Nunatsiavut Civil Service***

The Nunatsiavut Civil Service is under the control and direction of the Executive Council. The Executive Council will decide on the structure of the Nunatsiavut Civil Service. The management of the Government by the Executive Council will have to be done in accordance with laws passed by the Nunatsiavut Assembly.

This chapter sets out the principles which all people who work for the Government must follow. These principles include things like being efficient, fair and accountable. Personnel management practices must be based on ability, objectivity, and fairness and the need for there to be broad representation of all segments of Labrador Inuit society in government employment.

Employees of the Government will have to follow a code of conduct which will be set out in an act passed by the Nunatsiavut Assembly. This code of conduct will set up rules about how employees of the Government must behave.

#### ***Chapter 7: Revenues And Taxation***

The power to raise revenues is held by the Nunatsiavut Assembly and cannot be delegated. The Nunatsiavut Executive Council has the power to negotiate fiscal financing agreements and taxation agreements with the federal and provincial governments, but these agreements will not come into force until they have been approved by the Nunatsiavut Assembly.

Any taxation powers which the Nunatsiavut Government has under taxation agreements must be exercised by the Nunatsiavut Assembly through the enactment of Inuit laws. However, the Constitution places restrictions on the power of the Assembly to raise taxes. The Assembly will not be able to raise any tax unless one of the other levels of government has made tax room available. So, for example, the Nunatsiavut Government will not be able to tax the sale of cigarettes unless either the federal or provincial government, or both, has cut back on its taxation of cigarettes.

### ***Chapter 8: Financial Provisions***

The financial provisions may be summarised as establishing constitutional requirements for careful financial management and as imposing extensive accountability by the Nunatsiavut Government for its management of Nunatsiavut's finances. The following are the main ways in which the Labrador Inuit Constitution establishes financial accountability:

- The Nunatsiavut Executive must get the permission of the Nunatsiavut Assembly before it can collect or spend money.
- The Nunatsiavut Executive gets its permission by giving the Nunatsiavut Assembly a budget containing the government's annual spending plans for all government activities and its plans for raising the money that it plans to spend.
- After it spends public money, the Nunatsiavut Executive must report to the Nunatsiavut Assembly on its past year's activities. The report contains the annual financial statements.
- The annual financial statements show all the transfer payments received by the Nunatsiavut Government from other governments and all the Nunatsiavut Government's taxing, spending and borrowing.
- The members of the Nunatsiavut Assembly must assess the annual financial statements so that they can decide if Inuit money has been spent on the activities which it authorised.
- The Nunatsiavut Assembly is assisted in its assessment of the annual financial statements by the Auditor for Nunatsiavut who audits and reports on the accuracy of the financial statements and the efficiency of the government's operations.



The Nunatsiavut Assembly has the power to establish more detailed requirements and arrangements for government financial accounting, the management of government finances and the accountability of the Nunatsiavut Government for its spending.

## **1. Control of Deficits and Debt**

The Labrador Inuit Constitution includes the following provisions as a way of controlling the use of deficit financing and the building up of debt by Inuit Governments:

- Unless the Nunatsiavut Assembly decides otherwise by means of a 60% majority vote, estimated expenditures of an Inuit Government during a fiscal year must not be more than estimated revenue for that year.
- If the Nunatsiavut Assembly is considering the possibility of authorising deficit spending by an Inuit Government, before it decides to do so it must give notice to Labrador Inuit and consult with them.
- The Nunatsiavut Assembly must pass an act concerning the issuing of notices and consulting Labrador Inuit about the possibility of authorising an Inuit Government to engage in deficit spending.
- Despite the provisions set out above, the Nunatsiavut Assembly will have the power, by majority vote capital, to authorize an Inuit Government to borrow sums of money for current account purposes and for capital purposes on certain conditions.

