

6



The North

IN THE NORTH WE FOUND A PARADOX. On one hand, the North is the part of Canada in which Aboriginal peoples have achieved the most in terms of political influence and institutions appropriate to their cultures and needs. On the other, the North itself is a region with little influence over its own destiny. Most of the levers of political and economic power continue to be held outside the North and, in some cases, outside Canada.¹

Within this northern paradox, however, there have been great opportunities. In some parts of the North, a unique process of democratic reform of public institutions has been under way for some years. During the life of this Commission, the efforts of many came to fruition. In 1991, Inuit of the eastern Northwest Territories (N.w.T.) concluded a comprehensive claims agreement with the federal government and, simultaneously, began the process of establishing a new territory in their homeland.² Through a variety of means, Inuit and government representatives are now planning the shape and structure of Nunavut, which will be created by division of the N.w.T. in 1999. As Nunavut was being planned and negotiated, residents of the western N.w.T. were also engaged in a process of public discussion and research to define future political arrangements in that region. (A new name has not been chosen for the new territory that will be created in the west, but the region is commonly referred to as Denendeh, which in the Dene languages means 'land of the people'.) Inuvialuit and Dene, Métis and non-Aboriginal, the peoples of the west are culturally much more diverse than their eastern neighbours, but in Denendeh as well, residents are approaching consensus on key constitutional issues.³

In the Yukon, the First Nations communities represented by the Council for Yukon Indians have negotiated a new form of highly decentralized comprehensive claims agreement. Labrador Inuit have been pioneers in securing transfer of the administration of social expenditures from the province, while continuing claims negotiations. In northern Quebec, Inuit and Crees negotiated the first modern comprehensive claims agreement in Canada and

have now completed nearly 20 years of innovation, research and political development. Other nations — the Innu people of Labrador and the Aboriginal peoples of the northern parts of many provinces — have not yet achieved new regional or provincial political arrangements. In many places, though, detailed work has been under way on these matters and in the areas of social and economic development.

The political development achieved in the last 20 years in parts of northern Canada is striking. A framework for the future is beginning to emerge. As far as the economic and social future of northern communities is concerned, however, complacency would be ill-advised.

As discussed in Volume 2, Chapter 5, self-government in the absence of economic viability is hollow. Economic development and self-government without social well-being in Aboriginal communities are equally unacceptable. Northerners explained these connections to us repeatedly, and we accept their views. We recognize the work being undertaken by Aboriginal and non-Aboriginal northerners in co-operative constitutional development and the resolution of outstanding disputes. With them, we understand economic development and environmental stewardship to be essential complements to political development.

The most enduring economic base in northern Canada is the mixed economy — also called the traditional economy, the traditional-mixed economy, the domestic economy and the informal economy. In the mixed economy, households combine cash income from a variety of sources (wages, social transfers, arts and crafts production) with income in kind from the land, shifting their efforts from one sector to another as conditions dictate. Cash income is sometimes shared; food is shared often.⁴ The mixed economy is the dominant economic form of most Aboriginal communities, and it is by far the most stable. The stability of the mixed economy is evident in its persistence since the earliest days of cash economy opportunities in the North, beginning with the fur trade. The central reason for this stability is its flexibility and adaptability, allowing producers to take advantage of a variety of economic opportunities. (See Volume 2, Chapter 5 on economic development and later sections of this chapter.) We believe that support of the traditional-mixed economy is the most effective way to promote the economic vitality of northern communities.

Cash income, and therefore wage employment, is essential to the operation of the mixed economy. Wage employment in the North is provided, generally, by three sectors: (1) federal/territorial/local public administrations; (2) the small

business (mainly service) sector, including tourism; and (3) mining.⁵ For the mixed economy to continue to flourish, it is imperative that Aboriginal people find wage employment in all of these sectors and that these wage-earning activities continue in a way that does not interfere with harvesting and other land-based activities. An important aspect of realizing this is a comprehensive and international approach to environmental stewardship in the North that ensures that the mixed economy will continue to be viable for generations to come.

Finally, we want to emphasize the importance of sustained attention to human resources development. Unemployment rates for northern Aboriginal people are much higher than those of their non-Aboriginal neighbours. The northern Aboriginal population is young, and so the number of Aboriginal people in the North who are unemployed or under-employed can be expected to grow. Economic development strategies based on the traditional-mixed economy provide the most likely basis for improved employment prospects for young people in the North. To ensure that those who will run the new governments, participate in economic development, and take care of the environment are prepared for what lies ahead, we recommend a number of measures designed to create maximum opportunities for individual human development while these major processes are under way.

1. Living in the North

The North is the homeland of many peoples, among them Inuit, Inuvialuit, and the Northern and Southern Tutchone, Han, Kaska, Tlingit, Tagish, Gwich'in, Cree and Innu peoples, as well as the Sahtu Dene, Deh Cho Dene, Tli Cho Dene (Dogrib), Sayisi Dene and Métis peoples. About 36 per cent of all Aboriginal people in Canada live in the territorial North and the northern parts of the provinces (Table 6.1). In many regions, Aboriginal people outnumber non-Aboriginal people, and almost everywhere in the North, Aboriginal people are numerous enough to influence the way of life of people who migrate to the North and to form an influential plurality of voters. As Table 6.2 shows, Aboriginal people form the majority in the N.w.T. — including and excluding Nunavut — and northern Saskatchewan. They form significant pluralities of voters in the northern regions of Quebec, Manitoba, Labrador, the Yukon and Alberta.

TABLE 6.1
Aboriginal Identity Population by Region, 1991

	Aboriginal Identity Population	
	#	%
Canada	720,600	100.0
Total North	260,400	36.1
Far North	70,100	9.7
Mid-North	190,300	26.4
South	460,200	63.9

Note: Aboriginal identity population is adjusted for undercoverage in the 1991 Aboriginal Peoples Survey (aps).

Source: M.J. Norris, D. Kerr and F. Nault, "Projections of the Aboriginal Identity Population in Canada, 1991-2016", research study prepared by Statistics Canada for RCAP (February 1995).

TABLE 6.2

Aboriginal Identity Population as a Percentage of the Total Population, 1991

	Total Population	Aboriginal Identity Population ¹ as a % of Total Population
Total North	1,691,120	13.4
Far North	152,130	39.9
Yukon	27,800	16.3
n.w.t. ²	57,650	60.0
Quebec	36,310	41.1
Labrador	30,375	22.1
Mid-North	1,538,990	10.7
Quebec	557,635	3.3
Ontario	461,740	9.1
Manitoba	64,165	44.9
Saskatchewan	26,735	93.8
Alberta	173,305	16.1
British Columbia	255,410	9.1

Notes:

Far North = Yukon, n.w.t., northern Quebec and Labrador. Mid-North = roughly the northern half of the western provinces, northern Ontario, and that portion of Quebec north of southern urban Quebec and south of the part of Quebec defined as Far North in Quebec (see Figure 6.1).

1. For comparison purposes, population data for the Aboriginal identity population are unadjusted for undercoverage in the cps because adjustments to the total population from the 1991 census have not been made. The percentages would not change significantly if adjustments were made to both populations.

2. Includes Nunavut: total population, 21,245; total Aboriginal identity population, 17,795 (83.8 per cent).

Source: Statistics Canada, 1991 Aboriginal Peoples Survey, custom tabulations; and 1991 Census, catalogue no. 93-304.

Most northern communities are small. Of the 928 communities in northern Canada, 584 have fewer than 1,000 people and 288 have under 300 (see Tables 6.3, 6.4 and 6.5). As a general rule, the smaller the community, the greater the proportion of Aboriginal residents.

TABLE 6.3

Total Population: Number of Communities by Population Size and Geographic Region, 1991

	Number of Communities by Population Size Group				
	Exclusions*	1-299	300-999	1000+	Total
Far North					
Labrador	0	6	16	4	26
Quebec	9	7	11	11	38
Yukon	2	26	7	1	36
Northwest Territories	2	29	27	13	71
Total Far North (%)	13 (7.6)	68 (39.8)	61 (35.7)	29 (17.0)	171 (100)
Mid-North					
Quebec	15	49	102	88	254
Ontario	27	52	49	56	184
Manitoba	5	13	16	18	52
Saskatchewan	10	21	22	7	60
Alberta	4	27	17	28	76
British Columbia	14	58	29	30	131
Total Mid-North (%)	75 (9.9)	220 (29.1)	235 (31.0)	227 (30.0)	757 (100)
Total North (%)	88 (9.5)	288 (31.0)	296 (31.9)	256 (27.6)	928 (100)

Note: * Community population sizes of zero or 'not applicable' and incompletely enumerated reserves in Ontario (18), Alberta (3), and the Yukon (1).

Source: Statistics Canada, 1991 Census, catalogue no. 93-304.

TABLE 6.4

Aboriginal Origin Population: Number of Communities, by Population Size and Geographic Region, 1991

	Number of Communities by Population Size Group*			
	40-299	300-999	1000+	Total
Far North				
Labrador	11	4	1	16
Quebec	10	15	3	28
Yukon	18	1	1	20
Northwest Territories	22	28	10	60
Total Far North (%)	61 (49.2)	48 (38.7)	15 (12.1)	124 (100)
Mid-North				
Quebec	54	23	4	81
Ontario	71	31	8	110
Manitoba	12	11	11	44
Saskatchewan	21	18	4	43
Alberta	33	17	5	55
British Columbia	49	33	6	88
Total Mid-North (%)	240 (58.4)	133 (32.4)	38 (9.2)	411 (100)
Total North (%)	301 (56.3)	181 (33.8)	53 (9.9)	535 (100)

Note: * Excludes incompletely enumerated Indian reserves and settlements, as well as census subdivisions with fewer than 40 persons with Aboriginal origins and/or Indian status.

Source: Statistics Canada, 1991 Census, catalogue no. 94-326.

TABLE 6.5

Census Subdivisions¹ with a Majority Aboriginal Origin Population, 1991

	Aboriginal Majority Communities	Number of Communities	Communities With Aboriginal Majority
	#	%	
Far North ²			
Labrador	7	25	28
Territoire nordique			
(Census Division 99, Quebec)	21	28	75
Yukon ³	11	23	47.8
Northwest Territories	57	63	90.5
Total Far North	96	139	69.1
Mid-North ²			
Quebec	19	227	8.4
Ontario ³	46	149	30.9
Manitoba	36	45	80
Saskatchewan	38	48	79.2
Alberta	26	66	39.4
British Columbia	51	94	54.3
Total Mid-North	216	629	34.3
Total North	312	768	40.6

Notes:

1. Census subdivision is the general term applying to municipalities (as determined by provincial legislation) or their equivalent, e.g., Indian reserves, settlements and unorganized territories.

2. The 1991 census population by Aboriginal origin was used to obtain community-level data for all communities in the Far and Mid-North zones. The 1991 aps data were not used because they did not survey all communities in sufficient numbers to produce community-level data for each.

3. The Mid-North zone in Ontario excludes 18 Indian reserves that were incompletely enumerated in the 1991 Census; one such community in the Yukon is also excluded. Assuming they have majority Aboriginal populations, the percentage of communities with an Aboriginal majority would rise to 38.3% in Ontario and 50% in the Yukon.

Source: Statistics Canada, Canada's Aboriginal Population by Census Subdivisions and Census Metropolitan Areas, catalogue no. 94-326; and Census Divisions and Census Subdivisions: Population and Dwelling Counts, catalogue no. 93-304.

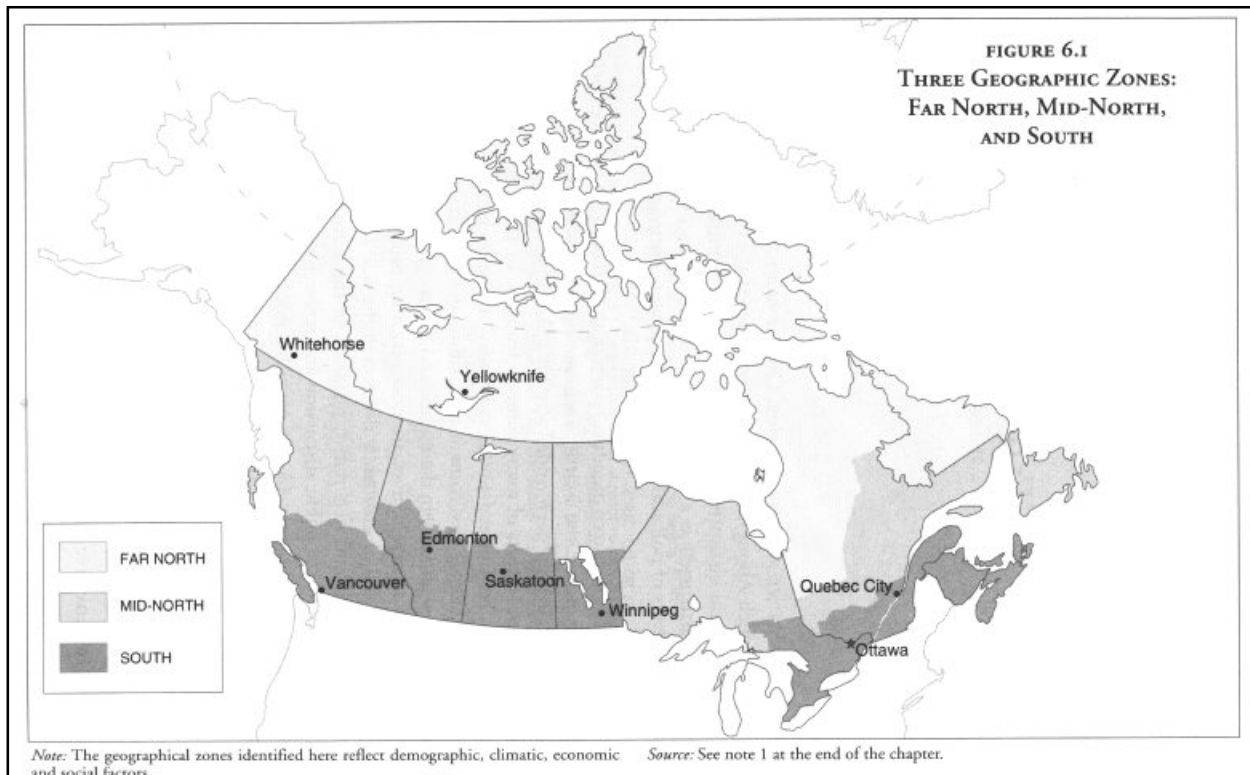
Even in the larger centres, there are distinctively Aboriginal features to almost every aspect of life. Many of the non-Aboriginal people who have moved to the North have been strongly influenced by Aboriginal realities. Some have chosen to live in predominantly Aboriginal communities, often becoming part of Aboriginal families. Even newcomers living in larger centres are in a position analogous to that of immigrants who come to Canada and adapt to local customs. There are many outward signs of a 'blended' northern identity: in clothing; in the characteristically friendly and frank demeanour of northerners toward each other and toward strangers; and in the conventions and more formal rules of political life, which emphasize accessibility and accountability of leaders. The ability of northerners to negotiate political compromises and to work on constitutional principles has been demonstrated many times in the last decade. Certainly, there are varied interests and political conflict in the North, but in their negotiations with the federal government and in their relations with the rest of Canada, northerners have increasingly presented a common face. This in turn has begun to be reflected in federal northern policy.⁶

One source of the distinctive northern perspective is simply demographic: the most striking aspects of northern life draw upon the indigenous cultures of the North. These have been reinforced by other factors. Although there are still major differences between Aboriginal and non-Aboriginal northerners in income and access to senior level jobs, they share a common economic base and, increasingly, common economic interests. Outside a few larger centres, the mixed economy of occasional wage employment and land-based food and fur production, complemented by high public expenditures, forms the backbone of the economy. Wage employment is found most commonly in the public sector, with occasional pockets of tourism, mining and mineral development. Healthy development in all sectors requires a high degree of co-operation, which is

reflected in joint venture corporations and various environmental management boards.

