

# II

## Treaty Governance in the North



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## MULTILEVEL GOVERNANCE IN THE INUIT REGIONS OF THE TERRITORIAL AND PROVINCIAL NORTH

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The Inuit peoples of the territorial and provincial North have made significant progress in terms of institutionalizing regional self-government and establishing multilevel linkages with other governments within Canada's federal system. In addition to Nunavut, which became Canada's third territory in 1999, there are three other autonomous Inuit regions in the Canadian Arctic that are moving towards greater self-government: Nunatsiavut in Northern Labrador, Nunavik in Northern Quebec, and the Inuvialuit Settlement Region (ISR) in the Northwest Territories. All of these Inuit regions share common historical and cultural ties. What differentiates Nunatsiavut, Nunavik, and the ISR from Nunavut is that they are politically and administratively nested within existing constituent units of the federation (Wilson 2008).

Although these regions have negotiated and signed comprehensive land claims agreements with the federal government and their respective provincial/

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territorial governments, they are at different stages in their political development (Alcantara and Wilson 2013). In 2005, the Inuit of Nunatsiavut, the Government of Newfoundland and Labrador, and the Government of Canada signed the Labrador Inuit Land Claims Agreement. In addition to establishing land rights and providing funding, this agreement laid out a new system of regional self-government. The Inuit of Nunavik and the ISR signed comprehensive land claims agreements well before Nunatsiavut, in 1975 and 1984, respectively, but their agreements did not provide for self-government. Instead, these regions are administered by various regional public and Aboriginal agencies and bodies, including development corporations that manage the land claims agreements on behalf of Inuit beneficiaries (Wilson and Alcantara 2012; Rodon and Grey 2009).

The emergence of these new regional governance actors necessitates a re-evaluation of the traditional federal structures and intergovernmental processes that have been used to explain the administration of the Canadian Arctic. The proliferation of non-traditional governance actors involved in the policy process, broadly defined, is certainly consistent with similar developments in other parts of Canada and in other federal systems. This increase also suggests that federal states such as Canada are gradually moving away from the governance model of federalism, with its focus on intergovernmental relations between the federal and provincial/territorial governments, towards a model that features a much more diverse, multilevel set of governance structures and actors.

The literature on Aboriginal multilevel governance in Canada has provided a basic overview of Aboriginal organizations and their evolving relationships with each other and with the Canadian state (Rodon 2015; Papillon 2012; Rodon 2013; Wilson 2008). More recently, Alcantara and Nelles (2014) have tried to develop this concept in a theoretical sense by assessing its explanatory value (see also Alcantara, Broschek, and Nelles 2015). On the surface, Canada is undoubtedly witnessing the emergence of a new pattern or configuration of multilevel governance. The establishment of new governments and the involvement of non-state actors such as development corporations in the administration of regions such as Nunavik, Nunatsiavut, and the ISR illustrate both the vertical and the horizontal dimensions of this multilevel system. These regional bodies, together with national and transnational Inuit organizations, regularly interact with the federal and provincial/territorial governments (vertical multilevel governance) and non-state actors (horizontal multilevel governance) in pursuit of policies that will improve the lives of the people living in their regions.

In terms of actual decision-making authority, however, can multilevel governance be characterized as a new model of decision-making that disperses real authority to non-traditional governance actors? Or is it simply an extension of federalism and intergovernmental relations as it has been traditionally practised in Canada? Moreover, is the concept of multilevel governance applicable to all interactions between Aboriginal and non-Aboriginal actors? This chapter explores these questions in Nunatsiavut, Nunavik, and the ISR by examining multilevel and

intergovernmental relations in two key policy areas: education and housing. Both of these areas feature a series of pressing and complex challenges for governments at all levels. More importantly, for the purposes of this chapter, they involve a variety of governance actors in policy-making and policy administration processes and highlight some interesting similarities and differences across regions and policy fields.

The first part of this chapter examines the theoretical and conceptual dimensions of the term *multilevel governance* in order to provide an analytical framework for outlining the three regional cases studies in the second part. The third part of the chapter discusses the similarities and differences across the cases and policy areas and draws some general conclusions about the utility and relevance of the concept of multilevel governance in the Canadian Arctic.

## ABORIGINAL MULTILEVEL GOVERNANCE: SOME CONCEPTUAL CONSIDERATIONS

Over the past decade, multilevel governance has become a popular phrase to describe a number of trends in Canadian federalism and public policy. Researchers studying Aboriginal-settler relations (Papillon 2012), municipal government (Horak and Young 2012), and a range of other policy and public administration topics such as innovation, banking, finance, and environmental policy (Greitens, Strachan, and Welton 2013) have used the term to describe a particular trend involving the emergence of non-traditional governmental actors, embedded in different territorial levels beyond the traditional federal and provincial ones, gaining more influence over decision-making and policy implementation. In the field of Aboriginal politics, for instance, Martin Papillon's research (2012, 2008) has found that multilevel governance is useful for describing how Aboriginal peoples in Canada have been able to alter their relationships with the federal and provincial governments. Rather than power and jurisdiction being concentrated in the hands of federal and provincial governments through formal mechanisms such as the Constitution, Aboriginal peoples have found innovative ways to create formal and informal spaces in which power and authority over issues relating to their interests are shared with the Crown. These new institutions do not necessarily exist within the formal structures of the federation but instead frequently sit alongside existing structures (Papillon 2012). In many ways, then, multilevel governance, conceived in this broad manner, is a useful term for describing many of the recent trends in Aboriginal politics because it emphasizes the emergence of new processes, structures, actors, and rules that privilege the participation, authority, and power of Aboriginal governments and organizations within the Canadian political system.

