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# Aboriginal Peoples and Governance in Newfoundland and Labrador



A Report for the Governance Project,  
Royal Commission on Aboriginal Peoples.

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## EXECUTIVE SUMMARY

In Newfoundland and Labrador social indicators show that aboriginal people are suffering from the symptoms of severe poverty, loss of culture, social dysfunction, and an inability to influence or benefit from developments occurring within their traditional territory. Although it is now becoming generally acknowledged that these problems can only be fully solved by the aboriginal communities taking the responsibility for these matters themselves, the progress towards a meaningful form of aboriginal self-government which would allow this shift in responsibility to occur has been slow. This report examines the past pattern of governance of aboriginal people, and examines the changes which are needed to alleviate these conditions and bring about a greater degree of social justice.

Newfoundland has for many years played a large role in aboriginal governance, different from that of other provincial governments, without, however, the acknowledgement of an aboriginal legal status different from that of other citizens. Through trade and Christian missionary contacts, the colony recognized a limited authority of the aboriginal communities,

particularly through chiefs or councils of elders. First Nation governments, in the form of specific aboriginal political organizations set up by federal initiatives, were recognized and dealt with by governments starting in the early 1970s.

The special role taken by the province in dealing with aboriginal groups emerged from conditions prior to the 1949 entry into Confederation, when no special aboriginal legal status or administrative forms had been employed by the Newfoundland government. To maintain these conditions after Confederation, the federal government transferred funds to allow the province to administer specific programs for aboriginal people, instead of directly doing so itself. The areas of provincial administration under these funds include health, education and municipal services. The one exception is Samiajij Mawpukek (Conne River), which became a band registered under the Indian Act in 1984. In addition to these areas of provincial administration, some federal departments have programs directed towards aboriginal people, such as economic development, and justice, and others are in place to directly fund particular aboriginal groups to administer the programs themselves, including health and substance abuse treatment.

Most of the difficulties complained of by the aboriginal groups centre around what they perceive as restrictions imposed by the province towards changes they wish to adopt to facilitate more direct forms of self-government. The province's prime concern is with its own lack of jurisdictional authority and its lack of the funds to support the moves requested by the aboriginal groups. They are reluctant to participate in aboriginal programs, even on a shared-

cost basis with the federal government, because of the fear that they may, as they have in the past, be left responsible for the entire program.

Aboriginal groups also complain of the failure of the federal government to live up to what are understood to be federal obligations to aboriginal people, while for its part the federal government largely remains silent and moves cautiously, often only under the impetus of organized protest or legal action.

Finally, we offer the following specific recommendations designed to help facilitate the movements towards aboriginal self government in Newfoundland and Labrador:

1. As a first move towards an improved relationship with the aboriginal peoples in Newfoundland, both levels of government should explicitly clarify what they see as their obligations and responsibilities towards aboriginal people as such, particularly in the light of recent developments, such as the Sparrow decision and the McRea report.
2. Steps should be taken immediately to move as quickly as possible towards the goal of handing over the administration of all federal programs targeted to aboriginal groups directly to the aboriginal organizations themselves.
3. A commitment should be made by all sides to move as rapidly as possible towards the settlement of aboriginal land claims, as one method of implementing self-government.

4. Given that from time to time disputes and disagreements arise between governments, or between one level of government and an aboriginal group, and that these disputes can interfere with progress towards self-government, the parties should have available to them a federal-provincial-aboriginal quasi-judicial body, one with specific expertise in aboriginal law, to provide non-binding arbitration based on the legal positions of the parties, the aim of such arbitration being to provide a step towards the removal of jurisdictional and political barriers to aboriginal self-government.

5. The issue of who can have access to legal rights, programs and benefits as aboriginal groups or aboriginal people must also be addressed. We believe this should be done by the aboriginal organizations taking the lead, and specifying clear, objective, consistent and non-discriminatory criteria.

6. Finally, in the case of any provincial programs geared to the special needs of aboriginal peoples, we recommend the transfer of as many of these as feasible to the control of specific aboriginal groups. In addition, we recommend the establishment of a specifically aboriginal policing and justice systems.

## Chapter I.

### INTRODUCTION

The purpose of this study is to assess the history, the major trends and the present situation of aboriginal governance in the province of Newfoundland and Labrador. Our aim is to identify the major difficulties, and assist in the search for improvements, in these relations. The aboriginal governance process is undergoing change, particularly in the implementation of aboriginal self-government. This study attempts to see in what way the changes that are made actually contribute to an improvement in the living conditions of aboriginal people.

'Aboriginal self-government' is an emerging concept covering a variety of forms of regional or local governance of their own affairs by aboriginal groups, involving powers from, at a minimum, those of a municipality, up to those involving control over most internal public authority within a specified aboriginal territory. This diversity is needed to suit different aboriginal cultural backgrounds, and the wide range of social conditions now faced by different aboriginal groupings. While based on indigenous forms of self-government, in practice other limits are set by such factors as the availability of resources,

and countervailing interests. The term 'aboriginal self-government' is generally used by the provincial and federal governments in a more limited sense than 'self-determination', in that it is not taken to include the right to form a government outside the jurisdiction of the Canadian state.

A. The Context of Newfoundland Aboriginal Governance.

Newfoundland has a history of government before 1949 that is different and separate from the general Canadian experience, and this legacy still influences provincial administration. It is within the context of these special Newfoundland conditions of government that relations between the province and the aboriginal peoples are to be understood.

The aboriginal peoples of the province are from three culturally and historically distinct First Nations: Inuit, Mi'kmaq and Innu. The first two now also include mixed-descent populations, there having been relatively intensive contacts with non-aboriginal people over several centuries, while the Innu remained until recently relatively isolated nomads, and are now feeling the effects of a rapid transition from hunting camps to sedentary life in settlements.

The institutional framework of the relations between these peoples and government is unlike that in any of the other provinces or territories. Elsewhere, from Nova Scotia to the Yukon, Canada has a historically entrenched aboriginal administrative system under which people of aboriginal descent are categorized in such a way that some of them are in some respects legally dependant, and fall under special federal administration. In the Northwest Territories, and in northern Quebec before the James Bay Agreement, the Inuit have also had a distinct federal administrative system.

In Newfoundland, nothing like this existed until 1984, when one small group of Mi'kmaq were registered under the Indian Act. Instead, the federal government has discharged, and for most of the aboriginal population of the province still discharges, its constitutional responsibilities in large part by providing funds to the provincial government, which provides services without the use of separate legal categories.

Newfoundland aboriginal communities have many of the same social problems found elsewhere in Canada, but actions taken to address them tend not to follow the standard Canadian pattern. Political reactions to national aboriginal policy initiatives often also have a distinctively Newfoundland dynamic. The official provincial policy is to treat aboriginal people the same as other citizens, although this principle is not strictly followed. In practice there is a patchwork of programs, some administered by the province, some by the federal government, and most dependent on at least some federal funding, either specifically targeted at aboriginal people, or with parts of the programs specifically tailored for them.

The province had its beginnings as a fishing-oriented colony, where little attention or interest was paid to Indians and Inuit by the authorities as requiring distinct policies, except indirectly, through missionaries and traders. Moreover, trade with the aboriginal people never developed to the extent it did elsewhere in Canada, and there were no major settlement schemes which required treaties for the surrender of aboriginal lands. Consequently they were rarely dealt with by officials, and few specific laws, programs or policies were directed at them.

This practice of generally dealing with aboriginal issues as incidental to overall public policy was continued, with federal cooperation, after Newfoundland became part of Canada in 1949. Neither the Indian Act, nor the federal Inuit administrative apparatus which was being set up elsewhere in Canada at around that time, were extended to Newfoundland.

Since 1949, apart from the relatively small group of Mi'kmaq who have become registered under the Indian Act, aboriginal peoples in Newfoundland have received most government services under joint federal-provincial funding arrangements administered by the province, as well as federal programs, some of which are directly administered by the aboriginal organizations (for more details, see Chapter IV). Some federal programs are for aboriginal people regardless of their legal status. The provincially-run programs are directed at the people of particular communities where aboriginal people make up a major part of the population, but are not exclusively for aboriginal people per se.

Currently, the provincial government sees itself as both legally and financially unable to take on any special responsibilities for its aboriginal citizens. It takes the position that it lacks both the constitutional competence to legislate for aboriginal peoples and the financial ability to establish special programs for them. The aboriginal associations see this position as inimical to their interests. They feel that, to the degree that the province is involved in the administration of their affairs, its unwillingness to deal with them as aboriginal people conflicts with the principle of the recognition of them as holders of specific aboriginal rights, especially if those rights are considered to be inherent and non-extinguishable, and it precludes the possibility of aboriginal self-government beyond the municipal level.

The approach to aboriginal governance taken in Newfoundland offers, at least in principle, a kind of mirror in which other Canadians can examine the results of a policy opposite to the one adopted in the rest of the country. That is, one integrated within the same provincial government framework as is used for the rest of the population, with a minimal direct involvement by the federal level, a structure towards which other jurisdictions may now be moving. Unfortunately, while Newfoundland is relatively free of the historic burden of federal 'wardship' practices, the province also happens to have a very low capacity, financial and political, to carry out the fiduciary responsibilities of the state towards aboriginal citizens. Newfoundland is a demonstration of a policy of provincial administration predominantly through cost-shared programs, which, while certainly not unique to Newfoundland, was pioneered in the province, and which has particular features based on local circumstances.

## B. Methods

The research for this study is based partly on interviews with aboriginal and government representatives, many of whom are themselves major actors in the relationship between the two groups. A research plan was first drawn up in consultation with Violet Ford, one of our aboriginal research associates. Twenty three interviews were conducted by Adrian Tanner and Jihn Kennedy with officers or employees of most of the relevant aboriginal organizations. Notable exceptions were *Labrador Legal Services*, *Pauktuutit* (Labrador Inuit Women's Association), *Torngasuk* (Inuit Cultural Institute), and the *Okalakatiget Society* (involved in broadcasting and magazine publication), who were regrettably unavailable to us due to time and budget limitations; also our interview with the *Utshimassit* (Davis Inlet) band representative was unfortunately cut short. Interviews were also conducted by Susan McCorquodale, with some assistance from Gordon Inglis, with twelve people from all the relevant provincial government departments. In order to keep the report within reasonable limits, generalizations were made of the major points brought out in the interviews, except where specific examples are discussed. Since the main focus of this research is on relations between aboriginal groups and the provincial government, and because of budgetary limitations, only a few federal officials were consulted, and most of these only by telephone. After the initial draft of the report was written modifications were made on the basis of the comments of the second aboriginal research associate, Harriet Lyall.

The consent of all people interviewed was obtained. The project was first explained to

those we wished to interview. They were informed that the material would be handled in confidence and told how it would be used. They were asked if they wished to participate, and told that their names would not be revealed without their consent. We also undertook to send a draft of the report to the aboriginal and government institutions interviewed, for their comments and corrections, and this was done. Since the provincial government interviewees are unable, following normal practice, to be named, or to have their departments identified, for the sake of uniformity all interviewees have been left anonymous.

While the research concentrates on the perspective of those people, both aboriginal and non-aboriginal, located within the formal structures of aboriginal governance, the viewpoint of other people was to some degree taken into account. Members of the research team made use of their considerable combined past research experience in the aboriginal communities of the province, and of many years of following public debates on aboriginal issues.

Published and unpublished literature was also consulted, both for raw data and for analysis and interpretation, although relatively little has previously been written on relations between the Newfoundland government and aboriginal people<sup>1</sup>. Most written material that is available is in the form of unpublished or 'semi-published' reports. For example, a recent DIAND report<sup>2</sup>, was a useful source of basic data. Some studies have specifically addressed the Canada Newfoundland Native Peoples funding agreements, including the report of the provincial Royal Commission on Labrador<sup>3</sup>, which gives an early critical examination. We

also had access to parts of the 1983-4 Evaluation Assessment of the Canada-Newfoundland Native Peoples of Labrador Agreement<sup>4</sup>. The briefs presented to the Royal Commission hearings were also consulted.

Most other published accounts of aboriginal/government relations in Newfoundland refer to immediate issues and public disputes, such as Innu opposition to low-level military flights by European forces training out of Goose Bay air base<sup>5</sup> and the recent well-publicized epidemic of gas-sniffing by children in Utshimassi<sup>6</sup>. In our examination of the historic period, we made use of several published studies<sup>7</sup>. Archival records and other primary data were also consulted and analyzed.

Under Premier Wells and former Premier Peckford, Newfoundland has, over the years, been an active contributor to national debates on aboriginal matters, yet little has been published about the basis of the thinking that gave rise to these contributions. It appears that no internal policy studies exist, and we did not gain access to ministerial briefing papers. A number of press releases and a few policy position papers on aboriginal matters such as land claims have been made public, but these have tended to be couched in very general terms.

In researching the basis of thinking on aboriginal governmental policy issues, the absence of formal provincial documents presented a problem of balance. For example, while almost all of the aboriginal organizations, as well as several private individuals, gave briefs or made presentations to the Royal Commission during its hearings in Newfoundland and

Labrador, the Newfoundland government held a private meeting between the Commission and the Premier and senior provincial officials. As far as we are aware, there is no public record of the discussions.

In addition to the briefs to the Royal Commission by aboriginal organizations, we had access to several publications and press releases giving an aboriginal viewpoint<sup>8</sup>, and to various periodicals and newsletters published from time to time by the aboriginal groups and by non-governmental organizations involved with aboriginal peoples. By contrast, sources for an understanding of the Newfoundland government's perspective were much more limited, leaving us mainly dependent on our interviews with public servants. We found the representatives both of government and of aboriginal organizations to be consistently open and detailed in their answers to our questions.

One result of the lack of direct federal administration of aboriginal people in Newfoundland is that fewer data are generally available on these groups than on comparable groups elsewhere in Canada. The records and statistics kept by the federal Department of Indian and Northern Affairs on status Indians or on Inuit include only recent data on the one small group of registered Indians in the province; the provincial government does not compile equivalent information on the other groups. National reports on Indians and Inuit usually either ignore Newfoundland aboriginal people entirely, or do not adequately represent them<sup>9</sup>. Consequently, apart from information drawn from census data, it will be impossible in this report to present the kind of detailed statistical information about Indians and Inuit

that would be directly equivalent or comparable to what is available for the other provinces and territories.

### C. Terminology

When referring to specific aboriginal groups, communities and locations in this report we have attempted to use the terms preferred by the aboriginal people themselves. For example, as elsewhere in Canada, the term Inuit has replaced the earlier 'Eskimo'. However, in other cases alternate terms may be used in different contexts. For example, Kablunangajuit ('Partly White Men'), a term used by the Labrador Inuit Association (LIA), are the descendants of Inuit-European marriages; they were also known as 'Settlers' or 'Livyeres', in contradistinction to seasonal migrants. In the Goose Bay region and southern Labrador the term Metis (not to be confused with the 'Red River' Métis of the Canadian Northwest) has also recently been used by the Labrador Metis Association, also to refer to descendants of unions between aboriginal people (mostly Inuit, but some Indians) and Europeans. As it happens, ethnic consciousness associated with this term was undergoing considerable development during the period of our research. However, some continue to identify themselves as 'Settlers' or simply 'Labradorians'.

The term Innu is used for the people who were also known as Montagnais Naskapi Indians. The Innu community of Utshimassit is commonly referred to in the news media and

elsewhere as Davis Inlet. The term Nitassinan refers to the traditional Innu territory in both Labrador and adjacent Quebec, although in this report we are, of course, concerned with those Innu resident on the Labrador side of the boundary.

Mi'kmaq is the spelling preferred by the people themselves for the name that has usually been spelled as 'Micmac'. 'Ktaqamkuk' refers to the traditional Mi'kmaq lands in Newfoundland, and Samiajj Mawpukek is the Mi'kmaq name for the community referred to in English as Conne River, the name we use in this report for the period before 1984, when it became a band under the Indian Act.

We use other terms as labels for categories of people without a single preferred name. The term 'Indian' is used to include both Mi'kmaq and Innu. As noted above, the term 'Settler' is used for historic mixed-descent Inuit, because of its well-established usage locally and in the Labrador literature. However, because today people from this social category are represented by the (LIA) as 'Kablunangajuit', by the Labrador Metis Association as 'Metis', and by the Newfoundland Aboriginal Peoples' Council as 'Aboriginal Peoples', we refer them collectively as 'mixed-descent Inuit'.

#### D. Acknowledgements

Our major debt in conducting this research is to the many people who responded to

our request for interviews by giving freely of their time, knowledge and experience:

members and officials of aboriginal organizations, public servants, and people working with other agencies mentioned in this report. We will not mention them by name, but thank them sincerely for their cooperation and assistance.

We also wish to thank the project's aboriginal research associates, Violet Ford and Harriet Lyall, and the three peer reviewers, who provided detailed and helpful criticism. While we have tried to incorporate their perspectives, this was not always possible, for which we take full responsibility. For example, one suggestion was to shorten the historical section, and yet we found we actually had to add to its size, to correct or clarify our earlier analysis. We hope, however, we have to some degree demonstrated the distinctiveness of the history of aboriginal governance issues in this province.

Use was also made of the facilities of Memorial University Queen Elizabeth Library, especially the Newfoundland Room. Barbara Porrett, of the same library, helped us get access to the computer transcripts of the hearings of the Royal Commission. At the Royal Commission itself, the co-directors of research, David Hawkes and Marlene Brant Costelano, always responded positively to our enquiries and requests. Harold Bhéer was consistently understanding of our special needs, as was Andrew Siggner regarding statistical data, and Jill Wherret was both speedy and helpful in answering all our requests for assistance.

## Chapter II.

### HISTORY

#### A. Pre-contact

The aboriginal Inuit, Innu and Mi'kmaq people, like the Beothuk who died out in the early 1800s, were all nomadic hunters. Each developed distinctive ways of life, knowledge systems of their vast lands and resources, technologies, social relations, religious ideologies and ritual systems. These were embodied in abstract values carried in people's heads, as well as manifested in social institutions. All had economies based on known and predictable resources, all had forms of commodity storage between seasons, and all were familiar with trade outside the local group. Some degree of borrowing of ideas and technology probably took place between them. Each had a strong ethic of sharing within the local group, which included visitors. All had shamanistic forms of religion, honouring the animals and the forces of nature.

While archaeological records, oral history and early European accounts give us an

incomplete view, it can be deduced that their forms of governance gave an important role to leaders of production groups, and to religious specialists. The institutions of group leadership, dispute settlement and decision-making were flexible, according to changing context. They all had a decentralized, or 'band', form of government, in which leadership over the wider multi-band grouping depended upon consensus, as expressed by the elders. We are justified in concluding that these wider groupings were like the European concept of 'nations', in that they shared a common language and culture, conducted trade with other groups, defended their territory from invasion, identified themselves as such to the earliest European visitors, and were so identified by them in return.

#### B. 1497 - 1763

It seems likely that the first Europeans to arrive in Newfoundland were Norse adventurers at the end of the tenth century. However, the "discovery" has usually been attributed to John Cabot who in 1497 made a landfall somewhere between Labrador and Nova Scotia and claimed the surrounding area for the British crown. Newfoundlanders have been accustomed to identifying his landing place as Bonavista. In 1500 Gaspar Corte-Real mapped portions of the eastern coast, and in 1535-36, Jacques Cartier demonstrated that Newfoundland is an island by sailing through both Cabot Strait and the Strait of Belle Isle.