Many Aboriginal languages still flourish in the North, particularly compared to southern Canada. In 1991, in the far north, 70.2 per cent of Aboriginal adults (aged 15 and over) and 63.7 per cent of children (aged 5 to 14) were reported to speak an Aboriginal language. In the mid-north, 54.9 per cent of adults and 35.9 per cent of children were speakers of an Aboriginal language. In the south in 1991, 23.1 per cent of Aboriginal adults and only 8.6 per cent of children spoke an Aboriginal language.⁷ (See Figure 6.1 for the locations of the far north, the mid-north and the south. For a further look at the situation concerning Aboriginal languages, see Volume 3, Chapters 5 and 6.) A similar situation prevails with Aboriginal traditions and science and technology. The strength of the mixed economy, with its hunting, fishing and gathering components, is probably a major reason for the survival of indigenous knowledge in the North. The technology for on-the-land production has changed: people use rifles, motorboats, snowmobiles and radios instead of harpoons, bows, kayaks, canoes, and inuksuit and other markers. Bone and ivory needles and stone cutting tools have been replaced by metal needles and steel knives. But hunters and fishers still need detailed knowledge of the habits of the wildlife upon which they depend, a detailed understanding of the weather and the seasons, and specialized techniques for observing and catching animals and fish. The assembly of clothing and footwear still relies on techniques refined over centuries.

While the fruits of the land are bountiful, northern Aboriginal people face severe economic hardships: there are the very high costs of travel, transportation and consumer goods and scant and very constrained wage-economy opportunities.⁸ Aboriginal people live in communities still reeling from several decades of massive change. Over the last century and a half, most northern Aboriginal peoples have experienced the devastation wrought by epidemics of influenza, tuberculosis and other diseases. Almost all were disrupted by centralization and relocation programs and subsequently by federal social welfare programs. The move to analyze systematically what are generally acknowledged to be the substantial, far-reaching and cumulative effects of such changes has barely begun.⁹ (The disruption of families and communities caused by resettlement is discussed in Volume 1, Chapter 11.) Despite all that has happened, many northern Aboriginal communities remain good places to live and raise families.



2. The Commission's Approach to the North

While all aspects of the Commission's mandate are relevant to northern Aboriginal people, the mandate also mentions the North specifically:

The Commission may investigate the difficulties and cost of communications and transport, issues of environmental protection, sustainable economic and social development, access to natural resources, and any differential treatment of northern Aboriginal people by the Canadian and Territorial Governments.

The special difficulties of living in the North do affect Aboriginal people's economic, political, social and cultural prospects. The North is sparsely populated and far from markets and manufacturing centres. For several decades, political and economic control have been held outside the North. Legally and constitutionally, the Yukon and Northwest Territories are under federal administration, although in practice they are approaching quasi-provincial status. The northern area of each province has a different history, but in no case is there much local control over the regional political economy or much regional retention of capital.

Aside from these special difficulties, northern Aboriginal peoples can count

some achievements and innovations that may be of interest to all Canadians. Northern Aboriginal and non-Aboriginal people have devised new forms of political negotiation and new constitutional frameworks that promise to meet some of their goals. Although the process is incomplete and by no means entirely satisfactory, in many places northerners have come a significant distance toward defining a new relationship between Aboriginal and non-Aboriginal people.

From 1992 to 1994, the Commission visited 50 communities in the North. In developing our approach, we considered social and economic information about how people actually live. Political boundaries are certainly important for policy development and political innovation, and our discussion of these matters takes this into account. But we have drawn no conclusions and offer no suggestions about where northern political boundaries should lie. Our North is primarily a social and economic reality.

In the next section of this chapter, we offer our understanding of what northerners — Aboriginal and non-Aboriginal — told us during the hearings, in other discussions we attended, and in briefs and letters. Building on that understanding, we then discuss the source of the current problems experienced by Aboriginal people in the North. In this we were assisted greatly by the testimony of elders and by the work of historians and other scholars. We want to explain the past in order to expose the practices, traditions, assumptions and material conditions that create the present, for it is action in the present and future that concerns us most.

This chapter also offers a brief overview of the political jurisdictions and regions that constitute the far north. For reasons of space, we have included the Northwest Territories and the Yukon in this discussion, as well as the Labrador and Nunavik (northern Quebec) jurisdictions inhabited by Inuit. This section provides a brief introduction to the varieties of northern life and circumstances, and it shows why local development of many policies and programs is essential. General principles must apply equally to all, but specific measures will work best when they are designed and shaped by the

people of each nation or region. Although space prevents detailed discussion here, the northern parts of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia share many of the political, cultural and economic circumstances that we describe for Labrador, Nunavik, the Yukon and the Northwest Territories.

In the final sections of this chapter, we analyze several important issues and propose solutions. Environmental stewardship is an essential element of all future northern policies and programs, whether these be the policies of Aboriginal governments, other governments or private corporations. Healthy northern communities depend directly and indirectly on a healthy environment. The health of the northern economy depends on a viable environmental strategy and practical policies based on the real long-term northern economy. In economic development and in the rapid political development that many northern regions have faced, there is enormous potential for contributions to individual and family well-being. The ways this opportunity can be realized are explored at the end of the chapter.

3. What Northerners Told the Commission

One of our most difficult tasks in preparing this report was to report to the government and to Canadians in language faithful to both Aboriginal and non-Aboriginal ways of seeing the world. From the beginning we were acutely aware of the difficulties inherent in interpretation and understanding. We designed our public hearings to permit people to speak in their own languages and to allow us to hear people's views and confirm our interpretation of what they said. We were also assisted by our experience and knowledge as Commissioners: of the four Aboriginal Commissioners, two are from the North. As well, we relied on an extensive research program that involved several northern communities and some of the best scholars in this field.

We followed the advice of northerners who offered to share their experiences with us. Aboriginal people said that they did not want to be studied again but to be listened to and to have their words taken seriously. They emphasized the enduring strength of Aboriginal traditions and the importance of these traditions for communities seeking to find their way back to a healthy way of life. Continuity with the past and opportunities for cultural development are essential. Aboriginal people urged the Commission to remember the connections between all areas of life. Martha Flaherty, president of Pauktuutit, the Inuit Women's Association of Canada, explained:

The overall health and well-being of our people are intrinsically tied to the social, political and economic development of our communities. We can no longer afford to pay the price of dividing issues into manageable portfolios, programs and services. A holistic, integrated approach is necessary at every level and in relation to every issue or problem.

Martha Flaherty
President, Pauktuutit
Ottawa, Ontario, 2 November 1993*

This chapter was inspired in part by these words.

3.1 The Four Themes: Land, Community, Making a Living, Governance

Northern Aboriginal people spoke to the Commission on a wide range of issues. Some had very specific concerns, and where possible we have tried to respond. It has not been possible, however, to investigate and propose solutions for every matter raised.

As we thought about and discussed the testimony from the 50 northern communities we visited, we found a fair degree of consensus about what is important. Four related themes emerged: the importance of the land; the centrality of 'community' for individual well-being; the need for viable ways for individuals to make a living; and the changing face of governance, the political forms and traditions through which social and public decisions are made. These themes are helpful in organizing our discussion of northern Aboriginal peoples' concerns.

Land

Dene Chief Gabe Hardisty spoke for many northern Aboriginal people when he told us about his people's goals:

I don't have anything written down. The way I was taught is to take your memories and speak your mind and speak from your heart, and that is how I was taught. Up until today, I am still living the way I was taught....Being Dene, we learn from our past and this is how we got this far....

We live by the lakes and the rivers. We learn when to fish. At certain times of the season, we learned how to fish, and we used willows to make fish nets. This is how we fished for fish. These are the people we are from....

We had our own government in the past. If we didn't have our own government, we wouldn't be here today....Since the coming of the white people, a lot of things have changed. When the Europeans came here, we had done a lot of

hunting to help them supplement food that was brought in from down south. At the time, if we had abandoned a lot of the European people here, they would have probably frozen....The way the European culture thinks is that they figure the Dene were too stupid to have a government. They figure we are too stupid to do things on our own. I don't think so. If we were stupid, we would probably not have survived. We had Dene government before the coming. That is why we are still here. Since the European government was started, there is nothing that has gone right for us. That is why we want our own government....

We want to do better for our land. This is what we were talking about. There have been a lot of meetings since the beginning. Twenty years ago, if we brought everything that we wanted to the government, if they looked at it, when Dene people say something, they don't think we are telling the truth.
[translation]

Chief Gabe Hardisty
Fort Simpson, Northwest Territories
26 May 1992

Chief Hardisty's assertion that one of his people's goals is "to do better for our land" is a statement of profound importance. It is also one of the most difficult to translate into Commission recommendations, for it is grounded in an ethical system of closely linked personal and collective responsibilities in which responsibility to Creation, including the other beings that are part of Creation, is central. On several occasions, Aboriginal people explained the importance of 'land' and 'place' to their current well-being and to their plans for the future. For other Canadians, who may lack intimate experience with the land, the deep sense of responsibility that northern gathering and hunting peoples have to the land requires considerable effort to understand.¹⁰

Decisions about land rights and land management regimes will affect every aspect of the North's future, from cultural health to economic development, from the distribution of resources to people's ability to participate in Canada's political institutions. What is at stake is far more than legal title, jurisdiction or authority, but these are the instruments Aboriginal peoples have come to recognize as important to achieving their goals. In this regard there are still many open questions, some of which we address in this chapter but others that will be resolved only in practice.¹¹

Community

The Aboriginal people are, by tradition, a people of the land. Their very nature is tied strongly to the land, and any answer to the economic problems must include their remaining on the land. We have many today that do not live in Old Crow because they have been faced with a need to make a living, but if we were to ask them, they would tell you that they would come back if it was possible to live.

Rae Stephensen
Old Crow, Yukon 17 November 1992

In the North, most Indigenous people still live in small communities among relatives and long-term friends for at least part of their lives. While some wage centres in the North are growing as people move there searching for employment and other opportunities, there are many viable small communities. Most northern Aboriginal people still call such places home, wherever they might live.

Their languages, histories and experiences may be different, but the small, predominantly Aboriginal communities of the North share a number of features. Typically, there are few permanent wage-earning opportunities, except in the public service and a few small service businesses. There is extensive use of the surrounding lands and resources and a high degree of dependence on the fruits of the land. Most individuals know a great deal about the strengths, weaknesses, talents and foibles of their neighbours, and they share a common history and heritage stretching back through generations.

Thus, the northern Aboriginal community is not just a collection of buildings. It extends beyond dwelling places to include land for fishing, gathering, visiting, trapping and hunting, and memorable places where important events occurred. Northern Aboriginal peoples' tenure in the settled communities of today is relatively recent; they have lived in more mobile, family-centred communities for centuries. In modern times, the attachment to the land and the strong sense of collectivity remains.

It is primarily in Aboriginal communities that their languages are preserved and language-specific knowledge is retained and transmitted. What is sometimes referred to generically as 'culture' is sustained and developed in these communities — flourishing Aboriginal communities where there is a strong commitment to cultural continuity and a co-operative spirit to build toward the future, bringing strength to the relatives, friends and other Aboriginal communities in their orbit. The presence of

lively, diverse human settlements is also a treasure for all humanity.

Making a living

I want to give you an idea of the confusion that exists in our communities. A recent survey conducted in one of our communities was asking a question and the question was, "What is most important to you in your lives right now in this community?" The response that was most important to the majority of the people who responded to that questionnaire was that, number one, employment was the most important thing in our communities because the fact is in our communities, at this time, we have upwards of 85 to 95 per cent unemployment and the welfare rate is high.

Herb George
Gitksan-Wet'suwet'en Government
Commission on Social Development
Kispiox, British Columbia, 16 June 1992

Probably the most important challenge for the future of northern Aboriginal peoples is economic. Some northern communities today enjoy an adequate standard of living, with relatively good housing and other services and reasonable, if not ample, means for people to make a living. Other communities are in deep distress, suffering from poor infrastructure, inadequate cash flow and a general shortage of opportunity. Still other northern communities, and probably the largest group, are poised somewhere between these extremes. They have a deep appreciation for the many positive aspects of community life and a keen awareness that population and other pressures might lead to a deterioration in community health in the near future.

Aboriginal peoples are generally 'young' peoples; they are experiencing a more rapid increase in the proportion of young adults than is occurring in the general population. At the same time, through television and other media, northern communities are becoming less isolated, and northern youth are being drawn into ways of life more appropriate to wage-earning societies than to societies living primarily off the land. The most important issue for the growing population of young Aboriginal adults in the North is how they will make a living.

[T]he expertise of Inuit women in dealing with social issues is being recognized, but how can social issues be separated from economic issues? Where is unemployment, poverty and dependence separate from physical and emotional well-being or from the problems of youth suicide, alcohol and drug abuse, and ill-

nourished children? Economic development cannot be isolated in a category of its own; all policies and programs must be designed, or redesigned, to include a more holistic perspective.

Simona Barnes
Pauktuutit
Ottawa, Ontario, 2 November 1993

New and forceful measures are necessary. Large, non-renewable resource-based projects and heavy infrastructure investment have failed to create a dynamic regional wage economy. Given the importance of public sector employment and the likelihood that this sector will not continue to grow at previous rates, and considering the huge number of young people about to enter adulthood, it is clear that a new era is beginning. Responsibility to the land and sustaining vital communities will be important considerations in creating new opportunities for the current generation to earn a living. Taking these factors into account will help develop realistic strategies for northern economic development.

Our approach to northern economic development is based on a recognition that local knowledge and community innovations hold the key to developing northern economies, which are now cash-poor and high-cost. Later in this chapter we discuss economic policies based on the entire economic base, drawing the best from sectors such as mining, mineral exploration, transportation, renewable resources development and tourism, as well as from the more stable public sector and the long-standing hunting and fishing economies. The policies must also take into account the relationship between healthy social and family relationships and a viable economy.

Governance in the North

Today we are in a time of healing for our children, our families, our communities and Mother Earth. While we struggled to reach a just and fair settlement for our land claims, our elders have held on to the past and have kept our languages, stories, histories and songs alive. They have been patiently waiting for the day when our people would reclaim what is rightfully ours. That day is upon us. We are putting into practice our own forms of self-government using our own regimes that have been passed down from generation to generation, as well as creating new structures to move us into the future.

Judy Gingell
Teslin, Yukon

27 May 1992

Northern Aboriginal people stress that economic and social development are not separable from political progress; each requires and complements the other. People in many parts of the North have been engaged in a process of rejecting and then rechannelling the frequently intrusive hand of federal, territorial and provincial administrations, particularly since the 1960s. The territorial North and the northern parts of most provinces still do not exercise control over most aspects of life. Control is exercised elsewhere by non-residents, and resources and capital tend to be exported, with little benefit remaining in the region. For the Aboriginal people in the North, there is the additional difficulty that these patterns were set by an alien culture to which they have few points of entry.

Some progress has been made in reversing these patterns, but as yet few of the changes are fully entrenched in institutions and practices. There are three areas of central concern:

- securing sufficient control over lands and resources so that the new governing institutions can take action to benefit the people they serve, which includes ensuring that governments have sufficient revenue to continue to provide existing services and to undertake new ventures;
- developing governing structures that are recognizably democratic and efficient, while at the same time reflecting indigenous traditions; and
- affirming and updating treaties so that the original agreements between northern Aboriginal people and newcomers can be respected. This includes new negotiations by nations and peoples that have not yet negotiated treaties or similar agreements.

These matters are discussed at length in Volume 2. In this chapter, we outline aspects of each question that are specific to the North.

3.2 How the Four Themes are Related

The four themes — land, community well-being, making a living and governance — are intimately related. Individual well-being depends upon community well-being, particularly for northern Aboriginal people. Community well-being relies on an adequate regime for sharing the use of the land and

mediating among competing and potentially conflicting forms of resource development. An adequate land regime, in turn, depends on practical and effective arrangements for self-government, especially with respect to relations with other governments and authorities.

Turned another way, self-government requires adequate resources to finance administration, regulation and services. In the North, access to resources requires access to land. Adequate stewardship depends upon informal social controls and training systems that teach people the proper way to use the land. These customs and systems are developed, preserved and elaborated in healthy communities.

In light of the diversity of Aboriginal peoples, solutions are more likely to be regional, nation-based or local than pan-northern. Yet the root and ultimate objectives of many First Peoples are the same, and the impediments they encounter in their political, economic and cultural development are broadly similar. For this reason, the experience of northern Aboriginal people in negotiating future arrangements may well be useful to other Aboriginal people living in quite different climatic and demographic circumstances.