Others, however, have expressed some discomfort with this broad definition and approach. They argue that such a definition does not provide a useful way for distinguishing multilevel governance from federalism (Rouillard and Nadeau

2013, 187). These critics suggest that more work needs to be done to sort out what multilevel governance actually entails and whether it offers any new insights. According to Rouillard and Nadeau (2013, 199), “labeling is always a difficult and, at times, sterile thing to do. But it is also important in order to make sense of the academic literature in any field ... Labeling and its corollary, classification, are needed to distinguish true contributions to knowledge from rhetorical innovation.”

Given these concerns, and building on the work of Papillon (2012, 2008) and others, Alcantara and Nelles (2014) have suggested a more bounded definition of the term. They argue that at its core, multilevel governance “is a process of political decision making in which governments engage with a broad range of actors embedded in different territorial scales to pursue collaborative solutions to complex problems” (Alcantara and Nelles 2014; see also Piattoni 2010; Alcantara, Broschek, and Nelles 2015). These instances of decision-making emerge because the diverse sets of actors involved in decisions share a set of “tangled hierarchies and complex interdependencies” (Jessop 2004, 58). More specifically, groups engage in multilevel governance processes because they are concerned with generating legitimacy for a decision, they collectively control the necessary capacities to address the issue, and/or multilevel governance is the most effective tool for addressing a particular issue.

For Alcantara and Nelles (2014), therefore, multilevel governance can be defined more narrowly according to three criteria: actors, scales, and the nature of the decision-making process. Very briefly, in terms of the first criterion, a multilevel governance process involves at least one constitutionally recognized government actor working with one or more non-governmental and/or quasi-governmental actors. Second, it must involve actors that are embedded in at least two different territorial scales. Finally, and most importantly, multilevel governance involves a decision-making process that is more consensual and non-hierarchical than inter-governmental processes (Bache 2010; Piattoni 2010; Peters and Pierre 2004). This is because “none of the participants possess the authority or capacity to undertake the issue alone” (Alcantara and Nelles 2014). Although constitutionally embedded governments might take the lead in bringing together the various governmental, non-governmental, and quasi-governmental actors and ultimately have decision-making authority, the decision-making process is informed by a variety of actors who work together in a more consensual and non-hierarchical manner to reach a decision on the issue at hand.

Given that the literature on Aboriginal multilevel governance is still in its infancy and that a consensus has yet to emerge regarding what Aboriginal multilevel governance actually entails, in this chapter we adopt a more flexible definition that sits somewhere between the two approaches discussed above. For our purposes, Aboriginal multilevel governance exists when new Aboriginal actors such as Aboriginal governments, land claims organizations, economic development organizations, and other similar bodies emerge and are able to engage meaningfully in intergovernmental policy-making with governments at the federal, provincial,

territorial, and/or local levels. In the case of the nested Inuit regions examined in this chapter, meaningful participation implies that Aboriginal actors have regular, albeit varied, input into the policy-making process through formal and informal means and in some instances are able to tailor policies adopted by other levels of government to fit with their particular regional circumstances. By using this definition of multilevel governance, we are able to assess whether the new arrangements emerging in Nunatsiavut, the ISR, and Nunavik in important policy areas such as housing and education are in fact something new or whether they are simply a reproduction of the status quo in which the federal, provincial, and/or territorial governments dominate the policy process. At a theoretical level, multilevel governance may contain the ingredients for a more just and equitable relationship between Indigenous and non-Indigenous peoples. Uncovering the extent to which multilevel governance relationships exist in these regions will allow future researchers to more systematically evaluate the normative appeal of multilevel governance as a potentially new model for characterizing Indigenous-settler relations in Canada.