## **2. Government Borrowing**

The following are the main rules to control borrowing:

- The Nunatsiavut Executive may not borrow money unless it is authorised to do so by the Labrador Inuit Constitution and by the Nunatsiavut Assembly.
- The annual financial plan of the Nunatsiavut Government must provide for the establishment and maintenance of a contingency fund which may be used by the Nunatsiavut Executive for the purpose of meeting a temporary excess of authorised expenditures over revenues; providing a working balance; or meeting an unforeseen emergency or responding to an urgent and immediate need to implement a new program or service for the benefit of Labrador Inuit.
- The Nunatsiavut Executive may be authorised by the Nunatsiavut Assembly to borrow money required for one of the purposes set out above.

### **3. Lending and Investing by the Nunatsiavut Executive**

The Constitution has the following provisions respecting investment and lending by the Nunatsiavut Government:

- Money may only be invested in investments approved under a law of the Nunatsiavut Assembly.
- The Nunatsiavut Executive may not lend money to any person unless the loan is specifically authorised by the Nunatsiavut Assembly; or the loan is made in accordance with a program that has been authorised by a law of the Nunatsiavut Assembly and in accordance with the rules established by the Nunatsiavut Assembly for that program.
- Sums loaned by the Nunatsiavut Executive, together with interest, must be repaid and the Nunatsiavut Executive must establish terms and conditions for repayment.
- All loans (other than micro loans authorised by Inuit law) must be secured and no loan may be made for a term longer than 10 years.
- The Nunatsiavut Executive must table, annually, a complete list of investments and loans disclosing full details.

### **4. Payment of Members of the Nunatsiavut Assembly, the Nunatsiavut Government, Inuit Governments and the Inuit Court**

The Nunatsiavut Assembly is authorised to set the salaries and other payments to Members of the Nunatsiavut Assembly, the Nunatsiavut Executive and the Inuit Court. There must be consultation with the people before salaries are set. All amounts paid to members of the Assembly and the Executive must be published.

### **5. Fiscal Year and Financial Plans**

The Labrador Inuit Constitution contains the following provisions to ensure proper budgets and financial planning:

- The fiscal year of the Nunatsiavut Government begins on April 1 in each year and ends on March 31st in the next year.
- The Nunatsiavut Executive must prepare a financial plan for each fiscal year. The financial plan must be presented to the Nunatsiavut Assembly for approval by the Assembly before the start of the fiscal year.

### **6. Publication of Budget and Accounts**

The Labrador Inuit Constitution requires the Nunatsiavut Government to publish its annual financial plan and its annual financial report.

## **7. The Auditor General for Nunatsiavut**

The Constitution has the following main provisions dealing with the office of Nunatsiavut Auditor General:

- The Auditor for Nunatsiavut will be an individual appointed by the President on the nomination of the Nunatsiavut Assembly.
- The Auditor for Nunatsiavut will hold office for 5 years.
- The Auditor for Nunatsiavut may be removed from office before the end of the 5 year term by a vote supported by at least 60% of the members of the Nunatsiavut Assembly.
- The Auditor for Nunatsiavut will audit the accounts and financial transactions of the Nunatsiavut Government in each fiscal year in accordance with generally accepted auditing standards
- The Auditor for Nunatsiavut must report to the Nunatsiavut Assembly on the result of the audit.
- The report of the Auditor for Nunatsiavut must include the opinion of the auditor on whether or not the annual financial report for Nunatsiavut presents accurately and fairly, the financial position of Nunatsiavut at the end of the fiscal year; whether the Nunatsiavut Government is keeping proper accounts and records in accordance with required standards; whether all spending was authorised and whether the Nunatsiavut Government's programs were run economically and efficiently.
- The Auditor for Nunatsiavut may be required by the Assembly to audit and report on any person or organization that has received or is seeking financial aid from the Nunatsiavut Government.