For example, Crees and Inuit in northern Quebec have nearly 20 years' experience of "negotiating a way of life" by way of a comprehensive claims agreement.¹² Aboriginal and non-Aboriginal residents of the Northwest Territories are specialists in developing processes for effective public discussion of constitutional development. Over the last 15 years, several initiatives have permitted wide-ranging, community-based, regionally defined discussion of the most fundamental issues; in some areas, consensus has been achieved. As Aboriginal self-government is implemented across Canada, these experiences are bound to be useful to those making plans for other areas.

Beyond specific cases, there is the matter of coping with rapid, fundamental change in general. There will be a prolonged period of negotiation and discussion in many parts of the country. Northerners have experienced more recent change than most people. To anticipate what it might mean to implement the inherent right of self-government in a thorough manner across Canada, it is useful to study the northern transition.

4. The Source of Current Problems

Many Aboriginal people who spoke to the Commission offered explanations of

the great transformations their societies have experienced as a way of highlighting the source of their current concerns. Many of these concerns arise from the impact of colonization. Very few people who spoke to us of these matters merely laid blame; rather, they sought acknowledgement of what had occurred and a better relationship in the future.

The Commission published a detailed study of one sad episode in Canadian history, when Inuit from Inukjuak, northern Quebec, and Pond Inlet, Baffin Island, were relocated to Resolute Bay and Grise Fiord in the high Arctic.¹³ In special hearings and later examinations, we had an opportunity to understand the impact of this relocation in great detail. We recognize the similarities between the high Arctic relocation and so many other cases of relocation — and other kinds of outside intervention — in Aboriginal communities across Canada (see Volume 1, Chapter 11). We recommended that the government acknowledge the wrongs done to the relocated Inuit, apologize to them, compensate them for the relocation, and acknowledge the Inuit contribution to maintenance of Canadian sovereignty in the high Arctic.

In Kangiqsujuaq, Quebec, on 29 March 1995, federal Indian affairs minister, Ronald A. Irwin, declared:

No matter what the reasons for mounting a major undertaking like the relocation, no matter how well intentioned, such a major undertaking involving the movement of people would not be done in the same way today. Also, there may be differences in opinion as to the motivation behind the relocation, recognition has to be given to the significant contribution made by the residents of Grise Fiord and Resolute Bay to the establishment and maintenance of a Canadian presence in the high Arctic. It is my intention to discuss the matter in full with my government colleagues very soon. As you know, before any decision can be made it must have the support of the cabinet and government as a whole.¹⁴

Inuit who were relocated from Quebec and Baffin Island to the high Arctic islands share with many other Aboriginal people across Canada the need to understand and reshape their relations with the newcomers to their land. Aboriginal northerners offered us their analysis of the history of contact between non-Aboriginal and Aboriginal societies and of the changes that contact brought.

Kenneth Spence spoke to us about the effects of the flooding of his people's traditional land in northern Manitoba:

We, the people, formerly of South Indian Lake are very frustrated and hurt by the ignorance of Manitoba Hydro. We are also victims of the flood that destroyed our beautiful community. We have been affected in a lot of different ways. We once had a very quiet, peaceful, pretty and prosperous community. We lived, like our forefathers, surviving on fishing and trapping which was plentiful before the flood. You would hardly ever find anybody living on welfare. The flood changed it all. [translation]

Kenneth Spence
Leaf Rapids Relocation Group
The Pas, Manitoba, 20 May 1992

Clara Schinkel, a member of the Tagish Governance Society, told us:

Over the last century a number of events occurred which began to undermine the Tagish people as a distinct nation. The gold rush and the building of the railway and the residential school at Carcross had a devastating effect on the Tagish culture. Many moved to Carcross and other places to obtain work. The Tagish people were fractionalized. The missionaries taught only English in the schools and this, together with inter-marriage between Tagish and Tlingit, almost annihilated the Tagish language. The Tagish language has survived many centuries; however, it has become closer to extinction in the last century.

Clara Schinkel
Tagish Aboriginal Governance Society
Whitehorse, Yukon, 18 November 1992

In another context, an Inuit elder, Annie Okalik, outlined the changes in work and family relations that occurred when the old way of life was left behind. She explained the sources of many of the problems facing Aboriginal communities today:

My way of living is very different now than the way it used to be. And though we are provided with some comforts from modern culture, it isn't the same kind of comfort and peace that we had. While we still lived our traditional life I bore some children, and after we moved to the settlement of Pangnirtung, I bore more. My two sets of children were raised in completely different ways. My eldest ones lived like I did; my younger children were born having to enter school. So my younger children are inclined more to modern living and my older ones to the traditional Inuit way of life.

In those days, there was no other place but our homes and parents. We honoured our parents then, and no one else. If we were told to do something, we did not refuse or talk back, nor were we to be lazy....My grandmother was really in charge of the children then, compared with today. She would tell me stories about her life when she was growing up and she'd tell me that our life now is so easy because there are no shamans to govern the lives of Inuit. But looking back, it really wasn't any easier, though our lives were made easier then by heeding the traditional laws....

Our life seems to have been completely turned over. An example of how life has changed for Inuit is that most of the young men do not know anything about hunting. Because I was the eldest child in our family, I would accompany my father during his hunting trips. We'd hunt by dog-team during the winter and on foot in the summertime; we'd also trap for fox. My father was a very quiet man; he never scolded me....What helped was the fact that I knew my limits and respected the rules. We would share all the tasks at hand. I remember I would get so sleepy after everything we needed was inside our little igloo and our qulliq [oil lamp stove] was turned on. He would say his prayers both at bedtime and morning. I have benefitted by the way my father lived his life....

Compared with our life now, we did not use drugs or alcohol, and I have seen how much these things have wrecked the lives of Inuit, especially the young people. I remember that when the supply ship came during the summer months, two of the Inuit employees of the Hudson's Bay Company store would consume alcohol, but they were moderate in their intake. Today, along with new things being introduced to the North, it seems that people will drink too much, with no limits at all.

I am not trying to say that all of the old ways of life were better, but in regard to alcohol intake now, it does seem that life was a lot better than it is today.¹⁵

Many of the older generation of northern Aboriginal people grew up on the land. The seasonal rhythm of the land and the cycles of game and fish shaped their existence. They lived in relationship with the birds, the mammals, the plant life, in harmony with the land, sea and air, and attuned to the movements of the moon, sun and stars. They moved from camp to camp to where the animals, fish and plant life were plentiful. Men and women each had roles and responsibilities; one was not more important than the other. Elders and children received most of the attention.

The generation following that older generation — people now between 30 and

50 — were caught in a massive transition. Many of this generation were born and raised on the land but spent their young adulthood living in a settlement or town. Their children in turn experienced a similar change: few young people were born in the outpost camps; many have only brief summertime experience of the land. Schooling in English has led to the loss of Aboriginal languages and alienation from Aboriginal culture. Like many other Canadian young people, northern Aboriginal youth prefer fashionable clothing and popular music and culture.

Thus, during the last two or three generations, there have been fundamental changes in the way northern Aboriginal people live. They have moved from living freely on the land to living in houses in settlements or towns.¹⁶ Where they once had independence and control over their own lives, many now depend on wage employment, subsidized housing, social assistance or unemployment insurance. In various ways, government structures many aspects of their lives.¹⁷

Annie Okalik and many others trace the extensive abuse of alcohol and drugs to these changes. Okalik emphasizes the disintegration of the traditional laws that supported proper social behaviour and the stresses on individuals arising from the transformation of Aboriginal society in the last several decades. Although Aboriginal people have lived with non-Aboriginal people, sometimes closely, for the last 200 years, it has been mainly since the creation of year-round communities that traditional authority has been undermined.

Apphia Awa shares this view. Awa was born in 1931 in Ammitturmiut (Igloodik) on north Baffin Island, Northwest Territories. She was brought up on the land, married and had children, moved from camp to trading post to camp on north Baffin Island, and finally left the land to live in the community of Pond Inlet in 1972. She lived the traditional life, but her children are living a modern life. Several went away to residential school in Churchill, Manitoba, and now have successful southern-style careers. Others stayed closer to home. Awa describes the loss of authority in her life:

When I was growing up, the elders were treated with a lot of respect. They would sit around and we would serve them. We would prepare their tea for them, we would do what they told us to do. At that time, our only jobs were serving the elders. The elders organized all the important work. They organized the skin preparations. They distributed the meat and told us how to prepare it. The younger children were always serving them with tea, bringing them things, getting the ice for water, doing all the menial tasks....

I'm not treated like an elder today. I'm not treated the way that we treated elders when we were growing up. Inuit now have to go to work all the time. The children, they are always in school. Elders today, we know that the younger generation have full-time jobs. We know that when they get home they have even more work to do, taking care of their children, their houses. The elders today realize this situation, that is why we don't ask to be waited on. That is why we tend to do things ourselves.

Also, things are different because of the alcohol. The elders today are just as knowledgeable but we don't talk or instruct the young people as much any more. If an elder tells a young person not to do something, when that person gets drunk he might get mad at the elder for having said that. He might go over to the elder's house and start yelling. He might scream at the elder when he is drunk, tell him what to do and say things like "I won't take it any more". The alcohol, that is why the elders don't want to talk any more. It is because when young people get drunk, they can get abusive towards the elders.¹⁸

The effect of this undermining of traditional authority has been to splinter Aboriginal society even further.¹⁹ Young people have tended to break away from the traditional way of obeying their parents and grandparents and other authorities. They have been drawn increasingly into the wage economy, which rewards individual effort and pays no heed to the use that wage earners make of their incomes. Where there is no employment, people must rely on social assistance and other transfers; these can have a similarly individualizing effect. In a study prepared for the Commission, Peter Kulchyski found that state funding (in the form of social assistance and unemployment insurance, for example) "strongly encourages people to think and act as individuals, to marshal their resources for themselves, to define their interests separately from other members of the community".²⁰ These changes have weakened the bonds that previously held families together and are creating new norms that are still in flux.

As Okalik and Awa noted, traditionally young people went to the elders for guidance and advice. The advice was often in the form of a directive, the meaning and effect of which were rooted in tradition. Although today there are still elders who give advice and young people who require advice, to some the elders' directives seem ineffective or irrelevant (see Chapter 3 in this volume).

The drift away from traditional values and the imposition non-Aboriginal institutions and policies have produced many ill effects: alcoholism, crime,

sexual abuse of children, spousal assault and elder abuse. Young people confront these problems and a central dilemma: they must succeed in the wage economy for their society to remain viable, but their psychological well-being rests on a reconnection with traditional values.

Lyla Andrew, who lives in Sheshatshiu, Labrador, offered her views about how these difficulties might be approached:

I think country living needs to be given a high priority. The impediments to country life, such as low-level flying and wildlife regulations, have to be eliminated. I'm not talking about the Innu going backwards. I'm talking about trying to find a way to promote today the need for Innu to live in the country, to educate their children in the country, to practise their spirituality in the country. Euro-Canadians treat the country experience as a holiday. They say the Innu are just going off on expensive camping trips. What this tells me is that there is an incredible lack of knowledge that Euro-Canadians have about the Innu. There are only a handful of non-Innu who have ever lived with Innu in the country. The Innu's most vocal critics, certainly locally, have never lived with Innu in the country, and they have no idea what country life is.... [translation]

Lyla Andrew
Sheshatshiu, Newfoundland and Labrador 18 June 1992

Mary Andrew, an Innu from the same community, agreed:

The country is more home to us than here, because that is where we are more traditional, that's where we have more control over our lives. [translation]

Mary Andrew
Sheshatshiu, Newfoundland and Labrador 18 June 1992

The psychological gap between old and young and the tensions experienced by almost everyone are made worse by problems related to education and language. According to many Aboriginal people, one of the strongest forces breaking Aboriginal societies apart has been the education system. It did so literally, by removing some children from their families to attend school (see Volume 1, Chapter 10). As schools were built in newly established communities, the education system affected the lives of all Aboriginal people. School attendance became compulsory. Teachers recruited in southern Canada taught an unmodified curriculum imported from the south. Children learned foreign words, foreign ways, foreign values.

Rhoda Katsak was one of those children. She was born at her family's winter camp near Amitturmiut (Igloodik), Northwest Territories, and spent her first few years living the traditional Inuit hunting life. She left the land to go to school when she was eight years old:

That first day of school in Igloodik, when I was eight, I started doing everything in English. English was all around us. It wasn't so much that we were punished when we spoke our Native language. It might have been that way in earlier years but there didn't seem to be that pressure for us. It was just that all there was at school was English so we were more or less forced to learn it. The teachers were brand new in town, they were all from the south and they didn't know any Inuktitut. We had to communicate with them. Also, all of the material was in English — "Fun with Dick and Jane", "Dick, Jane and Spot the Dog", those books were what we were learning from so we had to learn English pretty quick.

We had to learn to act according to Qallunaat [non-Aboriginal] standards and code of ethics too, "thank-you, excuse me, pardon me", that sort of thing. You say a sentence and then you say "please". I could never remember "please"....

We grew up thinking that we should try to be Qallunaat and that is why we had Qallunaat idols, idols like the Supremes, like Elvis, like Frobisher. That was the whole idea when we went to school. We didn't have Inuit idols, people like the woman Atagutaluk who almost starved to death in this area. The woman they named the new school in Igloodik after. Our heroes were all Qallunaat. It is even difficult today to change that mentality, even to change to a point where you think "I am an Inuk, I am a good enough person as I am". When we were growing up the Qallunaat were the better people. They were the people who had the authority, we were supposed to look up to them.²¹

Marius Tungilik of Repulse Bay, Northwest Territories, was one of the children taken away to a mission school in Chesterfield Inlet:

Obviously, my parents did not know what lay in store for us in school, or they did not have a say. While our command of the English language would develop, we were not taught anything about our language, our heritage, our culture, our governing systems, our spiritual background, our strengths. Any lessons pertaining to our people taught us that we were Eskimos, that we lived in igloos, that we rubbed noses, that Indians called us "Eaters of Raw Meat". Would our parents have consented to that sort of treatment if they knew? No, they could

not have known, nor could they have had any say on the matter....

I am presently a regional director with the government of the Northwest Territories, a position I would never have dreamed of filling when I was younger. Not exactly, anyways. I had often taken long walks out into the tundra back home when I was about four or five and sang hymns out loud and daydreamed of helping people by leading others. I practised making speeches that the winds of changes were coming and of our need to be prepared.

Equipped with these dreams, coupled with the top-notch English education that I received in Chesterfield Inlet, I was able to grow into who I am today. Everyone has a dream. We should all learn to tap into them and strive to realize those dreams.

This top-notch education had a price. I had neglected my heritage for a very long period of time. It was not until I met my lovely wife, Johanne, in 1977 that my appreciation for the land and our culture developed and blossomed. The land was always there, it was always beautiful. The distaste that I had developed for my own culture and my own people in school had a very profound impact. It had taken me a very long time to become free of the brainwashing notion that our traditional ways were undesirable and obsolete. I was also blinded by work, ambition and the need to explore the world.

Marius Tungilik
Rankin Inlet, Northwest Territories
19 November 1992

Not every Aboriginal person has had the same experience as Marius Tungilik, but there are similarities in Aboriginal people's experiences in the education system. When elementary schools were built in every community, the teachings did not change. Children were still taught in English or French. What they were taught came from the south. They were taught nothing about being Aboriginal, nothing about the importance of the language or heritage; and no pride in being an Aboriginal person was instilled. They did not learn about the history of Aboriginal people or the history of contact with non-Aboriginal people:

I was taught by the white society, by understanding the white people. I was taught how great Joey Smallwood is, and how great John Macdonald is. I was taught how to sing "O Canada" and "Ode to Newfoundland". One thing I was never taught is the history, the rich history that we have, the people here in Utshimasits [Davis Inlet]. I wasn't taught how great my people were, how great

my ancestors were, how far the distances were they travelled from the Quebec border to everywhere in Nitassinan. I wasn't taught that there are other Native people in Canada. As I was growing up, I was learning things in my own way. My father showed me how to fish, hunt, and do things that they had been doing for generations.