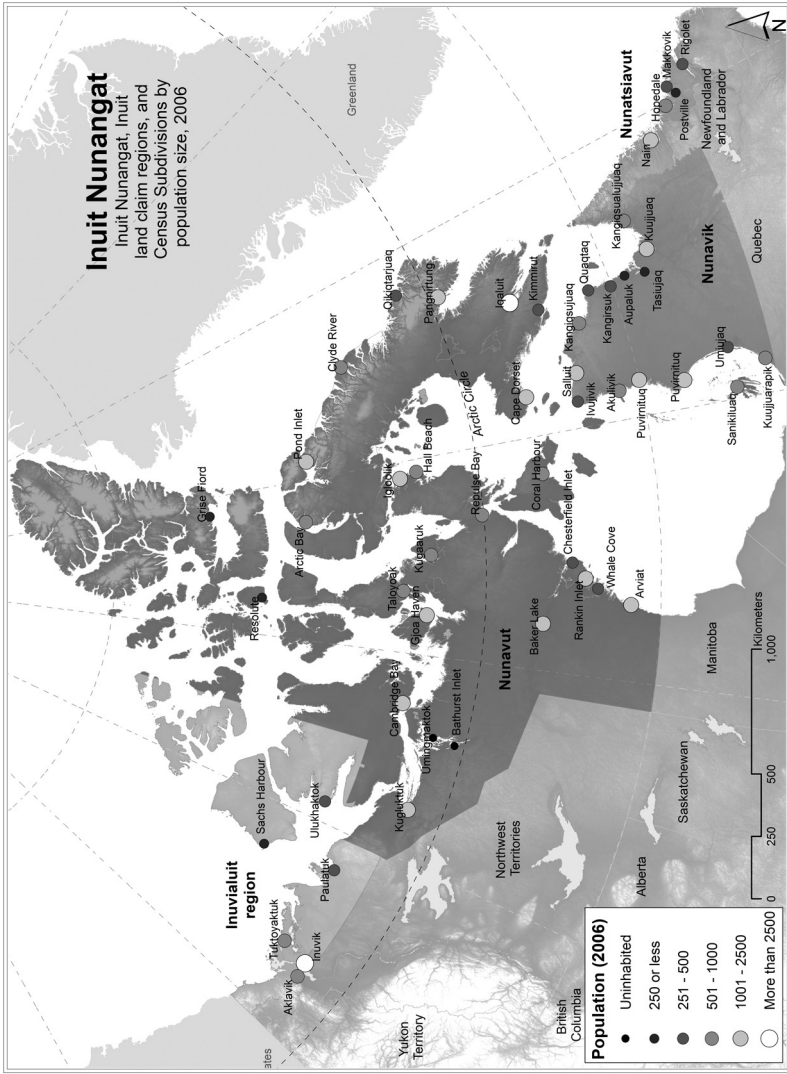
## INUVIALUIT SETTLEMENT REGION

### *Background Considerations*

The Inuvialuit were one of the first Aboriginal groups to sign a comprehensive land claims agreement, called the Inuvialuit Final Agreement, in 1984. By signing this treaty, the Inuvialuit received 435,000 square kilometres of land in the Northwest Territories and Yukon Territory. Within this settlement area, they received 13,000 square kilometres of mineral rights and a range of responsibilities and jurisdictions over things like environmental protection, wildlife management, and fishing. Absent from the treaty, however, was a self-government chapter, which the federal government at the time had refused to negotiate with any and all Aboriginal groups. This policy has since changed, and many groups have negotiated or are negotiating self-government agreements separately or concurrently with their land claims agreements (Alcantara 2013).

As a result, the Inuvialuit do not have a form of Aboriginal self-government akin to what exists in Labrador (e.g., Nunatsiavut Government), British Columbia (e.g., Nisga'a Lisims), or Yukon Territory (e.g., Kwanlin Dün First Nations). Instead, the territorial government, and to a lesser degree the federal government, remain the dominant government actors in the region. Nonetheless, the land claims agreement has empowered the Inuvialuit to establish a form of self-governance that Wilson and Alcantara (2012) call Inuit Corporate Governance. At the core of this structure are two land claims organizations, the Inuvialuit Game Council (IGC) and the Inuvialuit Regional Corporation (IRC), which were created primarily to administer the funds and powers flowing out of the Inuvialuit Final Agreement. Through

Figure 1: Inuit Nunangat



Source: 2006 Census Geography, Statistics Canada. Produced by the Health Analysis Division.

Statistics Canada / Statistique Canada

Canada



these two bodies, the Inuvialuit have been able to engage in a range of important governance activities, including political representation, the creation and administration of programs and services for Inuvialuit beneficiaries, and input into the decision-making processes of regional regulatory regimes such as co-management boards (Notzke 1995; White 2009).

In short, the ingredients for Aboriginal multilevel governance arrangements exist in the region. The modern treaty created two powerful land claims organizations to represent the Inuvialuit in the region, and they have for many years engaged in a variety of self-governing activities (Wilson and Alcantara 2012). Yet many of the jurisdictions typically associated with Aboriginal self-government remain with the federal and territorial governments. In the section below, we assess whether the emergence of the land claims organizations have altered how education and housing policies in the Inuvialuit Settlement Region are created and/or implemented.

### *Education*

Much like in other Inuit and Aboriginal communities, education in the ISR remains a challenging issue. In 2009, approximately 58 percent of residents above the age of 15 held a high school diploma or more. This percentage was significantly below the territorial average of approximately 70 percent, and the Canadian average of 76 percent. Within the ISR, the population of Inuvik is the most highly educated, with 68 percent of residents holding a high school diploma or more. Only in Inuvik and Sachs Harbour is this true for a majority of residents; in all of the other communities, fewer than half of residents hold diplomas (Salokangas and Parlee 2009, 194).

Formal jurisdiction over primary and secondary education in the ISR falls exclusively to the Government of the Northwest Territories (GNWT), which gained full control over education from the federal government in the 1960s through devolution (Clancy 1990, 28). As a result, the GNWT Department of Education, Culture, and Employment oversees primary and secondary education in the Inuvialuit Settlement Region and has delegated much of that responsibility to the Beaufort Delta Education Council (BDEC). The BDEC administers educational infrastructure, resources, and programming for all of the Inuvialuit communities and a number of non-Inuvialuit communities in the northern part of the NWT. Underneath the BDEC are individual district education authorities (DEAs) such as those that exist in Sachs Harbour, Inuvik, Aklavik, Tuktoyaktuk, Paulatuk, and Ulukhaktok. These district education authorities are staffed by elected representatives from the community and are responsible for a number of things in their individual communities, such as appointing hiring committees for schools, establishing local-level priorities that are consistent with regional and territorial priorities, adjudicating disputes relating to student discipline, and developing culturally appropriate school activities (Canada 2010). The chairpersons of each DEA also serve as members of the BDEC.

Within this broad educational architecture in the ISR, the role of the Inuvialuit land claims organizations is fairly limited. The IRC appoints one representative to the 11-member BDEC. It also participates sporadically as a stakeholder by providing advice and information to the GNWT during various consultation exercises and initiatives. The IRC's primary activities in the area of education are at the post-secondary level. It offers some financial assistance to beneficiaries enrolled in college and university. It also works in partnership with district education authorities to offer tutoring, summer camps, and other programs intended to expose secondary-level students to post-secondary opportunities.

