

Nested Federalism and Inuit Governance in the Canadian Arctic

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Introduction

Canadian federalism's response to Indigenous demands for autonomy and self-government has been somewhat paradoxical. On the one hand, formally, the federal system has been highly resistant to change, with calls for, among other things, the creation of a third level of government and a new constitutional order being ignored (Borrows 2010; Ladner 2005). On the other hand, informally, this system has proven to be surprisingly flexible in allowing for the negotiation and creation of new governance arrangements that parallel formal structures (Papillon 2012; Rodon 2013; Rodon and Grey 2009). In short, the Canadian federal system has proven to be both resistant and responsive to Indigenous demands for recognition and authority (Poelzer and Coates 2015).

Our book examines one important chapter in this larger story, which is the emergence of a new form of governance in three Inuit regions: the Inuvialuit Settlement Region in the Northwest Territories, Nunavik in Québec, and Nunatsiavut in Labrador. Their political institutions are part of a broader system of Inuit governance that exists in Canada and in other parts of the circumpolar north. In Canada the term "Inuit governance" refers to a distinct yet varied set of political institutions and arrangements that has developed over the past four decades. Within Inuit governance, there exist three subtypes: Inuit self-government, Inuit public government, and Inuit self-governance. Although the term "self-government" has generally been used to refer to the idea of greater autonomy for Indigenous

peoples, for the purposes of this book, Inuit self-government constitutes a set of regional government institutions that are controlled by a particular Inuit group within a territorially defined space. An example of this type of government is the Government of Nunatsiavut. By contrast, public government denotes a regional government that is open to all citizens within a defined territory regardless of whether they identify and are recognized as Inuit or non-Inuit. Generally, however, Inuit tend to make up the majority of the residents in these regions. Examples of this subtype include stand-alone territorial governments such as the Government of Nunavut. Finally, Inuit self-governance refers to a set of institutions, such as land claims organizations, that exist outside the scope of government but play an important political and economic role at the regional level. Examples of this subtype include the Makivik Corporation in Nunavik and the Inuvialuit Regional Corporation in the Inuvialuit Settlement Region.

The regions in this study draw upon these three forms of Inuit governance to different degrees. For instance, the Inuvialuit Settlement Region has two land claims organizations but no regional government and so fits within the Inuit self-governance category. Nunavik, in contrast, has a number of public administrative bodies and a land claims organization, meaning that it fits somewhere between the Inuit self-governance and public government subtypes. The only region with Inuit self-government in the full sense of the word is Nunatsiavut, where participation in the institutions of regional government is not open to all inhabitants.¹

Another defining feature of these regions is that, like other self-governing Indigenous communities in Canada, with the sole exception of Nunavut, they are situated and nested within existing provinces or territories. Politically and institutionally, they must function within a complex and established federal system that can limit their ability to self-govern. We refer to this governance arrangement as nested federalism. As other Indigenous communities in Canada negotiate and sign land claims agreements that allow them to leave the jurisdiction of the Indian Act and exercise self-government, such nested arrangements will become more common. We know very little, however, about the implications of nested federalism, especially how and why these cases vary and what kinds of public policy processes and outcomes they produce.

Our book asks two core research questions. What explains the variation in institutional design found in these three nested Inuit regions? And do these varied designs produce patterns of Inuit autonomy and public policy that are different from the traditional intergovernmental logic of the Canadian federal system? To answer these questions, we draw upon a number of concepts and approaches, such as nested federalism, historical institutionalism, multilevel governance, and intergovernmental relations, to analyze the patterns and forces of institutional change related to Inuit demands for autonomy and self-government within the Canadian federal system.