George Rich
Vice-President, Innu Nation
Utshimasits, Newfoundland and Labrador
1 December 1992

Since Rhoda Katsak, Marius Tungilik and George Rich were in school, there have been some important changes. The drift away from Aboriginal values and culture has continued, but not without resistance. Across the North, parents, teachers and education officials have been working to change the system to reflect the ways of life and values of Aboriginal peoples. In the 1970s, educators started revising southern curricula to include more northern material. Teacher education programs were created to train Aboriginal teachers. By the early 1990s, many schools in predominantly Aboriginal communities were able to teach children in their own language for at least the early primary grades (see Volume 3, Chapter 5).

The current problems in Aboriginal communities are not only the result of bad practices in the past. Sharon Venne explained how oil exploration on Lubicon lands during the 1980s destroyed the economy of the Lubicon Cree by driving away the moose and other game on which the Lubicon depended:

In 1978-1979, the Lubicon Cree had a traditional economy based upon the produce of their lands. Within a four-year period, the Lubicon went from sustaining themselves to the welfare rolls.

Sharon Venne
Lubicon Cree First Nation
Fort Chipewyan, Alberta, 18 June 1992

At the heart of this situation is an unresolved conflict over land and unfulfilled treaty obligations. Improvement will require, at minimum, that these two problems be addressed with energy and dispatch.²²

In summary, many people who testified concerning the sources of current problems identified a lack of adequate control over their own political, cultural and economic lives — the inability to exercise self-determination. Aboriginal

communities were relocated, traditional economic activities were disturbed, and systems for educating the young were changed — all without the informed consent of the people most affected. The legacy of these changes is found in disorganized and damaged communities.

None of these effects occurred in a few years. On the contrary, the transformation of northern Aboriginal societies has a long history. Only recently has dialogue between Aboriginal and non-Aboriginal people begun about the meaning and consequences of their shared history. To put the present in context, it is helpful to know something of the history of northern administration, discussed in the next section.

4.1 Early Northern Administration

Responsibility for much of northwestern Canada passed from the Hudson's Bay Company to the government of Canada in 1870; in 1880, Great Britain transferred the jurisdiction it had exercised over the Arctic Islands. The Aboriginal landholders, whose land was the object of these distant transactions, knew nothing at the time of the European disposition of their territories. The northern Aboriginal societies were not consulted; if they had been, the European transfers of vast lands would likely have appeared strangely ineffectual. None of the northern Aboriginal nations had a concept of commercial value in land or private property, and few had yet experienced the hierarchical and abstract power embodied in trading companies or monarchies. Except for the flurry of activity that attended the formation of the Yukon Territory in response to the gold rush, and the dispatch of the Royal North-West Mounted Police to the Yukon and other locations, there was scant indication in the North that changes of much importance had transpired.²³ Most of the contact between Aboriginal and non-Aboriginal people continued to be commercial or economic, through whaling, the fur trade and fishing.²⁴

For decades after assuming jurisdiction over the North, the federal government was preoccupied with national consolidation and economic development in southern Canada. Relations with Aboriginal people and other northerners were conducted almost absent-mindedly, when mineral discoveries and sudden migrations of non-Aboriginal people threatened sovereignty or international peace. Such threats prompted the signing of Treaty 8 (in 1898) and Treaty 11 (1921), when gold seekers, in the first case, and oil developers, in the second, suddenly flooded into Aboriginal peoples' territories.

Provincial boundaries were altered and extended in stages through the late nineteenth and early twentieth centuries. The sixtieth parallel became the northern boundary of the four western provinces, dividing the Sayisi Dene, Slavey, Kaska, Tagish and Inland Tlingit peoples. South of the parallel, Crown lands and natural resources were assigned to provincial control, while the federal government retained jurisdiction in the territorial North.

4.2 Wartime and After: A Problem of Development?

The relative isolation of the North was broken permanently during the Second World War. The war in Europe created a need for aircraft staging and resupply. After Japan's attack on Pearl Harbour, the northwest (including Alaska, the Yukon and coastal British Columbia) became a potential battleground.

During most of the war, American military personnel in the North outnumbered the Canadian population (Aboriginal and non-Aboriginal) three to one.²⁵ They rapidly built the Alaska Highway, a winter road from the Mackenzie Valley to Alberta, the Canol pipeline (running from Norman Wells to Whitehorse), and an oil refinery in Whitehorse, all in anticipation of the need to defend against an invasion from the Pacific. Air fields were constructed and maintained across the Canadian North, from Goose Bay, Labrador, to Whitehorse, Yukon. Late in the war, a mine was reopened at Port Radium on Great Bear Lake, Northwest Territories, to provide uranium for weapons research.

These events had a dramatic impact on the Aboriginal peoples whose lands were suddenly invaded, especially in the Yukon, where the military presence was both large and sustained.²⁶ Large numbers of military personnel, enormous quantities of materiel, and rapid construction all had a major and lasting impact on neighbouring communities.

The development of the Cold War after the Second World War prolonged northern military activity. Some military personnel remained stationed in the Arctic, and during the 1950s, a weather, radar and communications network was constructed.²⁷

Both wartime and post-war military activity in the Canadian North was initiated and controlled largely by the United States, creating concern among federal government leaders. As one team of observers noted:

Canadian interest in the North grew greatly after the Second World War, and

the stimulus for this, it must be confessed, was not only fear of what the Russians might do, but concern at what the Americans were already doing.²⁸

If the American presence in the Canadian North drew federal attention, it was the expanding post-war welfare state that led to intervention. In the new post-war terms, it was impossible to ignore northern Aboriginal people's living conditions, which in most places were difficult: diseases introduced by European visitors, a relative decline in fur prices, and the high cost of basic commodities had created hardships.

In very short order, northern Aboriginal people received the full array of programs and services being provided to Canadians in the south, including low-rent housing, schooling, medical care and social services. By the early 1960s, all northerners were receiving the full panoply of social welfare payments. Between 1949 and 1953, individual and group trapline registration was introduced in both territories to regulate game harvesting, and programs were begun to induce northern Aboriginal people to take up agriculture (where possible), home and handicraft industries, and wage labour.

Underlying all these measures was a new federal interpretation of the situation of Aboriginal people. Hardships became understood as a consequence of 'disadvantage' rather than, as in the past, an unremarkable feature of Aboriginal peoples' chosen way of life. Rather than being poor, they were seen as unemployed — or likely to be unemployed, as the old hunting way of life inevitably died out. The remedy for this was the introduction of programs to draw northern Aboriginal people into the new wage economy being created by opening the North to non-renewable resource development. A more or less similar shift in the attitudes of provincial administrations also occurred, although in most cases the changes were felt more gradually.²⁹

In retrospect, there were two striking features of the new federal approach. First, it was developed with very little consultation with the people to whom it was directed. Second, it virtually ignored the terms of the numbered treaties, save for the payment of treaty annuities. Later, when other forms of funding began to flow to the band administrations of treaty nations in the North, the funds were channelled to the territorial governments. This controversial system, while convenient, created an asymmetry between federal treatment of treaty rights in northern and southern Canada.

Unlike provinces, territorial governments are established by acts of Parliament that define the governments' powers and areas of jurisdiction. This division of

powers does not have constitutional protection.³⁰ Typically, ministers of the Department of Indian Affairs and Northern Development have retained responsibility for the territories.³¹ Today the political balance is such that the territories are, in practice, treated much like provinces, although they lack control over Crown lands and natural resources and they are funded not through equalization but a system of transfers known as formula funding.³² As the territories behave more and more like provinces, the system of diverting treaty entitlements to the territorial governments grows more questionable.³³

4.3 The Changing Balance of Power in the 1970s

During the 1970s, all over the North and indeed all over Canada, Aboriginal peoples found the means to express their views on the development and aid initiatives directed to them. Between 1969 and 1973, northern Aboriginal peoples formed several organizations to represent their collective interests. The Council for Yukon Indians (CYI) was created by status and non-status Indians in the Yukon Territory.³⁴ The Committee for Original Peoples' Entitlement (COPE), the Indian Brotherhood of the Northwest Territories (later the Dene Nation), and the Métis Association of the N.w.T. (later the Metis Nation of the N.w.T.) represented Aboriginal peoples in the western Northwest Territories. Inuit Tapirisat of Canada was established in 1971 to provide a national voice for Inuit from Labrador, northern Quebec and the Northwest Territories. The 1970s were a period of dramatic confrontation and radical realignment of the balance of political forces in the North. Aboriginal peoples found a permanent place at the centre of political life.

Federal policy on northern development has been stated infrequently. In 1972, in response to the growing effectiveness and importance of northern Aboriginal peoples and increased sensitivity concerning federal actions in the North, the federal government published Canada's North 1970-1980: Statement of the Government of Canada on Northern Development in the '70s. The government listed its first objective as to "provide a higher standard of living, quality of life and equality of opportunity for northern residents by methods which are compatible with their own preferences and aspirations".³⁵ A new policy statement was not issued until 16 years later, in 1988. By this time, federal aspirations were led by a desire to "transfer all remaining provincial-type programs to the territorial governments, including responsibility for managing the North's natural resources".³⁶

The new objectives implicitly recognized the impossibility of continuing quasi-

colonial administration but offered little in the way of guidance for overcoming what were recognized explicitly as the greatest problems for the future: a growing population with little formal education and little education in land-based production; and the absence of a viable strategy for expanding the number of jobs available in the North. There has been no response to the persistent objections of treaty nations concerning the manner in which federal funds for education and health programs are disbursed.

The territorial governments are being redefined. In some provinces, such as Quebec, quite rapid development of regional governing institutions is under way. Proposals for new regional governing institutions are under active discussion in virtually all the other provinces. Some proposals are based on the development of institutions to be shared with non-Aboriginal residents, while others envision a base in an Aboriginal nation (see Volume 2, Chapter 3). It seems likely that the next round of institutional change and political development in Canada will be led by northerners, both Aboriginal and non-Aboriginal, working together to develop local, regional and nation-based governments that reflect the demographic reality of the North. We explore the implications of some of these political developments below.

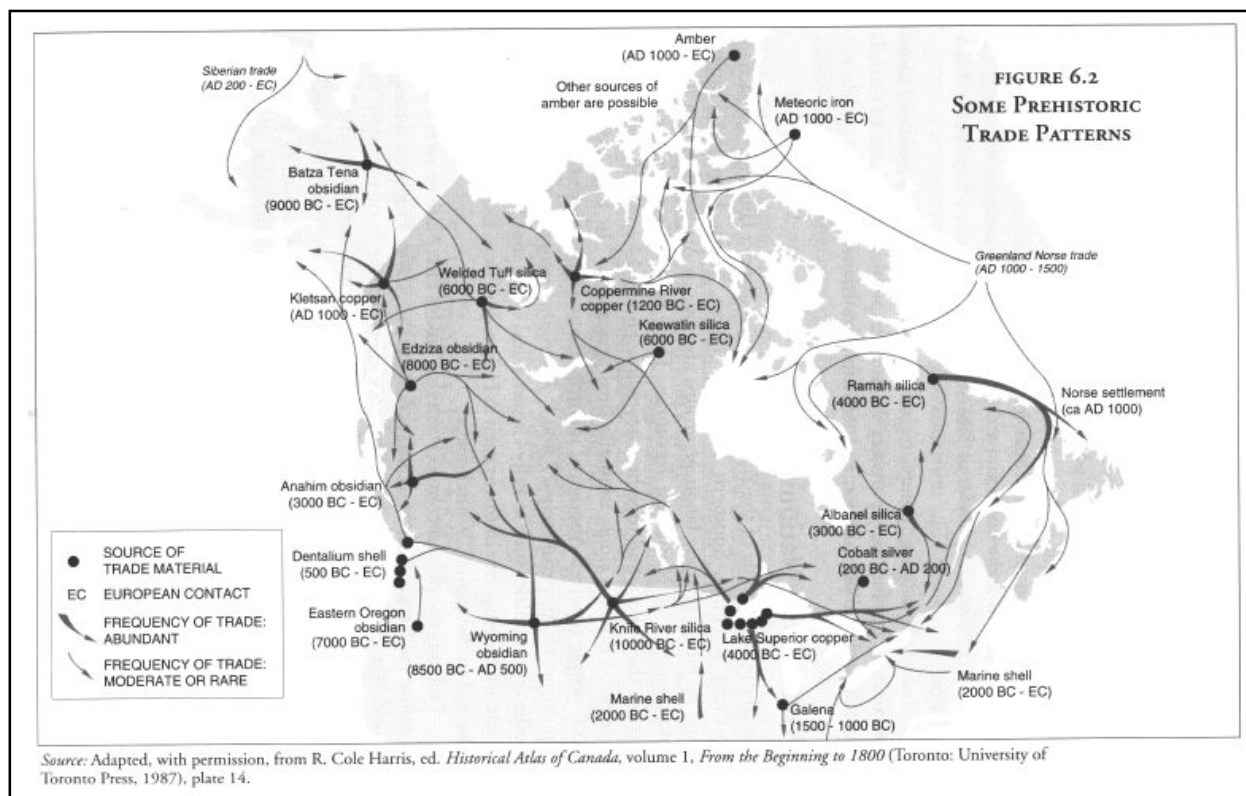
5. Regional Dimensions of Political Development

Most of this chapter focuses on issues common to most northern Aboriginal people. In this section, we review briefly some of the different situations of the nations and peoples living in the North.³⁷ Our attention here is on the key matters of land tenure and political jurisdiction. Our general conclusions and recommendations about such matters as treaties and land redistribution can be acted upon only in the specific circumstances of particular regions by the people most affected by them.

Regional differences were always a feature of northern Aboriginal societies. There are several Aboriginal nations and peoples in the North today, and many more local groups and communities. Each has a particular history, stretching far back before contact with Europeans.³⁸ In the pre-contact period, the northern Aboriginal peoples hunted, gathered and fished over large territories. They lived in relatively small family groups, which in turn were part of a larger association of people who spoke a common language and who would assemble in larger numbers, at least annually. Although the overall northern population was quite small and the areas they shared were vast, there was considerable contact between peoples of different language groups. We know from Aboriginal peoples' oral traditions that travel, trade and diplomacy were common among

the independent Aboriginal peoples and nations. Archaeologists have documented a wide trade in such valuable items as obsidian, copper, silica, marine shells, amber and meteoric iron across the northern part of North America and into the south, and further afield with the peoples of Siberia, Greenland and perhaps beyond (see Figure 6.2).

Today, the language groups, regional identifications and specific oral histories still exist, but for many purposes the internal political boundaries of Canada shape the political organization and activities of northern Aboriginal people.



5.1 Yukon First Nations

The Aboriginal people of the Yukon speak seven distinct languages (Gwich'in, Northern Tutchone, Southern Tutchone, Tagish, Kaska, Han and Tlingit). Some members of these language groups also live in Alaska, northern British Columbia and the Northwest Territories. There are 17 First Nations communities in the Yukon, and together they will negotiate 14 comprehensive claims agreements under a single umbrella final agreement.³⁹ In 1991 an estimated 5,100 people reported Aboriginal identity, about 18 per cent of a total Yukon population of approximately 27,800.⁴⁰ Aboriginal people are the majority in smaller communities such as Pelly Crossing and Old Crow, but non-

Aboriginal people are the majority in towns such as Haines Junction, Dawson and Watson Lake and in the capital, Whitehorse.

Probably the pivotal contact events for Yukon First Nations were the 1898 Klondike gold rush and the construction of the Alaska Highway during the Second World War. The Gold Rush brought thousands of outsiders to the region over a very short period. Many of the migrants came from the United States. For the distant federal government in Ottawa, the gold rush presented an immediate problem of sovereignty and a secondary problem of preserving local order. To establish a federal presence in this remote area, the Yukon Territory was quickly formed and a legislature established, and police were dispatched to the area.

By the early 1900s the gold rush was ebbing, and many non-Aboriginal migrants left the area. Those newcomers who chose to make the Yukon their home changed the demographic balance in the territory, but the territory was large and resources were plentiful.⁴¹ Aboriginal people continued to hunt, trap and fish, moving across the land as was their custom. While gold mining had been environmentally destructive, the damage was confined to a few river valleys in the Klondike region. The gold rush nevertheless began the process of land alienation, which was exacerbated by the fact that while a territorial administration was being created, no treaties were negotiated.