Overall, there is little evidence of multilevel governance in the area of primary and secondary education. The Inuvialuit land claims organizations are rarely involved in the development and administration of primary and secondary education in the region in any meaningful way. For the most part, its activities are limited to sporadic public consultations and administering programs geared towards beneficiaries who are pursuing post-secondary education.

## *Housing*

Similar to education, housing is a major challenge for the Inuvialuit. Rates of home ownership are low in the region, reflecting a very small private housing market and a heavy reliance on public housing. As of 2009, approximately 32 percent of houses in the ISR were owned by their inhabitants, compared to an average of 53 percent in the Northwest Territories. Approximately 34 percent of households resided in public housing, which is roughly double the levels in the rest of the territory. There is clear variance on this indicator within the ISR. In Inuvik, where the wage economy is strongest, rates of public housing are low (around 20 percent) and home ownership is high. All of the outlying communities are around or above 50 percent public housing. Compared with other Inuit jurisdictions, the Inuvialuit rate is lower than that of Nunavut but higher than Nunatsiavut (Minich et al. 2011).

Housing conditions do not appear to be significantly worse in the ISR compared to the rest of the North. Only about 18 percent of housing was "in need of major repair" in 2009, which is similar to the territorial average but lower than in other Inuit jurisdictions. Overcrowding has been reduced dramatically since the creation of the ISR. Prior to the Final Agreement, almost 19 percent of households had six or more people, compared with 14 percent in the rest of the NWT and 5.5 percent in Canada. By 2009, that number had declined to 7 percent, basically on par with the territorial average. The most crowded settlement by this measure is Paulatuk.

The first public housing policy for the North was implemented in 1959, in response to the permanent settlements that were becoming established as a result of wage labour associated with the Distant Early Warning Line (Knotsch and Kinnon 2011, 31). Up until the early 1970s, the federal government took primary

responsibility for housing in the territory, appointing local housing organizations to administer a variety of housing programs. In 1974, the GNWT took on this responsibility by creating a Crown corporation, the Northwest Territories Housing Corporation (NWTHC), to manage the 23 local housing organizations and the various programs and services they offer to their communities. Funding for the NWTHC comes mainly from the GNWT, with some additional support offered by the federal government through the Canada Mortgage and Housing Corporation and sporadic infusions of special funds; for example, in 2005, the federal government transferred \$50 million to the GNWT to address social housing issues in the territory (Christensen 2011, 89, 91).

As was the case with education policy in the ISR, there does not seem to be any strong evidence of multilevel governance in the field of housing. Although each Inuvialuit community has a local housing organization, none of them report to or are appointed by an Inuvialuit land claims organization. Instead, they report directly to the NWTHC. Each of these local housing organizations does seem to have a local advisory board, and it is possible that Inuvialuit representatives serve on these boards, but there is no publicly available information on them. There is also some mention of a universal partnership agreement on the NWTHC website, which purports to provide “the community or aboriginal group with increased flexibility and decision-making at the local level,” but public information about this agreement and its negotiation is limited (NWTHC 2014).

## NUNAVIK

### *Background Considerations*

Nunavik covers all of the Quebec territory above the 55th parallel, an area of 500,000 square kilometres, with approximately 11,000 people living in 14 communities ranging in population from 195 to 2,375 (Census 2011). In 1975 the Inuit of Nunavik signed the James Bay and Northern Quebec Agreement (JBNQA), the first modern treaty in Canada. It is an atypical agreement because at the time of its negotiation Canadian land claims policy had not yet been established.

The JBNQA has created a complex governance system centred on three regional public bodies: the Kativik School Board (KSB), the Nunavik Regional Board of Health and Social Services (NRBHSS), and the Kativik Regional Government (KRG). These administrative bodies operate independently. Each has its own board of directors and is responsible to its parent provincial department. The KRG has the most important jurisdictions; it is in fact a supra-municipal government in charge of economic development, employment, and training, public security, renewable resources, scientific research, public works, transportation, telecommunications, and parks and recreation. The KSB administers the education system north of the

55th parallel and finally, the NRBHSS is responsible for health-care and supervises the two regional hospitals.

Each regional body is funded through a series of transfer agreements with its parent department and also receives financial support through special programs. For example, the KRG gets some block funding from the Quebec Ministry of Municipal Affairs, Regions and Land Occupancy, but it finances its activities through multiple funding agreements with various Quebec and federal departments, each with its own reporting requirements.

Finally, the Makivik Corporation represents the Inuit of Nunavik, manages the settlement money, and protects the rights and interests of Nunavik Inuit. It also acts as an economic development agency and owns two northern airlines. In Nunavik, Makivik is a very powerful actor, politically as well as economically (Rodon 2015). It is also a good example of the breadth and scope of political relationships in the region. Indeed, the institutional complexity of Nunavik in areas such as education and housing lends itself well to a multilevel governance framework.

## *Education*

Nunavik is the Inuit region with one of the lowest educational attainments (58 percent without high school diploma), but it is also the region where Inuktitut is the strongest (99 percent with a knowledge of Inuktitut) (Statistics Canada 2008). The main actor in education is the Kativik School Board (KSB), which was created in 1976 pursuant to the JBNQA and has been operating since 1978. The KSB has exclusive jurisdiction in Nunavik to provide pre-school, elementary, secondary, and adult education, as well as the responsibility to develop programs and teaching materials in Inuktitut, English, and French, train Inuit teachers to meet provincial standards, and encourage, arrange, and supervise post-secondary education.