In terms of the first question, our findings suggest that a number of institutional and noninstitutional factors were important in producing significant variation in the institutional design of governance models that emerged in each region. Critical among these factors were the formal rules, norms, and standard practices established by the federal government that influenced the structure and content of the land claims agreements negotiated and signed by each Inuit group. Changes in these rules over time had a significant impact on the development of governance arrangements in each region. Their political development has also been profoundly influenced by the fact that they are nested, politically and geographically, within an existing province or territory, which in turn has affected their ability to exercise self-rule and shared rule. In addition to institutional factors, a number of noninstitutional factors, such as the broader political and economic context, exogenous shocks caused mainly by resource development projects, and the specific motivations and desires of key leaders and officials, were essential to our understanding of how these regions developed, both politically and institutionally.

Although it is clear that the regions in this study have developed unique regional governance structures, these structures have not provided them with complete autonomy; instead, their respective levels of autonomy, while varied, are more modest and targeted toward specific policy areas and priorities. Consequently, rather than characterizing nested federalism as a fully developed system of multilevel governance in which these Inuit regions exercise wide-ranging control over policy development and administration, it is probably more appropriate to characterize them as varied

instances of multilevel politics where the level of autonomy depends on particular regional circumstances, the political actors involved, and the policy area in question.

The Emergence of Nested Federalism in the Canadian Arctic

More than forty years ago, on November 11, 1975, representatives of the Northern Québec Inuit Association, the Grand Council of the Crees, the Québec and federal governments, the James Bay Energy and Development Corporations, and the Québec Hydroelectric Commission (Hydro-Québec) signed the James Bay and Northern Québec Agreement (JBNQA) at a ceremony in Québec City. Although many Canadians are unaware of this important event, it represented a watershed moment in the country's history.

The JBNQA was the first “modern” treaty completed since the signing of the last of the “historical” treaties between Indigenous peoples and the Crown in the 1920s. It also set the stage for a series of future treaties that would dramatically reshape the political map of the country and the relationship between Indigenous peoples, the Canadian state, and a variety of nonstate actors. These future treaties included the Inuvialuit Final Agreement (IFA 1984) and the Labrador Inuit Land Claims Agreement (LILCA 2005), among others. These documents have institutionalized nested federalism by creating autonomous Indigenous governance institutions that are embedded within existing federal units.² In that sense, they have clearly altered the practice of Canadian federalism, but they have not changed the fundamental structure of the system, which is premised on the notion of Canadian sovereignty divided solely between two levels of government: federal and provincial.

For the Inuit of Nunavik, the Inuvialuit Settlement Region, and Nunatsiavut, the treaties that they signed were nonetheless significant for a number of reasons. They provided these communities with territorial control and financial compensation that far surpassed the scope and value of earlier “historical” treaties signed between Indigenous peoples and the Crown. They created a suite of regional governance institutions that were tasked with providing services and with managing and investing the financial compensation from the treaties on behalf of the Inuit beneficiaries of

those treaties. Collectively, these regional governance bodies were supposed to allow the Inuit to take control of their lives by building critical capacity and experience in governance and by gradually assuming greater control over the political and economic destiny of their respective regions. As asserted by the Makivik Corporation (2018), a not-for-profit corporation and one of the regional institutions created by the JBNQA, the treaty also “defined aboriginal rights and established regimes for future relations between aboriginal peoples and non aboriginals in the region and among local, regional, provincial and federal governments.”

As a result of these three treaties and the subsequent development of their respective regional governance models, Nunavik, the Inuvialuit Settlement Region, and Nunatsiavut have been at the forefront of change and innovation in Indigenous governance in Canada. They are also part of a much broader trend toward Inuit governance that stretches across the circumpolar north from Alaska to Greenland. They are, however, unique compared to other Inuit regions and for this reason deserve greater scrutiny. As nested regions that are not autonomous subnational units such as Greenland and Nunavut but are situated geographically and politically within existing constituent units in the Canadian federation, they face a distinct institutional context that influences their ability to exercise autonomy.