## **8. Sharing and Allocation of Revenue under Fiscal Financing Agreements**

The Nunatsiavut Government will be responsible for sharing and allocating transfer payments under fiscal financing agreements and other revenue between itself and the Inuit Communities. The Labrador Inuit Constitution sets out a framework for how this should be done, as follows:

- The Nunatsiavut Assembly must pass a law to provide for the fair sharing of revenue under fiscal financing agreements.
- The law may only be made after the Inuit Community Governments have been consulted.
- The law must take into account things such as the needs and interests of the Nunatsiavut Government; the requirement that Community Governments be able to provide the functions and services required of them; the fiscal capacity and efficiency of the Community Governments; the needs of the Community Government as determined by their financial plans; economic disparities among the Inuit communities; and a need for stable and predictable revenues.

An Inuit Community's allocation of revenue must be transferred to the community promptly and without deduction. However, the Nunatsiavut Executive Council will have the power to stop a transfer of funds to

an Inuit Community Government if the government is not being properly run in accordance with the financial requirements of the Labrador Inuit Constitution; if management of the Community's affairs has been taken over by the Nunatsiavut Government because there is no council in place; or if an Inuit Community Government doesn't comply with laws made by the Nunatsiavut Government that have been designed to harmonize the financial administrations of each of the communities.

If the Executive stops funding, it can only do so for a limited time without approval of the Nunatsiavut Assembly and the matter is to be referred to the Nunatsiavut Auditor who is to report on it.

## ***Chapter 9 - Customary Law, the Inuit Court and the Administration of Justice***

### **1. Customary Law**

Customary Law consists of the customs, traditions, observances, practices, and beliefs of the Labrador Inuit which, despite changes over time, continue to be respected by Labrador Inuit as establishing standards or procedures which Inuit must follow.

Labrador Inuit Customary Law is the basic, underlying, law of the Labrador Inuit for all matters that are within the jurisdiction of the Nunatsiavut Assembly. If there is a conflict between Inuit Customary Law and the values set out in the Inuit Charter of Rights and Responsibilities, it is the Charter that must be followed. On the other hand, if there is a conflict between an Inuit Customary Law and a law that has been passed by the Nunatsiavut Assembly, the Customary Law must be followed unless the Assembly has said that they intend to vary or eliminate the Inuit Customary Law.

The Labrador Inuit Constitution has some basic rules about how Customary Law can be identified in court.

### **2. The Inuit Court**

The judicial authority of the Nunatsiavut Government is in the hands of the Inuit Court. The Court is independent and has an obligation to apply the Constitution, customary law, and other laws in an impartial manner without favour, fear, or prejudice. The Inuit Court is to be free from interference from government or private citizens.

The Nunatsiavut Assembly must make an Inuit law concerning the Inuit Court that establishes the qualifications for appointments of judges, training programs for judges, and other matters. Judges are to be appointed by the President of Nunatsiavut in accordance with the procedures spelled out in the Constitution. This procedure will require that the President appoint the judge from a list of five nominees with two nominees being made by the Nunatsiavut Assembly and three by the Nunatsiavut Judicial Council. Before an appointment is made the President must consult with the other members of the

Nunatsiavut Executive Council. Once a judge is appointed they will hold office until they reach the mandatory retirement age of 75 unless they are removed from office. A judge can only be removed from office if the Nunatsiavut Judicial Council finds that the judge is incapable or incompetent, is guilty of misconduct, or has breached the oath of judicial office and the Nunatsiavut Assembly agrees in a resolution supported by at least 60% percent of its members.

### **3. Nunatsiavut Law Enforcement Agency**

The Nunatsiavut Assembly may also establish a law enforcement agency. The Labrador Inuit Constitution sets out the basic requirements that must be followed by the Nunatsiavut Assembly when it sets up a Nunatsiavut Law Enforcement Agency.

## ***Chapter 10 - Inuit Community Governments***

Chapter 10 makes clear that Inuit Community Governments have the right to govern, on their own initiative, the local government affairs of the Communities and that the Nunatsiavut Government is not to compromise or impede the Inuit Community Governments in the exercise of their powers or functions except as set out in the Constitution.

