

**Information Note  
Labrador and Aboriginal Affairs Office (LAAO)**

**Title:** Labrador Innu Issues

**Issue:** To provide information on issues that may be raised at the Northern Lights 2016 Conference in Ottawa, ON.

**Background:**

- The following issues may be raised by the Sheshatshiu Innu First Nation (SIFN), the Mushuau Innu First Nation (MIFN) or Innu Nation for discussion during the Minister's attendance at the Northern Lights 2016 Conference:

**Issue #1 – Status of Land Claim and Top Land Claim Issues**

- Direction regarding the negotiation mandate for the Agreement-in-Principle (AIP) and the Final Agreement was provided. LAAO is currently seeking a renewed mandate for negotiation of the Final Agreement. Negotiations towards a Final Agreement are ongoing and the development of a tripartite implementation plan for the Final Agreement has commenced in parallel with those negotiations. As well, counsel for the parties continue to refine the legal drafting of the agreed upon text. The parties have agreed to meet once a month to negotiate the Final Agreement expeditiously, with negotiating sessions currently scheduled to June 2016. However, Innu Nation wish to conclude the land claim quickly.

**Analysis**

- There are a number of substantive issues that will not likely be resolved without receiving direction from a higher authority than the Main Table. Notably, areas of discussion include:

Certainty Provisions

- NL's position on Certainty is to use the same model as in the LILCA, which would require the Innu to cede and release all the Aboriginal rights which the Innu ever had, now have, or may in future claim to have throughout the entire claim area. Innu Nation opposes this model and is in the process of tabling its preferred model of non-assertion,

Marine Zones

- In 2005, Innu Nation proposed two Marine Zones; however, this proposal was withdrawn through the NDA process, and NL and Canada considered the matter closed. Innu Nation has since resurrected the proposal, now called Innu Marine Harvesting Areas (IMHAs).
- GNL has concerns over how these IMHAs could affect future development in the area, and is instead contemplating proposing discrete areas around Innu communities for domestic fishing only.

Self-Government

- As in the LILCA, NL has steadfastly insisted that any professionals providing services in the Innu communities will require certification that equals or exceeds provincial certification requirements. Such professional services include teachers, nurses, and social

workers. NL does not want such certification and standards to be less rigorous for the Innu population as compared to the remainder of the province. Innu Nation wants to establish its own certification requirements which would be more culturally appropriate than NL standards. However, NL's position does not preclude Innu imposing additional standards/requirements for professionals providing programs and services to Innu people to ensure cultural awareness and sensitivity.

- Another notable issue is policing
- The DM of LAA met with Innu legal counsel on January 19, 2016 to chart a way ahead. Innu will compile a small list of major issues that, if resolved, would expedite the conclusion of the claim.

#### **Issue #2 – Voisey's Bay Revenue Issues**

- The Voisey's Bay Memorandum of Agreement (MOA) between Innu Nation and GNL provides that Innu Nation receives 5% of provincial subsurface resource revenue from the Voisey's Bay Project. This issue is virtually identical to the same issue discussed in the NG note.
- In October 2015, Innu Nation filed a legal action against GNL arguing that the two DUNCs and the community initiatives commitment ought to be considered "Revenue" for the purposes of the MOA, and thus, shared with Innu Nation. The Department of Justice and Public Safety (JPS) is preparing GNL's Statement of Defence, which is due the end of January.

#### **Analysis**

- In short, GNL views the Long Harbour deductions, and the non-sharing of DUNC or like payments, to be legitimate. Innu Nation has not accepted these views.

#### **Issue #3 – Child, Youth and Family Services (CYFS)**

- The Enhanced Prevention Focused Approach (EPFA) is federal funding available to on-Reserve First Nations (MIFN, SIFN, Miawpukek First Nation) which support child welfare prevention services. NL is one of three provinces whose First Nations have not been successful in accessing this funding to date. Former provincial Ministers have written the former federal Minister of Aboriginal Affairs and Northern Development Canada to strongly encourage funding to be made available to NL's three First Nations communities (Natuashish, Sheshatshiu and Conne River). There have been significant delays at the federal level in approving the EPFA and this has increasingly been a source of frustration for the Aboriginal leadership. CYFS, in collaboration with LAAO and Intergovernmental Affairs is preparing an Information Note on this issue.
- On October 5, 2015 a new Working Relationship Agreement was signed between CYFS, the SIFN and MIFN to improve service coordination and information sharing through a Joint Committee process which has clearly defined case planning and coordination functions for

CYFS and Innu officials. In partnership with SIFN and MIFN, CYFS developed a companion service delivery handbook, which provides specific examples of how CYFS and the Innu Nation will work together. As part of the Working Relationship Agreement, CYFS funds a pilot project to support the creation of a CYFS liaison position within the Innu Round Table (IRT), approved to March 31, 2016.