Some readers may be surprised that Nunavut, the most recognized Inuit region in Canada, is not included in this study. The evolution of Nunavut is well documented compared to the regions in this study (Cameron and White 1995; Henderson 2007; Hicks and White 2015) and there are a number of similarities between all four Inuit regions. The main reason for its omission, however, is simple: Nunavut is a territory within the Canadian federation, a status that differentiates it politically and legally from the other Inuit regions – and, for that matter, from other Indigenous communities – in Canada. In this sense, Nunavut is a special case; the likelihood that other new provinces or territories will be created to recognize Indigenous autonomy is remote.³ The reality is that the current provinces and territories will not agree to be subdivided, as the Northwest Territories was able to do to facilitate the creation of Nunavut, and the Canadian federal system protects their territorial integrity by entrenching

their status within an inflexible legal-constitutional framework. In the future, self-governing Indigenous regions, especially those escaping the colonial confines of the band governance system imposed by the Indian Act, will likely be nested within existing provinces and territories. The experiences of the three regions in this book will, therefore, be germane to other existing and future self-governing Indigenous regions, as well as to the future development of Canadian federalism as it evolves to accommodate new demands for Indigenous autonomy.

Analyzing Inuit Governance: Concepts and Approaches

Identifying Nested Federalism: Self-Rule and Shared Rule

In this book, we conceptualize the governance models in Nunavik, the Inuvialuit Settlement Region, and Nunatsiavut as examples of nested federalism, a concept that refers to the emergence of autonomous regions situated, politically and geographically, within existing provinces or territories. This concept was designed to capture an empirical reality in which a particular community or region gains greater autonomy without challenging the territorial integrity of the federal unit in which it is located or threatening the constitutional structure of the broader federal system. Conceptually, nested federalism is not confined to the study of Indigenous autonomy and could be applied more broadly to any autonomous region. It has, however, been used primarily to describe the particular relationships that exist between Indigenous regions and settler states in Russia (Wilson 2001, 2003) and more recently in Canada (Wilson 2008).⁴

Many scholars conceive of federalism as an expression of two main characteristics: self-rule and shared rule (Elazar 1987; Murphy 2005). Self-rule refers to the range of jurisdictional powers that subnational units have at their disposal for autonomous use without interference from the centre. In Canada the division of authority between the centre and the subnational units or, in the case of nested regions, between a subnational unit and a nested region is usually enumerated in some sort of formal constitutional document or is negotiated through formal agreements, such as the self-government provisions of a land claims agreement or modern treaty. Other territorially based authorities, such as First Nations band governments

and municipal governments, have some decision-making powers, but the extent of those powers is determined by other levels of government: the federal government through the Indian Act in the case of First Nations band governments; and provincial governments in the case of municipal governments. In addition to the Inuit of the three regions discussed in this book, there are other Indigenous peoples in Canada who have signed modern treaties and, in doing so, exited the jurisdiction of the Indian Act, such as the Nisga'a in British Columbia and eleven First Nations in Yukon. Although the regions inhabited by these peoples are not the focus of this book, they are also examples of nested federalism.

Shared rule refers to the extent to which the subnational units can influence and co-determine national decisions and policies. The usual mechanisms for shared rule in federal systems of government are regional representation in the legislature (intrastate federalism) and formal participation as equal partners in intergovernmental forums and policy-making processes (interstate federalism) (Elazar 1987; Murphy 2005; Smiley and Watts 1985; Watts 2008).⁵ In theory, the concept of shared rule could be scaled down from the national to the subnational level. At the subnational level, it could refer to the ability of communities or subregions within a subnational unit to co-determine province/territory-wide policies, using the types of formal representative mechanisms described above. Although there is little evidence that such formal mechanisms of subnational shared rule exist in federal states, including Canada, this latter conceptualization of shared rule is at least consistent with the idea of nested federalism because it supports the notion that nested regions could influence or even co-determine province/territory-wide policies if such formal mechanisms existed. It is important to note, however, that because of the legacies of colonialism, Indigenous communities in Canada, including the Inuit, have never had permanent representation in the formal institutions of shared rule at any level of government.⁶ The exception is the territory of Nunavut, the only province or territory in Canada with a clear Indigenous majority, which is represented in both the intrastate and interstate dimensions of shared rule because it is a recognized constituent unit within the Canadian federation.