The construction of the Alaska Highway in 1942 brought even greater and far-reaching changes to the lives of the Aboriginal people living in the regions through which the highway passed. During the construction phase, 34,000 construction workers and military personnel came to the Yukon, bringing with them opportunities for wage employment but also alcohol, infectious diseases, and social disruption. The highway itself became a major instrument for social change. It brought tourists and some small business development and facilitated the introduction of education, health and social programs.

All of these changes occurred without reference to the land rights of Yukon First Nations, despite residents' persistent objections. Nearly a century of frustration was articulated in 1968 by a Whitehorse chief, Elijah Smith, speaking to the Indian affairs minister of the day, Jean Chrétien:

We, the Indians of the Yukon, object to the treatment of being treated like squatters in our own country. We accepted the white man in this country, fed him, looked after him when he was sick, showed him the way of the North, helped him to find the gold; helped him build and respected him in his own

rights. For this we have received very little in return. We feel the people of the North owe us a great deal and we would like the Government of Canada to see that we get a fair settlement for the use of the land. There was no treaty signed in this Country and they tell me the land still belongs to the Indians. There were no battles fought between the white and the Indians for this land.⁴²

Land claims

The Council for Yukon Indians (CYI) was formed in 1973 to represent everyone with “Indian ancestry” in the Yukon, irrespective of status under the Indian Act.⁴³ CYI advanced its claim on the basis of Aboriginal rights to lands that had never been surrendered.⁴⁴ Aboriginal people saw their claim as a means to close economic, social and communication gaps between Aboriginal and non-Aboriginal people in the Yukon.

Initially, the federal government refused to admit the existence of Aboriginal rights and would consider only claims to land and financial compensation.⁴⁵ Limited federal recognition of the dimensions of the problem created long delays. While the CYI claim was certainly about land, much of the public debate concerned self-government. As the debate unfolded in the Yukon, it posed alternative arrangements: under a proposed one-government system, First Nations communities would share most institutions, services and programs with non-Aboriginal people; by contrast, a two-government system would involve some co-operation and shared institutions, but First Nations communities would establish their own school boards, health systems and local self-government institutions. This choice was particularly important in the Yukon, where many favoured independent institutions but where Aboriginal people constituted only about one-fifth of a small population and where Aboriginal and non-Aboriginal people lived in close proximity in many places.

These alternatives remained on the table for over a decade while — with some interruptions — negotiations proceeded. Finally, in 1988, an agreement in principle was reached that led to the signing of the Umbrella Final Agreement (UFA) in 1993.⁴⁶ The UFA broke new ground, providing constitutional protection for wildlife, creating a constitutional obligation to negotiate self-government agreements, and finding language for the agreement that avoided complete extinguishment of Aboriginal title.

Among its other provisions are title to 44,000 square kilometres of land, compensation of \$260 million to be divided among the First Nations communities, the creation of a Yukon-wide land-use planning council and

regional planning commissions and joint wildlife management boards. Under the terms of the UFA, First Nations communities will negotiate their own final agreements. Enabling legislation for these as well as for the Umbrella Final Agreement and Model Self-Government Agreement (which provide a framework for individual self-government agreements) was passed by Parliament in 1994.⁴⁷

Issues for the future

The land and self-government agreements launch a new stage in the political and constitutional development of the Yukon. While the Yukon government's jurisdiction and authority are expanding through a process of devolution from the federal government,⁴⁸ the comprehensive claims agreements ensure that Aboriginal people will have a major influence on the political evolution of the territory. Under the terms of the agreements, Yukon Aboriginal peoples are guaranteed participation in public bodies dealing with everything from land use and development assessment to the management of wildlife and other resources. They also control significant pools of capital.

The UFA ensures that the developing government systems will incorporate, to varying degrees, traditional elements of leadership and decision making. For example, the preamble of the Champagne and Aishihik First Nations Self-Government Agreement asserts that "the Champagne and Aishihik First Nations have traditional decision-making structures based on a moiety system and are desirous of maintaining these structures...". The Teslin Tlingit have already developed a form of government based on their five clans.⁴⁹

To date, the development of political institutions in the Yukon has followed conventional lines. Although some policies and programs such as heritage programming, community justice and health care delivery draw somewhat on traditional Yukon Aboriginal knowledge, the way the Yukon government operates would be familiar to any Canadian. Decision-making and policy-development processes owe very little to Aboriginal political traditions.⁵⁰

The creation of First Nations governments will have a major effect on the way the Yukon territorial government carries out its responsibilities, and there might be an opportunity for institutional change to harmonize public decision making with Aboriginal traditions. There is also a significant risk of inefficiency and policy gridlock, however. Under the self-government agreements, First Nations communities will be able to choose which programs and services they will run on their own. In other cases, there may be agreements for service delivery

between a First Nation community (or several communities) and the territorial government. There may ultimately be as many as 15 separate governments sharing jurisdiction: the Yukon territorial government and the governments developed on the basis of the 14 final agreements being negotiated by First Nations communities. Considering the small size of the population and the limited revenue base, co-operation and simplification of the mechanisms for joint undertakings are urgent:

The effectiveness of the territorial-First Nations relationship will be critical in minimizing these inefficiencies [resulting from the ability of First Nation communities to negotiate separate and different arrangements]. In managing this relationship and in relating to the agreement-based boards with their guaranteed Aboriginal participation, the territorial government will be highly motivated to respond to Aboriginal concerns rather than risk the high costs of difficult relations. The territorial government will particularly want to avoid relations becoming so difficult that frustrated First Nations decide to turn their backs on the usually more cost-effective joint activities and develop their own programs.⁵¹

Once the resources are transferred, First Nations communities will have a greater degree of administrative control over activities in the territory than ever before.⁵² But there will continue to be a role, albeit a changed one, for the territorial government. A conventional political system is having to make room for Aboriginal governments.⁵³

There are some outstanding and pressing issues. The long period of uncertainty over land claims and self-government negotiations has been replaced by another period of uncertainty as the agreements are implemented. Some of the problems the CYI representatives see themselves facing in the near future include the continuing inequality of bargaining power between the federal government and First Nations communities; the continuing need to secure constitutional protection for Yukon First Nation community self-government agreements; a demand by the federal government that the CYI repay a loan that funded its participation in land claims negotiations; and ensuring that the money is there to plan implementation of the claim.

Repayment of loans issued for purposes of claims negotiations is an irritant for most of the Aboriginal groups that have concluded final agreements or are now in negotiations. Federal policy still states that

Aboriginal groups that wish to prepare a comprehensive claims submission can

apply to the Research Funding Division for a research grant. Such requests are evaluated and a decision is made on the merits of each individual case. Once a comprehensive claim is accepted and active negotiations begin, the Aboriginal party is provided with loan funding to support the negotiation process. The loans are repaid after settlement through deductions from the Aboriginal party's financial compensation payments.

Only in the Quebec agreements, which were negotiated in the 1970s, were costs incurred by Aboriginal claimant groups paid by the federal government. In the case of the CYI, the federal government requires First Nations communities to repay \$63 million in loans spent on the negotiations. Yukon First Nations told us of their opposition to this demand:

We believe Canada's policy requiring the loan repayment should be reconsidered for the following reasons:

One, the fiduciary that is in breach of his obligation should not penalize the beneficiary for the required funding to correct that same breach. The current policy would seem to be in direct conflict with the trust responsibility as set out in the Sparrow decision of the Supreme Court of Canada.

Two, the decision to repay the funding for negotiations is the current policy of the government of Canada and may be challenged by the Yukon First Nation.

Three, the delays in the negotiation process are due to changes within government, including ministers, negotiators and policy. Each delay has a time factor for re-educating the players about the issues. These delays have been very costly to CYI and the First Nations.

Four, we recommend the loan payment be converted into a grant and not be repaid. As such, the loan should not be part of the land claims settlement and does not require constitutional protection.

We strongly believe the loan funding issue may be dealt with through a contractual relationship between Canada and the First Nation.

Judy Gingell
Chairperson, Council for Yukon Indians
Teslin, Yukon, 27 May 1992

5.2 Dene

Dene occupy a vast portion of north central Canada and parts of the United States. Their homeland includes the Mackenzie Valley south of the Inuvialuit homeland and west of Nunavut. These lands are shared by the Gwich'in, Sahtu Dene, Deh Cho Dene, Tli Cho Dene (Dogrib), Sayisi Dene, Métis people and a growing number of non-Aboriginal residents. Dene also live in parts of the western Yukon, northern British Columbia, Alberta, Saskatchewan, Manitoba, Alaska and the lower United States. As with many traditional territories, there are sizeable areas of joint or overlapping historical and contemporary use of the lands of Dene, Inuvialuit and Inuit. Dene are part of a large Athapaskan family of nations whose roots extend as far south as the Navajo territories in the southern United States.

Although there had been sporadic contact with explorers, missionaries and traders since at least the late eighteenth century, more intense contact with outsiders began in Denendeh, as it did in the Yukon, with the Klondike Gold Rush.⁵⁴ Of the several routes to the gold fields, one began in Edmonton and took would-be prospectors down the Mackenzie River and then overland into the Yukon. This influx had a great impact on Dene of the region and led to treaty negotiations. Charles Mair, who was a member of the Half-Breed Commission of 1899, stated that rampages by miners led the government to recognize "the native's title" in the negotiation of Treaty 8.⁵⁵

The protection and welfare of Dene were not the only reason for sending treaty commissions into the region, as is clear in an official statement by the deputy minister of Indian affairs:

While under ordinary circumstances the prospect of any considerable influx might have remained indefinitely remote, the discovery of gold in the Klondike region quickly changed the aspect of the situation. Parties of white men in quest of a road to the gold fields began to traverse the country, and there was not only the possibility ahead of such travel being greatly increased, but that the district itself would soon become the field of prospectors who might at any time make some discovery which would be followed by a rush of miners to the spot. In any case the knowledge of the country obtained and diffused, if only by people passing through it, could hardly fail to attract attention to it as a field for settlement.

For the successful pursuance of that humane and generous policy which has always characterized the Dominion in its dealings with the aboriginal inhabitants, it is of vital importance to gain their confidence at the outset, for the

Indian character is such that, if suspicion or distrust once be aroused, the task of eradication is extremely difficult.

For these reasons it was considered that the time was ripe for entering into treaty relations with the Indians of the district, and so setting at rest the feeling of uneasiness which was beginning to take hold of them, and laying the foundation for permanent friendly and profitable relations between the races.⁵⁶

As René Fumoleau explains, there was good reason for this measured and understated approach:

In addition to extinguishing Indian title to the land, the Government was looking for tighter control over both Indians and whites, to insure peaceful settlement and development of the land, and to promote the harmonious co-existence of Indians and whites. In the North, as everywhere else, economic considerations far out-weighed all others in the formulation of Indian policy.⁵⁷

For Dene, Treaty 8 was the means to a political relationship with non-Dene authorities and a way to encourage them to control their migrating citizens. Treaty 8 covered a relatively small portion of Dene lands; periodically, Dene sought an extension of the boundaries of Treaty 8, but their proposal was not to be accepted by federal negotiators.⁵⁸

Economic considerations prompted the federal government to seek a treaty covering the rest of Denendeh some 20 years later. Non-Aboriginal people learned of quantities of producible oil at Norman Wells in 1920. Announced at a time when an expanding economy made the opening of the rich northwestern hinterland of Canada an attractive prospect, the news was greeted with great enthusiasm by the government, media and industry. Treaty 11 was signed in 1921.

The subsequent development of the oil production facility at Norman Wells, followed by the opening of mines at Yellowknife (1935) and in a few other isolated areas, reinforced the emerging pattern of enclave development that was to shape territorial development for the rest of the twentieth century. While most of the vast area of Denendeh remained occupied almost exclusively by Aboriginal people, there were a few trading centres, usually home to missionaries as well, and very few small centres of wage employment. The Mackenzie River and attendant lake and river systems formed the major transportation corridors for goods and territorial residents.

Restrictions on hunting and trapping started in 1917 with the closing of seasons on moose, caribou and other animals. In 1918, the Migratory Birds Convention Act further reduced hunting. Dene with treaties considered these regulations to be “breaches of the promise [in the treaties] that they would be free to hunt, fish and trap...”.⁵⁹ (Dene without treaty believed they governed their traditional territories and objected to others making laws for them.) With the exception of this and other policing functions, the federal presence in the Northwest Territories was to remain relatively light until the Second World War and the subsequent Cold War, when large numbers of military personnel were stationed in the North. In the immediate post-war period, education, health and other social programs were introduced, bringing a few public servants into the territories. Finally, in 1967, the seat of territorial government was moved to Yellowknife, an event that led to the rapid expansion of the N.w.T. public service and a massive influx of staff from the south.

The transfer of administration of the territorial government from Ottawa to the North in 1967 affected matters such as treaty entitlements. For example, in most parts of Canada, funding for health and education for status Indians has been administered by the department of Indian affairs and is now available for devolution to bands that choose to take over this responsibility. In the Northwest Territories, funds for such purposes are administered by the territorial government; funding for treaty Dene education is ‘blended’ with general education funding. This has made it difficult to keep track of the extent to which treaty commitments are being met. It has also made it impossible for Dene bands to gain control over funding in these areas, as bands have in the south. Michael J. Prince and Gary Juniper note that in terms of public finance allocation and reporting at an aggregate level, Aboriginal peoples are dealt with in the same manner as non-natives in territorial expenditures. We should note, however, that Aboriginal people in the N.w.T. have long argued that the government of the N.w.T. (GNwT) is merely acting in the capacity of an ‘agent’ under management agreements for the delivery of the federal obligations to the North’s Aboriginal peoples in such areas as education, health and social welfare. In the context of Aboriginal self-government, a critical public finance question is: what proportion of the territorial government’s budget should be transferred directly to Aboriginal governments from the federal government, thereby bypassing the GNwT’s consolidated revenue fund?⁶⁰

Land claims

The discovery of oil in Prudhoe Bay, Alaska, in 1968 led to another round of negotiations concerning Dene lands. Soon after the Prudhoe Bay discovery, the

federal government proposed construction of a pipeline along the Mackenzie Valley to carry oil from Prudhoe Bay to southern markets. Fearing the impact of the transportation corridor on their lands, Dene filed a caveat to stop the development.⁶¹ The Supreme Court of the Northwest Territories agreed with Dene that the project represented “an infringement upon their Treaty rights”.⁶² Justice Morrow ruled:

I am satisfied that those same indigenous people...are prima facie owners of the lands covered by the caveat [filed by Dene to stop pipeline construction] — that they have what is known as Aboriginal rights...[and that] there exists a clear constitutional obligation on the part of the Canadian Government to protect the legal rights of the indigenous peoples in the area covered by the caveat.⁶³

In the Northwest Territories, comprehensive claims negotiations began with the written assurance of the prime minister of Canada that negotiations were to be the modern fulfilment of Treaties 8 and 11. Dene and Métis people first began negotiating a single claim in 1974, following a joint assembly of Dene and Métis at Fort Good Hope, Northwest Territories.⁶⁴ The following year, at the second joint general assembly in Fort Simpson, the Indian Brotherhood of the N.w.T. (now Dene Nation) and the Métis Association of the N.w.T. (now the Metis Nation of the N.w.T.) passed the Dene Declaration.

Separate Dene and Métis comprehensive claims negotiations were conducted for a time, with single negotiations resuming in 1984. A draft final agreement was reached in 1990. This agreement, covering all Dene and Métis in Denendeh, was not in the end accepted by Dene and Métis people. The two groups had reservations about the agreement, including its requirement that outstanding Aboriginal rights be extinguished, its failure to deal adequately with treaty provisions, and its lack of an explicit provision for self-government, among other problems. Dene and Métis people anticipated that these matters would be addressed in subsequent negotiations, but the federal government was unwilling to continue Denendeh-wide negotiations.

Since 1990 two regional claims agreements have been concluded in Denendeh: one between the federal government and the Gwich'in of the Mackenzie Delta, the other between the federal government and the Sahtu Dene and Métis.⁶⁵ The Gwich'in negotiated title to 22,332 square kilometres of land, subsurface rights to 93 square kilometres, compensation of \$75 million, and a share of resource royalties. The Sahtu Dene and Métis secured title to 41,437 square kilometres of land, subsurface rights to 1,813 square kilometres, compensation

of \$75 million, and a share of resource royalties. Provision was also made for joint management of wildlife and land-use planning. Dogrib are currently negotiating their own regional claim. Dene in the rest of Denendeh want to pursue land and government issues in relation to implementation of the treaties.