The KSB is funded by Quebec (75 percent) and Canada (25 percent) and is overseen by the Quebec Ministry of Education, Recreation and Sport. It is loosely modelled on the Quebec School Board structure, but in Nunavik, each of the 14 communities elects a commissioner. The Commissioner's Council appoints the executive committee, and a representative is also appointed by the KRG.

While the board currently has a fair amount of autonomy over curriculum development and language instruction, this autonomy has not been acquired without a struggle. For example, when Bill 101 was passed in 1977, demonstrations organized by the Northern Quebec Inuit Association (NQIA)<sup>1</sup> in the Nunavik communities forced Quebec government offices and schools to close (Callaghan 1992). Finally,

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<sup>1</sup>NQIA was the Inuit organization that negotiated the JBNQA; it became, after incorporation, the Makivik Corporation.

after some negotiations with the Quebec government, the Nunavik education system was exempted from the application of Bill 101 (Callaghan 1992).

Education in Nunavik is an example of a fairly classical administrative devolution pattern, with a significant level of regional autonomy. At times, multilevel governance patterns predominate, as was the case in the Bill 101 confrontation and the multilateral negotiations that occurred between the Quebec government, the NQIA, and the KSB. However, most of the time this is an administrative relationship with only two actors, the KSB and the Quebec Education Department, and no real collaborative pattern of decision-making exists.

## *Housing*

Housing is a highly complex policy field in Nunavik, with a multiplicity of governmental, quasi-governmental, and non-governmental actors. It is also a serious policy issue for the region, which has some of the highest rates of residential overcrowding in Canada (49 percent) and where 90 percent of Nunavik Inuit live in social housing (Statistics Canada 2008). Furthermore, the JBNQA explicitly mentions housing, which has led to disagreement and confusion over the extent of the responsibilities that the different levels of government have in this area:

29.0.40 The existing provision of housing, electricity, water, sanitation and related municipal services to Inuit shall continue, taking into account population trends, until a unified system, including the transfer of property and housing management to the municipalities, can be arranged between the Regional Government, the municipalities and Canada and Québec.

The federal government interpreted this section of the JBNQA as a delegation of its responsibility, and in 1981 transferred all of its housing responsibilities to the Quebec government (SHQ 2001). In 1993, the federal government announced that it would stop funding social housing in Nunavik (SHQ 2001).

In 1998, Quebec signed a framework agreement with the KRG to revise the social housing programs and their management in Nunavik. This agreement was the first step towards the creation of regional and local housing management structures and programs, under the auspices of the Kativik Municipal Housing Bureau (KMHB). The KMHB was created under the Act Respecting the Société d'habitation du Québec (R.S.Q., s. S-8, section 57) following a resolution of the KRG (SHQ 2001). The KMHB is governed by a board of directors composed of three representatives appointed by the KRG: two elected by Nunavik social housing tenants and two appointed by the SHQ.

In order to convince the federal government to reinvest in social housing in Nunavik, Makivik, supported by Quebec, successfully invoked the JBNQA dispute settlement mechanism, which brought the federal government back to the negotiation table. In 2000, the Agreement Respecting the Implementation of the James Bay

and Northern Quebec Agreement Related to Housing in Nunavik was signed by all the housing actors in Nunavik (Canada, Quebec, Makivik, KRG, and KMHB). This multilateral agreement is clearly an instance of multilevel governance. However, the agreement focuses on producing more social housing units and the maximization of local benefits, so it is more of a housing construction and management policy than a comprehensive or overarching policy.

In the agreement, Quebec and Canada agreed to contribute financially to a five-year<sup>2</sup> social housing development program in Nunavik, with the federal government providing \$10 million per year for capital costs and Quebec covering the operating deficit of the units for a 20-year period. In order to maximize local benefits, the Makivik Corporation is responsible for the construction of housing units. The new units are owned and managed by the KMHB and, finally, the KRG must provide technical assistance for land use planning to the 14 northern villages. The implementation of the agreement is overseen by the Nunavik Housing Committee where all the agreement signatories are present (Canada, Quebec, Makivik, KRG, and KMHB).

Figure 2 illustrates the multilevel governance structure in the field of housing, with governments (Canada and Quebec), public institutions (KRG, KMHB), and non-governmental actors (Makivik) embedded in vertical and horizontal levels. In terms of collaborative decision-making, there is some evidence of collaboration with the agreement; however, this collaboration is quite limited since it only concerns social housing unit construction.