Nested federalism, which neatly captures a relatively recent trend, is a useful concept for addressing new political claims for self-rule and shared

rule in established federations such as Canada. In particular, nested federalism emerges in situations where historically distinct communities located within existing subnational units mobilize and demand regional autonomy or self-rule (Hooghe and Marks 2016). Political elites respond to these claims by creating new regional governments that fit the logic of the existing system yet do not threaten it nor increase the number of constitutionally recognized political units, such as provinces or states. As we show later in the book, this is exactly what happened to our case study communities, all of which mobilized and achieved different levels of self-rule within an existing province or territory.

At the same time, nested federalism also creates the potential for increased shared rule in that these newly autonomous regions could be invited or required to participate directly in the making of decisions and policies in intergovernmental forums at the provincial/territorial or national levels.⁷ In Canada, however, this participation has not yet occurred. There is some evidence to suggest that national Indigenous organizations such as the Assembly of First Nations and Inuit Tapiriit Kanatami, which represent a broad range of Indigenous interests and governments, have engaged in a formal manner with the federal government to advocate on behalf of their members on a number of critical issues such as education and health in Indigenous communities.⁸ At the subnational level, our study reveals little evidence of formal shared rule between nested regions and provincial/territorial governments. Instead, we find compelling evidence of informal multilevel politics or multilevel governance structuring such relations in specific policy areas. Compared to the concept of shared rule, which traditionally has been characterized in a narrow sense as referring to the formal institutions and practices of intergovernmental relations, multilevel governance captures the spatial complexity of the decision making, both in terms of the actors and processes involved, that is occurring in these regions. It also points to the phenomena of authority migration and fragmentation and to the growing interdependence of actors in making decisions (Alcantara, Broschek, and Nelles 2016; Hooghe and Marks 2003; Piattoni 2010).

Federal systems of government are generally viewed as more flexible because they embody and celebrate these notions of self-rule and shared

rule. That being said, the constitutional basis for their design also means that they can be very rigid. Once the constituent units are established and the powers of the different orders of government are set within a federal constitution, they are very often difficult to change (Papillon 2012). Although federal states (more so than unitary states) respect the notion of divided sovereignty, this constitutional rigidity prevents them from responding to demands for autonomy from regions and communities that find themselves outside the established federal framework. And unlike unitary systems, where a central government can legislate such changes at the regional level, federal systems reinforce the status quo by constitutionally protecting the sovereignty and territorial integrity of the constituent units.⁹

The emergence of nested Inuit regions in the Canadian provincial and territorial north, therefore, reflects the more general political reality facing Indigenous peoples in Canada. The concept of nested federalism recognizes this reality by emphasizing the rigidities inherent in the Canadian federal system. On the one hand, it advocates a system of regional autonomy that respects the integrity of that federal system while providing a clear path forward for Indigenous peoples to realize greater regional autonomy within it. On the other hand, it recognizes the enormous capacity challenges facing many Indigenous communities and the continued need for complex forms of collaboration in the creation, implementation, and administration of public policy. As this book demonstrates, Indigenous regions can build capacity over time by taking on greater regional autonomy within a nested federal arrangement. In certain respects, nested federalism is a transitional model of government – a means to an end for greater autonomy rather than an end in and of itself.