Issues for the future

The negotiation of regional claims revived old concerns about the best way to secure recognition of land rights and about the contemporary role of Treaties 8 and 11.⁶⁶

In the western Northwest Territories, there continue to be simultaneous debates concerning implementation of Treaties 8 and 11 and the new form of public government that should be established after the division of the territory in 1999.

Some Dene communities have chosen treaty implementation as their path to self-government. For example, the Deh Cho Dene have declined to negotiate a regional claims agreement because they have concluded that they have no right to agree to extinguishment of title to the land. They explain, "Our laws from the Creator do not allow us to cede, release, surrender or extinguish our inherent rights."⁶⁷ Deh Cho Dene seek recognition of their version of Treaty 11 as the original accord between the Dene Nation and the Crown. They hold that the treaty is the primary document governing their relations with Canada, and — interpreted in the spirit in which it was negotiated — Treaty 11 is the document that will form the basis of all future interactions. (For further discussion, see Volume 2, Chapter 2.)

Deh Cho Dene have encountered significant difficulties in negotiating with the federal and territorial governments on this basis. The federal response has been, in the view of Deh Cho Dene, prohibitively narrow, allowing only segmented and incomplete consideration of important questions of land and jurisdiction.

Signatories of Treaties 8 and 11 that are not involved in regional claims expect to deal with the full range of their relations with the Crown in a coherent fashion; to date, they have lacked a process through which to do this. As 1999 and the formation of a new territorial government for the western Northwest Territories approach, the issue grows ever more urgent.

Full implementation of Treaties 8 and 11 will have consequences for such varied areas as territorial wildlife management, health and education spending,

land use regulation and governmental arrangements. Implementation of the Gwich'in and Sahtu regional claims will have similar effects. These changes create a need for all northerners to work together to develop forms of territorial government that respect the various political choices of the northern Aboriginal nations.

We recognize the achievements to date of the residents of the western part of the Northwest Territories in finding consensus among many differing perspectives and interests and in working to create government institutions for the future territory that combine public government with the wishes of those who seek a nation form of self-government.

Recommendations

The Commission recommends that

4.6.1

Dene of Denendeh (Northwest Territories) be given the opportunity to come to future negotiations on new political arrangements in Denendeh as a nation.

4.6.2

A treaty commission be established at the request of Dene communities seeking a treaty process.

4.6.3

The treaty commission's deliberations be the means by which the governing authorities for Dene are determined within the new western territory in addition to the framework of public government for that territory as a whole.

4.6.4

Those charged with developing institutions for Denendeh recognize the leading role Aboriginal nation government will play across the territory and design a form of territorial government that exercises lead responsibility in relatively few areas and plays a co-ordinating role with other governments' activities where appropriate.

4.6.5

Communities that want to participate in a treaty implementation process rather than regional land claims be given the same range of flexibility in terms of subject matter and quantity of land as if they were participating in a land claims process.

5.3 Métis People of the Northwest Territories

Most of the events in Dene history just reviewed are part of Métis history as well. But it is important to note at least some of the distinctive circumstances facing Métis people in the Northwest Territories who, for historical reasons, find themselves in a somewhat unusual position and whose fate is inextricably linked to Dene, who are their relatives and neighbours. (For a discussion of issues pertinent to Métis in each part of Canada, see Chapter 5 of this volume.)

Métis people are not signatories of Treaties 8 and 11, although at the time the treaties were signed, as today, Dene and Métis people lived together, often as members of the same extended families. The ‘halfbreed commissions’ offered scrip — either cash or small land allotments — to Métis people of the N.w.T. as a means of clarifying federal jurisdiction over the northern territories. By accepting scrip, Métis people opted out of the treaties.

In 1899, the federal cabinet stated: “It is obvious that while differing in degree, Indian and Halfbreed rights in an unceded territory must be co-existent, and should properly be extinguished at the same time”.⁶⁸ As 1999 approaches, bringing division of the Northwest Territories, Métis people who live in Denendeh seek to restore and protect their rights, in a similarly ‘co-existent’ process of constitutional development and land claims.

In 1972 the Métis Association of the Northwest Territories was formed. During the following two decades, sometimes in concert with Dene political organizations and sometimes separately, Métis people sought control of a land base and political self-determination. Gary Bohnet, president of the Métis Nation of the N.w.T., told us about what Métis people see as their most fundamental right:

There has to be a land and resource base for Métis. It’s fundamental. We have to be able to have control. We have to be able to work in partnership with co-management agreements with different jurisdictions.

There is this myth out there that when you talk land and resources that the Métis may have less rights than some other Aboriginal people in this country. Well, that is [not true]. Our rights coexist along with the other Aboriginal peoples' in this country.

Gary Bohnet
President, Metis Nation of the Northwest Territories
Ottawa, Ontario, 4 November 1993

After the draft comprehensive claims agreement negotiated by Dene and Métis people was rejected by the Aboriginal parties in 1990, federal policy changed to promote negotiation of so-called 'regional claims' with groups in the western N.w.T. formerly represented by the territory-wide organizations. The first regional claims agreement was concluded between the federal government and the Gwich'in of the Mackenzie Delta. Métis people were included in the agreement as 'Gwich'in'. The second regional claim was negotiated in 1993 by Dene and Métis people of the Sahtu region, an area immediately to the south of the Gwich'in lands. The Sahtu agreement refers explicitly to Dene and Métis people. In addition, separate management bodies have been established to manage money and investments for Dene and Métis people, giving both groups decision-making autonomy. Dene and Métis people in the area have established a joint Dene-Métis tribal council to co-ordinate their affairs in the settlement region.

In two regions, Métis people have opted to be part of federal negotiations with First Nations (the Gwich'in and the Sahtu Dene) under federal comprehensive claims policy. Furthermore, the government of Canada has recognized a responsibility to negotiate with Métis people in areas where Dene have decided to rely entirely on treaties. In areas where Métis people are not signatories to comprehensive claims agreements, exploratory discussions between Métis people and federal representatives have begun.

One of the main issues facing Métis people is how to structure self-government provisions so that they accord with the path of constitutional development in the Northwest Territories. In addition, complex problems of structure and implementation will come up in the dovetailing of Métis and Dene agreements, which will inevitably overlap in many areas and will need to be co-ordinated with territorial government arrangements.

5.4 Inuit

Inuit have lived in the Arctic north of the tree line for thousands of years. Their homeland encompasses the western and central Arctic, the Keewatin region of the barren lands, and the coasts of Hudson Bay, northern Quebec and Labrador, Baffin Island, and the high Arctic as far north as Ellesmere Island. Inuit are part of a circumpolar people who live in parts of Alaska, Greenland and Siberia. Today there are between 115,000 and 128,000 Inuit in the circumpolar North, of whom about 38,000 live in Canada.⁶⁹

For two decades Inuit have been negotiating land claims agreements and self-government with Canadian governments. In most of the Inuit territories, Inuit are the large majority of the population. This has meant that dialects of Inuktitut, the common language of the Inuit, are still relatively strong, and that Inuit have considerable confidence in their ability to maintain cultural coherence as they work with and through the institutions of the larger Canadian society. Nevertheless, like other Aboriginal peoples in Canada, they have sought constitutional protection and legal guarantees of self-governing institutions. As the Inuit Tapirisat of Canada explained to us:

[O]ur existence as a people also requires legal protection and guarantees. After all, it is our identity as a people that makes us “Inuit”. Our concept of human rights recognizes the inseverable connection between the rights of peoples and the rights of individuals and recognizes the inseverable connection between Inuit and the land.⁷⁰

This philosophy underlies both international and domestic initiatives of Inuit. Internationally, they have developed models of public government (with differing forms in Alaska, Greenland and Canada) and sought through various means to protect their way of life. For example, through the Inuit Circumpolar Conference (a federation of Inuit living in the circumpolar countries), they have developed the Arctic Policy, which makes recommendations to the nation-states in which Inuit live concerning virtually all aspects of social life.⁷¹

Within Canada, Inuit have exercised their right of self-determination by choosing various public government forms of self-government. As noted in Volume 2, Chapter 3, in the public government model, eligibility to participate as a citizen in governing institutions is based on long-term residency rather than membership or Aboriginal ancestry. Reflecting on the reasons for this choice, Wendy Moss explains the genesis of the public government model:

Non-ethnic forms of government are attractive for their potential to ensure control and management over Crown lands in Inuit traditional territory as well as

Inuit settlement lands. Inuit control through non-ethnic forms of government is premised upon the existence of an Inuit majority in the territories concerned (for example, Nunavut) or alternatively, structures of government that will ensure a strong Inuit voice even in a minority situation (proposals for a Western Arctic Regional Government have addressed this situation). [Nevertheless] there is a desire to leave open the option for so-called ethnic forms of self-government.⁷²

Public government has certain definite advantages. It permits Inuit (in concert with other residents of the jurisdiction) to control land use and wildlife management over large land areas. For example, Nunavut, the new territory to be established in what is now the eastern Northwest Territories, covers about one-sixth the land area of Canada — far more land than a comprehensive claims settlement would place under the beneficiaries' direct control. Because Inuit form the large majority of voters in Nunavut, as a collectivity they will likely exercise the dominant influence in territorial politics for the foreseeable future.

But public government forms also carry certain risks. By choosing a form of public government now, Inuit have not ceded the right to choose a different form of self-government (on the nation-based model) at some time in the future. As Rosemarie Kuptana, president of the Inuit Tapirisat of Canada pointed out, her organization's goal remains to exercise self-determination within Canada and to adjust the essence of the relationship between Inuit and Canada [which] is an unequal power relationship in which Inuit rights have often been ignored and Inuit powers have been usurped by governments not of our making. The Inuit self-government and land claims agenda hopes to correct this by negotiating new government bodies in our territories, and asserting our rightful status as a people while respecting the human rights of other people.

Rosemarie Kuptana
President, Inuit Tapirisat of Canada
Ottawa, Ontario, 3 November 1993

In all the Inuit territories with land claim settlements — Nunavik, the lands of Inuvialuit and Nunavut — comprehensive claims agreements complement plans for self-government. We turn now to a brief look at how the land claims process unfolded in these three Inuit homelands and to the situation of the Labrador Inuit.

Inuit of Nunavik and the James Bay and Northern Quebec Agreement

The Inuit experience with land claims and self-government began with plans to

build the James Bay hydroelectric complex. Announced in 1971, the project was one of the largest of its kind in the world; plans called for the creation of a series of dams and reservoirs and the flooding of large tracts of land.

The Northern Quebec Inuit Association (later to become Makivik Corporation) promptly began negotiations with the Quebec government, the federal government, and the three companies involved in the project (the James Bay Energy Corporation, the James Bay Development Corporation and the Quebec Hydro-Electric Commission). In 1975, the parties signed the James Bay and Northern Quebec Agreement (JBNQA), which recognized Inuit title to 8,400 square kilometres of land and gave them \$90 million in compensation for loss of the use of certain traditional lands.⁷³ It also included some provisions for regional government, a school board, and regimes for environmental protection and wildlife management. The agreement created a hunter income support program, which supports country food production by purchasing harvested wildlife and distributing it in Inuit communities and in the south.⁷⁴

JBNQA was ratified by Quebec Inuit in a referendum in February 1976, after considerable internal debate.⁷⁵ Following ratification, the Northern Quebec Inuit Association was reorganized and renamed Makivik Corporation. Makivik was given responsibility for managing the compensation fund and fostering economic, social, political and cultural development of Inuit in Nunavik.⁷⁶

There were many issues, but among the most important was the question of the form and philosophy of the political and administrative institutions that JBNQA would bring and the extent to which these were appropriate to the continued development of Inuit traditions.

Two decades after JBNQA was signed, major developments have occurred in Inuit institutions and in their relations with the governments of Quebec and Canada.⁷⁷ Negotiations between the provincial government and Makivik on implementation of some aspects of the agreement have been virtually continuous throughout the last 20 years. The form of self-government most suitable to Inuit circumstances has been a source of vigorous debate among Inuit and between Inuit and the government of Quebec. Recently, negotiations for a Nunavik government in the northern part of the province appear to be approaching a conclusion.

JBNQA provides for a regional administration under the auspices of the Kativik regional government (KRG) and also for a Kativik school board, both of which have been established. KRG has an elected council made up of members from

the 14 Inuit communities and has powers over various matters of local administration.⁷⁸ Inuit have continued to work toward a greater degree of self-government in negotiations with the province of Quebec.

In 1991, the Nunavik constitutional committee presented the Quebec government with a draft constitution.⁷⁹ Negotiations were suspended during the Charlottetown constitutional reform discussions. Inuit tabled a draft political accord to provide Nunavik self-government in February 1993. In July 1994, a framework agreement was reached between the Quebec government and Inuit.⁸⁰ The parties agreed to negotiate a form of self-government for the residents of Nunavik, including the establishment of a legislative assembly and administration.

The next step will be an agreement in principle on Nunavik government, envisioned by Inuit as a non-ethnic public government with jurisdiction over a variety of subjects exercised over the entire territory in Quebec north of the 55th parallel. There is agreement from Quebec and Inuit negotiators that the Nunavik government would receive block funding from the province, as well as a share of taxes collected within its boundaries. There is a possibility of sharing revenue from development of non-renewable resources as well.

Besides engendering and shaping self-government negotiations between the province of Quebec and Inuit of Nunavik, JBNQA also made possible a number of Inuit-initiated economic development ventures.⁸¹ Investment revenue from the agreement's original pool of compensation capital has funded considerable applied research into economic development prospects and the creation of strategically positioned, Inuit-owned companies. For example, most recently Nunavik Arctic Foods (NAF) was incorporated as a subsidiary of Makivik Corporation. NAF harvests, processes and sells northern meat products, creating jobs in at least four communities and providing cash income to harvesters.

JBNQA was the first comprehensive claims agreement. Not only was it negotiated rather speedily, compared to other agreements,⁸² but it was negotiated by individuals who had no experience with agreements of this type. Thus, it is not surprising that various matters of interpretation and implementation have emerged in the 20 years since the parties reached initial agreement.

Those implementing JBNQA have gained considerable experience in

organizational development and training. As Makivik has worked to fulfil its mandate, means have been sought to involve the people living in the communities of Nunavik in the business of the corporation. As the Nunavik government is established, questions about even greater challenges arise: How will the government maintain meaningful contact with citizens, at a reasonable cost? What fiscal arrangements with the government of Quebec will ensure real autonomy? Will there be a financial or policy relationship between Makivik and the new government institutions?

Inuvialuit and self-government in the western Arctic

In 1984, Inuvialuit became the first Aboriginal people in the territorial North to sign a comprehensive land claims agreement.⁸³ The Inuvialuit Final Agreement recognized Inuvialuit title to 91,000 square kilometres of land in the western Arctic and provided compensation of \$152 million for the surrender of other land and \$17.5 million for economic development and social programs. There was also provision for a joint wildlife management regime. Although the 1984 agreement included a clause extinguishing the Aboriginal land rights of Inuvialuit in the territory,⁸⁴ Inuvialuit were successful in negotiating one provision related to self-government. This provision of the Inuvialuit Final Agreement (IFA) guarantees that Inuvialuit will not be treated less favourably than any other Aboriginal group with respect to governmental powers and authority. Section 4(3) of IFA states that “Canada agrees that where restructuring of the public institutions of government is considered for the Western Arctic Region, the Inuvialuit shall not be treated less favourably than any other native groups or native people with respect to the governmental powers and authority conferred on them.”⁸⁵

To complement the provisions of IFA, Inuvialuit have proposed a form of regional public government to be created by devolution of authority from the Northwest Territories government. The proposed western Arctic regional government would include all people living in the Inuvialuit settlement region (Inuvialuit, Dene, Métis people and non-Aboriginal people), and perhaps those of the neighbouring Gwich'in settlement area as well.⁸⁶

Experience with implementation of IFA has been mixed. The economic institutions have generally functioned well, with the Inuvialuit Development Corporation playing a key part in the regional economy through investment of land claim compensation funds and developing various subsidiaries to market Inuvialuit products.