In the sixteenth century, fishing and whaling were pursued on the Grand Banks and

waters adjacent to Newfoundland and Labrador by French, English, Spanish, Basque and Portuguese vessels. In 1583 Sir Humphrey Gilbert, under a charter from Elizabeth I, sailed into St. John's harbour, where ships from several European nations were sheltering, and claimed the territory for England. It was this action that provided the basis for Newfoundland's later claim to being Britain's "oldest colony", but it did not in fact lead to colonization. The fishery was seasonal and transient, and except for a few men who might be left behind to cut wood and tend shore-drying installations, the crews went home at the end of the season. In the early seventeenth century there were a number of attempts by chartered companies to establish settlements, but they met with little success<sup>10</sup>.

Early on it became the custom that the captain of the first vessel to arrive in a harbour at the start of a fishing season had the right to take his choice of "rooms" on the foreshore for drying fish, and to exercise an often despotic control over those who came later. The rule of these "fishing admirals" was confirmed in law by the British government in 1625<sup>11</sup>, and remained effectively the only form of non-aboriginal government in most of the island until the latter part of the next century.

From the beginning it was government policy to discourage year-round settlement, partly to preserve the near-monopoly position of the merchant companies of the English West Country, and partly to maintain the transient fishery as a "nursery for seamen" who could be recruited or impressed by the British Navy<sup>12</sup>. Some English settlement did take place, however, much of it by men who had deserted from British ships. Enforcement of policies

and laws against it was relaxed somewhat after the establishment of a French settlement at Placentia in 1662<sup>13</sup>.

In the latter part of the seventeenth century and the early eighteenth, the French and British captured and re-captured every settlement on the island. In 1729, George II appointed the first of a long succession of naval governors, senior naval officers stationed in Newfoundland waters during the fishing season, but the "fishing admirals" continued to exercise effective control over most of the fishing harbours. A trickle of settlement persisted in spite of the continued resistance of some of the West Country merchant companies, and toward the end of the eighteenth century the island was beginning to make the "transition towards a permanently settled community"<sup>14</sup>.

Little is known about early contacts between Europeans and the Beothuks of the island. Corte-Real and other early European visitors may have kidnapped some of them to take back to Portugal<sup>15</sup>, but there is also evidence that some early contacts were peaceful<sup>16</sup>. Some trade between the Natives and the newcomers did take place, but the transient fishery was not conducive to its development<sup>17</sup>. When the Europeans sailed for home at the end of the season, they left behind wharves, drying racks (called 'flakes'), and other structures, which the Beothuks scavenged, mainly for nails and other metal objects. The Europeans regarded this behaviour as theft, a crime that was severely punished in Europe at the time. As a result the two groups rarely met, and when they did the meeting was frequently hostile. The Beothuks pursued a strategy of withdrawal, avoiding Europeans

when they could. There is very little historical record of them from early in the seventeenth century until the middle of the eighteenth<sup>18</sup>.

The Newfoundland Mi'kmaq are part of the Mi'kmaq Nation of the Atlantic provinces and eastern Quebec. According to their oral traditions, they were crossing to Newfoundland from Nova Scotia for hunting and fishing before the arrival of Europeans. Archival evidence shows they were established in the western and southern parts of the island by at least the early 17th Century, and that they were at that time already converts to Roman Catholicism. It was once popularly believed that the French had brought the Mi'kmaq to Newfoundland to harass the Beothuks, but there is no evidence that this is so. However, there is evidence that relations between the two aboriginal groups were not friendly<sup>19</sup>. In 1760 a missionary for the Mi'kmaq in Newfoundland was established on the French island of St Pierre and Miquelon.

With the growth of European settlement and the expansion of the Mi'kmaq in the south and west, the Beothuks' territory shrank and they were more and more cut off from coastal locations where they had hunted and gathered as part of their seasonal round<sup>20</sup>. A decline in population was the inevitable result.

From early in the sixteenth century, European fishing and whaling vessels also visited the coast of Labrador, which was occupied by the Labrador Inuit, descendants of the prehistoric Thule people who had come to the coast around 1450 AD. A Basque whaling

station was operated at Red Bay on the southeastern coast during the years between about 1540 and 1600, and there is some evidence of Beothuk presence near the site. There is no evidence of trade, so the Beothuks may have visited it to acquire metal, as they did with fishing installations on the island<sup>21</sup>.

This also attracted Inuit middlemen/traders from their winter homes in northern Labrador south in summer to trade with transient Europeans. Inuit valued metal tools and wooden boats and in time an important trade network emerged, ultimately providing the most remote Inuit bands of Northern Labrador with European goods. In southern Labrador, fishing boats of several nations gathered and differing European and Inuit notions of exchange sometimes led to conflict.

The interior of the Québec-Labrador peninsula was occupied by the Innu, also known as the Montagnais-Naskapi, part of the Cree language group. They lived as subsistence hunters, spending most of the year in multi-family nomadic groups. As French interests expanded in the region, the Innu were incorporated into the fur trade. In 1658, the French Crown granted a lease, la Traite de Tadoussac, which gave exclusive trading, hunting, and fishing rights from Isle-aux-Coudres along the north shore of the St. Lawrence River to near Sept-Isles, and north to the heads of the rivers draining that coast. In 1661, Francois Byssot de la Riviere was granted the Seigneurie de Mingan, a tract of land eastward along the north shore of the St. Lawrence, from the limit of the Domaine du Roi to Goynish River, together with more extensive fishing rights. In 1694, Louis Jolliet made a voyage of exploration along

the Labrador coast, returning to Quebec with the first detailed account and a map of the coast between Cape Charles and Zoar. Following this, the French Crown issued several concessions to trading rights in eastern Quebec and southern Labrador, including that of Fornel to Hamilton Inlet and Lake Melville<sup>22</sup>.

In 1702, Augustin Legardeur, Seigneur de Courtemanche, obtained a licence to trade with the Innu at Bradore Bay, near present-day Blanc Sablon. Starting around 1713, he annually sent parties of 70 to 80 Innu on furring expeditions to the region of Bonne Bay and St. George's Bay on the west coast of the Island of Newfoundland. This practice continued at least until 1733, at which time the British began to object. However, Newfoundland sources indicate a small Innu presence in western Newfoundland through much of the 19th Century, often in association with the Mi'kmaq. Meanwhile, the French obtained knowledge of the Labrador interior from the Innu. For example, the missionary Pere Laure's 1730 and 1731 maps of the area, widely used by 18th Century European cartographers, were based on information from the Innu.

In summary, for the first two hundred years or so, there was little formal civil government in the areas claimed by the European powers. Relations with the indigenous populations were in the hands of transient fishing and whaling crews and the "fishing admirals", small groups of semi-fugitive settlers on the coast, and chartered fur-traders.

C. 1763 - 1855

Following the Treaty of Paris and the Royal Proclamation of 1763, a number of government actions were directed at Newfoundland aboriginal people. The Mi'kmaq are strongly of the opinion that in that year a treaty was made by the British with several Mi'kmaq chiefs at Bay St George, effectively an addition to earlier treaties of peace and friendship with the Nova Scotia Mi'kmaq<sup>23</sup>. The present provincial government is equally firm in the opinion that no treaties have been signed in Newfoundland. In the same year Labrador was placed under the authority of the Governor of Newfoundland<sup>24</sup>.

In 1764, Sir Hugh Palliser was appointed governor<sup>25</sup>. As a naval officer, he strongly supported policies intended to discourage settlement. As many as twenty thousand British seamen were engaged in the fishery, and settlement provided an incentive for them to desert, as well as threatening the monopoly position of the West Country merchant companies.

Pilfering from southern Labrador fishing stations by Inuit continued to threaten open hostility. In 1765 Palliser issued an "Order for Establishing Communication and Trade with the Esquimaux Savages on the Coast of Labrador", directing that the Inuit population be treated "...in a most civil and friendly manner..."<sup>26</sup>. He also initiated discussions with the Unitas Fratrum (the Unity of the Brethren, known as Moravians), a pre-Reformation protestant sect who had previously worked among Greenlandic Inuit, in the hope that they would locate mission stations in northern Labrador and thus limit destructive contact between Inuit and Europeans. After protracted negotiations in London, the Moravians were granted

100,000 acres of land in Labrador for their missions. Nain was established in 1771, followed by ten others<sup>27</sup>. Non-aboriginals were at first forbidden from entering "mission lands". The Moravians operated trading operations to limit Inuit contacts with other Europeans and to provide a market for locally produced goods. The Moravian stations along the north coast sought to bring peace to southern Labrador, in part by preventing Inuit summer forays south to trade. However some Inuit were occupying southern Labrador in the late 18th or early 19th Century, possibly remnants of the earlier traders. Jurisdiction over Labrador was transferred to the province of Québec under the Quebec Act of 1774, but was returned to Newfoundland in 1809.

Palliser also initiated attempts to establish friendly contact with the Beothuks, sending an expedition into the interior in 1768 without success. Governors who followed him issued a succession of orders forbidding the persecution of the Indians and offering rewards for the bringing in of a captive who could be used to carry a message of peace. Several expeditions were made, but most that encountered Beothuks ended in conflict and violence. By this time, the Beothuks had been reduced to a tiny group of refugees. In 1823, three starving women surrendered themselves to a White resident in Notre Dame Bay. One of them, Shanawdithit, was almost certainly the last of her people when she died in 1829, and was the source of much of what is now known about the Beothuk in their final days.

In 1821, the Governor of Newfoundland sent an expedition under William Martin to Hamilton Inlet in Labrador, where he met seven canoes of Indians. He found that Canadian

traders had a salmon fishery there, operated by Europeans some of whom were married to Inuit women<sup>28</sup>, but he reported that "their principal gain was the fur trade with the Red Indians"<sup>29</sup>. These trading posts were taken over by the Hudson's Bay Company in the years following 1836.

The Napoleonic Wars had caused disruption of the transient fishery and an unprecedented rise in the price of fish. The result was what S.J.R. Noel<sup>30</sup> has called the "one brief period of substantial European colonization" in Newfoundland's history, as settlers and fish merchant companies took advantage of wartime conditions to set up permanent operations on the island. By 1830 the population had increased to about 50,000, and the governor was resident the year around. In 1833 Newfoundland achieved representative government, and in 1855 responsible government on the model of other British colonies.

#### D. 1855-1927

During the 19th Century the Mi'kmaq became established for parts of the year in coastal settlements. Missionary influence and intermarriage gradually resulted in their language and culture being attenuated. The result was that they became less noticeable as a distinct group, and received less specific attention as Indians.

Throughout much of the 19th Century, priests along the north shore of the St

Lawrence were aware of the Innu of Lake Melville and farther north. They both encouraged these Innu to visit them, and made several attempts to establish a mission among them. They finally succeeded when Father Louis Babel visited Northwest River in 1867. A mission was established there in 1872, and was maintained until 1895, when the Quebec missionaries withdrew, due to a jurisdictional dispute with the diocese of Harbour Grace, in Newfoundland.

However, the Newfoundland church was unable to send its own missionary until 1922, after which one visited the HBC posts at both North West River (Sheshatshit) and Davis Inlet (Utshimaasit) regularly each summer. When the Innu came to the posts, the priests and the traders acted as government intermediaries. After 1912 the Grenfell Mission, whose focus was the Newfoundland fishers, began to extend some medical services to the Inuit and Innu.

In most instances government administration took little account of aboriginal interests. In central Labrador neither Settler customary land tenure nor hunting rules had any more basis in law than did the Innu practices, although there was a willingness by at least one judge to legalize some of the former<sup>31</sup>. A system of fixed trapping territories was established along the major rivers of Upper Lake Melville, with exclusive rights being held by individual Settlers<sup>32</sup>. Male Settlers invariably trapped alone, using individually owned and agnatically inherited traplines; access to the land and appropriate behaviour while crossing another's trapline was governed by recognized local custom. This system was

different from the more flexible communal land tenure and resource management practices of the Innu which overlapped the area. Settlers' informal hunting rules were also different from those of the Innu<sup>33</sup>. Few of the conflicts between Settler and Innu over land ended in court, but according to the Innu, when they did the Settler perspective tended to carry weight<sup>34</sup>.

Around the turn of the century a rise in fur prices was followed by an increase in the number of trappers. By about 1912 land shortage forced some to ascend out of the valleys onto the surrounding plateau land. The HBC trader, Stuart Cotter, stated, "Mr Swaffield [another HBC trader] also informed me that some of the half breed trappers had gone still farther afield and were trapping near Grand [i.e. Churchill] Falls though I do not think any had reached the height of land not while he was on the coast at all events." The term "height of land" was in common use to refer not to the watershed, but to the elevated plateau land above the river valleys. Swaffield left the Labrador coast in 1912; it was after this that Settler traplines were established on the plateau<sup>35</sup>, which in turn led to increased conflict with the Innu.

In rare cases land policy did reflect a concern for the aboriginal interests. In the early years of this century Governor MacGregor made at least three grants of land to Mi'kmaq groups, one in Bay St George, possibly another in the Codroy Valley (on one map the area is marked 'Indian Land', and on another copy 'Catholic Church land'), one near Gambo, and another at Conne River, although only the last actually became established as a Mi'kmaq settlement. In 1907 an application for timber cutting in northern Labrador was

refused, also by MacGregor, on the grounds that it might have infringed on the hunting of aboriginal people.

The Inuit during this period were to some extent governed by the Moravian Church acting as agents of the Crown, administering laws and regulations, controlling trade within their sphere of interest and acting as tutors and benefactors. They assumed sole control of trading operations in northern Labrador and successfully dominated the local economy until the 1920s. The Moravian communities also had a measure of representative local government. Missionaries introduced two forms of local government: they appointed 'chapel servants' from among the congregations, and after 1901 elected a group of 'elders' in each community. During much of this century, communities were administered by 'committees' composed of the missionary, chapel servants, and elders. It is possible that, in addition to achieving missionary ideals, these forms also reflected the Inuit councils of an earlier period<sup>36</sup>.

By the mid-19th Century Inuit enclaves also survived at several localities in the southern Labrador region<sup>37</sup> and it was from them that first generation European Settlers often obtained their spouses. There was evidently also some contact between these Inuit and the 'floater' fishery, which continued to arrive each summer from Newfoundland, in particular from the west side of Conception Bay. This connection probably accounts for the existence of an aboriginal group referred to later in this report as living in this region today.

In the absence of a system of public assistance, it had been left to the charity of missions and the self-interest of traders to provide food for aboriginal people when they were in severe need. In the late nineteenth century, when rations began to be provided by the government in St John's for needy Newfoundlanders, the Innu and Inuit were included, with the traders distributing the supplies and being reimbursed by government. Bills for rations provided to the Innu were forwarded to Ottawa for payment, apparently because they lived in the interior, where the border with Quebec was uncertain. This practice continued until the boundary was clearly established in 1927.

Two instances of restrictive legislation were directed specifically at aboriginal people. The first, in 1882, prohibited any aboriginal person from possessing alcohol, while the second, in 1911, prohibited anyone from taking an aboriginal person out of Labrador<sup>38</sup>. The later resulted in part from an incident in which a group of Inuit were taken to the Chicago World's Fair, where they were abandoned.

The Royal Proclamation of 1763 had placed the "Labrador Coast", without any interior boundary being specified, under the jurisdiction of the Governor of Newfoundland. The Quebec Act of 1774 annexed the territory to the Province of Quebec, and an Imperial Act in 1809 returned it to Newfoundland. Effectively, from 1763 onwards governors and governments of Newfoundland had exercised a tenuous jurisdiction over the coastline, while the interior was largely ignored. In 1902 the Government of Newfoundland granted a pulp-cutting licence on the Hamilton River, and the Government of Québec complained to Ottawa.

The case led to a protracted dispute, which eventually reached the Imperial Privy Council, over the location of the border between Canada and Newfoundland. Aboriginal people in Labrador came under the intense scrutiny of lawyers preparing the Canadian and Newfoundland cases. Numerous affidavits were taken from Labradorians, particularly regarding the area occupied by the Innu, with each side attempting to establish their jurisdictional claims over those groups who came to their particular coastal trading posts. As far as can be determined, however, no Labrador Innu were questioned. The decision, rendered in 1927, left many Innu with their traditional hunting grounds on one side of the boundary and their habitual trading post on the other.

E. 1927-1949.

The government of Newfoundland was gradually drawn into a more direct involvement in Labrador affairs. In 1926 the Moravian mission leased its trading rights in northern Labrador to the Hudson's Bay Company (HBC). The ensuing period was marked by increased government relief, which after 1935 was administered by the Newfoundland Ranger force. The HBC abandoned the northern Labrador trade in 1942, forcing the government to operate these stores (a situation which continues today even though the attempt has been made to privatize them). A Northern Labrador Trading Operation was created within the Department of Natural Resources. Its mandate included both retail and trading operations, as well as economic development and growth.<sup>39</sup>

Missionary influence over aboriginal people in this period was as strong in Newfoundland as it was in other parts of Canada. Under Christian tutelage, Inuit, Mi'kmaq and Innu aboriginal religions were suppressed, and on the island of Newfoundland the Mi'kmaq language was successfully discouraged. At Conne River a priest in 1924 was even able to abolish the office of chief and force into exile in Nova Scotia a rebellious incumbent over issues including use of the Mi'kmaq language in church and school<sup>40</sup>. The Moravian missionaries, on the other hand, while working to eliminate aboriginal beliefs and customs that were not compatible with Christian ideals, fostered the use of Inuktitut and provided religious services and schooling in that language.

Newfoundland's economy was always precarious. The early years of this century were a prosperous time on the whole, but the prosperity did not last. As the western world headed into the Great Depression, the Dominion's public debt was mounting steadily and annual deficits increasing. In 1933 the government was saved from having to default on interest payments only by emergency intervention by Great Britain and Canada. After a report by a Royal Commission, representative government was suspended in January of 1934, and replaced by a London-appointed commission that governed Newfoundland for the next fifteen years<sup>41</sup>.

As the Second World War came to a close, there was much discussion of what was to become of "Britain's oldest colony". The economy had improved during the war, and it appeared to be the time to restore some form of representative government. In 1946 a

National Convention was held, where elected members discussed the form that such a government would take. It was the first election that included Labrador. Initially the Convention considered only the options of a return to responsible government or a continuation of government by Commission. Confederation with Canada was a late and at first not very popular entry. When a choice among the three was offered in a referendum in 1948, responsible government got the most votes but there was no clear winner. In a second referendum, with commission government dropped from the choices, Confederation won by a bare majority.

The 1948 Terms of Union of Newfoundland with Canada contain no reference to aboriginal people. This was despite the fact that the Proceedings of the National Convention include a series of statements by various delegates concerning the implications of Confederation for the assumption of federal responsibilities towards aboriginal peoples. Moreover, during the 1947 negotiations between representatives of Canada and the Newfoundland National Convention, a special joint committee discussed Indians and Inuit, and concluded that they should become a direct federal responsibility as in the rest of Canada. Eleven conditions were listed which would apply to aboriginal people if union occurred<sup>42</sup>.

As with so many issues involving Canadian aboriginal peoples and governments, there are now at least two versions of why this understanding to extend federal jurisdiction to Indians and Inuit in Newfoundland was never carried out.

The federal and Newfoundland position was that it would have been a "retrograde step"<sup>43</sup>. Moreover, it has been suggested that, since Newfoundland had been a self-governing Dominion, this would have prevented the transferring of lands or obligations to Canada at confederation<sup>44</sup>. Prior to 1949, according to this view, aboriginal people in Newfoundland were equal citizens in terms of legal capacity and access to programs and services afforded generally to all residents of the province. Item II of the 1947 list of conditions referred to above puts it this way:

"In the event of an Indian assuming the status of full citizenship, he ceases to be regarded as an Indian and is no longer entitled to special benefits accorded to Indians."<sup>45</sup>

This viewpoint continues that, since, after Confederation, in contrast to the rest of Canada, Indians in Newfoundland were like those referred to in item 11 of the 1947 Memorandum; they had the right to vote in both federal and provincial elections. Because, moreover, no aboriginal group in Newfoundland had entered into a treaty, and none resided on a Reserves or other "Indian Lands", therefore following Confederation the Indian Act simply did not apply in Newfoundland. Thus the administration of programmes and services remained with the province<sup>46</sup>.