Explaining Nested Federalism: A New Institutionalist Approach

Despite decades and multiple examples of Indigenous communities negotiating nested federal arrangements in Canada, scholars have yet to theorize about the forces that have shaped the various structures adopted by communities in these regions. In Nunavik the Inuit negotiated a land claims agreement with no accompanying self-government agreement or charter and so are governed by several public regional administrative bodies that represent all residents through a decentralized and fragmented model of

governance. The Inuit in the Inuvialuit Settlement Region negotiated a similar arrangement, except that the Government of the Northwest Territories governs them directly rather than through an additional set of regional bodies. In both communities, Inuit land claims interests are represented and protected by land claims organizations (Wilson and Alcantara 2012). Finally, the Inuit in Nunatsiavut negotiated a land claims agreement that included a self-government chapter that established an “Inuit” model of self-government. Unlike Nunavik and the Inuvialuit Settlement Region, since the establishment of the Government of Nunatsiavut, there has been no separate land claims organization that is responsible for the land claims agreement, and membership and participation in the political community are largely restricted to Inuit beneficiaries of the agreement.

In this book, we attempt to theorize the forces that have produced this variation in nested federal arrangements by drawing upon the literature on historical institutionalism. Chapter 1 provides a more detailed overview of these ideas. Briefly, historical institutionalism argues that institutions, which are defined as formal structures and systems of informal rules and norms of behaviour, play a significant role in influencing and structuring political outcomes (Steinmo, Thelen, and Longstreth 1992). We adopt a historical institutionalism approach to support the concept of nested federalism in two ways. First, we argue that the broader institutional context confronting nested regions, both at the outset of their development and throughout their political evolution, is unique and that this context has structured political outcomes in these regions. Second, the particular institutional structures that were put in place at the outset of each region’s development, namely the land claims agreements, as well as subsequent exogenous and endogenous changes, both institutional and noninstitutional, have led to different outcomes in terms of the political development of these regions.¹⁰

Assessing Nested Federalism: Multilevel Governance versus Intergovernmental Relations

Some scholars and practitioners suggest that modern treaties and the nested regions that they created are instances of authority migration and fragmentation (Alcantara and Nelles 2014; Papillon 2015). To assess whether this

assertion is true, we turn to the concepts of multilevel governance and intergovernmental relations (Alcantara, Broschek, and Nelles 2016; Papillon 2015; Rouillard and Nadeau 2013). Multilevel governance was first developed to capture precisely the kinds of dynamics that seem to be occurring in the Canadian north (Alcantara and Nelles 2014; Hooghe and Marks 2003; Papillon 2012). In contrast to intergovernmental relations, where the constitutionally recognized governments in a federation (e.g., the federal and provincial governments) dominate decision making and implementation, multilevel governance was created to account for and analyze cases where state authority was becoming fragmented and dispersed, vertically and horizontally, beyond the recognized constitutional units. It was also developed to capture the growing interdependence between state actors (vertical) and between state and nonstate actors (horizontal) at a variety of scales.

We employ multilevel governance and intergovernmental relations as yardsticks to assess whether patterns of state authority have changed. Using these concepts, we survey the range of governmental and non-governmental actors and the nature of their interactions as they participate in various policy-making processes in the three nested regions. Multilevel governance describes a relationship in which political actors at different levels have the ability to influence and, in certain respects, control the policy-making process. In the case of the Inuit regions in this study, it refers to their ability to develop their own policies or adapt policies created by other levels of government to regional circumstances. By contrast, intergovernmental relations refers to a more traditional form of policy making and implementation, which centres on the relationships between constitutionally recognized governments in a federal system. In the case of Canada, the constitutional division of powers allocates authority to either the federal government or the provincial governments. Devolution has recently extended this division of powers to the territorial governments (Alcantara 2013c; Sabin 2017). Traditionally, governments that are not recognized in this constitutional division of powers fall under the jurisdiction of one of the constitutionally recognized governments. As noted previously, for example, most band governments are tightly controlled by a set of federal statutes referred to collectively as the Indian

Act, and the powers of municipal governments are mandated by provincial and territorial legislation.