### **1. Nunatsiavut Government Supervision of Community Governments**

If an Inuit Community Government cannot or does not fulfil its obligations the Nunatsiavut Executive Council may intervene to ensure that the obligations are fulfilled. It can do this by issuing a directive to the Community Government describing what it has to do, or by directly assuming responsibility to the extent necessary to ensure that: essential standards are met; finances are properly administered; peace order and security of the Community is maintained; or, to prevent one Inuit Community from taking action that prejudices, the interests of another Inuit Community, or the Inuit as a whole.

Before the Nunatsiavut Executive intervenes in an Inuit Community it must give notice to the Community so that the Community has an opportunity to avoid intervention by the Nunatsiavut Executive. An intervention must end unless it is approved by the Nunatsiavut Assembly within thirty (30) days, and the Nunatsiavut Assembly must review interventions regularly. The Assembly has the power to make laws to regulate the intervention process.

### **2. Community Government Business**

The Inuit Community Governments will run in much the same way as most municipal governments in Canada. However, because the Inuit Community Governments will not be under the control of the Department of Municipal Affairs, but rather, will be a constitutionally entrenched order of government on

their own, there are some special requirements in the Labrador Inuit Constitution. The most important of these are as follows:

- The Inuit Community Governments will have the power to determine their own internal arrangements and proceedings and to make rules and orders about how they do their own business. This power will have to be exercised subject to the Constitution, the Land Claims Agreement and any law that the Nunatsiavut Assembly may make.
- An absolute majority of the council will be required for the most important pieces of community business such as the passing of bylaws, the approval of budgets, the imposition of taxes, the raising of loans under the sale of community lands.
- All bylaws will have to be published for public comment before being passed.
- A bylaw has to be signed and sealed by the AngajukKâk before it is of any legal force or effect.
- Bylaws must be published.

### **3. Composition of the Inuit Community Governments**

The Constitution sets out a table which shows how seats are to be allocated between Inuit, residents and their descendants on the one hand and new residents of the Communities on the other. For a Community of less than 2000 residents or less there will be seven counsellors with five council seats reserved for Inuit, residents and their descendants and two seats reserved for new residents. When a Community has more than 2000 residents, the total number of counsellors will be nine with no less than seven seats being reserved for Inuit, residents and their descendants and no more than two seats being reserved for new residents. The exact number of seats will depend on exactly how many new residents there are in the Community.

There will also be two voters rolls in each Community. One voters roll will consist of Inuit and residents while the other will consist of new residents. People will only be able to run as candidates to represent people on the same role as themselves, and voters will only be able to vote for candidates who are seeking election to represent the voters of the role on which they are registered.

Everybody will be able to vote for the AngajukKâk but only Labrador Inuit will be eligible to be elected as an AngajukKâk. Elections for AngajukKâk will be held 2 weeks in advance of elections for other Councillors.

Inuit Community Councillors will hold office for a term of four years and Inuit Community Council elections will take place at the same time as all other municipal elections in the province. The Inuit Central

Government can make a law to govern Inuit Community Council elections or the elections can be run under the basic requirements of the provincial *Municipalities Act*.

#### **4. Inuit Community Government Finances**

The Constitution requires that the Inuit Community Governments meet minimum requirements for proper financial management. An annual budget must be prepared and sent to the Nunatsiavut Executive Council for approval. Budgets must be balanced and spending must be in accordance with the budget. Financial accounts are to be kept and these will be audited by the Auditor for Nunatsiavut. The financial statements and audit report must be published.

The Inuit Community Governments will have the power to raise revenues through taxation and will have the power to establish real property taxes, business taxes, poll taxes and taxes for municipal services. An Inuit Community Council will only be able to impose a tax by resolution of the Council.

### ***Chapter 11 - Inuit Community Corporations***

Inuit who live outside Nunatsiavut will be represented and served by and through Inuit Community Corporations. Inuit Community Corporations will provide liaison and contact between the Nunatsiavut Government and Labrador Inuit who live in urban areas where Community Corporations have been established. The Community Corporations will be a vehicle through which the Nunatsiavut Government programs and services, if any, might be delivered to Labrador Inuit living in an urban area for which a Community Corporation has been established.