At the same time, however, the division of powers in the Constitution Act, 1867, prevented the provincial legislature from exercising any authority to enact legislation "in relation to" Indians. The aboriginal peoples of Newfoundland and Labrador were thus left in a constitutional limbo.

Both the Samiajj Mawpukek and the Innu Nation dispute the Newfoundland Government position. The former argue that the Mi'kmaq of Newfoundland were covered by several pre-Confederation treaties and that a "colonial reserve" was created at Conne River in 1870<sup>47</sup>. In the case of the Innu, the issue is the subject of two reports<sup>48</sup>, the second of which will be referred to in more detail below. These sources imply that it would have been possible to extend direct federal jurisdiction to Newfoundland aboriginal people at Confederation, but that the decision was made not to do so.

Moves towards this decision were made in 1948. A memorandum of Oct 20, 1949, written by Major D. M. MacKay, Director of Indian Affairs Branch, Department of Mines and Resources, stated that the conclusion not to extend federal administration had been reached at several meetings, one with himself and K.J. Carter, Deputy Minister of Natural Resources of Newfoundland, and another with himself and J.R. Smallwood, in October and November 1948. "It was felt that it would have been a retrograde step to deprive Indians of any political rights which they enjoy at the present time." MacKay also noted that this was also in accord with the general federal Indian policy of eventual enfranchisement and assimilation<sup>49</sup>. There may also have been a reluctance to assume the additional burden, particularly at a time when the policy was to reduce Indian dependency on Indian Affairs<sup>50</sup>. While the Indian Affairs Branch later voiced concern for the Labrador Indians, MacKay said there were so few of them that they did not feel justified in setting up a separate administration<sup>51</sup>. The Newfoundland government may have feared in 1948 the political consequences of being unable to match for its non-aboriginal citizens the level of service

which would have been provided by the federal government in the aboriginal communities. The issue of the obligation placed on the provincial government to provide similar level of service in non-aboriginal communities was acknowledged by the 1974 Royal Commission on Labrador<sup>52</sup>. Even today, Newfoundland civil servants mentioned to us the political problem which could arise from any disparity between the standard of federal services at the Samiajij Mawpukek Reserve and the level of provincial services available to surrounding communities.

A number of federal legal opinions on the question were subsequently prepared<sup>53</sup>, most of them acknowledging sole federal responsibility for Newfoundland aboriginal people. Under Term 3 of the Terms of Union, for matters not specifically referred to, things are deemed to be as if Newfoundland had joined under the terms of the Constitution Act, 1867. For the Indian Act to have been extended to Newfoundland, according to the aboriginal viewpoint, it would not have been necessary that Indians had previously signed treaties, had Reserves or have been previously given any other form of recognition, in order to have been registered. They had never been "enfranchised", in the sense used in the Indian Act of having once been status Indians and having gone through a formal process of voluntarily taking on the rights and obligations of full citizenship. The actual registration in 1984 of the Samiajij Mawpukek band is referred to by the aboriginal groups as support for this interpretation.

There is some evidence of confusion and uncertainty at the time over the matter of

constitutional powers to define aboriginal people and legislate in relation to them. For example, the province's post-Confederation Alcoholic Liquors Act included paragraph 69(1)(i) which stated that liquor could not be sold or given to "an Indian or Esquimaux, whether or not such a person is an Indian under any provision of any Statute of the Parliament of Canada." This was even more restrictive than the liquor provisions the Indian Act of the time, since non-status Indians and all Inuit were excluded from the latter. This indicates that Newfoundland was acting as though it had the authority to legislate with specific regard to Indians. Neither did the federal government intervene to object.

The controversy over why federal administration of aboriginal peoples was not extended to Newfoundland is in part fuelled by the question of whether Canada has adequately fulfilled its constitutional obligations to Newfoundland Indians and Inuit since 1949. This question was incorporated into a series of complaints placed by the Innu Nation before the Canadian Human Rights Commission, and in August, 1993, the Commission's report, by Donald R. McRae, a Dean of Law at the University of Ottawa, gave strong support to the Innu position. On the matter of federal responsibility, the report concludes:

- (i) that in 1949 the Government of Canada failed to acknowledge and assume its constitutional responsibility for the Innu as aboriginal people in Canada;
- (ii) that the direct consequence of this failure was that the Innu were not given the opportunity at that time to become registered under the Indian Act and to have reserves created for the communities of Sheshatshit and Davis Inlet; and
- (iii) that to this day the Government of Canada has not acknowledged in an unequivocal way its direct constitutional responsibility for the Innu as aboriginal people in Canada<sup>54</sup>.

Although not a binding legal decision, this report also has relevance for the legal position of the Labrador Inuit, since a 1939 Supreme Court decision established federal responsibility for

them to the same extent as for Indians.

The issue of what might have happened at the time of Confederation remains a significant irritant in relations between Newfoundland aboriginal groups and the federal and provincial governments.

F. 1949-1972.

Following Newfoundland's entry into Canada, debate continued both between governments and within the federal government over the existence, nature and extent of federal responsibility for the aboriginal peoples of the new province. In 1954 the federal and provincial governments entered into an agreement under which the former undertook to pay for two thirds of the costs for "Eskimos" and the full costs for Indians for specified services in welfare, health and education, as well as the full cost for hospitalization for both, and a program for the diagnosis and treatment of tuberculosis. The Mi'kmaq on the island, however, were not included. The funding agreement was renewed and revised to include more comprehensive funding in 1965, and extended in 1970, 1976 and subsequently. The Mi'kmaq at Conne River (now Samiajij Mawpukek) were included for the first time in 1973. Services under the agreements have been delivered by various departments of the provincial government ever since.

As the 1975 Royal Commission on Labrador noted, the level of funding in these agreements was much lower than that received by aboriginal peoples in similar regions of northern Canada<sup>55</sup>. In spite of repeated requests from Newfoundland, the federal authorities at first declined to provide additional money, apparently because it involved "enfranchised and full citizens of the province", even if they were also aboriginal people.

In announcing the 1965 agreement, Prime Minister Pearson noted that there was no wish to "disturb the established arrangements for provincial administration of Indian and Eskimo affairs in Newfoundland"<sup>56</sup>. For costs other than health, Canada would reimburse Newfoundland for 90 per cent of expenditures, provided these did not exceed \$1 million per year. In the communities of Nain, Makkovik, Hopedale and Postville Newfoundland would bear, without cost-sharing, the full first one-third of capital expenditures, because "this reflects the percentage of non-Eskimo residents in these communities"<sup>57</sup>.

Pearson was aware of the ambivalence at the heart of these arrangements. On the one hand, Canada agreed to spend over \$1 million dollars a year "extra" in Newfoundland to provide for the special needs of aboriginal peoples; on the other hand, as he stated:

I know it is your objective, as well as ours, to see that the Indians and Eskimos take their place as full participating members of the provincial community, accepting all the responsibilities and receiving all the benefits of other citizens<sup>58</sup>.

Funding provided under the federal-provincial agreements has not been directed specifically to aboriginal persons, but to "designated communities": the agreements fund persons according to where they live, not on the basis of whether they are Inuit, Settlers,

Innu, Mi'kmaq or non-aboriginal. This arrangement avoids the necessity of deciding who is and who is not an aboriginal person. While the system reflects the needs of the northern Labrador Inuit/Settler (Kablunangajuit) communities, it offers some Settlers benefits which were denied their counterparts in southern Labrador. Moreover, on non-funding issues such as fulfilling the fiduciary obligation to protect aboriginal people against provincial legislative power<sup>59</sup>, there has as yet been a general absence of any overt federal influence.

Funding obtained under the programs was used by the province to make some moves in the direction of the assimilation of the aboriginal people. In 1956 the post of Nutak was closed, and Hebron followed in 1959; approximately 435 Inuit relocated to Nain and Makkovik. For the first time, a jointly funded government housing project was undertaken, with Canada contributing two-thirds of the total cost. Further, faced with a weakening fur trade and a drastic decline in game resources, the government decided that the Innu should be rapidly settled into two communities. In 1965 a townsite was laid out at Sheshatshit, near North West River, and the Northern Labrador Services Division constructed twenty-three houses. Between 1968 and 1971, a school and a total of eighty-four houses were built and eventually purchased by their owners<sup>60</sup>. The northern Labrador Innu had been moved to Nutak in 1948, but returned to the area of Utshimassit (Davis Inlet), where a Catholic Mission station was established. In 1969, after a proposal that the group move to join the group at Sheshatshit was rejected, a new townsite was selected on a nearby island, and houses and a school were constructed. These aboriginal relocation schemes bear some similarity with the later provincial policy of 'resettlement', encouraging the closing of small

isolated fishing communities.

Although the government of Newfoundland has recently adopted a policy of not making legal distinctions among its citizens, there were occasions in the past when administrative practices took cognizance of the aboriginal hunting way of life. For example, in the 1950s the Department of Northern Labrador Affairs issued relief in the form of rations to support Innu hunting and trapping. In 1958 the post of "Indian Agent" at Northwest River (which then included Sheshatshit) was created, and under the direction of the first incumbent, Max Budgell, supplies were airlifted to inland points to assist Innu hunters. However, in the following year Budgell resigned, and the post was only occasionally filled thereafter<sup>61</sup>.

In another instance, between the 1930s and the 1950s Québec and the federal Department of Indian Affairs established a series of beaver preserves across the Québec mid-north. The last of these, the 1954 Saguenay Preserve, included within its boundaries most of central Labrador, and was divided into tracts registered to specific Indians from Québec-based bands, since the region was part of their traditional hunting area. Newfoundland cooperated by supplying trapping licences to the Indians concerned, and amended its hunting regulations to make these people 'residents' of Labrador. The practice was, however, abandoned in the 1970s without explanation, and Indian hunters now crossing into Labrador are often arrested and jailed. The government of Newfoundland is now in the process of negotiating special licences. There have also been disagreements between Newfoundland and Québec over management of the George River caribou herd, to which the aboriginal people

have a special interest, as, for example, is recognized in the 1975 James Bay and Northern Quebec Agreement.

Innu hunting was increasingly threatened by large-scale industrial developments, from mines and a railway in western Labrador in the 1950s, to the 1969 flooding of the extensive Smallwood Reservoir for the Churchill Falls Hydro-electric project. But the main impact on Innu hunting was from the new provincial schools, which made it necessary for parents to stay in the new settlements throughout the winter.

#### G. 1972 to the Present.

Since the Indian Act was not an issue in Newfoundland, the 1969 "White Paper"<sup>62</sup> was not the same turning point for the aboriginal people of the province as it was elsewhere in Canada. However, the controversy it caused elsewhere, which led to the establishment, strengthening and growth of aboriginal political organizations, did prove to be of major significance for aboriginal people of Newfoundland. Publicity about the activities of such organizations in other parts of Canada, and outreach by some of them, encouraged the formation of similar groups in Newfoundland. Until this time, aboriginal peoples in the province had been virtually without political voice or influence.

The Native Association of Newfoundland and Labrador (NANL) was founded on the

island in 1973 and extended to Labrador later that year. It initially included all four aboriginal groups - Mi'kmaq, Innu, Inuit, and northern Labrador Kablunangajuit in its membership<sup>63</sup>. Also in 1973, the Inuit Tapirisat of Canada encouraged formation of a Labrador affiliate, the Labrador Inuit Association (LIA). Some Inuit and mixed-descent Inuit belonged to both organizations for a time, but they finally withdrew from NANL.

NANL continued to represent the Mi'kmaq and Innu, conducting land claims research for both groups from 1974 until 1976, when the Innu broke off to form the Naskapi Montagnais Innu Association (NMIA), and the Mi'kmaq on the island adopted the name of Federation of Newfoundland Indians (FNI). In 1984 the Mi'kmaq at Conne River (Samiajij Mawpukek), after a lengthy period of legal action, lobbying and negotiation with the federal government, broke away from the FNI and were registered as a band under the Indian Act. In 1987 their village land was declared a Reserve. The other Mi'kmaq, who do not have registered status, continue to be represented by the FNI<sup>64</sup>. The chief of the Newfoundland Mi'kmaq sits on the Mi'kmaq Grand Council. The Labrador Metis Association (LMA) was formed in 1985 and incorporated under the provincial Companies Act in 1986, to represent people of mixed aboriginal and European ancestry living in the Goose Bay region and Southern Labrador. In 1990 the NMIA changed its name to the Innu Nation (IN).

Apart from the LMA, the above organizations all receive core funding from Canadian Heritage (formerly, Secretary of State). LMA has received some research funding from Indian and Northern Affairs to document the ancestry of their members and possible

eligibility for a land claim. Recently a group of people of mixed descent aboriginal people living in the Conception Bay region near St John's, but with roots in Labrador, attempted to join an existing aboriginal group, and when that did not occur they tried to organize themselves as the Newfoundland Aboriginal Peoples' Council. The group made a verbal presentation to the Royal Commission at its May 1992 hearing in St John's, but as far as we have been able to determine they are not yet formally organized.

As noted above, the 1974 provincial Royal Commission on Labrador was critical of the low level of per capita expenditures by the federal government and recommended that these be increased to between \$4 million and \$6 million per year, to make them more nearly comparable to expenditures in other parts of Canada<sup>65</sup>. The July 1974 renewal of the Federal-Provincial Agreement for native people provided for \$4.5 million per year for the 5-year period 1975-80.

In 1977 the Department of Rural, Agricultural and Northern Development (RAND) was formed, which included a Northern Development section. An Assistant Deputy Minister and other administrators were located in Goose Bay - Happy Valley, and they administered the Labrador part of the federal-provincial agreement. In the late 1970s health matters were made the subject of a separate Canada-Newfoundland Health Agreement.

In 1981 two new agreements were signed, one for the Native Peoples of Labrador, the other for Conne River (Samiajij Mawpukek), which were more formal than previous

ones, in designating a range of specific programs, and in creating a mechanism for aboriginal input into the administration process. The Labrador agreement had five designated programs: community and economic development, education, fisheries, housing and northern development. The Conne River agreement, no longer in effect since the band became registered under the Indian Act, had three programs: community and economic development, education and housing. The programs were specified under these headings to enable comparisons with classes of appropriations used within the Department of Indian Affairs and Northern Development.

These agreements were the first to specify the involvement of aboriginal people on a coordinating committee of officials charged with overseeing the operation of the Agreement. The Mi'kmaq committee had two representatives appointed by Canada, two appointed by Newfoundland, two appointed by the Native Association, and two appointed by the Native community. The committee's first duty was to develop the overall priorities for the programs and services and to make recommendations for the allocation of funds. In the case of the Labrador agreement, regional committees, one for the Inuit and mixed-descent Inuit communities, and another for the Innu communities, reviewed plans submitted by the individual communities. However, all final decisions were made by the province<sup>66</sup>.

The 1981 agreements also established a process for their evaluation. The first evaluation report, involving an analysis of the agreement's objectives and expenditures, reported basic difficulties achieving a fiscal evaluation, because data were not available from

the provincial government in a form suitable for the required analysis. This, in turn, was seen as due to a lack of planning guidelines for the allocation of funds<sup>67</sup>. Although it was completed, the report on the second phase of the evaluation is not available. Provincial authorities believe that a copy is in the provincial archives, but say that they are unable to find it because of difficulties with the indexing of materials there. Aboriginal associations are inclined to doubt this explanation, and speak of the report as being "suppressed".

In the years since 1972 a growing variety of Newfoundland government departments and agencies have become involved in administering funds earmarked for aboriginal peoples. Also in this period the aboriginal organizations have become increasingly active. The LIA and IN have increasingly been involved in the use to which funds under federal-provincial agreements have been put, as well as taking on some direct administration of federal programs. They have both filed land claims, although negotiations have been slow. Both groups have been involved in educational reform. The LIA has developed separate agencies responsible for health, communications and culture. The IN also has created its own health agency. They have also had a series of well-publicized disagreements with the government on matters from games laws, to the impact of low-level military flight training, to social welfare policy, to the relocation of Utshimaasit, to treatment of substance abuse, to the administration of justice<sup>68</sup>.

H. Conclusion: The Relevance of History to Current Issues

The foregoing history explains, in large part, why current aboriginal issues in Newfoundland take their distinctive form. Administrative practice evolved to address the needs of people of European descent who occupied the coast, and not those of the Beothuks, Mi'kmaq, and Innu, who were largely left alone in the interior, or those of the Inuit, who were encouraged to stay as far north as possible. It was thus non-governmental agencies who first dealt with the aboriginal peoples.

The sharp division of the province into two quite different parts, the island portion and Labrador, with distinctly different histories of civil government, has also created quite different situations for the aboriginal populations of each. In Labrador there is general public acknowledgement of the existence of the aboriginal people and their distinctive cultures, but on the island there has been a tendency, both popularly and officially, to overlook the Mi'kmaq population and their culture. Historically, Innu inhabited the area of what is now the border with Quebec, and were sometimes treated with suspicion as Canadian and Roman Catholic interlopers by the predominantly Protestant and anglophone Labradorians during their visits to the Atlantic trading posts.

It is in Labrador where most of the province's aboriginal people live, and where they make up a significant, although still a minority, proportion of the population. But politically, Labrador has been a dependency of Newfoundland, and has not had the institutions of public government, such as the franchise, for as long as the island has. Between the mid-19th century and 1941, less than two per cent of the Dominion of Newfoundland's population

lived in Labrador; that proportion began to rise to the present six per cent with the development first of Goose Bay - Happy Valley, and later of Wabush/Labrador City. The Labrador portion of Newfoundland has had little political influence, a fact which has proven especially disadvantageous for the aboriginal peoples.

Many Labradorians complain that their part of the province has in the past been treated by St John's as a storehouse of wealth, to be exploited or sold off. Today, political representation of Labrador in the House of Assembly has risen from a half a seat shared with the northern peninsula of the island to four seats. In the 1993 provincial election, two aboriginal candidates ran for the northernmost seat, one successfully. The winner, while not the first aboriginal person to be elected to the House of Assembly, was the first Inuktitut-speaking member. A current committee on electoral boundaries is re-arranging constituencies with the intention of reducing their number, but they have been instructed that the northernmost Labrador district, the only one where people of aboriginal descent are in a majority, must be left as it is.

The arrangements arrived at in Newfoundland as a province of Canada are a compromise between Newfoundland's pre-Confederation assertion of equal status for all its citizens, and Canada's constitutional responsibility and fiduciary obligations concerning aboriginal peoples. The legal categories used for aboriginal people in the rest of Canada, such as 'Status Indian', 'Non-status Indian', 'Metis' (in the historical sense used in western Canada) and 'Inuit' (particularly as registered under the 'disk list' system<sup>69</sup>), thus have no

precise meaning in Newfoundland, or the terms are used here in confused and inconsistent ways.

One result of the lack of the same formal Canadian legal categories of aboriginal people in Newfoundland as elsewhere is that membership in an aboriginal political organizations has taken on a special significance. For the aboriginal people themselves, and even for the government, such membership, apart from the Samiajij Mawpukek band, is the only effective means of identifying individuals as aboriginal people. Many people, whether or not their family histories include intermarriage with non-aboriginals, possess no other proof of their right to aboriginal programs, either because the relevant church or civil records do not exist, or because the records which do exist simply do not specify whether the ancestor in question was an aboriginal person or not. The constitutional rights of many Newfoundland people who believe themselves to be of aboriginal descent therefore remain uncertain.

Chapter III.