The question that arises is whether the emergence of nested federal regions signals a departure from this rigid intergovernmental model and a move toward a model based on multilevel governance. In other words, to what extent do these nested regions, with their basis in land claims agreements and implementing legislation, have control over the creation and implementation of policy at the regional level, and to what extent will they exercise this control in the future? To answer these questions, we examine three relevant policy areas in these regions: education, housing, and resource development.¹¹

Control over education has been a longstanding demand of Indigenous peoples (National Indian Brotherhood/Assembly of First Nations 1972). Education is critical to the economic success and cultural health of Indigenous communities in Canada and around the world. In many Indigenous communities, educational outcomes in areas such as achievement and graduation are much lower than in non-Indigenous communities. Historically, non-Indigenous governments have used education as a tool of colonization and assimilation (Truth and Reconciliation Commission of Canada 2015), and constitutionally, policy making in the field of education remains a provincial/territorial responsibility. These realities continue to have an enormous bearing on political, economic, and social development in Indigenous communities. Having the ability to control or at least tailor provincially and territorially mandated education programs to fit regional needs and circumstances allows Indigenous governments to respond to the pressing needs facing their communities and to build critical capacity that will help these communities to develop in the future.

Of all the policy challenges facing Indigenous communities across Canada, the lack of adequate housing is the most acute. The housing crisis in Indigenous communities has far-reaching implications in many other policy areas, such as health, well-being, and education. Our research reveals a sense of frustration on the part of Inuit communities regarding the intergovernmental barriers that hinder the development of effective housing strategies. Intergovernmental collaboration or multilevel governance

arrangements designed to address the housing crisis in a sustainable and long-term manner would go a long way to mitigating or even solving many other problems that exist at the regional and community levels.

For many Indigenous regions, natural resources hold the key to greater autonomy and financial independence from other levels of government (Slowey 2008). At the same time, resource development has had a number of detrimental impacts on the health and well-being of Indigenous communities. In many parts of Canada, conflict over the pace and scope of resource development has complicated treaty negotiations and the settlement of land claims (Alcantara 2013b). The regions considered in this study are all rich in natural resources, yet historically they have not benefited from resource development to the extent that they should have. Moreover, they have often had to shoulder the devastating environmental and social costs of this development. Although resource development holds the key to greater fiscal autonomy, the institutional structure of the Canadian federal system works against this outcome. Natural resources remain a jealously guarded provincial and, as a result of devolution, territorial responsibility (Alcantara 2013c). Sustainable and environmentally responsible resource development that provides tangible benefits to local communities in the form of revenues and employment is the key to building viable and autonomous Indigenous regions.

The administration of these policy areas differs from region to region and is dependent on the provincial and territorial context in which the regions are nested, the amount of time that regional institutions have been in place, and the nature of the land claims agreements and subsequent agreements that were negotiated and signed by each region. These are the lessons derived from historical institutionalism and our analysis of the development of the three Inuit regions. Each policy area involves a complex set of relationships and bargaining between different levels of government, as well as other actors that fall outside the narrow confines of government. Overall, they illustrate the varying tendencies of intergovernmental relations and multilevel governance at play in each region. At present, the relationships between the regional authorities and other levels of government are mostly intergovernmental. But there is some evidence

that in particular policy areas, they are starting to take on a more multilevel orientation. In some cases, the future development of multilevel governance is possible because, unlike band governments and municipalities, the land claims agreements and associated agreements provide the institutional basis for greater autonomy. However, this autonomy will be realized only if these nested regions are able to develop the capacity that will allow them to draw down the powers outlined in these agreements.

The term “capacity” is used frequently throughout this book and deserves some elaboration. In the context of this study, “capacity” can be defined in many different ways. In one sense, it refers to the legal capacity of regions to exercise control and decision-making authority over distinct policy areas. The primary basis of legal capacity in the three nested regions in this study is their relevant land claims agreement. In theory, these agreements lay out the responsibilities and authorities of the parties to the agreements. Each region has a different land claims agreement, negotiated at a different time with different federal and provincial/territorial governments. As a result, the legal capacity of the regions to exercise control and decision-making authority varies.