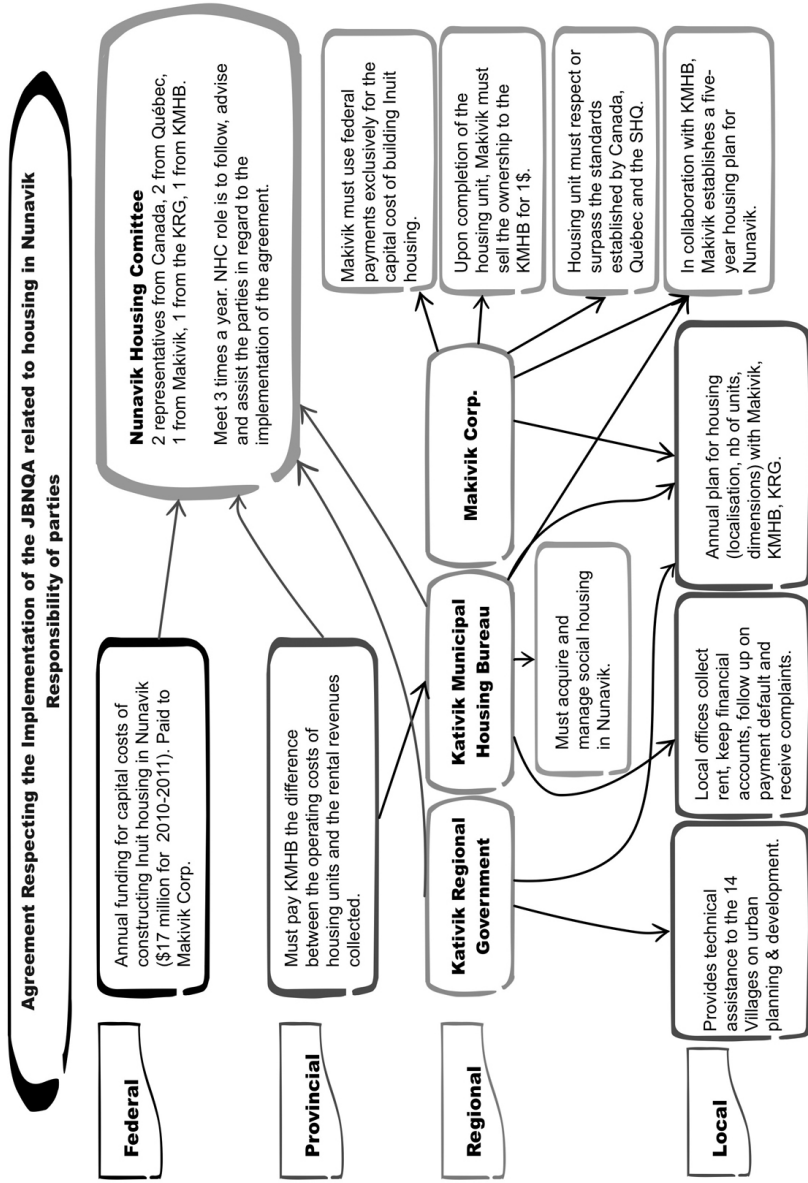
The SHQ has other housing programs that are conducted with the KHMB and the KRG: a plan to raise tenant awareness for social housing maintenance (Pivallianiq); a program to improve access to private property to diversify housing choice; and finally, a program that tries to limit the rental deficit incurred by the housing program in Nunavik. All of these programs are created and funded by the Quebec government, but always in close consultation with Nunavik actors (Therrien 2013).

Housing policies in Nunavik offer a good example of multilevel governance processes that are developed in land claims settlement regions. In fact, the JBNQA dispute settlement mechanism did force the federal government to enter into a multilevel agreement with Quebec and Nunavik institutions and organizations. As a result, there is significant involvement from governmental, quasi-governmental, and non-governmental actors in policy development and implementation. The evidence for collaborative decision-making is not as strong because the provincial and federal governments are still the official decision-makers. Nevertheless, consultation processes and dispute settlement mechanisms do give Nunavik actors some influence over decision-making processes in the area of housing.

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<sup>2</sup>This commitment was renewed for five years in 2005 and again in 2010. Negotiations are currently being held to renew the agreement, but as of July 2015 no agreement has been reached.

Figure 2: Multilevel Governance Structure for Housing in Nunavik



Source: Original figure based on data compiled by Maxime Thibault and Thierry Rodon for this research. See also Therrien (2013).



## NUNATSIAVUT

### *Background Considerations*

The Labrador Inuit Land Claims Agreement (LILCA) came into force in 2005, making the Inuit of Nunatsiavut the last Inuit group in Canada to complete a comprehensive land claims agreement. The LILCA is similar to agreements signed in Nunavut, the Inuvialuit Settlement Region, and Nunavik in that it outlines the rights that the approximately 7,000 beneficiaries have to land and resources in the Labrador Inuit Settlement Area (72,500 square kilometres, land; 48,690 square kilometres, sea) and designated Labrador Inuit lands (15,800 square kilometres). However, unlike the agreements that were negotiated and signed in the Inuvialuit Settlement Region and Nunavik, the LILCA included a chapter on self-government. The structures and powers of the new regional government of Nunatsiavut outlined in this chapter were based on the Labrador Inuit Constitution, ratified by referendum in 2002 and formally adopted in December 2005.

It is also important to note that Nunatsiavut adopted an “ethnically based” form of government in which only beneficiaries are able to fully participate (Rodon and Grey 2009). This structure distinguishes Nunatsiavut from other Inuit regions, such as Nunavut and Nunavik, which have public governance structures. The Nunatsiavut Government consists of two levels: regional and community. The regional government has seven departments, including the Nunatsiavut Secretariat; Nunatsiavut Affairs (which has responsibilities in the area of housing); Lands and Natural Resources; Health and Social Development; Culture Recreation and Tourism; Finance, Human Resources and Information Technology; and Education and Economic Development. There are five Inuit Community Governments, one in each of the five communities (Nain, Hopedale, Postville, Makkovik, and Rigolet). Each Community Government is headed by an AngajukKâk, which, according to the LILCA, is the equivalent of a mayor and chief executive officer. The Nunatsiavut Assembly, a regional legislature, consists of elected representatives from constituencies both inside and outside Nunatsiavut, as well as the five AngajukKâks and the chairpersons of the two Inuit Community Corporations.

Nunatsiavut’s relations with other governments and external organizations are overseen by the Nunatsiavut Secretariat. The secretariat is responsible for ensuring that the terms of the LILCA are respected by the two other signatories to the agreement, the federal government and the Government of Newfoundland and Labrador. The secretariat also represents Nunatsiavut in relations with these governments, as well as with other Inuit regions and the Inuit Tapiriit Kanatami, the national Inuit organization (Nunatsiavut Government 2014a).