PRESENT CONTEXT

A. THE ABORIGINAL POPULATION

The different aboriginal peoples of Newfoundland, distinct in their cultures and histories of contact with Europeans, are also distinct in their present circumstances, political organization, and relations with the federal and provincial governments. The places where most aboriginal people of the province live are more or less in the areas occupied by their ancestors in the early contact period: in comparison with the rest of Canada, relatively few live in urban areas.

Since services under the federal-provincial funding agreements for aboriginal people are not delivered to them as aboriginal people *per se* but as residents of designated communities, and since for other purposes governments deal with aboriginal associations as

corporate bodies, there is no official need to keep a close account of the aboriginal population. At the same time, given actual and potential claims to aboriginal status, lands and rights, the question of who is and who is not an aboriginal person can be controversial.

The number of people claiming only aboriginal descent in the 1991 Census was less than half of the total membership claimed by the aboriginal associations. However, when people claiming aboriginal as well as other descent are added in, the numbers reported by the census and the associations are more nearly comparable.

Table 1.

1991 Census Data on Aboriginal People in Newfoundland<sup>70</sup>

Group	Single Response	Multiple Response	Single and Multiple	Ass'n Membership
Inuit	2670	3790	6460	5200 *
Metis	320	1285	1605	2600 **
Indian	2350	3495	5845	4750 ***
Total	5340	7770	13110	12550

\* Labrador Inuit Association

\*\* Labrador Metis Association

\*\*\* Federation of Newfoundland Indians 2500,  
Samiajij Mawpukek Band 1050,  
Innu Nation 1200.

N.B. Discrepancies among these figure will be at least partially explained in the discussion below.

The funding of the federal Pathways to Success program across the country is based on a per-capita formula based on the total aboriginal population for the province in which

they are located. The figure of 9,000 is currently being used for this purpose for the whole of Newfoundland and Labrador.

#### 1. Mi'kmaq

In the early historical period Mi'kmaq life revolved around seasonal resource-based activities on the coast and hunting inland. With European expansion their access to the coast was restricted, and they became specialized as hunters and trappers, although they maintained some fishing activities. By the nineteenth century they came under increasing acculturative influences as they acted as guides for Europeans, first for explorers and later for big game hunters. The 20th Century saw the encroachment on their lands by the railway and by commercial forestry, leading to the destruction of the caribou. Their culture was further attenuated as many took wage labour, especially in the forestry industry, and became minority residents in non-aboriginal communities. Considerable intermarriage with non-Mi'kmaq occurred, and some people lost overt attachment to their Mi'kmaq identity, including loss of the language.

For much of this century, Mi'kmaq ancestry was something of a social liability. In the early 1970s, with new attention being paid to non-status Indians in Canada in the wake of the 1969 White Paper, the Newfoundland Mi'kmaq underwent a remarkable political and cultural renaissance. They took a strong role in the formation of the first aboriginal political

association in the province, elders were encouraged to pass on their handicraft skills again, and renewed interest was shown in Mi'kmaq language, spirituality and ceremonial.

Presently, people of Mi'kmaq ancestry live in about 20 communities across the island. The main concentration is at Samiajij Mawpukek, at that time known exclusively as Conne River, which became a band under the Indian Act in 1984. The band reports a membership of 1,050, of whom about 650 are resident in the community. Simon gives a demographic breakdown of 2,060 aboriginal people living on the island of Newfoundland outside Samiajij Mawpukek, spread among eighteen towns or villages (although he does not include those in St John's). Most of these people live in predominantly non-aboriginal communities, but he mentions seven municipalities in which they make up a significant proportion of the population: Flat Bay (92%), St Fintans (50%), Clarke's Head (49%), Benoit's Cove (32%), Port au Port (30%) and Glenwood (28%)<sup>71</sup>. A small number of these people identify themselves as having both Mi'kmaq and Innu ancestry.

Samiajij Mawpukek, of course, operates as a band under the Indian Act. The rest of the Mi'kmaq are represented by the Federation of Newfoundland Indians, which claims a membership of about 2,500, and which has ten organized bands, Flat Bay, St. Georges, Steenville Crossing, Port a Port, Benoit's Cove, Corner Brook, Bartlett's Harbour, Exploits (Grand Falls - Windsor), Glenwood and Gander Bay.

## 2. Innu

The Innu of Québec and Labrador number about 10,000 in total, of whom about 1,500 live in Labrador. As was noted above, after European contact they combined their aboriginal hunting activities with fur trapping to obtain supplies, mainly from the Hudson's Bay Company. They remained primarily dependent on the caribou, although lake fish, small mammals and birds were also important to their diet. Parts of the summer were spent at the coast. While they became Roman Catholics in the seventeenth and eighteenth centuries, in the bush they maintained their rich traditional spiritual life, focused on shamanistic practices associated with the game animals and forces of nature.

In the late 19th and early 20th Centuries they began to come under pressure, as others began trapping on their lands, and some faced starvation as the game supply diminished. Assistance was extended by government, largely through the mediation of missionaries. The Innu were not attracted by employment opportunities that became available when the Goose Bay air base was constructed in 1942: they were reluctantly settled into houses from tents only in the 1960s, and their children sent to school.

The Innu now live in two communities. Sheshatshit, near Happy Valley-Goose Bay, has a population of about 1,000; Utshimassit, still commonly referred to as Davis Inlet, has about 500. The IN, which reports a membership of about 1200, has its head office at Sheshatshit and an office at Utshimassit, and works closely with the band councils in the

communities. In contrast to the Mi'kmaq and the Inuit, there has been very little intermarriage between Innu and non-Innu. A few people of Innu descent live on the west coast of the island part of the province.

### 3. Inuit

Conflict with Europeans from at least the seventeenth century caused some Labrador Inuit to remain to the north. They were established in villages on the northern part of the coast by Moravian missionaries, starting in the late eighteenth century. A handful of Inuit enclaves also survived along the southeastern Labrador coast into the last century. The Moravian missionaries had a fundamental influence on the culture of the Inuit, largely replacing the earlier shamanistic religion, and resulting in close-knit communities based on the church congregation. A unique feature is the incorporation of German traditions and linguistic features into the local culture.

From early intermarriages with European fur-seekers and fishermen, and further intermarriage among the offspring of such unions, a group emerged known in Inuktitut as 'Kablunangajuit' ('Partly White Men') and in English as 'Settlers', who pursued a lifestyle similar to that of the Inuit. Their economy combined subsistence hunting with commercial fishing and trapping. The construction of the Goose Bay Air Base in 1942 attracted a number of Inuit and Kablunangajuit, and many of them now live in the upper Lake Melville

region.

The LIA claims a membership of about 5,200. Slightly more than fifty per cent of this membership lives in the five designated communities of Nain, Makkovik, Hopedale, Postville and Rigolet. Of these, it is estimated that about half would be identified by themselves and others as Inuit, and half as Kablunangajuit. The remaining members, slightly less than fifty per cent, live in the upper Lake Melville area, mostly in Goose Bay-Happy Valley and Northwest River. A majority of these would be identified by themselves and others as Kablunangajuit.

Kablunangajuit members of LIA residing in the Upper Lake Melville area must have social origins from within the primary area of the LIA land claim, called the Labrador Inuit Settlement Area (LISA).

#### 4. Metis.

There are in addition a number of people mixed descent living in the Lake Melville region and some southern coastal communities, who are not members of the LIA. Estimates of their numbers vary from 500 to 4,000. Some of these people (predominantly mixed-descent Inuit, but including a few mixed-descent Indians) formed the Labrador Metis Association (LMA), which reports a membership of about 2,600. The use of the term Metis (usually written without the accent) is relatively recent in Newfoundland and Labrador, and

some people are uncertain about its meaning. However, most Labrador people who use it intend it to refer to those of mixed European and Inuit ancestry.

Unlike the Kablunangajuit members of LIA, the mixed-blood Inuit residing in the Upper Lake Melville area whose social origins lie outside the LISA, such as in Sandwich Bay, being ineligible for LIA membership, have aligned themselves with the LMA. Consequently, while many LMA members reside in the Upper Lake Melville area, most ultimately have roots along the southeastern coast. Thus the great majority of data on family groups and land use and occupancy which the LMA collected in 1993-94 relates to southeastern Labrador communities like Cartwright, Black Tickle, Williams Harbour and St. Lewis.

To a greater extent than with other aboriginal groups in Newfoundland and Labrador, the ethnic consciousness amongst Labrador Metis is just emerging<sup>72</sup>. Unlike the Mi'kmaq, they were not politically organized until the mid-1980s, and many have only recently, if at all, experienced ethnic stigma and assimilationist pressures which has accompanied the moving outside of their own communities. The LMA is now growing. For instance, since our interviews were held with the group's President in the March 1993, the organization has opened an office in Happy Valley-Goose Bay, and has signed a Contribution Agreement with the Department of Indian Affairs to compile genealogical and land occupancy data. If successful, this would enable them to seek comprehensive land claim research funding.

J. Urban and Other Areas

The St. John's Native Friendship Centre estimates that about 750 people of aboriginal descent live in the St. John's area. The 1991 census gives the following breakdown for the city:

Table 2

Aboriginal People in the St John's Region<sup>73</sup>.

Group	Single response	Multiple response
Inuit	85	260
Metis	10	75
N.A. Indian	105	660

The St John's Native Friendship Centre has a membership of 192, although some of these are also members of one of the aboriginal organizations, and others are non-aboriginal people. The Centre is involved in a wide range of training and service programs. Much of their work is directed at aboriginal people who are temporarily in the city for health, educational or other necessities, providing support and interpreter services. They also function as a social centre for the different aboriginal groups and non-aboriginal people to make contact with one another and mingle. As noted above, a group of people of mixed Inuit-European descent near St John's are informally organized as the Newfoundland Aboriginal Peoples' Council. They have identified a number of people living to the west of Conception Bay who are of mixed aboriginal descent.

The Native Friendship Centre in Happy Valley - Goose Bay deals with an even larger clientele than St John's. The Centre has an impressive new building, constructed with a 90/10 Federal - Provincial funded Comprehensive Agreement. It boasts a 26 bed hostel and cafeteria. It also provides many services to the Happy Valley - Goose Bay municipality: it operates a vehicle (registered through the Paddon Home) for transporting seniors around the community; it maintains excellent relations with the Town Council; it provides work for people on social assistance; and, with its staff of 30 people, it pumps approximately 3/4 million dollars annually into the local economy.

Smaller numbers of people of aboriginal descent also live in Corner Brook, Grand Falls-Windsor, and other urban centres.

## B. SOCIAL AND ECONOMIC CONDITIONS

### 1. Introduction

Aboriginal communities in Newfoundland and Labrador are generally small, geographically remote, economically depressed and politically marginal. Economies are based on a mix of government programs, subsistence use of local resources, and a limited number of permanent jobs. Most aboriginal communities are threatened by forces of

environmental and economic change beyond their local control and by dependency on government programs. The range of viable economic alternatives for the future also appears small, with developments in tourism leading a short list. In recent years, with the collapse of various fish stocks, many small non-aboriginal communities in the province find themselves in similar circumstances.

Although the living conditions in many aboriginal communities would be considered unacceptable for Canadians in general, social relationships within the communities, while threatened, continue to be relatively strong, offering some refuge from the rapidly moving and ever-encroaching world beyond. Among the indigenous peoples of Labrador, the retention of aboriginal languages remains high, though it is decreasing (see below).

All Newfoundland aboriginal people have faced some degree of hostility and prejudice. As allies of the French, the Mi'kmaq were despised for having participated in attacks against English settlements. The term 'Jack-a-Tar' is still an insult used for someone of French and/or Mi'kmaq ancestry. Until recently, Mi'kmaq were incorrectly blamed in Newfoundland school texts for killing off the Beothuks<sup>74</sup>. As some no longer have the obvious outward appearance of aboriginal people, their Native identity is sometimes challenged<sup>75</sup>.

Relation between the Innu and other Labradorians have never been very close, and the recent nationalistic assertion of Innu aboriginal rights, particularly their opposition to military

might training in their hunting area, has brought them into open confrontation with some local non-Innu<sup>76</sup>. In the past Labradorians in general were looked down upon by transient Newfoundland fishers who, because of language and cultural differences, thought of the Inuit, Settlers and Innu as more 'primitive' than themselves. Even residents of Labrador who have settled there since 1940 and have no aboriginal ancestry are inclined to believe that Newfoundlanders look down on all things Labradorian. As elsewhere in Canada, a certain amount of prejudice against aboriginal peoples continues to exist, and members of aboriginal groups are very sensitive to anything they perceive as slights or expressions of ethnocentrism or condescension, especially from politicians and government employees.

## 2. Conditions in the Different Aboriginal Groups

### a. Innu

Until recently it could be said that the Innu of Labrador represented a particularly potent conservative core of people following the old Innu hunting way of life<sup>77</sup>. The processes of settlement, formal schooling and the cash transformation of the economy, which began along the St Lawrence North Shore, did not really start in Labrador until the 1950s. However, they arrived that much faster in Labrador, and the social impact was all the harder.

The effect of being virtually restricted to the villages for much of the year meant, for many, a breakdown of normal family and community functioning. The villages of Sheshatshit and Utshimaasit have endured the physical problems of poor housing, inadequacy of water and sewer systems and other services, as well as the social problems of alcohol and substance abuse, interpersonal violence, suicide, child neglect, poor health and a high incidence of accidental deaths. A lack of employment opportunities and the difficulties of obtaining educational qualifications for the occasional job that becomes available mean that most of the people are caught in a cycle of dependency, which now includes a second generation.

By the mid-1970s the first generation to have had formal schooling had become community leaders, and attempts were begun to reassert Innu culture and pride. These have included programs to assist people to spend as much time as possible in bush camps, if possible with their own children.

In the 1991 Census, the Innu language was reported as mother tongue for 1,115 people in a single response and for 60 in a multiple response<sup>78</sup>. Of these 1,175, the use of Innueimun as a home language was reported for 1,105 in a single response and for 65 in a multiple response<sup>79</sup>. In spite of these figures some leaders express concern that children may not be learning the language adequately. Several Innu have trained as teachers, so that some Innu language and cultural content are passed on through the school. However, many Innu believe that the successful maintenance of language and culture depends on families

living together in the bush. Some Innu youth are finding new forms of aboriginal cultural expression, with the formation of a number of rock bands whose songs have lyrics in Innueimun, and with revived cultural features, such as drumming and sweat tents. The present content of some of these features has been borrowed from other groups of Indian people in Canada.

b. Mi'kmaq

A recent report identifies a number of social problems among the Newfoundland Mi'kmaq, including unemployment, poor housing, low educational achievement, substance abuse, family breakdown, vandalism and crime<sup>80</sup>. However, Mi'kmaq informants told us that the (relatively few) employment and educational programs that have been obtained over the past twenty years have brought some improvement in conditions.

In Samiajij Mawpukek there is a much higher rate of employment than in other aboriginal - and many non-aboriginal - communities. This is mainly due to two major funding agreements, one with Health and Welfare Canada and the other with DIAND, under which the band provides management and delivery of services in education, public works, social services, nursing, dental therapy, alcohol and drug counselling, and several other areas. In addition, through grants and loans the band operates a number of projects and enterprises, such as a salmon hatchery, a crafts program, hunting and fishing lodges, and

aquaculture operations for rainbow and steelhead trout. Band members are employed at all levels of the operations.

A number of efforts have been undertaken in recent years to revitalize the Mi'kmaq culture. For example, in St George's a troupe of Mi'kmaq dancers has recently been formed. Programs have been introduced in the Samiajj Mawpukek school in an attempt to reintroduce the Mi'kmaq language. Other groups have begun language programs, but because of uncertain funding these tend to be sporadic. According to officials of the Samiajj Mawpukek band there is at present only one fluent speaker of their language, a dialect of Nova Scotia Mi'kmaq, and a few others who are well-versed but not fluent.

c. Inuit and Kablunangajuit

As the Inuit and Kablunangajuit communities have modernized and as the Moravian church's influence has waned, symptoms of cultural breakdown have emerged. While in the past the Inuit language was spoken by Inuit and some Kablunangajuit, and pupils were taught to read and write it in the more northerly Moravian-run schools, today English is just as common, and fears are being expressed that Inuktitut is in decline. In the 1991 Census, 485 people were reported as having Inuktitut as their mother tongue in a single response, and 145 more in a multiple response<sup>81</sup>. Of these 630 respondents, Inuktitut was reported as the home language for 165 in a single response, and for 185 more in a multiple response<sup>82</sup>.

Organizations like Torngasuk (the Inuit cultural institute) and the Okalakatiget Society (which produces television, radio and published material in Inuktitut) are working to promote the Inuit culture and language. A quarterly magazine published in Nain, Kinatuinamot Ilengajuk (To Whom it May Concern), carries topical articles in Inuktitut and English, and is designated as the official in-flight magazine of Labrador Airways.

Socio-economic conditions are different for Inuit and Kablunangajuit living in the Lake Melville area and those living in the coastal communities. The coastal economy is diverse, based on commercial fishing and the production of salmon and arctic char, on hunting of seals, caribou, and migratory waterfowl, on seasonal casual labour, on Unemployment Insurance, on statutory payments, and on social assistance. Happy Valley-Goose Bay, on the other hand, as administrative and distribution centre for the coast, has a more urban type of economy and style of life.

Though in many ways a threatened industry, the commercial fishery still remains an important source of family income for northern Labradorians. In a 1991 survey of 596 north coastal Inuit and Kablunangajuit between ages 15-54, 92 (16 per cent) were fishers and 132 (22 per cent) fish plant workers<sup>33</sup>. However, the depletion of fish stocks reduces optimism about the industry's future. Only 21 per cent of fishers and plant workers would recommend the fishery to their children<sup>34</sup>. It should be noted that non-aboriginal fishery workers in the rest of the province face similar uncertainties about the future of the industry. Yet few alternatives to the fishery exist, particularly for a work force with maximum educational

levels of less than grade 9<sup>85</sup>. Most of the survey's 596 respondents would agree to upgrading, particularly if courses were offered in their home communities, during winter<sup>86</sup>.

The Labrador Inuit Development Corporation presently employs Inuit and Kablunangajuit in its offshore shrimp and turbot fishery, its commercial caribou harvest, and its Labradorite and Anorthosite mines. The latter mine, for example, employs about 20 persons, and plans are in process for the development of a second and similar operation. The LIDC has signed a five year joint venture with a European company to purchase the stone and reserves available indicate a life-span of 100 years, based on present production levels.

Socio-economic differences among communities may be discerned, based on indicators such as the proportion of long and short term social assistance recipients, and the percentage of homes lacking indoor toilets. By both measurements, the communities of Hopedale and Rigolet lag behind other Inuit coastal communities. For example, all but 5 of Hopedale's 100 homes (as of 1990) continue to use 'honey buckets' as toilets<sup>87</sup>. Other indicators of such varying but generally poor socio-economic conditions include overcrowded houses (at Nain, for example, the average house in 1990 housed 0.9 persons per room, compared to 0.5 for both Newfoundland and Canada<sup>88</sup>); structural defects of houses (50% of Hopedale homes are in a poor state of repair<sup>89</sup>). Further indicators, described anecdotally by health, social service and justice personnel, include poor nutrition, high rates of alcohol, tobacco, and substance abuse, family violence and others.

#### J. Youth and Education

The situation of younger people, those aged 15 or less, is especially troubling. They occupy a shifting middle ground between the more culturally meaningful resource harvesting lifestyle of their elders and the intrusive, sometimes attractive, though ultimately confusing 'global' culture increasingly invading their households. Low levels of education, high unemployment, and a high incidence of youth suicide are all indicators of the distressing circumstances and cultural confusion experienced by aboriginal youth.