The extent to which the provisions in these agreements have been implemented in practice also differs. It has been argued that implementation is slow because of inertia on the part of non-Indigenous governments with respect to recognizing the terms and spirit of the agreements (Irlbacher-Fox 2009). In some cases, this inertia stems from a continued reluctance on the part of these governments to relinquish control over an area of jurisdiction or from a concern that the Indigenous government in question will not be able to provide adequate services. The implementation process, however, has also been affected by the inability or reluctance of Indigenous governments to administer the responsibilities assigned to them in the agreements. Often, this reluctance is a result of shortages in other forms of capacity, particularly administrative or human capacity and fiscal or financial capacity. It is important to remember that the population bases of Indigenous regions are small and frequently dispersed, with many members living outside the region in larger centres (Dacks 2004). The regions in this study are no exception. They face acute human capacity pressures

and, in many cases, rely on outsiders to serve as government administrators. Moreover, the governments and governance bodies in these regions are in competition with other levels of government and nongovernmental organizations for trained Indigenous administrators. Such competition exacerbates the human capacity challenges that these regions face.

Deficiencies in administrative and human capacity are often the result of a lack of financial capacity. Indigenous regions may very well have jurisdiction over certain policy areas, according to a land claims or self-government agreement, but their population size, small tax base, lack of economic development, and limited control over areas such as resource development mean that the ability of regional bodies to generate internal revenues is circumscribed. These factors, coupled with issues such as insufficient funding from other levels of government and the significant financial and administrative burdens associated with running comprehensive programs in areas like education, healthcare, and social welfare, often mean that these regions are unable to shoulder the fiscal burdens of governance (Abele and Prince 2006).

Research Methods

This book uses qualitative research methods to examine the evolution and functioning of nested federalism. The researchers accessed primary documentation and secondary literature, both academic and nonacademic, on each region and conducted semi-structured interviews with key officials from various levels of government and other governance institutions.¹² Interviews were used to provide important contextual information on a range of topics related to the research and to confirm, clarify, and elaborate data that were found in the documentary analysis. Having worked in the regions for a number of years, the authors were familiar with the general factors that have shaped their political development. The interviews provided more detailed insights on these developments and, in particular, on the evolving relations between regional governance bodies and other levels of government. As a result, the interview data were not coded in any systematic way. Rather, they were analyzed interpretively to answer the research questions.

Each author was responsible for researching and writing one of the case study chapters that appear in the book. The authors, however, worked together during this process and participated in interviews or collected data on behalf of the others. The authors also reviewed all the chapters as they were being drafted, providing feedback and insights based on their own experience and knowledge of these regions. The lead author visited and conducted interviews and research in all three regions and was responsible for overseeing the entire project.

Although part of the research involved conducting a sweeping overview of the institutional evolution of nested federalism in three Inuit regions over the past four decades, we also examined several key policy areas to determine, qualitatively, whether and how each of these regions is exercising autonomy over the policy-making process. It is important to note that the policy areas that these regions seek to influence tend to fall under provincial areas of constitutional jurisdiction, or in the case of the Northwest Territories, they have been devolved to the territorial government by the federal government (Alcantara 2013a; Sabin 2017). Over time, therefore, we have seen a shift away from federal control and toward provincial and territorial involvement. The choice of policy areas was driven primarily by our understanding of which areas were more important to the regions, an understanding that was based on our experience in the regions, a review of the primary and secondary source material, and conversations with regional officials. Of the three policy areas examined in this book, education and resource development almost exclusively involved interactions between regional and provincial/territorial actors. Housing policy involved federal, provincial/territorial, and regional governments as well as other non- and quasi-governmental actors, but the trend over time has been for provincial/territorial governments to take the lead in this policy area. The choice of policy areas, therefore, explains the absence of interviews with federal-level officials.