The Labrador Inuit Constitution will require that an Inuit Community Corporation be established for the Upper Lake Melville Region. It will also require that if ten (10) percent or more of all Labrador Inuit live in a single urban area outside Nunatsiavut, the Nunatsiavut Assembly must establish an Inuit Community Corporation for those Inuit. In addition, Labrador Inuit who live in an urban area will be able to form themselves into an Inuit Community if there are enough people to make it worth while. The Constitution says that two hundred (200) people would be required.

The chairperson of an Inuit Community Corporation would automatically have a seat in the Nunatsiavut Assembly.

Community Corporations will work just like any other organization. They will be not for profit corporations in which only Labrador Inuit can be members. The membership will elect an executive committee of four,

including the chairperson, who will run the corporation. An annual general meeting will be required and annual budgets and audited financial statements will have to be prepared.

The Nunatsiavut Assembly will approve the boundaries of the urban area for which a community corporation is to be established. The Nunatsiavut Assembly will also approve the establishment of Inuit Community Corporations and supervise the constitutions and activities of the Inuit Community Corporations.

### ***Chapter 12 - Relationships among Governments***

The Nunatsiavut Government is the senior level of Inuit self-government and will represent Nunatsiavut, including the Inuit Community Governments and the Inuit Community Corporations, in dealing with federal, provincial, territorial and other aboriginal governments in Canada. The Nunatsiavut Government will have the primary authority to enter into agreements with other governments. If one of the Inuit Community Governments or an Inuit Community Corporation wants to enter into an agreement with another government in Canada, it may do so with the consent of the Nunatsiavut Executive Council.

The Nunatsiavut Assembly has a general power to harmonize governmental powers among the Nunatsiavut Government, the Inuit Community Governments and the Inuit Community Corporations. All governments are obliged to cooperate with one another in mutual trust and good faith.

The Labrador Inuit Constitution requires that disputes among Inuit governments be resolved informally, by agreement, rather than through court actions. Court will be used as a last resort for solving intergovernmental disputes and the Inuit Court will only become involved in the resolution of the dispute if it is satisfied that all other alternatives have been exhausted.

### ***Chapter 13 - Miscellaneous and General***

This chapter contains some directions about interpretation and construction of the Labrador Inuit Constitution and Inuit laws.

### ***Chapter 14 - Transitional Arrangements***

The basic transitional arrangements being proposed are as follows:



- All existing law would continue to be in effect until replaced by an Inuit law or a bylaw of an Inuit Community Government.
- The first President of Nunatsiavut will be the president of LIA who will continue in office as President of Nunatsiavut for a maximum of two years.
- The Board of Directors of LIA will become the first members of the Nunatsiavut Assembly but the first election for the Nunatsiavut Assembly must take place within one year after the effective date of the Labrador Inuit Constitution. The main purpose of the interim Assembly will be to put an election law in place and to oversee the interim government.
- The person who holds office as vice-president of LIA when the constitution comes into effect will be the First Minister of the Nunatsiavut Government until after the first election of the Nunatsiavut Assembly.
- The existing Town Councils would continue under provincial laws until the first election is held for Inuit Community Governments. The first election for Inuit Community Governments will be held at the same time as the first provincial municipal elections which are held after the Labrador Inuit Constitution comes into effect.
- Until the Inuit Court is in place, its functions will be performed by the judge of the Provincial Court in Happy Valley-Goose Bay.

### **Schedules**

The schedules to the Labrador Inuit Constitution contains the provisions for amendments, the flag, the anthem, the jurisdictions of the Nunatsiavut Government and Community Governments, the Map of Nunatsiavut, and the details of the transitional arrangements.

### **CONCLUSION**

This summary is intended to make it easier for Labrador Inuit to understand what is being proposed for the Labrador Inuit Constitution. The Constitution itself has a lot more detail. An effort has been made to make the Constitution easy to read but most people will find that it helps to work from the summary, using it as a guide to find out more detailed information from the Labrador Inuit Constitution.