The brief to the Royal Commission by Labrador Legal Services is particularly detailed and eloquent in indicating the large numbers of people in aboriginal communities in Labrador over the past 10 years detained while intoxicated, the numbers charged (including specifically those charged with assault) and those convicted of all offenses. As elsewhere, efforts to mitigate these conditions have met with little success: the response by the larger society has been termed 'welfare colonialism'<sup>90</sup>, leading Henriksen<sup>91</sup> to speak of the need for aboriginal people themselves to "decolonize" their own societies, as well as their own minds.

One of the most disturbing problems faced by all of the aboriginal communities is that of youth suicide. Suicide has been a particular issue of concern addressed by the people of Nain, with reports of 48 attempts in the 18 months between June 1991 and November 1992. The three completed suicides between December 1991 and August 1992 were all by people

24 years or younger, and all involved alcohol<sup>92</sup>. It was also one of the issues involved in the well-publicized gas-sniffing incident by youths at Utshimaasit in 1993<sup>93</sup>.

Two of many problems that have plagued education in Newfoundland and Labrador aboriginal communities have been the irrelevance of the curricula to aboriginal life, and high drop-out rates. The former problem accelerated following Confederation and the extension of a universal curriculum throughout the new province. High drop-out rates foreclose on a large proportion of the few available employment possibilities, yet because young people have been tied to school and village during childhood and early adolescence, they lack many of the country skills necessary for hunting or fishing.

Consequently, educational achievement among Newfoundland aboriginal people, especially those from Labrador, is very low, with few achieving high school graduation. In the Innu communities the staff complain that the children are difficult to teach, they are often taken out of school by their parents, and even when they are in the community they are left free to attend or not as they wish. Parents, on the other hand, while they may wish that their children grow up to have jobs also want them to know about and respect their cultural values, traditions, language and history.

Some changes in aboriginal education have occurred, most notably at Samiajij Mawpukek, where the band council now controls the school. In Labrador, there are now a significant number of aboriginal teachers, and enough flexibility to permit some changes to

the regular curriculum. However, progress in the introduction of aboriginal language and other curriculum developments has been slow.

For the aboriginal people living in the St John's area, a recent survey was conducted by the St John's Native Friendship Centre<sup>94</sup>. This study found considerable interest among those interviewed in an aboriginal heritage training program. It also made recommendations regarding the encouragement of literacy among the young.

#### 4. Health

The increasingly sedentary way of life has generally been detrimental to the well-being of Newfoundland aboriginal people. A recent report on northern Labrador indicates obesity to be one of the most prevalent health problems<sup>95</sup>. Part of the problem lies in cultural eating norms, both in terms of amounts, and in the preference for fat. In the communities, game meat is replaced by store foods high in both fat and carbohydrate, and people do not get the sort of exercise that is normal for people living on the country.

Moreover, the social breakdown of aboriginal communities also has had affected people's health, both mental and physical, through alcohol-related accidents, substance abuse, family neglect, inter-personal violence and suicide.

## Chapter IV.

### THE ACTORS, PROCESSES, MANDATES AND JURISDICTIONAL FRAMEWORKS

This chapter examines the institutions of governance, by looking at the organizations involved in each side of the government-aboriginal relationship, the scope and type of authority that officials of these organizations exercise, and the legal framework which confines their actions.

#### A. Aboriginal Actors

On the aboriginal side of the relations with non-aboriginal governments, those involved are the aboriginal associations, bands, boards of aboriginal agencies and, in the case of the Labrador Inuit 'designated communities', the community municipal councils.

##### 1. Mi'kmaq

a. Samiajij Mawpukek

The Samiajij Mawpukek band, with just over a thousand members, about 650 of whom are resident in the community on the reserve on the south coast of the island, has a band council operating under the "band custom" provision of the Indian Act, with elections held every two years. The band has a five-year funding agreement with Indian Affairs, with expenditures controlled by the band council. The band runs several economic enterprises, builds community houses, and operates the community school. The band also has its own four-person police force, which works in conjunction with the nearby RCMP, and its own volunteer fire department.

b. Federation of Newfoundland Indians

The Federation of Newfoundland Indians (FNI) represents the people of Mi'kmaq ancestry who are not included in the Samiajij Mawpukek band. It claims a membership of about 2,500. The FNI has its head office wherever the elected president resides, which is presently at Benoit's Cove, near Corner Brook. There is also a vice-president and a Federation Chief. The Federation receives core funding from Canadian Heritage as a non-status organization, although the individual bands (see below) which make up the Federation do not. It is part of the Congress of Aboriginal Peoples. Although representatives of the organization have met with provincial politicians, they have received no provincial funding, and no support to be officially recognized as aboriginal people with rights under the

Constitution. The executive therefore deals mainly with federal departments, having in the past received funds to research the genealogies of their members, and more recently, from the Department of Justice, to challenge legally the refusal by Indian Affairs to register them and grant their bands the formal status of 'bands' under the Indian Act, something they say was promised to them when the Samiajj Mawpukek band was registered.

Otherwise, most of the Federation's activities are highly localized and variable among the member bands, although their members are, of course, not status Indians. The organization of these bands varies somewhat, but most have a chief and three or four other elected officers, and each is represented on the board of the Federation of Newfoundland Indians. According to Simon, all qualify as corporations under the Newfoundland Companies Act<sup>96</sup>. Apart from Flat Bay, where aboriginal people make up a majority of the population and the band council is the municipal government, these bands have no set relationship to the conventional municipal governments of the towns or villages within which band members reside. The activities of these bands consist mainly of small-scale economic development, make-work, community development and educational projects.

## 2. Innu

### a. Innu Nation

The Innu Nation (IN) claims a membership of about 1,200. Its head office is in Sheshatshit, and a branch office is in Utshimassit. The main affiliates of IN are the Innu Health Commission, the Innu Education Authority, the Innu Development Corporation and Nutshimit (the hunting and trapping program, formerly run by the Sheshatshit Band Council). The Innu also have a Research Office in St John's, and a lawyer based in Toronto. According to provincial authorities, the IN is not incorporated under the provincial Companies Act (R.S.N. 1970, C.S.4, section 253), although they believe it to be incorporated federally.

The two Innu settlements of Sheshatshit and Utshimassit are in a somewhat anomalous position as communities in relation to other levels of government. Although they are "designated communities" under the federal-provincial agreement, neither is presently a Newfoundland municipality. Utshimassit was once incorporated under the provincial Municipalities Act, but is now classed as "inactive" by provincial authorities. Further, although they are referred to by provincial authorities, the media, and their own members as 'bands', with elected 'chief' and 'council', they are also not, of course, bands under the Indian Act. Like the Mi'kmaq groups, they qualify as 'corporations' under the provincial Companies Act. Nonetheless, the chief and council act in the capacity of local governments, working in close conjunction with IN.

### 3. Inuit, Kablunangajuit and Metis

a. The Labrador Inuit Association

The Labrador Inuit Association (LIA) membership includes both Inuit and Kablunangajuit (mixed-descent Inuit). It has its headquarters in Nain, and with its affiliates and subsidiary agencies, makes up one of Labrador's largest bureaucracies, employing some 60 full-time employees in three offices. Affiliate organizations include the Labrador Inuit Development Corporation, the Labrador Inuit Health Commission (including the Labrador Inuit Alcohol and Drug Abuse Program), Torngasoak (its cultural institute), the OKalaKatiget Society (television and radio broadcasting, and magazine publisher) and Torngat Housing. The Association claims a membership of about 5,200.

The five Inuit designated communities of Nain, Makkovik, Hopedale, Postville and Rigolet have conventional municipal governments under provincial Municipalities Act which are ethnically mixed. In general, their mayors and councils cooperate and work closely with the LIA.

b. The Labrador Metis Association

Formed in 1985, the Labrador Metis Association is intended to represent people of aboriginal ancestry who are not represented by the LIA or the IN. It is centred in Happy Valley-Goose Bay, and claims about 2,600 members living there and in smaller communities

on the southeast coast of Labrador. Its activities are at present organizational, conducting genealogical research and preparing for a possible land claim.

#### 4. Urban areas

Compared to other parts of Canada, the numbers of aboriginal people living in urban areas are relatively small. Those in St John's and Happy Valley are served by Native Friendship Centres, non-political service organizations funded by Canadian Heritage and other sources, and belonging to the National Association of Friendship Centres. The Centre in St John's both serves the resident aboriginal population and assists the many aboriginal people who come to the city temporarily for hospital treatment or education, sometimes with their families.

The Friendship Centres are run by boards of directors which are mainly elected, although the St John's board also has members appointed by the aboriginal organizations.

#### 5. Other organizations

There are other organizations or agencies are not tied to a specific aboriginal association. The Labrador Native Women's Association, is a volunteer, non-funded group composed of Lake Melville and Northern Labrador Metis, Inuit and Innu. There is also the

Inuit Women's Association, Pauktuutit. The Labrador Legal Services has a Native Court worker program and legal education services, in both the Innu and Inuit communities.

There are also some non-governmental organizations of mainly non-aboriginal membership, some of them regional branches of national and international organizations, that offer political and moral support to the aboriginal associations. These include the Native Peoples' Support Group of Newfoundland and Labrador (NPSG-NL), the St. John's Oxfam Committee, the Aboriginal Rights Coalition (ARC) of Ottawa, and the Mennonite Central Committee (MCC) of Winnipeg. Other groups work support more specific issues of special interest to aboriginal people, such as Citizens Against Low-Level Flying (CALF) of St John's.

#### B. Government Departments and Agencies

Virtually every provincial government line department delivers services or administers projects directed at aboriginal communities, either from funds from federal-provincial agreements targeted at aboriginal peoples or from general sources (for example, economic development) available to all. The most important of these are Education, Health, Social Services, Tourism and Culture (responsible for Museums and the Provincial Archaeologist), and Justice. Each department now has one individual designated as a Native Issues Coordinator, a function they carry out in addition to their regular work.

The central provincial agency for policy analysis and administration in respect of aboriginal people is the Native Policy Branch, located in the Intergovernmental Affairs Secretariat of the Executive Council. The primary role of the Directorate is to oversee the existing federal-provincial funding agreements, negotiate new ones, and act in an advisory capacity to the Premier, as the minister responsible. However, there is no Ministry of Aboriginal Affairs, and no formal interdepartmental committee to coordinate all government policy-making related to aboriginal people.

Enterprise Newfoundland and Labrador (ENL), a Crown Agency, administers the day to day operations of the Federal - Provincial Native Peoples' Funding Agreements from its offices in Happy Valley - Goose Bay. It also administers specific projects under the Comprehensive Rural Development Agreements between Canada and the province. The agency is headed by a board of directors, and reports to the Minister of Industry, Trade and Technology. Apart from staff in St John's, it has an office in Happy Valley - Goose Bay, with a staff of 14, as well as offices in Wabush, with 2 staff, and Lance Au Clair and Cartwright, with one each.

Another new agency set up at the same time as ENL is the Economic Recovery Commission (ERC), reporting to the Premier. It has commissioned development studies in aboriginal communities, as well as a study of social and economic development at Utshimaasit in the context of the recent series of crises there<sup>97</sup>. The Department of Municipal Affairs oversees community sewer and water projects, and was recently involved

in a feasibility study regarding the possible relocation of Utshimassit<sup>98</sup>. The Newfoundland and Labrador Housing Corporation (NLHC) receives federal global funding to build housing for aboriginal people, over and above what is built with funds earmarked for this purpose in the federal-provincial agreements. However, there have been significant cuts in funding for this program since 1991. A management committee, consisting of federal, provincial and aboriginal housing association representatives, oversees what houses are build each year and in which communities.

Federal departments and agencies most directly involved in aboriginal issues include Indian and Northern Affairs, Health, Justice, Canadian Heritage (formerly Secretary of State), Human Resources Development, and Canada Mortgage and Housing Corporation.

#### C. Government Programs

The following are programs targeted mainly at aboriginal people. Also included are some non-targeted programs which are of particular significance to aboriginal people, such as Social Services. The various federal agencies with programs targeted at aboriginal groups, including those in this province, particularly within the general DIAND structures, policies and programs, are dealt with in more depth in another national-level report. Federal departments and programs are dealt with in this report in order to focus, where appropriate, on their local character, due to the specific circumstances of this province.

## 1. Provincially-funded Programs

### a. Social Services

The province has no access to any special aboriginal funding for social assistance. Under the terms of the Canada Assistance Plan (CAP), both Natives and non-Native Newfoundlanders are funded equally, with costs shared 50/50 between the provincial and federal governments. The rates of assistance are the same for all recipients, whether aboriginal or non-aboriginal.

In Samiajij Mawpukek, however, since it is a band under the Indian Act, social services are fully funded by the federal government, and delivered by the band council. Social assistance rates in Samiajij Mawpukek are slightly higher than provincial rates.

While there is in principle no difference in the services offered by the Department of Social Services to aboriginal or non-aboriginal clients, there are some differences in practice. Programs and services are oriented to the special circumstances of the communities where they are provided. For example, in each of four mainly-aboriginal Labrador communities with populations of less than 1,000, the Department of Social Services funds a District Office with several persons on staff. In both Sheshatshit and Nain there is, in addition, a fully-funded Group Home which employs 10 to 12 local people. Thus, although the social assistance rates are the same, operating costs in aboriginal communities are higher than they

are for equally small and isolated non-aboriginal communities. What drives the arrangement, according to informants in the Department of Social Services, is not geography, but need. Given the degree of profound social disruption in aboriginal communities, it is felt that the level of services is fully warranted.

A recently-instituted policy, initiated under a new deputy minister, has resulted in the employment of more Native people as social assistance and community service workers. An informant in the Department notes that among the advantages is the fact that financial resources that previously had gone into such things as providing housing for non-aboriginal social workers can be used for training and skills development for workers from the communities. Regional officials report that the employment of local staff improves both quality of service and community acceptance of programs and decisions.

b. Historic Resources

Historic Resources is a division of the Department of Tourism and Culture which is responsible, among other things, for museums, including the Newfoundland Museum in St John's, in which aspects of aboriginal cultural heritage are stored and displayed. The division also regulates archaeological work in the province, often a matter of great concern to aboriginal people. Some cooperative work has been undertaken with aboriginal communities, such as a project called 'Traces', which documented the making of traditional artifacts by

elders in Conne River (Samiajj Mawpukek). The purpose was both to provide the museum with new material and to encourage the maintenance and passing on of traditional skills. Federal funding is sometimes obtained, on a project-by-project basis.

c. Administration of Justice

The provincial Department of Justice currently has no special programs for aboriginal people but is considering a Community Court System for the Nain (Labrador) Inuit, with potential for similar developments in other aboriginal communities. While only now at the discussion stage, such a system parallels Inuit interest in returning to earlier forms of 'customary law', in which the community polices itself. The system being discussed would include a Community Tribunal, composed of representatives of government agencies (e.g. Social Services and RCMP) and community groups (e.g., LIA, Moravian Elders, Nain Women's Group, Nain Justice Group, and Town Council) who would hear cases and impose penalties which might be carried out in the community.

The Samiajj Mawpukek band is in the process of developing a community-based justice program on the model of programs now operating in Nova Scotia Mi'kmaq communities. They intend to present a plan in the near future for government consideration.

## 2. Federal/Provincial Shared-cost Programs

### a. Federal Provincial Comprehensive Funding Agreements

The comprehensive funding agreements apply to programs and services delivered by provincial departments and agencies as well as to programs delivered by agencies such as the Regional Housing Associations, or the Councils of designated communities. Two such agreements are in force, one for the Inuit and one for the Innu. Each is administered by a Management Committee operating under the aegis of Enterprise Newfoundland and Labrador (ENL), a crown agency concerned with development. A representative of the Native Policy Branch sits as an observer and advisor on each of the Committees to ensure that provincial policy is observed. Funding is adjusted annually during the lifetime of the agreements in response to inflation and changes in population.

Funding under the agreements supports supplementary services and programs beyond the normal allocations by provincial agencies, such as adult and teacher education programs, supplementary teacher allocations, curriculum development, the operation of government stores, and water and sewer projects. Core funding is provided to defray the costs of operation of the community councils in the seven designated communities (five Inuit and two Innu), allowing for the staffing necessary for the delivery of services and programs at the community level, which include housing, community development, recreation, fire protection, libraries, and cultural programs. Management Committees may approve other

programs as need dictates and funds allow.

Education is a major item under both federal-provincial agreements. Each of three Labrador school boards received in 1992-93 funding for programs and projects in the designated communities, including such things as: native language teaching, native archival materials, modern technologies, teacher aides, life skills instructors, teacher professional development, a curriculum centre, a home/school liaison worker, creative arts festival, Labrador North Sports Meet, Labrador Science Fair, a grant in lieu of taxes, community use of school buildings, and administrative expenses.

Table 3.

1992-3 Special Funding to School Boards

School Board	No. of students	Amount
Labrador Roman Catholic		
Davis Inlet	176	\$ 205,279
Sheshatshit	332	\$ 319,500
Labrador East Integrated	713	\$1,183,776
Pentecostal Assemblies	54	\$ 229,635
Totals	1,275	\$1,938,190

(Total Per Student = \$1,520.00)

The Inuit Agreement

The agreement presently in force for the Inuit, called The Contribution Agreement Between the Government of Canada and the Government of Newfoundland and Labrador for the Benefit of the Inuit Communities of Labrador, provides for the contribution of \$24.5 million from the Government of Canada and the equivalent of \$11.7 million (allowing for contributions in kind, such as personnel) from the Government of Newfoundland over the five years from 1990-94. It is administered by a Management Committee composed of two representatives of Canada, two representatives of Newfoundland, the mayors of the designated Inuit communities, a representative of the Torngat Housing Association, a representative of the Institutional/Occupational Skills Training Delivery Agent. A representative of the LIA is on the Committee as a non-voting observer.

#### The Innu Agreement

The Contribution Agreement Between the Government of Canada and the Government of Newfoundland and Labrador for the Benefit of the Innu Communities of Labrador provides for the contribution of \$17.5 million by Canada and the equivalent of \$1.9 million from Newfoundland over the five years from 1991-96. The Management Committee consists of two representatives of the Government of Canada, two from the Government of Newfoundland, and the Chief and one Councillor from each of the two Innu communities. According to provincial authorities, meetings are often attended by a number of observers from the communities and the IN.

A specific feature funded under the Innu agreement are programs that provides transport for families to bush camps for hunting, and nutritional supplements for aged, sick and disabled to have access to country foods.

b. Federal Provincial Native Peoples Health Agreement

Under the Canada-Newfoundland Native Peoples Health Agreement, the federal government transfers money to Newfoundland in recognition of the extra costs of providing health care for aboriginal people in Labrador. There are two Health Commissions, one for the Innu and one for the Inuit. In 1993 the federal contribution was \$897,500.

c. Administration of Justice

As noted above, Labrador Legal Services operates the Native Court worker program, in both the Innu and Inuit communities. This involves para legal consultation and explanation, where necessary with interpretation into the client's aboriginal language. This is 50/50 cost-shared between the federal and provincial departments of Justice.

3. Federally-funded Programs

● a. Core Funding

Canadian Heritage provides core funding for the basic costs of operation (office and personnel, but not programs) of the LIA, the IN, and the FNI.

b. Non-insured Health Benefits

LIA, IN and Samiajij Mawpukek all manage their own Non-Insured Health Benefits Programs, on behalf of the Medical Services Branch, Health and Welfare Canada without provincial involvement. According to our aboriginal informants, these programs are path breaking among Canadian aboriginal groups.

c. Land Claims

The Comprehensive Claims Branch of Indian and Northern Affairs no longer makes direct grants to aboriginal organizations. However, it negotiates loan agreements to pay for the costs associated with land claims negotiations. In 1992 the federal government withdrew from framework negotiations concerning land claims by the LIA and the IN. Since then the provincial government has continued bilateral negotiations with the LIA.