Chapter Overview

Following this chapter's overview of the book and its aims, Chapter 1 sets out in greater detail the theoretical underpinnings of the study, with

a focus on multilevel governance and historical institutionalism. It begins by discussing the concept of nested federalism and situates it within the broader literature on Indigenous self-government and Indigenous-state relations in Canada. It then examines the basic features of multilevel governance, intergovernmental relations, and historical institutionalism, the ways that they have been used to describe and explain political outcomes, and their specific relevance to the study of Inuit governance in the provincial and territorial north.

Chapter 2 charts the early development of the three Inuit regions up to the signing of their respective treaties. The chapter situates these developments in the broader context of both Inuit self-determination in other parts of the circumpolar north and Indigenous self-government in Canada. Using a historical-institutionalist framework, it outlines the specific events and contexts that structured the development of Inuit governance regimes in Nunavik, the Inuvialuit Settlement Region, and Nunatsiavut, noting developments within these regions as well as the external contexts that affected their political evolution over time.

Chapter 3 is the first of three chapters that explore the development of nested federalism at the regional level since the signing of the treaties. Each chapter outlines the type of Inuit governance model in place (public government, self-government, or self-governance), the nature of the region's intergovernmental relationships with provincial/territorial and federal governments, and the jurisdictional powers and involvement of regional governance bodies in education, housing, and resource development. The chapter focuses on the evolution of Inuit governance in Nunavik in northern Québec, paying particular attention to the institutions of regional administration and governance (the Kativik Regional Government, the Kativik School Board, and the Nunavik Regional Board of Health and Social Services) and their relationships with the Québec and federal governments. The chapter also examines the role that the Makivik Corporation, a nongovernmental development corporation responsible for managing the financial settlement from the JBNQA, has played in the political negotiation of Nunavik's future system of self-government. In doing so, it looks at the tripartite negotiations that have taken place over the past two

decades regarding a new form of self-government for the region and at the impacts that external factors, such as the politics of Québec separatism, have had on these negotiations.

Chapter 4 focuses on the political evolution of the Inuvialuit Settlement Region in the western part of the Northwest Territories following the signing of the Inuvialuit Final Agreement in 1984. As with Nunavik, one of the most important features of Inuit governance in this region is the role played by a development corporation, the Inuvialuit Regional Corporation, in the political and economic administration of the region. This chapter follows the framework established in Chapter 3 and explores the intergovernmental relations and multilevel processes that underpin the administration of education, housing, and resource development policy in this region.

Chapter 5 examines the development of Nunatsiavut in northern Labrador, the last of the three nested Inuit regions to sign a land claims agreement, which it did in 2005, but the only region where the agreement included a self-government chapter. Nunatsiavut chose the Inuit self-government model, which includes an amalgamated government structure and a political membership that is restricted to those with Inuit ancestry or ties to the land predating 1940, institutional features that distinguish this region from the others. Like the previous two chapters, this chapter examines the institutional and jurisdictional features of the Inuit self-government model in Nunatsiavut and its evolving relationship with the Newfoundland and Labrador and federal governments in specific policy areas.

The concluding chapter looks at the implications and consequences of nested federalism for the future of federalism and Indigenous self-government in Canada. As noted above, nested federal arrangements that situate Indigenous regions, administratively and territorially, within existing federal units are likely to increase in number as new land claims and self-government agreements are negotiated. We are already seeing such developments in the Northwest Territories and, to a lesser extent, in British Columbia, where the reach of the historical treaties between Indigenous peoples and the Crown was not as great. Future changes to the

federal Indian Act may also lead to a proliferation of such arrangements, as Indigenous peoples move from a system of band government to self-government. The Inuit regions in this book are at the forefront of these changes and yield important insights into the dynamics of nested federal arrangements in Canada. These regions also highlight some of the innovative governance actors that are emerging in the north, such as development corporations that do not conform to traditional understandings of government. The opportunities and challenges brought about by these and other new actors and arrangements deserve greater attention.

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