An area of critical concern to Inuvialuit has been implementation of land, resource and wildlife management regimes. These IFA provisions are being implemented at present, and Inuvialuit hunters have been able to control hunting and harvesting activities in a way that was not possible before the agreement. However, according to a review of these regimes, success in implementation depends somewhat precariously on government goodwill and co-operation, which have not always been forthcoming:

The commitment of government to IFA implementation has been uneven at best, hollow at worst. Achieving a coherent level of corporate commitment to claim implementation across government remains a significant challenge for all government, notwithstanding the dedicated support that has been shown by some agencies.⁸⁷

Governments have not enacted all the appropriate enabling legislation or made many necessary policy changes to ensure the full effect of IFA. A research study prepared for the Commission suggests that future claims should contain a list of enabling legislation that must be passed by a certain date following the agreement.⁸⁸

Inuit of Nunavut

The creation of Nunavut will change the face of the North. Given the publicity it has received nationally and internationally, it will be watched closely as an example of Aboriginal self-government through public government — the first such model to be instituted since the establishment of Greenlandic Home Rule in 1979.

A number of features will mark the development of Nunavut:

- The government of Nunavut will have province-type powers that are important to the social, cultural and economic well-being of Inuit.
- The government will be able to manage wildlife and resources effectively because it will have jurisdiction over a large territory. Inuit will have strong and usually dominant representation on the relevant boards.
- Representatives will be elected by and accountable to a predominantly Aboriginal electorate.

- It is likely that Aboriginal people will continue to form a majority of the population for the foreseeable future and so will continue to have a major influence in economic, political and cultural life, whatever institutional changes are made.
- Fiscal relations with the federal government will take into account the cost of providing existing levels of government services.⁸⁹

Nunavut was first proposed in 1976.⁹⁰ Since then, in response to federal unwillingness to negotiate self-government arrangements as part of the comprehensive claims process, Inuit have pursued a two-track strategy. They have negotiated comprehensive claims agreements with an eye to realizing all possible progress toward self-government, including securing an adequate resource base. At the same time, they have participated in available political forums, including the process to patriate and amend the Canadian constitution and the legislative assembly of the Northwest Territories.

In the N.w.T. legislative assembly, elected Inuit representatives worked cooperatively with other members to create the conditions under which Nunavut could be brought into being. In April 1982, a plebiscite asked voters in the N.w.T. whether they favoured the creation of a new territory in the eastern N.w.T., and 57 per cent of voters agreed to division. Fifty-three per cent of eligible voters cast a ballot. Voter turnout and affirmative votes were much higher in the eastern Northwest Territories than in the west although support for division tended to be stronger in predominantly Aboriginal communities (whether Dene, Métis or Inuit) than in the larger centres where more non-Aboriginal people — and more public servants — lived.⁹¹

The federal government accepted the verdict of the plebiscite but placed a number of conditions on federal action to divide the territory: that the outstanding land claims in the affected area be settled first; that there be continued support for division from residents of the N.w.T.; that all parties affected by division be required to agree on a new boundary; and that there be agreement on the division of powers among local, regional and territorial governments.⁹²

In the end, the conditions were met. In 1990, the government of the Northwest Territories signed an agreement in principle with Tungavik Federation of Nunavut (now Nunavut Tungavik Inc.), entrenching their joint commitment to division of the Northwest Territories. Agreement on a boundary was achieved

after a special commission proposal was accepted by the minister of Indian affairs in 1991, and the proposed division line was supported in a second plebiscite, held on 4 May 1992.

Through the 1980s, while these political events unfolded, comprehensive claims negotiations continued, ultimately producing an agreement that made direct reference to the creation of Nunavut. In November 1992, Inuit of Nunavut ratified the land claims agreement. With 69 per cent of eligible voters participating, 85 per cent approved the agreement. The Nunavut Agreement was signed by both parties in Iqaluit on 25 May 1993.

In June 1993, Parliament passed the Nunavut Land Claims Agreement Act and the Nunavut Act.⁹³ These two laws provide the framework for establishing Nunavut by dividing the Northwest Territories in 1999 and for the development of governing institutions, beginning immediately.

The land claims agreement recognizes Inuit title to 350,000 square kilometres of land and provides compensation of \$580 million and a \$13 million training trust fund; it also includes provisions for joint management and resource revenue sharing.⁹⁴ New agencies include the Nunavut Wildlife Management Board, the Nunavut Planning Commission, the Nunavut Impact Review Board and the Nunavut Water Board. These agencies will be composed of an equal number of federal, territorial and Inuit representatives. Since these bodies were created through the comprehensive claims agreement, they will have constitutional protection.

The composition of the boards and the planning commission has the potential to place a great deal of control in Inuit hands. With one-third representation from Inuit organizations and one-third from the Inuit-dominated territorial government, Inuit will have two-thirds representation on these crucial agencies.

Pursuant to the Nunavut Act, the Nunavut Implementation Commission (NIC) was established in December 1993. NIC includes representatives of the federal and territorial governments and of Nunavut Tungavik Inc., the body that represents Inuit of Nunavut and is responsible for implementing the land claims agreement. The mandate of NIC is to advise the three parties (federal, territorial and Inuit) on implementation questions, and it is likely the forum in which the stickier issues of implementation will be decided.

The immediate task is to plan for a new government and bureaucracy that will reflect the aspirations of the majority of Nunavut citizens and respond to their

needs. In this respect, there are at least two important aspects of bureaucratic development: staff training and administrative development.

Staff training

An important goal is to ensure that the majority population of Inuit can staff their own governing institutions. The importance of education and training to self-determination cannot be overestimated. As a Commission research study noted:

The most obvious, but nevertheless critical, role was for the systems to educate and train Inuit in such a way that would permit their full participation in the policy making, management and operation of the administrative, cultural, economic, and other institutions developed as a result of agreements negotiated on land claims and self-government....

[T]he education and training system is seen as having a key role to play in producing a society of self-empowered individuals who have the skills necessary to participate fully in both the wage and/or traditional economy as they so choose. Such individuals must, in addition, attain the skills necessary to meet their civic responsibilities as well as those skills necessary to lead a satisfactory cultural, economic and social life.⁹⁵

Estimates vary widely on the amount of money required for training, depending on assumptions about the duration and type of training required.⁹⁶ Given the current levels of education and training in the resident population, a major and sustained effort will be required. Aboriginal people in the North have lower levels of formal education than other Aboriginal people in Canada and than the general population. In 1991, 37 per cent of Aboriginal adults in the North had reached only Grade 8 or less, while fewer than 20 per cent had ever attended a post-secondary institution, and only 11 per cent had received a degree or other certification.⁹⁷ The situation is even worse in the far north (which includes the territories of the Yukon and the future Denendeh and Nunavut, as well as northern Quebec and Labrador; see Figure 6.1). In 1991, nearly half (45 per cent) of Aboriginal adults in the far north had achieved Grade 8 or less; just nine per cent had graduated from high school; and less than one per cent had a university degree (for an overview, see Figures 6.3, 6.4 and 6.5).

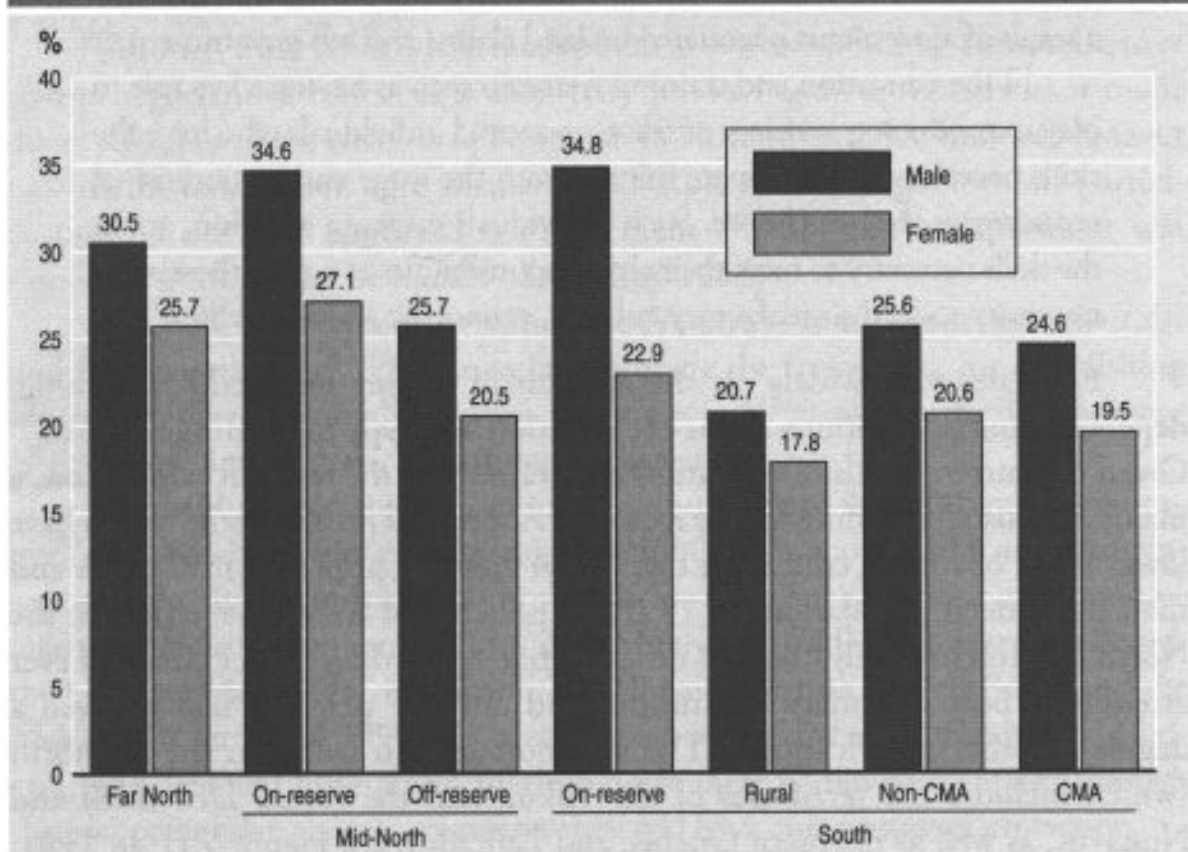
This situation is particularly alarming in light of the fact that most of the new jobs to be created as self-government is implemented will require some form of post-secondary training, in such areas as accounting, financial management,

organizational development, planning and business development. The challenge for all new public governments of the North will be to undertake human development and training in a way that makes it possible for northern Aboriginal people to staff their own institutions.

It will be important for the new bureaucracies to emphasize skills and the capacity to acquire skills in their hiring practices, rather than relying entirely upon formal credentials to select employees. For employees hired on the basis of their potential to acquire skills, it will be essential to develop on-the-job training systems that permit learning while work is performed. Fortunately, Inuit have considerable experience with this form of training, developed over the years through the Arctic co-operatives system and the Inuit Broadcasting Corporation.⁹⁸

Consideration might also be given to the development of an extensive high school and college co-operative learning system, similar to that of universities in southern Canada, in fields as diverse as engineering and public administration. Under the co-op system, students interrupt their classroom studies to work for wages in settings similar to those for which they are being trained.

FIGURE 6.3
Unemployment Rate in the Aboriginal Identity Population
Age 15+, 1991



Notes:

Showing unemployment rate for the Aboriginal identity population age 15 and older no longer attending school full-time.

CMA = census metropolitan area.

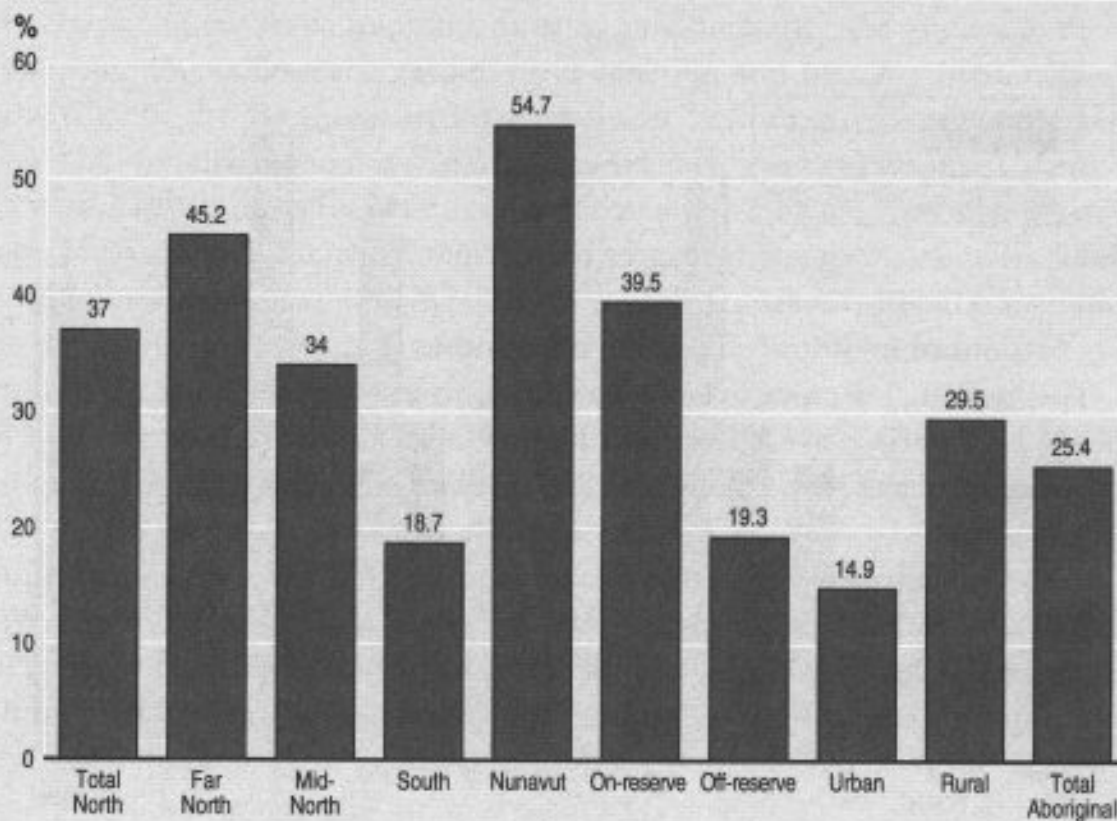
Source: S. Clatworthy, J. Hull and N. Loughran, "Patterns of Employment, Unemployment and Poverty", research study prepared for RCAP (January 1995).

Administrative training

Creating a trained administration is only part of the equation. How that administration operates is another important question. In the formation of Nunavut, there is an opportunity for the institutions of government to be shaped by the culture of territorial residents. The challenge is to see how the majority culture of Nunavut can be knit together with the culture of the minority population, whose traditions currently pervade the structure of territorial administration.

FIGURE 6.4

Percentage of Aboriginal Identity Population Age 15-64 Whose Highest Level of Education Was Grade 8 or Less, 1991



Note: Showing percentage of the Aboriginal identity population age 15-64 no longer attending school.

Source: Statistics Canada, 1991 Aboriginal Peoples Survey, custom tabulations.