More recently land claims talks towards a framework agreement with the IN have been suspended by both governments, following a dispute between the Department of Justice and the Utshimaasit band council.

d. Canadian Aboriginal Economic Development Strategy (CAEDS)

Funds are provided from the budget of Indian Affairs and Northern Development to assist aboriginal economic development. This program is not limited to Reserves or to registered Indians.

e. Northern and Native Housing.

Canada Mortgage and Housing Corporation provides an annual grant for building of houses in northern and aboriginal communities, based on need. Newfoundland and Labrador Housing Corporation arranges for the building, and a committee including aboriginal housing societies oversees the program.

f. Native Employment Strategy

Some of the Canada Employment Centres in the Province have Native Employment Councillors, and an Outreach service, to assist aboriginal clients in job training, and job seeking. According to a 1986 source, the Happy Valley and Grand Falls Employment Centres had Native Employment Councillors<sup>99</sup>.

g. Post-Secondary Education

The Post-Secondary Education program is also administered by the aboriginal associations without provincial involvement. In the case of the LIA, the number of Inuit and Kablunangajuit students in 1993 was around 180, with an annual budget of 1.6 million. For Samiajj Mawpukek, post-secondary education comes under a five-year funding agreement with DIAND, administered by the band.

h. Alcohol Treatment

Both the Inuit and the Innu have active alcohol and substance abuse programs funded by Health and Welfare Canada.

i. Friendship Centres

An annual grant from Canadian Heritage is provided to pay for the core salaries and expenses of running the centres. In addition the centres seek other program funding, as well as undertake fund-raising, to conduct their community service and educational activities.

j. Cultural Development Programs

Canadian Heritage (formerly the Secretary of State) has a number of cultural development programs for aboriginal peoples, such as Native Communications program, an Aboriginal Women's program, and a Native Social and Cultural Development program.

k. Pathways to Success

Using three Aboriginal Management Boards for Labrador, eastern Newfoundland and western Newfoundland, Human Resources Development Canada operate a number of job training and educational enrichment programs for aboriginal people. These include both group-based courses, and the placing of individuals in existing courses. Funding is based on a figure of 9,000 for the total provincial aboriginal population, and is divided between Labrador and the island portion, with 60% going to Labrador and 40% to the island.

1. Brighter Futures

This program funded by Health and Welfare Canada and directed at the health of children, has an aboriginal component.

## CHAPTER V.

## OVERVIEW OF ISSUES AND POLICY

To the ordinary citizen following the daily news, the relationship between aboriginal peoples and government in Newfoundland and Labrador might appear to be one of constant conflict and disagreement. This appearance is not entirely accurate: in many areas the relationship is functional and productive, albeit not always fully satisfactory to either party. At the same time, there do exist many issues of contention and sometimes of confrontation, and it is these that receive most of the media's attention. Some of these issues relate to matters that are common to aboriginal peoples across the country, such as questions of aboriginal rights, while others are specific to the particular circumstances of the province. It will be argued below that most of them either flow from, or are complicated by, the ambiguities and anomalies of the position of aboriginal peoples in Newfoundland. First, however, we will review by way of example some of the more prominent issues about which aboriginal groups express dissatisfaction.

● A. Funding and Management of Funds

The central issue of contention and complaint by the Labrador aboriginal associations concerns the funding provided under the federal-provincial agreements. They complain that they do not have sufficient control over the money or the programs it supports. Both the LIA and the IN argue that it would be better if federal funding earmarked for aboriginal people were to be administered directly by aboriginal people through their own structures, and they suggest that the provincial government opposes any proposals that would bring this about.

Provincial authorities take the position that it is the obligation of the provincial government to provide services to citizens of the province equally, without distinction: any obligation of the federal government to provide additional or other services to aboriginal people is a matter for the federal government to discharge as it sees fit. Since the funds under the agreements are transferred from the federal to the provincial government, it is the responsibility of the provincial government to administer them. In response to complaints by the aboriginal associations that they do not have a direct voice in the administration of funds, the Province asserts that this is appropriate since the associations are not governments and are not signatories to the agreements. Programs and expenditures are directed not to aboriginal people per se, but to designated communities, and the community councils do have a direct voice on the management committees. The aboriginal associations have observer status. The province feels that the operation of the management committees has become very

open, with meetings frequently attended by numbers of aboriginal people. Provincial officials say also that over the last decade more control over the expenditure of funds has devolved to the community councils: where once the management committees would scrutinize local expenditures "line by line", they now approve an annual budget and the community council handles the rest.

Provincial authorities reject any suggestion that they oppose direct funding of aboriginal programs or services by the federal government; indeed, they suggest that they would welcome a full assumption of responsibility by the federal government, as was proposed in the 1974 Royal Commission on Labrador<sup>100</sup>.

Aboriginal leaders also voice the suspicion that since the funds are transferred to the provincial government, where they go into general revenue, the money is not always spent on aboriginal people, for whom it is intended. For example, according to the IN, the Canada-Newfoundland Native Peoples' Health Agreement includes the sum of \$500,000 for public health services. They suggest that the Grenfell Regional Health Board, which is the agency delivering health services to both aboriginal and non-aboriginal communities in Labrador, spends less than this figure in total on public health. They also question whether all the funds allocated for education, housing, water and sewer projects were actually spent.

Provincial authorities categorically reject any suggestion that federal funds are not spent appropriately. In the particular example cited above, they point out that it is not

possible to break down expenditures between public health and acute care, since in the coastal communities the same personnel are responsible for both. They point out that in 1992-93 the federal contribution under the agreement was \$897,000, and in that year the province spent about \$3.5 million to operate the clinics in the designated communities. They estimate that Grenfell spent about \$800,000 on the single item of air transport for aboriginal patients. In short, they argue that funds under the agreement fall far short of the actual cost of services for aboriginal people.

Similar disputes over funding occurred almost continuously while the Mi'kmaq at Conne River (Samiajij Mawpukek) came under a federal-provincial agreement. Since Samiajij Mawpukek became a band under the Indian act, and thus began to receive direct federal funding, relations between the band and the province have greatly improved.

The Mi'kmaq outside of Samiajij Mawpukek are not registered Indians and are not covered by a federal-provincial agreement. Whatever funds they now obtain come haphazardly, almost entirely from direct federal sources. These are mainly job creation and educational programs from Pathways for Success, CAEDS, Canada Works and the various Native programs of Canadian Heritage, all of which require constant efforts from one year to the next to obtain.

The Federation of Newfoundland Indians feels that the Mi'kmaq outside of Samiajij Mawpukek have been unfairly left out of arrangements for aboriginal peoples in

Newfoundland. A 1985 study by DIAND<sup>101</sup> seems to support this contention. After documenting a number of social and economic needs, the report recommended, among other things, that whatever special measures are undertaken by all levels of government on behalf of aboriginal people should be extended to them, that a Canada-Newfoundland agreement similar to those in place for the Innu and the Inuit should be implemented on their behalf, and that the Federation of Newfoundland Indians and its constituent bands should be provided with core funding. The Federation of Newfoundland Indians is currently taking the federal government to court in an attempt to have its members accorded registered Indian status, in part in order to gain access to funding on the same basis as Samiajij Mawpukek now have.

The Labrador Metis wish to correct an historical injustice created by the designated community system, and the inclusion of northern Labrador Kablunangajuit in the LIA. The federal-provincial funding agreements for aboriginal people exclude many Metis people in the Upper Lake Melville and southern Labrador regions.

Many of the exclusively federal programs for aboriginal people in the province, like Pathways to Success or CAEDS, do not hand over blocks funds to aboriginal organization for them to directly administer; rather, each funding decision rests on ministerial spending authority. Pathways uses management boards composed of aboriginal and federal representatives which make decisions, but ultimate financial authority remains with government officials. Any change towards full aboriginal control, or even joint authority by government-aboriginal management boards, would require alterations to existing authority

structures.

#### B. Education

The Innu Nation complains that, in general, they do not have adequate control over how funds from the federal-provincial agreement is spent, and that education is one example of this. They say the provincial education system is inappropriate to them, and is undermining their language and culture. They have proposed plans to take full control of the Sheshatshit school and to reorient the curriculum and change the school calendar in order to achieve a better balance between preparation for employment and post-secondary training, on the one hand, and passing on traditional Innu knowledge and values, on the other. Although discussions with the Department of Education on this matter for a time seemed likely to result in a new arrangement, several disputes between the Innu and the provincial government, most of them on matters unrelated to education, resulted in a suspension of these negotiations.

The LIA points to the success of a directly-funded program in education, the Post-Secondary Support Program. The LIA negotiated with federal Department of Indian and Northern Development (DIAND) in the late 1980s so as to remove post-secondary educational support from the federal provincial agreement. Such funding was formerly administered through the Provincial department of Rural Agricultural and Northern Development, providing around \$125,000 to fund between 10 and 15 students.

Implementation of the directly funded program has increased the number of Inuit and Kabloonangajuit students to around 180, with an annual budget of 1.6 million.

Aside from the obvious benefits of such increases, the LIA argues that the Post-Secondary Support Program reduces provincial expenditures for higher education within the LIA area, provides employment to five LIA members to administer it, and eliminates the need for student loans among recipients of the program, thus freeing these monies for other students. It is, in their opinion, another argument in favour of direct funding.

Samiajij Mawpukek, which before registration had a school which was administered by a large distant board within which the community had little influence, now has its own school which it manages successfully itself, and which is directly funded by Indian Affairs.

#### C. Justice.

As elsewhere in Canada, aboriginal communities in Newfoundland and Labrador suffer from a high incidence of interpersonal violence, suicides and petty crime, which is often linked to alcohol and substance abuse. This can be seen to some extent in figures for the number of all charges laid, and the number of specific assault charge laid, over a specific time period.

Table 4

Charges Laid, Various Labrador Communities<sup>102</sup>.

Place	Population (1991)	Charges laid 1981-1991	Assault charges 1982-1991
Nain	1,069	2,861	545
Sheshatshit	912	2,103	359
Hopedale	515	1,265	340
Utshimaasit	465	809	167
Makkovik	370	172	46
Rigolet	334	30	32

Another indicator of the problem can be seen in the use made of the Happy Valley Correctional Centre. There are a maximum of 38 inmates, of which, according to one source, 70% are Inuit, 10% are Innu and the remaining 20% are non-aboriginal<sup>103</sup>.

The brief to the Royal Commission submitted by Labrador Legal Services refers to the need to incorporate aboriginal community law within the present system, and expresses an optimism that the time for it has come. A Community Court system has been proposed for the Inuit village of Nain, which has recently experienced a crisis involving numerous cases of both interpersonal violence and suicide<sup>104</sup>. The LIA points out that the Justice Department's discussion of Community Courts is an admission that the old system has not worked, because the needs of Labrador Inuit differ from those of people elsewhere in the province.

In the summer and fall of 1993, an effort by the band council at Utshimaasit to institute a form of community policing led to a much-publicized controversy. The Council wanted to appoint as constables two members of the community who had received training in the program for aboriginal police at Chilliwack; the Minister of Justice said that it was impossible. The difficult social conditions in Utshimaasit were already widely known across the country because of an earlier incident that had gained national attention, and the Innu pointed out that graduates of the police training program are performing police functions in many Canadian aboriginal communities. From the Innu point of view, the Justice Department's refusal to accept their efforts to institute community policing was merely another example of what they perceive as mistreatment at the hands of the government.

From the government's point of view, the appointment of the constables would be a violation of its basic policy of not differentiating among citizens on the basis of aboriginal status. The province also takes that position that it is unable to recognize aboriginal policing because of issues of legal jurisdiction and funding. Although aboriginal police may operate in communities under federal jurisdiction - and do so at Samiajij Mawpukek - they are not qualified for police duties in provincial municipalities. In any event, Utshimaasit is not a municipality, but is a corporation under the Companies Act. The band, in the view of the province, lacks the legal standing necessary to employ and administer a police force.

More recently, in December 1993, a visiting magistrate and court was expelled from the community over what was perceived as insensitivity in sentencing. The Utshimaasit band

Council and IN have asked for the court to be replaced by some form of aboriginal justice system, while the Minister of Justice has refused all negotiations on any outstanding matter, as has the federal government, until the court is allowed to return. While the Utshimassit situation remains unresolved, the judge involved has since then held a 'sentencing circle' in Sheshatshit.

#### D. Social Services

A recent study of the delivery of Social Services for the Innu, conducted by the Innu Nation and the Department of Social Services<sup>105</sup> found that most Innu do not understand the Social Services system, and yet have developed a dependency on it. A fundamental difference in philosophical approach between the Innu and non-Innu field staff was noted, particularly towards intervention in and direction of the lives of clients. The former see their role as supportive, the latter as bringing about change.

The study recommended that greater responsibility rest within the community through committees which would direct family and children's services in consultation with social workers, the RCMP and the school. In particular, these committees would make decisions regarding the necessity for intervention. The report noted that this would mean that the authority of the directors of child welfare and youth corrections would have to be legislated over to these committees. It proposed removal of the distinction between child welfare and

youth correction programs. Young people from Utshimassit would no longer be sent to the Group Home in Sheshatshit. The report recommends that Innu staff only work directly with Innu families.

Provincial government authorities observe that (as was noted in Chapter IV above) the level and the cost of services provided in the designated communities is already considerably higher than that provided to non-aboriginal communities of similar size and location. They also point to a recent policy change which has resulted in the employment of more aboriginal people by the Department of Social Services, and the provision of extra training and skills development. Government officials feel that these changes are coming about in a manner and at a pace that is appropriate to the circumstances. In keeping with their basic policy position, however, they maintain that the changes and the extra services are not in response to the needs of aboriginal people per se, but to needs in the local situation. As long as the province holds the responsibility for the services, the government departments concerned must maintain authority over operations in the field.

#### E. Health

In the provision of health care, both the Inuit and Innu find present arrangements unsatisfactory, and would prefer direct federal funding arrangements. The LIA argues that this would have several benefits. For example, since they negotiated their Non-Insured

Health Benefits Program out of the federal-provincial agreement in the late 1980s, the amount of annual health funding for Inuit has risen from about \$ 200,000 to \$ 2.6 million. They claim that this has dramatically improved the quality of health services to Labrador Inuit and Kablunangajuit, without consuming provincial health moneys. They also point out that the new arrangements also has economic benefits for the province, since medical aids (such as motorized wheel chairs) have been purchased from local suppliers.

The Innu Nation have a similar Non-Insured Health Benefits Program. They complain that the committee set up under the Health Agreement virtually never meets, and the agreement itself is long overdue for renegotiation. They wish to pursue plans for integrated health centres where doctors, public health specialists, alcohol and substance abuse counsellors and social workers could share the same facility and easily consult each other. The IN have already have made a start, with a combined health facility in Sheshatshit. The Provincially-funded Grenfell Regional Health Board is not felt to be sufficiently oriented to the needs of Labrador aboriginal communities. The Innu complain of paternalistic attitudes, and say that they have found officials less than helpful in the recruitment of aboriginal staff.

Again, provincial officials point out that the level of services provided to aboriginal people is already in many cases considerably higher than that provided to non-aboriginal people in similar locations. They note, for example, that in three Native communities, each with populations of less than 1,000, there is a new health facility, costing in the

neighbourhood of \$2 million, which is either built (Hopedale and Nain), or is on hold pending a political decision on community relocation (Utshimaasit). No non-aboriginal communities have such facilities. Provincial officials do not disagree with the proposition that under a direct federal funding arrangement, aboriginal people might well receive a level of health services even higher than at present; however, they maintain that the provincial government is neither constitutionally nor financially able to provide services at such a level.

#### F. Housing and Municipal Services

The LIA also has complaints about arrangements for the provision of housing. Between 1964 and the early 1980s, funding for new house construction was provided through the federal-provincial agreement and delivered through the Provincial Department of Rural, Agricultural and Northern Development (RAND), or its predecessors. During the early 1980s, however, cuts to the federal-provincial agreement and increased costs of building materials resulted in a housing "crisis." RAND reduced housing grants to \$ 9,200 per house during this period, requiring that owners actually build homes for that amount.

The LIA then formed Torngat Regional Housing Association to build their own homes. For a few years they were able to do so, until Canada changed its policy. The Global Housing Agreement in 1986 devolved responsibility for rural and Native housing to the provinces which, in this case, meant the Newfoundland and Labrador Housing

corporation (NLHC). Both the LIA and the IN are dissatisfied with the result, and are inclined to believe that the provincial government is unwilling to relinquish control over housing partly out of a desire to protect government jobs. The LIA would prefer a direct federally funded arrangement whereby Torngat would build its own houses. Housing for many people in the designated communities is still seriously sub-standard.

Provincial government officials reject the suggestion that they wish to protect civil service jobs. NLHC is responsible for providing social housing for all parts of the province, and the provincial government is unwilling to commit itself to any special responsibilities for which they might be left "holding the bag" in the event of a unilateral withdrawal of funds by the federal government.

A particularly contentious issue has arisen over the past year in this area in respect to the Innu community of Utshimassit. The present location of the community on an island was chosen in 1969 without adequate consultation, and has proved unsatisfactory to the Innu. Water sources are inadequate for indoor plumbing, house foundations have shifted, and access to hunting territories is restricted during the periods of freeze-up and break-up<sup>106</sup>. Some dramatic incidents, including a tragic house fire, drew attention to conditions in the community, and the Innu proposed the relocation of the village to a site of their own choosing on the nearby mainland, where they hope that a process of community healing and renewal will have a greater chance of success. While the federal government appeared to agree in principle to funding the move, the provincial government has been unwilling to

...prove the site chosen by the Innu until alternatives have been examined. More recently things have been put on hold pending settlement of the dispute of the court issue referred to above, although a relocation agency has been funded to begin studies of how the move might be accomplished.

As was pointed out earlier, the Happy Valley Friendship Centre makes a major contribution to the social and economic life of Happy Valley - Goose Bay, as does the St John's Native Friendship Centre to that city. However, staff members are concerned over the lack of attention they have received from the provincial government. The Happy Valley - Goose Bay staff feel especially ignored. While they receive Core Funding from Canadian Heritage, their operations are increasingly hampered by the fact that there has been no increase since 1988/89, even though operating costs have increased during this time.

#### G. Aboriginal Status

Until recently, having an aboriginal background was a social liability in Newfoundland. Today, pride in aboriginal background is more acceptable, and the possibility of access to special programs or to land or other aboriginal rights has created a situation in which identification as an aboriginal person can have positive benefits. However, in a province with no government-kept lists of aboriginal people (other than for the Samiajij Mawpukek band), with no official criteria for defining an aboriginal person, and where birth,

marriage and death records usually make no mention of ethnic or racial background, it falls to each of the aboriginal organizations to define its membership.

In the case of the Innu, the matter is relatively unambiguous. The membership of the Innu Nation is pretty well the same as that group of people who would be recognized as status Indians had the Indian Act been extended to Newfoundland at the time of Confederation, although a few marriages with non-Innu have occurred. Recently, in the course of negotiations over the relocation of the community of Utshimaasit, the federal government offered to create "...one or two Innu bands with their members being registered under the Act and with full federal programming as provided to other bands across Canada"<sup>107</sup>. In rejecting the suggestion, the President of the Innu Nation described the Indian Act as "an outdated colonialist Act which treats aboriginal people as children"<sup>108</sup>.

The question of membership in the LIA is more complex. The rationale for the classification of some people as Inuit and others as Kablunangajuit (or mixed-descent Inuit) is something of an enigma, especially to people outside Labrador, and has at times been an overtly political issue<sup>109</sup>. The LIA extends membership to Inuit and mixed-descent Inuit whose ancestors lived in northern Labrador prior to 1940 and who continued to reside there. This is not entirely accepted by all concerned, and difficulties can arise. Before the LIA negotiated secondary education and non-insured health benefit programs, it had about 3000 members, but since then the number of membership applications has risen sharply. At least one court case was launched after an individual had been ruled ineligible for membership and

...cluded from the organization<sup>110</sup>. More recently still the LIA has undertaken a complete review of its membership rules.