## *Education*

Although Nunatsiavut has the highest graduation rate among all of the Inuit regions (Lane 2013), graduation rates in the Labrador School District are still below the provincial average. High school and post-secondary completion rates for 2011 differ from community to community with no discernable patterns, other than the fact that Nain (the administrative capital) and Hopedale (the legislative capital) do not necessarily have higher completion rates compared to other communities.

According to Part 17.12.1 of the LILCA, the Nunatsiavut Government “may make laws in Labrador Inuit Lands and the Inuit Communities in relation to the following matters respecting education of Inuit: early childhood development and education; primary, elementary and secondary education; adult basic education; vocational and post-secondary education, training and certification” (LILCA 2005). Until now, the Nunatsiavut Department of Education and Economic Development has focused on programs and services in post-secondary education and labour market training.

Unlike Nunavik, which has its own school board, primary and secondary education in Nunatsiavut is provided by the Labrador School Board (LSB). The LSB operates six schools in Nunatsiavut and receives direction and funding from the provincial Department of Education. The Nunatsiavut Government also contributes money to the LSB; in 2012, it provided \$2.5 million of the LSB’s \$14.7 million annual budget (Labrador School Board Annual Report 2012). Currently, three out of 14 members of the LSB’s board of trustees are based in Nunatsiavut communities. Although the Nunatsiavut Government has yet to assume the formal responsibilities for primary and secondary education in the region, various government departments, such as Education and Economic Development, Nunatsiavut Affairs, and Health and Social Development, work collaboratively to address several areas of concern in primary and secondary education (Nunatsiavut Government 2014b).

Apart from skills and employment training programs, there seems to be little or no federal government involvement in education. Decision-making falls clearly in the jurisdiction of the provincial government, with the Department of Education being the main policy actor. While the LILCA certainly expanded the vertical range of actors involved in education by creating the legal-constitutional basis for a regional education authority, the Nunatsiavut Government has not yet occupied that jurisdictional space. The regional government, however, does contribute a significant amount of funding to the annual budget of the Labrador School Board, and the involvement on the board of community members from Nunatsiavut offers a conduit for community and regional input on matters relating to primary and secondary education.

## *Housing*

As is the case in many Canadian Aboriginal communities, the quality and quantity of housing is a key public policy issue facing Nunatsiavut. According to statistics from 2006–08, 12 percent of houses had problems with mould, and upwards of 22 percent required major repairs (Inuit Health Survey 2007–08). Minich et al. (2011) have since observed that Nunatsiavut is the only jurisdiction where the percentage of homes requiring major repairs has not risen. Overcrowding is another important issue, especially in homes with children (Egelund 2010). Collectively, these problems pose significant health, social, and safety threats to the population of the region. In response to questions about housing in a recent speech in the Nunatsiavut Assembly, the president of Nunatsiavut, Sarah Leo, commented: “As you may recall in the last spring [2013] budget, we budgeted 2.7 million [dollars] for [a] housing strategy. We’re committed to developing that strategy ... as we’ve always said, housing is probably the number one priority of this government” (Nunatsiavut Government 2013b, 115-16).

According to Part 17.19.1 of the LILCA, “the Nunatsiavut Government may make laws with respect to the development of Labrador Inuit Lands for housing purposes and for the construction, maintenance, allocation, control, improvement, renovation and removal of housing in Labrador Inuit Lands and housing owned by an Inuit Government in the Inuit Communities” (LILCA 2005). Such housing, however, must comply with or exceed the standards established by federal and provincial building codes (LILCA 2005). Housing falls under the jurisdiction of Nunatsiavut Affairs, the department that is also responsible for ensuring the implementation of the LILCA.

Although it has legal jurisdiction over housing, the Nunatsiavut Government has yet to create its own housing corporation or association. As in education, it relies for its housing programs on a broader regional body, the Torngat Regional Housing Association (TRHA), a non-profit organization that is connected to the Newfoundland and Labrador Housing Corporation (NLHC) and has representation from the Nunatsiavut Government. In fact, as recently as January 2013, President Leo publicly stated that “right now, [the] Torngat [Regional] Housing [Association] runs the housing programs within Nunatsiavut and the NLHC has homes for rent within Nunatsiavut. But we, as a government, have no mandate. We have no policy. We have nothing with regards to housing” (Nunatsiavut Government 2013a, 51-2).

In the past, the TRHA and the NLHC have collaborated with community governments in Nunatsiavut: the province builds housing on land provided by the community governments, and loan backing is provided by the TRHA.<sup>3</sup> In 2000, the provincial government announced funding of \$23 million over three years for

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<sup>3</sup>Approximately 60 percent of residents of Nunatsiavut live in private homes and only 29 percent rent, the lowest rate among Inuit in Canada.

infrastructure development in Nunatsiavut. Included within this funding envelope was \$7.7 million specifically earmarked for work on major repairs and the construction of new housing. This funding allocation may explain why the percentage of homes requiring major repairs has not risen. In 2008, the Nunatsiavut Government received \$2 million from the provincial government for housing construction in the communities of Nain, Hopedale, Makkovik, Postville, and Rigolet (Government of Newfoundland and Labrador 2008).

Clearly, the provincial government plays a very important role in housing by providing funding directly to the Nunatsiavut Government or through organizations such as the NLHC and the TRHA. A housing needs assessment was recently conducted which highlights the pressing housing issues facing the region (Newfoundland and Labrador 2014). The provincial and regional governments are currently developing a comprehensive strategy to address these issues.