R.G. Williamson has written about the roots of authority in Inuit society, where “good intellect and wisdom are paramount human qualities”.⁹⁹ He says the quality of intelligence derives not from the rational ordering and understanding of the universe but from a deeper understanding of one’s place in the world and one’s connection to the natural environment and to kin. In a similar vein, Gurston Dacks comments on the distinctive Aboriginal approach to social problem solving:

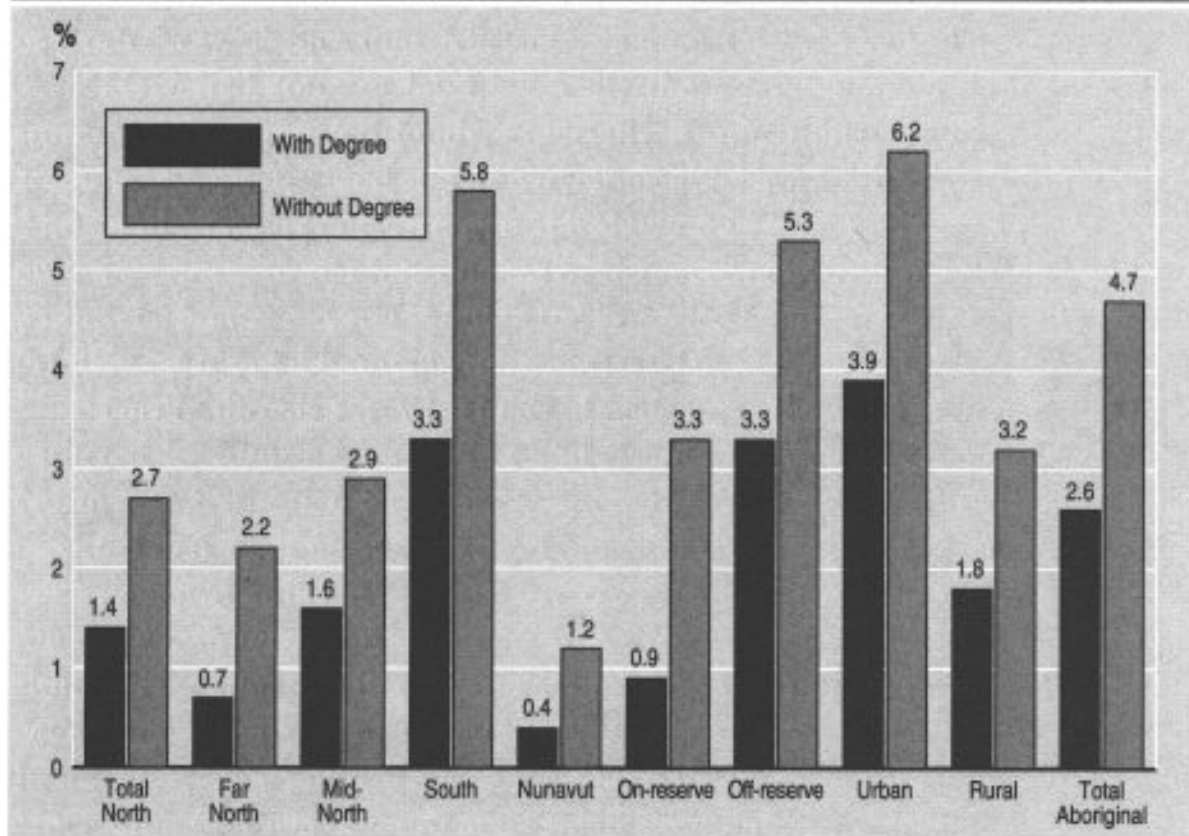
Among Aboriginal peoples, the value attributed to the community and its unity and the faith in laws of nature provided by the Creator have defined the task of traditional Native politics as working together to understand how the laws of

nature apply to a particular question. It is assumed that an answer to a question already exists and can be found if all participants in the decision to be taken work collectively to discern that correct answer.¹⁰⁰

This leads to a key question about what is needed to ensure that these new political entities evolve in a direction responsive to the needs of their constituents and at the same time operate within the context of the Canadian federation.¹⁰¹ Regimes of financing, styles of negotiation, the requirements for strategic planning, and the imperatives of probity, accountability and fiscal responsibility — all must be present in a form that fits well with general Canadian practice. Making these arrangements in a manner that permits the culture of the original peoples of the region to grow and flourish is not a unique challenge but is common to all Aboriginal peoples who seek self-determination within Canada. We return to this matter in our later discussion of human development.

FIGURE 6.5

Percentage of Aboriginal Identity Population Age 15-64 Whose Highest Level of Education was University, 1991



Note: Showing percentage of the Aboriginal identity population age 15-64 no longer attending school.

Source: Statistics Canada, 1991 Aboriginal Peoples Survey, custom tabulations.

Finally, as is the case for all governments in Canada, Nunavut will be created in the shadow of fiscal restraint and the desire of governments to cut public spending. While the governments of Canada and the Northwest Territories have “committed themselves unequivocally to the creation of Nunavut”,¹⁰² fulfilment of this commitment is likely to require some additional expenditure, as well as artful planning, imagination and ingenuity.

The Labrador Inuit

The Labrador Inuit Association (LIA), founded in 1971, represents Inuit and Kablunangajuit in the northern Labrador communities of Nain, Hopedale, Makkovik, Postville and Rigolet.¹⁰³ Several of the Kablunangajuit descend from

the European and Newfoundland men who came to settle on the north coast of Labrador during the nineteenth century. They came to fish, trap and trade. Some brought their wives from Europe or Newfoundland, and some married Inuit women. They settled in the wooded inlets on the coast and made their livelihood from trade, agriculture, trapping, fishing and hunting. They adopted many Inuit ways and skills, such as skin-boot making, seal hunting methods, and knowledge of the land, sea, and environment. Because they lived with Inuit, many of these settlers and their descendants eventually learned to speak Inuktitut.

Labrador is the only Inuit region without a completed land claims settlement. In part, this is because Labrador Inuit were the last Inuit region to submit a comprehensive claim proposal (in 1977), and in part it is because a willingness to negotiate on the part of both the federal and the Newfoundland government was required.¹⁰⁴ Federal acceptance of the claims proposal came in 1978, but the province did not join the process until 1980.

For various reasons, formal negotiations were not opened until January 1988. A framework agreement was reached in March 1990, with the condition that an intergovernmental memorandum of understanding be signed by the end of May 1992. The minister of Indian affairs was supposed to have reached an agreement with the province on cost-sharing arrangements. When a memorandum of understanding was not reached before the deadline, negotiations were suspended.

Today, Labrador Inuit are in the same constitutional position as all other Aboriginal peoples in Canada, but the history of relations between Inuit and non-Inuit is distinctive. The colonial history of Newfoundland and Labrador underlies some differences in contemporary attitudes and institutional circumstances.

The Labrador coast, where most Labrador Inuit have always lived, had been visited by Europeans for at least 700 years when European sovereigns began claiming the right to determine its governance. In 1713, the Treaty of Utrecht assigned the island of Newfoundland to Britain, while most of Labrador was assigned to France. In 1763, by virtue of the Treaty of Paris, France ceded to Great Britain almost all possessions and rights in North America, including Labrador. King George III immediately placed Labrador under the authority of the governor of Newfoundland. The Ungava Peninsula (containing what are now northern Quebec and Labrador) was divided into three parts. The east coast of Labrador and the north shore of the St. Lawrence were considered part of Newfoundland. The west coast and all the lands draining into Hudson Bay

were part of Rupert's Land. The lands in between were considered 'Indian' territory, part of an enormous north-south corridor of unceded lands stretching from the north Atlantic coast almost to the Gulf of Mexico.

In 1765, the governor of Newfoundland issued an "Order for Establishing Communication and Trade with the Esquimaux Savages on the coast of Labrador", requiring in part that the Inuit population be treated "in the most civil and friendly manner".¹⁰⁵ He also offered land in Labrador to Moravian missionaries, who were already established in Greenland, believing that the missionaries would maintain the European presence while limiting destructive contact between Inuit and Europeans.

There followed a period of extraordinary jurisdictional fluidity, most of which was not apparent to the Aboriginal residents of the area.¹⁰⁶ The borders of Quebec were extended to include Labrador by the Quebec Act, 1774. Labrador was returned to Newfoundland in 1809, and then a portion of Labrador was transferred back to Quebec in 1825. The boundary was moved again in 1898.

A final dispute between Canada and Newfoundland over the location of the boundary was eventually decided by the judicial committee of the privy council in 1927.¹⁰⁷ The boundary of Labrador has not changed since then.¹⁰⁸ These changes made relatively little difference on the Labrador coast, where economic regulation and social services were managed by the Moravian church.¹⁰⁹ However, since 1927, Quebec has claimed that the privy council decision did not reflect Quebec's claims to Labrador. As part of its mandate, the Commission d'étude sur l'intégrité du territoire du Québec (the Dorion Commission) analyzed the validity of the decision and identified several alternative boundaries that would have been more favourable to Quebec while keeping with the historical and juridical interpretation available to the privy council. Nevertheless, the commission's general conclusion was that, contrary to what many in Quebec felt, no gross legal error had been made by the privy council in its decision and thus no legal option was available to reverse the decision, particularly when successive governments effectively accepted the boundary as the border between the two provinces.¹¹⁰

In discussions between Canada and Newfoundland leading to Confederation in 1949, the matter of governmental responsibility for Inuit (and the Innu people) was considered by the negotiators. It is some indication of the state of local politics that neither Inuit nor the Innu were consulted about their disposition. A joint Canada-Newfoundland special committee concluded that both Aboriginal peoples should become a direct federal responsibility, as in the rest of Canada.

The special committee identified 11 conditions that would apply to Aboriginal people if union occurred.¹¹¹ In the end, however, the 1949 Terms of Union with Canada contained no reference to Aboriginal people.¹¹²

After some discussion of the legal dimensions of this arrangement, a 1954 agreement, outside the Terms of Union, provided for federal funding to be transferred to the Newfoundland government for administration of programs for the Aboriginal peoples of Newfoundland and Labrador. Under the agreement, the federal government would assume 66 ²/₃% of costs in respect of Eskimos and 100% of costs in respect of Indians relating to “agreed capital expenditures...in the fields of welfare, health and education” and would assume the full costs of hospital treatment for Indians and Eskimos of northern Labrador during a 10-year period and “to undertake an aggressive anti-tuberculosis program” during the same period. For its part, the government of Newfoundland was to assume all other “financial and administrative responsibilities for the Indian and Eskimo population of Labrador” excluding such federal benefits as family allowances and old-age pensions.¹¹³

In practice, funding provided under the federal-provincial agreements has not been directed specifically to Aboriginal people but to ‘designated communities’: the agreements fund persons according to where they live, not on the basis of whether they are Aboriginal or non-Aboriginal. This arrangement avoids the necessity of deciding who is an Aboriginal person and who is not.¹¹⁴

The government of Newfoundland and Labrador found this system of federal funding inadequate for communities’ needs and periodically through the last three decades sought more funding and even more direct involvement of the federal government in providing services to Inuit and Innu communities. Successive federal governments declined to do this, although after the 1974 report of the Royal Commission on Labrador noted that the level of funding in these agreements was much lower than that received by Aboriginal peoples in similar regions of northern Canada, funding levels increased significantly.¹¹⁵

In 1984 the federal cabinet agreed to direct funding contribution agreements between the federal department of health and Aboriginal organizations of Newfoundland and Labrador:

The Non-Insured Health Benefits (NIHBs) operates from our head office in Northwest River with the help of the CHRs and the Health Liaison Team. LIHC is extremely proud of this program as we are one of only two Aboriginal groups

in the country to administer a comprehensive program ourselves rather than having MSB do it. MSB has recently commissioned a report on our program and that of Conne River with positive results.¹¹⁶

The province has also reached agreement with the Labrador Inuit Association (LIA), which administers some educational funding:

[Y]ou have to realize that we've only been administering the program for five years, so it takes a while for us to change the program where we can to make it fit our needs or to fit the students' needs. When we were starting to administer this program, there was just between 15 and 20 students, and the program, by the way, was under the Canada and Newfoundland Inuit agreement. And the budget was about \$150,000....Now we have up to as high as 180 students and we have a budget of \$1.6 million, so obviously we have been doing something right.

Tim McNeill
Education (Regional), Labrador Inuit Association
Makkovik, Newfoundland and Labrador, 15 June 1992

Since federal funding is provided under agreements that have to be renewed periodically, there has been regular conflict over levels of funding and concern on the part of the provincial government that the federal government will try to offload its responsibilities. This circumstance has complicated the negotiation of a comprehensive claims agreement, as there have always been three parties to this discussion, with varying interests. The province has tended to view Inuit as provincial residents like any others and to see self-government as a sort of extension of municipal government.¹¹⁷

It is possible, nevertheless, to see the shape Inuit public government could take in Labrador. Institutions such as the OkalaKatiget Communications Society, the Labrador Inuit Development Corporation, and LIA already fulfil some of the functions of governments. As in Quebec, it may be that a regional government within the provincial framework will be developed.

One important area to be resolved concerns the legal system. LIA has consistently argued for the importance of recognizing Inuit customary law as part of any land settlement in northern Labrador:

Labrador Inuit customary law was the underpinning of Labrador society and even today Labrador Inuit customs and traditions are fundamental to the identity

and self-esteem of Labrador Inuit, and a primary means through which the Inuit have traditionally exercised their rights of self-government.¹¹⁸

Within the context of self-government LIA is examining a range of questions about how customary law should be applied and through what institutions or authorities.¹¹⁹

Negotiation and implementation of the land claim will occupy the resources of the Labrador Inuit for the coming years. As negotiations proceed, they are overshadowed by the difficult problems of who is entitled to participate in the claim and whether benefits obtained under that claim might create dangerous political tensions in Newfoundland and Labrador society.

LIA has allowed Kablunangajuit to become members in the association. This has raised the expectations of those outside the settlement area, who maintain that they share a culture, lifestyle and ethnicity with claim members. As benefits negotiated outside the land claim (for example, non-insured health benefits and post-secondary student support) accrued to Inuit, members joined from outside the land claims area to receive the benefits. LIA now has to decide whether those members outside the land claim area should participate in the claim and, if not, how to remove them from the lists.¹²⁰

The question of funding continues to plague progress in Labrador, just as it does in other Inuit regions. The Newfoundland government has also been cutting spending. This attempt to control budget deficits could have a direct impact on Inuit, since the federal government gives the province what is essentially block funding for Aboriginal services (in education and health), and the province determines how to spend it. There is nothing to guarantee that this money will not be diverted to other priorities. Both LIA and ITC have called for direct negotiations between the federal government and Aboriginal organizations, followed by a bilateral funding agreement between the two parties, as a means of resolving this concern. Armed with these tools, northerners may well break new ground in coping with some of the common problems of industrialized countries today: increased pressure on public expenditures, global competition that is having a general levelling effect on incomes, and the reduced capacity of states to regulate or borrow to create full employment.¹²¹

5.5 Conclusion

The pace of political and institutional change in the territories and in the northern parts of some provinces is remarkable. Inevitably, unresolved disputes and outstanding issues remain. We hope that northerners will continue their progress toward new institutions that reflect the demographic and cultural balance in the northlands. We support co-operative political development and innovation along the lines now being pursued by northerners, and we urge the federal, provincial and territorial governments to act decisively to resolve outstanding disputes. We urge that every effort be made by all parties to achieve consensus.

Recommendation

The Commission recommends that

4.6.6

In Nunavut and in the remaining part of the Northwest Territories, future arrangements allocate clear responsibilities between Aboriginal nation governments and territorial institutions and be kept simple and focused, given the high cost of government across a widely dispersed population.

Individuals at the community level should understand the institutional and political changes taking place. A continuing public education campaign is needed to ensure that people in these communities are fully aware of the new developments and their effects. Care must be taken to explain as simply and transparently as possible the eventual division of powers among the various governments in each of the new territories, whether they be at the level of the community, nation or territory. Public education initiatives could use print and broadcast media (including community radio stations), as well as public education kits for workshops with community organizations (community councils, school boards, etc.).

Recommendation

The Commission recommends that

4.6.7

Public education materials be developed in co-operation with Aboriginal communications groups to explain the institutional changes taking place in

Nunavut and the remaining part of the Northwest Territories.

6. Environmental Stewardship

Culture is not only hunting, fishing and trapping. Even white people do that. The Chinese people do that. People all over the world do that. There is more than that. There is the spiritual side of culture. The mental side. The physical side. The social side. The economical side.

Randall Tetlich
Old Crow, Yukon 17 November 1992

We want to do better for our land. This is what we were talking about.
[translation]

Chief Gabe Hardisty
Fort Simpson, Northwest Territories
26 May 1992

6.1 Background

Environmental stewardship is an essential element of all future northern policies and programs, whether these are developed by Aboriginal, territorial, provincial or federal governments. Stewardship goes beyond establishing sustainable harvesting practices, mediating land-use conflicts, protecting the environment, stopping or cleaning up pollution — although it includes all of these. Stewardship also means a revival and entrenchment of certain older ways of seeing the relationship between human beings and the environment. It consistently recognizes the utter dependence of humanity on the natural world. It involves the recognition that all resources, exploited past a certain point, are non-renewable. Central to stewardship is the realistic appreciation that all natural processes and systems are interrelated, that they know no domestic or international boundaries, and that responsible development requires co-operation among human beings and between human beings and the natural world.