The LMA has been formed by people of mixed aboriginal and European descent who are not members of the LIA. They are in the process of carrying out genealogical research to establish their membership. They are asking that their claim to aboriginality be considered on an equal basis to that of Northern Labrador Kablunangajuit with LIA.

The Federation of Newfoundland Indians is made up of people with varying degrees of aboriginal ancestry, almost all Mi'kmaq, who live alongside the non-aboriginal population across a wide area of the island part of the province. Since there has been inter-marriage with non-aboriginals over a considerable period, since records do not always identify aboriginal ancestry, and since until recently many people preferred not to acknowledge it, the setting of precise criteria for membership is difficult. The Federation of Newfoundland Indians has requested the federal government to extend registered Indian status to Mi'kmaq outside of Samiajjij Mawpukek, and the government has refused the request. The Federation is currently taking the matter to court.

In spite of their own ambiguities of membership, the Innu Nation and some within the Federation of Newfoundland Indians accuse federal government agencies of administering some of their aboriginal programs by using even looser criteria as to who can benefit from them. In particular, they point to use of the CAEDS program and Pathways to Success by

individuals they say have only tenuous links to the aboriginal community. Other aboriginal people favour makings such funds available as widely as possible to any aboriginal person, without restrictive criteria. The issue of whether CAEDS funding was actually ending up in the hands of the aboriginal people it was intended for has been the subject of a Newfoundland CBC television documentary. At the same time, the criticism is also raised that non-aboriginal people who happen to live in one of the designated Native communities can benefit from the targeted programs, while aboriginal people who live elsewhere are unable to do so.

Provincial authorities take the position that definition of aboriginal status is not a matter within their constitutional jurisdiction or concern. Although they have informal estimates of the numbers of people of aboriginal ancestry, they have no official need to acquire population statistics of any precision. For negotiating the next Canada-Newfoundland funding agreements, the only figures of significance are the populations of the seven designated communities, and for these the two governments have agreed to use the 1991 Census. Unofficially, government officials indicate they are aware that the over-all aboriginal population has increased since the last census, but the populations of the designated communities have remained about the same.

Other figures are used for other kinds of funding. The issue of whether an individual is, or is not, eligible for a particular aboriginal program has, in many cases, become highly political, with few people having any clear idea as to what criteria are actually used when the

decision is made, or even what criteria would be appropriate. As the possibility of people becoming beneficiaries under a future land claims settlement approaches, this issue is liable to become even more highly charged.

As already mentioned, the Newfoundland government has no ministry of aboriginal affairs, and the administrative coordination which does take place is only on an 'as needed' basis, and not to set overall policy on issues effecting aboriginal people. This is not due to oversight, but is in line with the explicit policy of not treating aboriginal people as a distinct group for the purposes of policy-making and administration. The province feels it cannot afford to take on targeted aboriginal programs, beyond the administration of programs which are federally-funded. It is unwilling to enter into new shared-cost programs with the federal government targeted at aboriginal people because of apprehensiveness about future off-loading. As we have mentioned, this is an issue of fundamental importance to the aboriginal groups, particularly given the absence of direct federal administration.

#### H. Aboriginal Rights and Land Claims

The Mi'kmaq presented a land claim in 1980<sup>111</sup> that was rejected first by the province, and later by the federal government. The Samiajij Mawpukek band is in the process of revising the claim to incorporate what they believe to be new case law and historical evidence, and they hope to make a re-submission. The NFI hopes to be in a

position to also pursue a land claim, possibly jointly with Samiajj Mawpukek, if it is first successful in its present attempt to gain Indian Status for its members.

Claims by the LIA<sup>112</sup> and the IN were accepted for negotiation by both the federal and provincial governments. Tripartite negotiations began in 1989 for the Inuit and in July of 1991 for the Innu.

In November of 1991, Premier Clyde Wells presented a proposal for an accelerated process of carrying on claims negotiations<sup>113</sup>, in which it was argued that the federal government's Comprehensive Land Claims process was inefficient and led to unnecessarily protracted negotiations. The proposal indicated that it had taken two years to reach a Framework Agreement with the Inuit, and that final settlement of the claim might be expected to take ten years. Under the accelerated approach proposed, settlement could be reached in two years.

Meanwhile, as tripartite negotiations were continuing with both aboriginal groups, Canada and Newfoundland were unable to agree on the cost-sharing of ultimate settlements. In May of 1992, the federal government withdrew, and the provincial government suggested to the aboriginal associations that negotiations be continued bilaterally under the accelerated process. The Innu Nation declined, but the Labrador Inuit, who had already reached a Framework Agreement under the Comprehensive Claims process, agreed to carry on. In March of 1993 the LIA made a proposal for settlement of their claim, and in October of

1993 the government made a counter-proposal which the Inuit have described as inadequate but providing the basis for discussion.

A major concern of the Innu Nation is for interim protection from outside development over its claim area, until a settlement is reached. The province has cooperated in warning applicants for cottage lots in the Innu claim area about the pending Innu claim, and many applicants in the upper Lake Melville area responded to the Innu Nation's request to screen the applications. For years the Innu have been subject to provincial game laws in the same way as other citizens. Recently, they have experienced some relief, following the Supreme Court decision in R v. Sparrow (1990). However, the Innu are involved in a number of ongoing disputes and protests over such matters as low-level military flight training, the building of a trans-Labrador highway, and mineral, forestry and other developments in their claim area. They believe that there should be immediate side agreements, also referred to as 'interim measures', halting such activities until a final land claims package is agreed upon. The provincial government rejects this position. The LIA also complains that all their requests for a limit to development in the area of their claim until a settlement is reached, or even to be informed about these developments, have been rejected<sup>114</sup>.

During the summer of 1993, the then president of the LMA, Kirby Lethbridge, set salmon nets near his family's ancestral home on the Eagle River, Sandwich Bay. His aim was to be arrested, so as to test the applicability of the Sparrow decision to Labrador Metis,

and thus both promote their cause and legitimate their claim to aboriginality. Federal authorities first ignored, then arrested, Lethbridge but later still decided not to pursue the case in court.

Labrador Metis Association members see themselves as surrounded on all sides by the competing aboriginal land claims (by the Quebec-based Conseil des Attikameg et des Montagnais (CAM) to the south, the IN to the west, and the LIA to the north). Consequently, they believe they must negotiate a land claim themselves to gain greater control over lands which they have customarily used.

## CHAPTER VI.

## ASSESSING THE RELATIONSHIP

It may be asked whether the particular history and present relations between aboriginal peoples in Newfoundland has any lessons for the rest of Canada. What are the consequences of the fact that the "wardship" principle, so widely criticized in other jurisdictions, was never applied here except in one recent and somewhat anomalous case? Are the aboriginal peoples of Newfoundland any better or worse off than those in other parts of Canada as a result of their peculiar, and in significant ways an opposite, history of relations with governments? Are they any more or less likely to achieve goals of self-determination and the recognition of aboriginal rights? Does the extensive Newfoundland experience with provincially-administered cost-shared programs offer any potential as a model for other provincial governments and aboriginal peoples?

It seems clear that neither the aboriginal peoples of Newfoundland nor the provincial government find the present arrangements satisfactory. Not surprisingly, however, the reasons for their dissatisfaction are different.

A great deal of the dissatisfaction felt by the aboriginal leaders, especially those in Labrador, is focused upon the provincial government and its personnel. They feel that they are engaged in a constant power struggle with provincial authorities, one in which they are always at a disadvantage. They contend that the province uses its jurisdiction over lands and resources and its obligation to provide services as a means of exerting control over aboriginal peoples and of protecting civil service jobs. Aboriginal leaders are quick to attribute to provincial personnel attitudes of paternalism, condescension, and cultural insensitivity, although they acknowledge that not all personnel display these qualities. The Innu, particularly, feel that they are the object of constant attempts to assimilate them to non-aboriginal culture and values. Aboriginal leaders tend to see the province as standing in the way of their achievement of higher levels of funding and greater control over their own services and affairs, and in general would prefer a direct relationship with federal authorities.

Provincial authorities see the relationship differently. From their point of view, they and the aboriginal groups are operating within a framework of constitutional and financial constraints that defines the limits of authority and jurisdiction. What aboriginal leaders may see as the imposition of control, provincial authorities see as the necessary maintenance of provincial government responsibility. They acknowledge that in the past aboriginal people in Newfoundland, as everywhere else in Canada, have been treated with paternalism, but they feel that this is no longer the case. They assert that they have no wish to impede the aboriginal peoples' pursuit of their goals, but under the present federal-provincial arrangements they are required to administer funds and services in a manner consistent with

provincial policies. Provincial authorities say that they, too, would welcome a full assumption of responsibility and control by the federal government.

The causes of the dissatisfaction and the disagreements seem to be partly structural, inherent in the situation, partly due to cultural differences, and partly political, in the sense that different ends are being served than those which are apparent. To begin with, although the money provided for in the funding agreements is mostly federal, the day-to-day administration is by provincial agencies. Aboriginal people deal with representatives of a number of line departments of the provincial government, with provincial crown corporations, school boards, health boards, courts, and many other bodies. Their contacts with federal personnel, for example in connection with directly-funded programs, are by comparison much fewer and far less frequent. The opportunity for conflict and dispute with provincial authorities is in consequence greater.

On the management committees of the Canada-Newfoundland agreements, both aboriginal leaders and provincial government authorities state that in cases of disagreement, it has been common for the aboriginal and federal representatives to agree with one another, in opposition to the position of the provincial representatives. Although provincial personnel report that most matters are decided by consensus, in some cases the province feels it necessary to reject proposals for actions that would overstep the constitutional division of authority. The aboriginal leaders have perceived this as a situation where the province exercises a 'veto' power over decisions, whereas the province sees it as legitimate.

● observation of constitutional constraints.

From the aboriginal point of view, decisions by both levels of government often seem unnecessarily legalistic and bureaucratic, ignoring real needs and issues - an opinion, it might be noted, that is frequently expressed in other contexts by non-aboriginal citizens as well. Since it is with the provincial government that the aboriginal leaders must most frequently deal, it is the provincial government that is most frequently cast in this light. A case in point is the recent dispute over policing at Utshimaasit. The problems in the community are obvious and well-documented; the value of community policing has been demonstrated clearly in reserve communities in other parts of Canada. The refusal of the provincial government to recognize the Innu constables is to the Innu incomprehensible, or can only be attributed to callous lack of concern. For the provincial authorities, however, the demand presents a legal and jurisdictional problem that can only be solved by a re-arrangement of powers between levels of government.

Culturally, there seems to be a fundamental difference in perspective between government personnel and aboriginal leaders on the nature of their relationship. In dealing with the administration of the agreements and with the designated communities, government personnel make what is to them a familiar, clear and natural distinction between policy-making, which is carried on at the political level, and implementation, carried on at the administrative level. The aboriginal groups, however, are small and draw upon an even smaller pool of people qualified by education and experience for dealing with the institutions

of the larger society. For the most part, the same people are actively involved in both political leadership and administration. They are engaged in a struggle to overcome the legacy of a troubled history, to combat severe social problems in their communities, to build new community structures while preserving a culture that is threatened by powerful outside influences, and to carve out a new relationship with the surrounding society. For them the distinction between policy-making and administration has far less meaning: everything is political. It is this that, in large measure, causes the aboriginal leaders to see their contacts with provincial authorities as a constant power struggle, and the provincial personnel to see the aboriginal leaders as sometimes disruptive and unreasonable.

Some of the problems between aboriginal people and government in Newfoundland and Labrador, such as land claims, are local manifestations of Canada-wide issues. But at the core of much of the dissatisfaction felt by both provincial authorities and aboriginal leaders is the anomalous situation created at the time of Confederation. Simply put, the province takes the position that all citizens of the province are equal in their entitlement to services, apart from the members of the Samiajij Mawpukek Band, who have a special relationship with the federal government. From this point of view, the province is constitutionally unable to define some of its citizens as aboriginal people. Even if it could do so, it is financially unable to provide them with the services they might receive under federal jurisdiction. Although the Canada-Newfoundland agreements are specified as being for Inuit and Innu, the services funded under the agreements are provided not to individuals but to designated communities, in order to avoid a situation where some community members are

eligible for these services while others are not.

While the province may provide different services to different communities in response to local needs, it is unwilling to assume permanent responsibility for providing special services to a special legal category of people, even if the federal government provides most of the money. As things stand, federal funding agreements are renewed periodically, but the federal government is under no clear legal obligation to renew them. The province fears that if it were to assume special responsibility for services to aboriginal people, it could at some time in the future be left with the responsibility, but not the funds. Such fears are particularly significant in an era of "off-loading" of fiscal responsibilities by the federal government.

From the provincial point of view, the present arrangement is advantageous to the federal government, since it is able to provide the funding without assuming direct responsibility. In the words of one provincial public servant, under the Innu and Inuit agreements the province is "laundering" federal money. Provincial officials feel that the federal government has the constitutional responsibility to undertake direct administration for aboriginal peoples, and also has the financial resources and the experience to do so. If the federal government were to assume direct responsibility, the province would be in a position to provide services on a contract basis that would leave them with no obligations beyond specific contractual arrangements. They offer as an example a recent instance in which the Samiajjij Mawpukek band identified the need for enhanced child protection services. The

band was being served by the single child protection worker in that area of the south coast, who also served several much larger non-aboriginal communities. The band wanted their own worker living in their own community, and, since they had the money under direct funding from Ottawa, were able to enter into a contract with the provincial Department of Social Services to provide the worker. No other Newfoundland community of that size would be able to have this level of service.

With respect to self-determination, provincial authorities see the relationship between government and designated communities as evolving, with greater input coming from, and responsibility taken by, the community. However, under existing funding and administrative arrangements, it seems unlikely that self-government could mean anything much beyond the municipal level. Anything else, such as the arrangements presumably being discussed in the Inuit land claim, would seem to require direct federal involvement.

This is only one of a number of examples where the aboriginal groups feel disadvantaged by the general lack of a federal presence, and thus a lack of any special relationship or support from the federal government in cases where aboriginal groups feel they are unfairly treated by the province. However, since they have not had such a federal involvement in the past, Newfoundland aboriginal groups have, in general, learned to do without federal involvement, and towards which a good deal of mistrust is shown. Thus the province is often in the role of the 'devil that is known'. For example, while the federal government is often accused of failing to honour its trust obligations in Newfoundland, few

serious attempts are made to try to have a greater federal presence in aboriginal affairs, except by the Mi'kmaq, where there is a preference for transfer of funds for aboriginal administration.

For Newfoundland aboriginal groups, the peculiarities of their position in relation to governments is merely one more impediment to their pursuit of goals of self-determination and community renewal. They find it particularly hard to believe that the province would be so willing to relinquish the role of administering funds under the Canada-Newfoundland agreements, and are inclined to believe instead that the province actually works to maintain control. The Mi'kmaq of Samiajij Mawpukek perceive the attitude of the provincial government as contradictory. By holding firm to powers and jurisdiction allocated to provinces by the Constitution, and yet also insisting that the federal government retains full responsibility for aboriginal peoples, the Mi'kmaq say, the province makes movement toward self-government impossible.

Newfoundland aboriginal groups therefore approach the question of self-government from a perspective somewhat different from that of others in Canada, seeing it initially in rather straightforward terms of obtaining direct access to a wider range of federally-funded programs, and bypassing provincial administration. Their aim, especially given the financial constraints this particular provincial government perpetually faces, is first and foremost the establishment of direct federal funding responsibility towards them. Without a clear federal obligation they fear that the economic basis of any future aboriginal self-government

arrangement would be uncertain at best.

The groups, however, differ significantly among themselves in the way they approach this question. On the island, the Mi'kmaq believe that becoming registered under the Indian Act is their best route, provided that they are able also to bypass the supervisory authority of Indian Affairs, and administer federally-funded programs themselves. The Samiajij Mawpukek band has found that registration has improved their circumstances dramatically, and they look forward to continued movement in the direction of self-determination. The non-registered Mi'kmaq would like to be able to follow in their footsteps.

In Labrador, registration has been explicitly rejected by the Innu. In the past, one of the reasons given was that whatever level of self-government they might achieve that way would be limited to the specific areas of Indian Act 'reserves', and not, as they demand (at least prior to any land claims settlement), to the whole of their unceded territory. In September of 1993, however, the Minister of Indian Affairs and Northern Development proposed the creation of "one or two" Innu bands, and adding that

The land tenure question - that is, whether to create reserves now or await the results of self-government and land claim negotiations - could be left to further discussions between the two levels of government and the Innu Nation<sup>115</sup>.

When the Innu rejected the proposal, describing the Indian Act as "outdated" and "colonialist"<sup>116</sup>, the Ministers renewed the offer, saying,

...we are asking the Innu to register under the Indian Act in order to qualify for...federal programming... It will not be necessary for the two Innu communities to become reserves. Consequently most, if not all, of the aspects in the Indian Act that many Canadians view as outmoded and paternalistic

simply will not apply to the Innu. ...It is important to emphasize that we view registration as an interim step - or, if you will, a stepping stone - to a modern relationship between the Innu and the federal government...<sup>117</sup>.

The Innu continued to reject the proposal, apparently feeling that what the government describes as an "interim step" would be for them a step backward. They would rather move directly to self-government and direct federal funding.

The Inuit, with their long history of contact, and especially with their recent years of involvement in a number of economic ventures, also see aboriginal self-government in terms of a regional jurisdiction, in their case in order to allow them to have more control over this development process.

## CHAPTER VII.

## CONCLUSIONS

In the rest of Canada there is a widely shared inclination to change the existing system of aboriginal governance. The wardship system is, by international standards, embarrassingly discriminatory, and the system of administration has failed to address adequately the realities of aboriginal life. The federal government would like to do away with the current Indian Act, but cannot do so until it has found a replacement that satisfies the requirements of aboriginal people.

In Newfoundland, however, there is no such wardship apparatus to dismantle. Most of whatever fiduciary obligation there may be with respect to Newfoundland aboriginal people remains with the federal government but is, in practice, hidden and indirect, behind the program delivery apparatus of the provincial administration. This gives both the government and the aboriginal peoples a somewhat different impetus than in other provinces when considering change in the status quo. For Newfoundland, answers to questions about the possibility, nature and extent of aboriginal self-government are inextricably bound up

with long-unanswered questions about jurisdiction and financial responsibility.

While the province takes the position that it is incapable of passing legislation with respect to aboriginal people, this should not be an insuperable barrier for provincial action. The federal government has passed legislation relating only to Indians in a specific province. For example, following land claims agreements in which a province has played a major role, the federal government has passed laws to extinguish aboriginal title in that specific province. The federal government has, moreover, passed a law to establish a specific governance relationship for the benefit of a particular aboriginal group, i.e. the Cree Naskapi Act. Thus the legislative incompetence of the province is not the barrier, but a lack of political willingness of these two levels of government to coordinate their actions for the benefit of an improved aboriginal governance regime.

Both the Aboriginal groups and the provincial government have certain needs and priorities, and these must be kept in sight when making recommendations for improvements in their relationship. The aboriginal communities are in the midst of a very difficult time, given the impacts of social breakdown, but they cannot afford to wait until they are healed and ready to fully assume their responsibilities and privileges as First Nations, meanwhile watching opportunities pass their people by. The province, for its part, feels that, no matter how much or in what way it might want to take the responsibility for righting the wrongs which have befallen aboriginal people, it simply lacks the resources to do so. In particular, it feels it cannot even acknowledge the presence of aboriginal people as a legally identifiable

group because that would lead them into direct involvement in the aboriginal 'problem', a matter which it is felt must be left entirely to the federal government to tackle.