As for the involvement of the federal government, there is little evidence that the federal government plays a significant role in the area of housing. In a recent sitting of the Nunatsiavut Assembly, President Leo lamented: “Nunatsiavut gets actually no money from the federal government” (Nunatsiavut Government 2013b, 8). Nonetheless, regional officials do look to the federal government for action on housing issues. Recently, Toby Andersen, the deputy minister for Nunatsiavut Affairs, stated that “[Aboriginal housing] is the responsibility of the federal government,” echoing the frustrations of other regional officials at the lack of action by the federal government in this important policy area (Nunatsiavut Government 2013a, 62).

In terms of multilevel governance, housing in Nunatsiavut provides evidence of the involvement of new horizontal actors such as the TRHA, as well as some limited involvement on the part of governments at the regional and community levels. As with education, the LILCA also contains the legal framework to expand governance at the regional level, once the Nunatsiavut Government has the capacity to take on this area of jurisdiction. For the time being, however, multilevel governance in this policy area is characterized by a lack of clarity about which level of government is responsible for the region’s pressing housing needs.

## CONCLUSIONS

Over the past four decades, the institutional structures put in place by comprehensive land claims agreements in Nunatsiavut, Nunavik, and the Inuvialuit Settlement Region have allowed for the development of a variety of different multilevel relationships between political actors at federal, provincial/territorial, regional, and local levels. Although the emergence of new processes, structures, actors, and rules that facilitate the interaction of governments and organizations in these regions and within the broader political system is certainly consistent with developments

in other parts of Canada, the Inuit regions have played an instrumental role in the expansion of governance in Canada, both vertically and horizontally. In terms of vertical multilevel governance, regionally based institutions and organizations have become important political actors, interacting regularly with senior governments at the provincial/territorial and federal levels in the development, implementation, and administration of policy. On a horizontal level, non-state actors such as development corporations have become significant players, not only in their respective regions but also with respect to intergovernmental relations with senior governments (Wilson and Alcantara 2012; Rodon and Gray 2009).

While the existence of new regional actors certainly provides evidence that multilevel governance has become a permanent feature of the Canadian political landscape, the question of whether these actors are able to engage meaningfully in intergovernmental policy-making remains unanswered in the literature. In an effort to answer this question, this chapter has examined two important policy fields, education and housing, and compared these fields across the regions. In all three regions, it appears that decision-making in both policy fields is still dominated by the provincial and territorial governments.

There are, however, important distinctions to note. Despite the fact that Nunatsiavut is the only region to have achieved regional self-government alongside a comprehensive land claims agreement, governance actors in Nunavik seem to have the most meaningful and authoritative voices in both education and housing. The institutional complexity of Nunavik, namely the existence of a powerful development corporation alongside firmly entrenched and regionally specific governance bodies, provides an interesting context in which to examine multilevel governance (see Rodon 2015). In terms of decision-making, the Quebec government is still the dominant actor; however, regional bodies have considerable input and influence, especially in areas such as housing. In part this can be explained by the capacity of regional actors to engage in meaningful participation in the policy-making process. It has been almost 40 years since the Inuit of Nunavik signed the James Bay and Northern Quebec Agreement, and during that time its leaders have gained considerable experience in the processes of multilevel governance. The recognition of Nunavik as a distinct political entity and participant in the policy-making process has also been facilitated by the unique political context in which the region is embedded. The struggle for self-determination within and without the Canadian federation has made Quebec politicians across the political spectrum more sympathetic to the desires of Nunavimmiut to be more autonomous.

Another important distinction can be found between the two policy areas. In Nunatsiavut and the Inuvialuit Settlement Region, education follows a typical intergovernmental model in which the provincial or territorial governments exercise political authority through a hierarchical chain of control that extends down into the regions. In Nunavik, on the other hand, the KSB is formally under the jurisdiction of the Quebec Ministry of Education, Recreation and Sport, but it also has a significant autonomy and decision-making influence. It is also the only region that

has its own regionally exclusive school board. In housing, however, the pattern is somewhat different. A number of non-state actors, such as the Makivik Corporation in Nunavik and the Torngat Regional Housing Association in Nunatsiavut, play important roles alongside provincial and regional bodies in addressing the housing needs of their respective regions. Such distinctions are indicative of the level of federal and provincial involvement in these policy areas. Historically, provincial and territorial governments have been much more guarded about education, whereas housing has tended to involve both federal and provincial governments (Carroll and Jones 2000). Consequently, as these cases demonstrate, we would expect to see a narrower multilevel framework in the area of education.

Comprehensive lands claims and self-government agreements represent a first step rather than a final chapter in the development of multilevel governance structures that involve Aboriginal peoples in a meaningful and authoritative manner. These agreements provide the legal foundation for multilevel governance to emerge; however, in order for it to develop further, senior governments must be willing to relinquish control to the new Aboriginal state and non-state actors, or at least share decision-making authority with them. Moreover, in the case of the newer land claim settlements such as Nunatsiavut, capacity should first be built at the regional level before regions are ready to take on formal legal authority. As a result of the sequencing of their land claims and self-government processes, regions such as Nunavik and the Inuvialuit Settlement Region have already developed significant capacity (Rodon and Grey 2009; Alcantara and Wilson 2013). These regions have not yet achieved self-government, but when they do, they will have the advantage of decades of capacity development as they seek to make self-government work within complex and emerging systems of multilevel governance.

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