- Foster families are the backbone of the child protection system in NL and they play a critical role in supporting CYFS' overall mandate to keep children and youth safe. As of September 30, 2015, there were 972 children/youth in care/custody of CYFS; 166 (17 per cent) of these children/youth were Innu. Additionally, there are approximately 300 families in Natuashish and Sheshatshiu in the Protective Intervention Program. CYFS has been working closely with the Innu Nation to establish additional placement resources for Innu children/youth in Natuashish and Sheshatshiu. The disproportionate number of Aboriginal children/youth in care is a Canada-wide issue and is indicative of the social and economic issues that many of Canada's First Nations experience.
- The Innu led IRT replaced the federally led Innu Comprehensive Healing Strategy, which was established in the early 2000s to address social issues in Davis Inlet, Natuashish, and Sheshatshiu. The IRT is comprised of Innu, federal and provincial representatives. Under the IRT, work continues on devolving Income Support and child protection services to the Innu.

#### **Issue #4 – Natuashish Electrical Issues**

- MIFN has proposed that Newfoundland and Labrador Hydro acquire the electricity assets at Natuashish which are currently owned by the federal government for the benefit of MIFN.
- MIFN asserts that it is not treated the same as other rural and remote communities, particularly on the north coast. However, one significant difference between the five Inuit Communities and Natuashish is Natuashish is a Federal Indian Reserve and the federal government pays 100% of the operation and maintenance of the Natuashish electrical assets and reimburses MIFN for 80% of fuel costs. The Federal Government pays nothing for electrical generation or transmission in the five northern Inuit Communities.
- Were NL to accept the MIFN proposal it would amount to downloading of responsibility, financially and otherwise, from the federal government to the province. This issue is under consideration by the Province.

#### **Issue #5 – Truth and Reconciliation Commission (TRC)**

- The TRC released its summary Report on June 02, 2015 containing 94 Calls to Action. Then-Premier Davis joined with his Provincial and Territorial (PT) colleagues at their meeting in Happy Valley – Goose Bay in July 2015 to announce all PTs endorsed the Report and would determine how to implement its Calls in each of their respective jurisdictions.
- PM Trudeau has stated that one of his top priorities will be implementing the TRC's Calls to Action, in partnership with Aboriginal communities, PTs, and other vital partners. The

federal Justice Minister has also indicated that a review of outstanding residential schools litigation will be conducted.

- No schools in NL were designated in the federal government's 2008 Indian Residential Schools Settlement Agreement or the Statement of Apology, although numerous Labrador Innu are amongst the plaintiffs in the class-action lawsuit against Canada in the NL Supreme Court.
- There may be some Innu that may claim entitlement to be included in the above settlement. See Residential Schools note for more on this issue.
- **Call to Action 29** calls upon the parties, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously. GNL continues to encourage the federal government to include relevant schools in this province in the federal settlement on Residential Schools, and to proceed expeditiously to conclude these claims.
- LAA continues to review and assess the TRC's Final Report and its Calls to Action. LAA has engaged line departments as appropriate to inform a formal GNL response to the Calls to Action.

#### **Issue #6 – George River Caribou Herd (GRCH)**

- In January 2013, GNL announced a five year moratorium on harvesting of the GRCH, with a review after two years. The NG recommended the Labrador Inuit immediately suspend their harvest for 2 years, and the NunatuKavut Community Council, Inc. also recommended a one year suspension, since extended for another year. Labrador Innu and QC Innu have not accepted the ban on hunting, and charges have been brought against several Labrador Innu and an aircraft company.
- Aboriginal governments/organizations representing Aboriginal harvesters of the GRCH from throughout the QC-Labrador Peninsula have formed the Ungava Peninsula Caribou Aboriginal Round Table (UPCART) in order to address concerns about the GRCH.
- Representatives from GNL and QC have not been invited to participate at UPCART meetings, but GNL and QC have jointly written to the UPCART to propose that all three parties collaborate in the development of a Management Plan for the GRCH. UPCART replied with willingness to form partnership in the drafting of the Plan, however, GNL and QC have since found that UPCART is moving forward without engaging either province. GNL and QC continue to advocate for all parties' involvement on the development of such a Management Plan.
- GNL consulted relevant Aboriginal government/organizations in Labrador and QC in 2015 regarding the continuation of the ban as a part of the review process. Also, ENVC travelled to Inuit communities in June 2015 to present on the status of GRC and seek input on the ban from community members and the Nunatsiavut Executive Council.

Analysis:

- The ban has not been formally extended; LAAO understand ENVC will be seeking direction to do so in the near future.
- NG continues to advocate that the ban be amended to only apply to non-Aboriginal harvesters, and that a small Aboriginal harvest be allowed and managed by UPCART. To date GNL has rejected these positions. The NG has called on GNL to enforce its ban on GRCH fairly and equally, and GNL has reiterated its determination to enforce the ban.

On November 03, 2015, GNL and the Government of Quebec jointly wrote to the UPCART once again to express the governments' desire to work collaboratively with the UPCART to develop a management plan that could be implemented across both province's legislative jurisdictions, despite the UPCART having already initiated its own efforts to develop a management plan for the GRCH

**Proposed Actions:**

- N/A – this note was prepared for the information of the Premier.

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**Approved By:** A. Gover

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