This would seem to suggest that the aboriginal groups and the province should see eye to eye on the issue of direct federal funding. It would appear that direct federal funding to the aboriginal organization of the programs now covered by the federal-provincial agreements covering health and supplementary service and programs should be able to be negotiated<sup>118</sup>. The non-insured health program provides the model. Moreover, there are several other existing programs, such as the Canadian Aboriginal Economic Development Strategy and the Northern and Native Housing Program, which would appear to be suitable candidates for direct funding arrangements to aboriginal organizations while still being in line with provincial policy objectives.

Addressing the special needs of aboriginal communities mentioned above, that is, finding a way to deal with the ramifications of social breakdown and cultural survival, must involve the communities themselves taking responsibility for implementing the solutions. Self-government, in the sense of running ones own affairs, is thus a key component in the involvement of aboriginal communities their own social recovery.

This is why one of the most serious barriers to progress in aboriginal self-government in Newfoundland is the slow pace of settling aboriginal land claims. Modern land rights agreements can provide the resources, the specific political powers and, most importantly,

● the unifying motivation to get all sides to come together to make self-government a reality. Moreover, it seems clear that in a poor province like Newfoundland, one without a large federal presence in aboriginal administration, land claims agreements are the only model readily available to make self-government a meaningful reality.

An example can be seen in the campaign by the Utshimaasit band to have its village moved to a better location. This has taken on the status of a social movement which community members see as tied to the community healing process. While several such village relocations have been undertaken as side agreements within earlier land claims settlements, such as the James Bay Agreement, it now appears after two years of frustration, that except in the context of such a larger agreement, adequate funds are unlikely to be found for such a relocation to be undertaken smoothly.

Land claims are only one of a whole range of issues in which misunderstandings frequently arise between governments and aboriginal groups. Given that lack of clarity as to what are the exact rights of aboriginal groups, and what are the rights and fiduciary obligations of governments with respect to aboriginal people, all sides need to have a faster mechanism than available at present to adjudicate quickly and fairly the many disputes that do arise. A recent example of this is the dispute between the federal and provincial governments over funding responsibilities for land claims agreements. The aim of such a mechanism would be to avoid the wasted time and (for aboriginal groups, usually prohibitive) expense of court actions, each one of which could well be appealed all the way

to the Supreme Court of Canada.

We therefore offer the following specific recommendations to help facilitate the movements towards aboriginal self government in Newfoundland and Labrador:

1. As a first move towards an improved relationship with the aboriginal peoples in Newfoundland, both levels of government should explicitly clarify what they see as their obligations and responsibilities towards aboriginal people as such.
2. Steps should be taken immediately to move as quickly as possible towards the goal of handing over the administration of all federal programs targeted to aboriginal groups directly to the aboriginal organizations themselves.
3. A commitment should be made by all sides to move as rapidly as possible towards the settlement of aboriginal land claims, as one method of implementing self-government.
4. Given that from time to time disputes and disagreements arise between governments, or between one level of government and an aboriginal group, disputes which can interfere with progress towards self-government, the parties should have available to them a federal-provincial-aboriginal quasi-judicial body, one with expertise in aboriginal law, to provide non-binding arbitration in light of the legal positions of the parties, the aim of such arbitration being to provide a step towards the removal of jurisdictional and political barriers

● to aboriginal self-government.

5. The issue of who can have access to legal rights, programs and benefits as aboriginal groups or aboriginal people must also be addressed. We believe this should be done by the aboriginal organizations taking the lead, and specifying clear, objective, consistent and non-discriminatory criteria.

6. Finally, in the case of provincial programs geared to the special needs of aboriginal peoples, we recommend the transfer of as many of these as feasible to the control of specific aboriginal groups. In addition, we recommend the establishment of a specifically aboriginal policing and justice systems.

## APPENDICES

## Appendix A. Aboriginal Group Profiles.

1. Mi'kmaq. Their traditional territory is throughout the island part of the province. The main communities are Samiajj Mawpukek, St Georges, Stevenville Crossing, Flat Bay, Port Au Port, Corner Brook, Benoit's Cove, Grand Falls - Windsor, Glenwood and Gander Bay. A land claim was submitted, but so far it has been rejected.

They have close historical and cultural affinities with the Mi'kmaq of Nova Scotia.

Considerable intermarriage has occurred with non-Mi'kmaq. The provincial chief sits on the Grand Council of the Mi'kmaq. The 1,050 members of the Samiajj Mawpukek band have been registered under the Indian Act since 1986. The remaining approximately 2,500 are members of the Federation of Newfoundland Indians, part of the Congress of Aboriginal Peoples.

2. Innu. Their traditional territory is throughout the interior of Labrador, although they regularly visited the coast. The main communities are Sheshatshit and Utshimaasit.

They belong to the Innu Nation and today number about 1,200. They are closely allied historically and today with the Innu (Montagnais Naskapi) of adjacent Quebec, and the boundary between Quebec and Labrador does not represent a border between their territories. They are not registered as Indians under the Indian Act. A land claim has been accepted for negotiation.

3. Inuit. Their traditional territory was the coast and the sea ice of Labrador, although they regularly visited the interior. For historic reasons most are found today north of Hamilton Inlet, in Nain, Hopedale, Makkovik, Postville and Rigolet. Inter-marriage occurred with non-Inuit, mainly Newfoundlanders and Scots. Two sub-groups of mixed-descent Inuit are self-identified: The Kablunangajuit live mainly on the northern coast of Labrador and upper Lake Melville, and the Metis, live in the Happy Valley - Goose Bay region and southern coastal Labrador.

They are most closely allied with the Inuit of Northern Quebec and with those of the eastern Arctic. Those living on the coast north of Hamilton Inlet, as well as some in the Upper Lake Melville region, belong to the LIA, and number about 5,200, while others in the Upper Lake Melville area and in southern coastal Labrador, numbering about 2,600, belong to the LMA. The LIA is part of the Inuit Tapirisat of Canada, while the LMA is part of the Aboriginal Peoples Congress. The LIA land claim has been accepted for negotiation. Another group of mixed-descent people, probably with historic connections to southern Labrador Inuit, live on

Appendix B. Inventory of Programs and Expenditures<sup>119</sup>

## 1. Federal-Provincial Contribution Agreement.

There are two separate agreements, one for the two 'designated Native communities' of the Labrador Innu, the other for the five such communities of the Labrador Inuit, provide for "supplementary services and programs". These include programs for child education, adult education, teacher training, curriculum development, losses incurred by trade stores, water and sewer, housing, core funding for councils, community development, recreation, fire protection, snow clearing, cultural programs, and in the case of the Innu, subsidies for bush camp transportation and bush food supplements.

## Expenditures for the Education portion of Federal Provincial Contribution Agreement:

Five-year total, 1988-93 (Labrador East Integrated School Board, Pentecostal Assemblies School Board, Labrador Roman Catholic School Board) \$7,395,135<sup>120</sup>

## Expenditures for the Social Services portion: Five-year total, 1988-93 (Child Welfare,

Youth Corrections, Family and Rehabilitation, Social Assistance) \$13,081,805<sup>121</sup>

## Expenditures for the Administration of Federal-Provincial Contribution Agreement:

Five-year total, 1988-93 (Administration and operating costs)

\$4,569,000<sup>2</sup>

Details of other expenditures were not available to us.

## 2. Federal-Provincial Health Agreement.

As above there are two such agreements, one for the Inuit, one for the Innu. They fund Health Commissions, and pay for a variety of public health, administration and preventive health activities.

Five-year total, 1988-93 (Nursing Stations, Staff, T.B Control and Follow-up, Public Health, and Aboriginal translation): \$6,130,143<sup>123</sup>

Global figures for the 1993 and 1994 fiscal years are:

Inuit: \$2.5 million

Innu: \$2 million

Conne River: \$1.6 million

The above figures are broken down into the following broad sub-categories:

### Health Services

Inuit: \$490,000

Innu: \$160,000

Native Alcohol and Drug Treatment

Inuit: \$868,000

Innu: \$260,000

Brighter Futures

Inuit: \$213,000

Innu: \$250,000

Family Violence

Inuit: \$32,000

Health Careers

Inuit: \$36,300

Non-Insured Health Benefits

Inuit: \$2,277,000

Innu: \$219,000

In addition to the global figures, Conne River recieved \$3,500 under the Native Alcohol and Drug Treatment Program, and \$21,000 under Brighter Futures, and the Innu Nation recieved

\$1.3 million for treatment at the Poundmaker Lodge, Alberta, and \$66,000 for Crisis Intervention. Also the Innu and Inuit jointly received \$750,000 for medical transportation, dental, and glasses.

### 3. Aboriginal Political Organization Core Funding

Funded by Canadian Heritage (formerly the Secretary of State) and administered by the organizations.

Figures were not available to us.

### 4. Canadian Aboriginal Economic Development Strategy

Funded and administered by the Department of Indian Affairs and Northern Development.

For 1993-94, the Inuit received \$558,635

Figures for the Innu, Metis and Mi'kmaq were not available to us.

### 5. Court Worker and Legal Education Program

This is funded 50/50 by the federal and provincial departments of Justice, and is

operated by Labrador Legal Services. The program is only available in Labrador.

For 1993-94, the Inuit received \$221,000

Figures for the Innu were not available to us.

#### 6. Friendship Centres Core Funding.

Funded by Canadian Heritage, the program funding covers the basic operating costs. The Centres also access other program funds.

For 1993-94 the St John's Friendship Centre funding was \$106,372

For the the same period the Happy Valley - Goose Bay Friendship Centre figure was just over \$200,000.

#### 7. Northern and Native Housing Program.

Funded by Canada Mortgage and Housing Corporation (CMHC), administered by Newfoundland and Labrador Housing Corporation (NLHC), and overseen by a committee of CMHC, NLHC and the aboriginal housing associations.

Figures were not available to us.

#### 8. Aboriginal Cultural Programs

Funded and administered by Canadian Heritage.

Figures were not available to us.

#### 9. Land Claims Negotiations Loan Fund.

A program of Indian and Northern Affairs, Comprehensive Claims Branch.

For 1993-94, the Inuit received \$1.9 million

Figures for the Innu were not available to us.

#### 10. Social Services

Funded 50/50 by Newfoundland and Canada, under the Canada Assistance Program.

While not targeted at or funded differently for aboriginal people, there are some differences in delivery.

Figures were not available to us.

11. Post-secondary Education Support Program.

Directly funded by Indian and Northern Affairs to LIA and IN, for post-secondary students living in one of the Designated Native Communities.

Figures were not available to us.

12. Pathways to Success

Human Resources Development Canada operate this job training and educational enrichment venture for aboriginal people. The various component programs are directed in this province by three regional Aboriginal Management Boards with both government and aboriginal representatives.

The total dollar figure was not available to us. However, an allocation is made based on the aboriginal population of the province, and this amount is shared between Labrador (60%) and the island of Newfoundland (40%).

Appendix C. Chronology of Outstanding Events

Prehistoric period; The Innu, Beothuk, Inuit and Mi'kmaq people establish themselves in the region.

c. 986. Norse visitors make contact with an aboriginal group, which they call 'Skraelings'.

1497. John Cabot's landfall, possibly in what is now Newfoundland.

1540. Basques establish Whaling stations in southern Labrador, giving Innu and Inuit access to metal.

1583. Sir Humphrey Gilbert, under a charter from Elizabeth I, lays claim to Newfoundland.

1600. The French establish Tadoussac as a fur trade centre, to which Labrador becomes a trade hinterland.

1612. John Guy makes contact with Beothuks.

c. 1650. Increasing numbers of Mi'kmaq occupy southern Newfoundland.

1743. Louis Fornel establishes the first trading post for Innu in Labrador.

1760. The establishment of a missionary at the French island of St Pierre and Miquelon for the Newfoundland Mi'kmaqs.

1763. Labrador placed under the administration of the colony of Newfoundland.

1763. Treaty believed signed between Mi'kmaq and British at Bay St George, Newfoundland.

1765. Governor Palliser issues order for Inuit not to be attacked.

1768. Governor Palliser attempts to make contact with Beothuks.

1771. Moravians establish their first mission and trading operation for the Inuit of northern Labrador.

1829. The death of the last Beothuk, Shawnadithit.

1855. Newfoundland achieves responsible government.

1867. First Catholic Mission for the Innu established in Labrador.

1882. The first Newfoundland legislation specifically directed at aboriginal people, dealing with alcohol in Labrador, is enacted.

1898. The Newfoundland railway opens up the interior of the island, disrupting the Mi'kmaq hunting way of life.

1927. Privy Council in Britain establishes the Labrador boundary.

1934. Beginning of Commission of Government.

1942. Newfoundland begins to operate trade stores in Labrador.

1941. Establishment of the Goose Bay air base, leading to a migration into the area.

1949. Confederation with Canada; federal administration is not extended to Indians or Inuit.

1951. Department of Northern Labrador Affairs is established.

1954. First federal-provincial Native People's funding agreement.

1959. Construction of the first houses for the Innu of Upper Lake Melville begins at Sheshatshit.

● 1967. The site of Utshimaasit is selected as a village for the Innu of northern Labrador.

1969. Flooding of the reservoir for the Churchill Falls Hydro Project.

1973 (Feb). The Native Association of Newfoundland and Labrador formed.

1973 (Sept). The Labrador Inuit Association formed.

1973. Federal-provincial funding extended to include Conne River.

1973. Ottawa agrees to negotiate land claims.

1975. The Department of Rural Agricultural and Northern Development (RAND) begins to administer the federal-provincial agreement.

1976. Formation of the Naskapi Montagnais Innu Association.

1979. The Land Claims of the Innu and Inuit accepted for negotiation;

1980. The Innu make their first complains about low-level military flight training.

1982. The Land Claim of the Mi'kmaq is rejected.

1982. St John's Native Friendship Centre is opened.

1984. Members of the Conne River Band occupy the offices of RAND in St John's.

1984. Formation of the Labrador Metis Association.

1985. Conne River becomes a band under the Indian Act.

1991. The Labrador Metis Association submits an initial land claim statement.

1992. Enterprise Newfoundland and Labrador takes over administration of the federal-provincial funding agreements.

1993. An incident involving gas-sniffing by children focuses international media attention on the social problems at Utshimaasit.

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## ENDNOTES

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2. Simon.
3. Newfoundland, Royal Commission on Labrador, Report of the Royal Commission on Labrador.
4. Lee and Williamson; Martell Consulting Services.
5. Wadden; Armitage and Kennedy.
6. E.g. Valpy.
7. These included, for the Newfoundland Mi'kmaq: Speck, Pastore 'Newfoundland Micmacs ...'; Jackson; Anger 'Noywa Mkisk ...'; for the Inuit: Kennedy 'Northern Labrador ...'; Brice-Bennett; Taylor; for the Innu: Armitage 'The Innu ...'; Mailhot 'Au Pays des Innus'; Strong; Tanner 'Land Tenure and State Structures' and 'Culture and History'; for the Innu, Inuit and Metis: Zimmerly; and for all three groups: Tanner and Henderson.
8. E.g Labrador Inuit Association; Ktaqamkuk Ilnui Saqimawoutie; Innu Nation and Mushuau Innu Band Council; Exploits Native Band Council.
9. See, for example, the very useful volume: Indian Affairs and Northern Development Indian Conditions, A Survey, which has little on Newfoundland.
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11. Prowse, p.138.
12. Chadwick, pp. 5-9.
13. Handcock.
14. Handcock, p. 18.
15. Rowe, pp. 11, 12.
16. Pastore, p. 47.
17. Pastore, pp. 52-53.

18. Pastore, p. 55.
19. Pastore, pp. 59-60.
20. Rowe, pp. 38-40.
21. Pastore, p. 51.
22. Budgel and Staverly, p. 3.
23. McDonald.
24. Judicial Committee of the Privy Council, appendix I.
25. The following four paragraphs rely heavily on Jones, p. 58-62.
26. Gosling, p. 172.
27. Jenness p. 13
28. Zimmerly, pp. 56-7; 64-5.
29. Great Britain, Privy Council. In the Matter of a Boundary [...]. p.1280
30. Noel. p.4.
31. Zimmerly, p. 125.
32. For an overview of the system, see Zimmerly, pp. 143-145. For specific descriptions over a fifty year period, showing that the system remained stable, see Low, Cotter, and Tanner, V.
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37. de Boillieu, Feild.
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41. Chadwick, pp. 154 - 171.
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44. Jones, p. 67.
45. As quoted by Jones, p: 68.
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53. Tompkins, Roche.
54. McRae.
55. Government of Newfoundland Report of the Royal Commission on Labrador, Volume VI, p. 1196.
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57. Pearson to Smallwood, p. 3.

58. Pearson to Smallwood, p. 6.
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84. Coastal Labrador Training and Education Advisory Council (CLTEAC), p. 23.

85. Coastal Labrador Training and Education Advisory Council (CLTEAC), p. 30.

86. Coastal Labrador Training and Education Advisory Council (CLTEAC).

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88. Labrador Inuit Health Commission (LIHC), p. 17.

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93. Valpy

94. Bestari, L., M. Brown, J. McDonald and Y. Sheehan.

95. Edge.

96. Simon.

97. Henriksen 'The Mushua Innu'.

98. Terpstra Incorporated et al.

99. Employment Operations Branch, CEIC, p. 2-4.

100. Government of Newfoundland, Report of the Royal Commission on Labrador, Volume VI, p. 195.

101. Simon.

102. Brief to the Royal Commission on Aboriginal Peoples by the Labrador Legal Services, pp. 4-8. Note that some of these communities include both aboriginal and non-aboriginal inhabitants, and that to be more full meaningful they would need to be compared to the figures for similar-sized non-aboriginal communities.

103. Employment Operations Branch, Canada Employment and Immigration Commission, p. 7.

104. Briefs to the Royal Commission by the Town Council of Nain, and by the Nain Community Leaders' Dialogue.

105. Andrew.

106. Henriksen, 'Life and Death ...'.

107. Letter, September 17, 1993, from the Honourable Pauline Browes, Minister of Indian Affairs and Northern Development, and the Honourable Ross Reid, Minister of Fisheries, to Peter Penashue, President of the Innu Nation, and Chief Katie Rich of the Mushua Innu Council.

108. Evening Telegram, St. John's, October 5, 1993.

109. Kennedy, 'The Changing Significance ...'.

110. Kinatuinamot Ilenguajuk.

111. Ktaqamkuk Inui Sagimawoutie.

112. Labrador Inuit Association, 'Our Footprints Are Everywhere'.

113. Government of Newfoundland and Labrador, '... Accelerated Approach to Aboriginal Land Claims Settlement'.

114. Anderson and Rowell, pp. 32-34.

115. Letter, September 17, 1993, from the Hon. Pauline Browes, Minister of Indian Affairs and Northern Development and the Hon. Ross Reid, Minister of Fisheries and Oceans, to Peter Penashue, Innu Nation President and Chief Katie Rich, Mushua Innu Council.

116. St. John's Evening Telegram, Tuesday, October 5, 1993.

117. Letter, October 4, 1993, from the Hon. Pauline Browes, Minister of Indian Affairs and Northern Development, and the Hon. Ross Reid, Minister of Fisheries and Oceans, to Peter Penashue, Innu Nation President, and Chief Katie Rich of the Mushua Innu Band Council.

118. See the argument made along these lines by Locke and Townley 'Fiscal Alternatives'.

119. Expenditures for each item in this appendix were either taken from Locke and Townley, from our own research, or no figures were available to us.

120. Locke and Townley.

121. Locke and Townley.

122. Locke and Townley.

123. Locke and Townley.