

ISSUE: Should Canada seek new Federal/Provincial, Tripartite or some other form of Agreements to benefit the native people in Labrador

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JAN 22 '87 11:30 AM ATL REG I&I GATHERS NS

Federal Options	Variables	Ramifications	Assessment	Comment
1. Withdraw totally from agreements	(a) apply to: - Inuit & Innu (b) apply to - Innu only (b) programs to registered persons on crown land only	<ul style="list-style-type: none"> - Native & Provincial protest - Greater publicity of needs - Political embarrassment - Greater anomalies in service/program to individuals within communities - Issue of status - who is Inuit - would be amplified - Loss of progress towards physical community development now being experienced - Some aspects of social and cultural development would be seriously affected e.g. core funding and outpost - Federal funds saved - Might in some ways accelerate exploration of other options by Province and natives - Would tend to eliminate special programs for natives which create complaints to Provincial government by some non-native residents - Contradicts policies and Federal statements and activities of the past - Highlights deficiencies in dealing with native and northern issues at time Newfoundland joined confederation 	<ul style="list-style-type: none"> - Demonstrates inconsistency of approach in terms over time and geographically would create a media "hayday" - Counter to policy of allowing native groups to determine themselves who is a member. Could damage Federal - Provincial relations - Some increase in Federal costs could result from lost employment, deteriorating safety and health supporting expenditures under the agreement - This might be short term saving if situations worsened to point where eventually action had to be taken to "save face" politically or rescue people in an emergent condition - Province and natives would not cease to try and change any Federal decision or simply develop a "new" strategy for solving the very pressing problems in Labrador, for a very long period of time - Options and/or variables likely to create conflict between groups involved - Application of authorities and policies can create different eligibility and service levels based on legal status, native ancestry i.e. Indian vs Inuit, place of residence, etc. 	<ul style="list-style-type: none"> - Could in some real ways inhibit an early settlement of land claims - Would create dichotomies for which we would have few ways to rationalize or courses of action to resolve - Could result in human suffering in real terms - Affirmative action type initiatives always have critics who do not appreciate the basic problem or support special benefits as a solution - Opinion of all parties is that native people should be treated equitably and equally in terms of native programs

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Federal Options	Variables	Ramifications	Assessment	Comment
		<ul style="list-style-type: none"> - Pressure to register Innu and recognize Inuit in some formal way would greatly increase 	<ul style="list-style-type: none"> - Provincial government responses have indicated to date an apprehension towards special status for natives on establishment of "reserves" - Native affinity towards their Federal and Provincial levels of government would likely be diminished as they felt they were being abandoned and/or underserved 	<ul style="list-style-type: none"> * Without settlement of land claims and questions of aboriginal rights to land resources and self-government very unlikely that these issues could be resolved satisfactorily

RECOMMENDATION

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<p>2. Continue to utilize (a) Federal/Provincial Agreement Bilateral Format</p>	<p>Province delivery agent and responsible party for management accountability and other objectives of agreement (status quo)</p>	<p>- Human, social development objectives for natives are not seen as provincial priorities in an exclusive sense apart from other non-native initiatives and are viewed by Province as Federal objectives. Federal objectives e.g. self-government might not receive significant emphasis to satisfy client or current Federal policy</p>	<p>- Because Province is delivery agent they bear the brunt of most of the "operational" criticism</p>	<p>- Natives to some extent feel we are "leaving the fox in charge of the hen house"</p>
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P.004	Federal Options	Variables	Rarifications	Assessment	Comment
JAN. 22 '87 11:51 AM ATL REG I&I RHEERST NS			<ul style="list-style-type: none"> - Native groups will be frustrated in their long standing attempts to become more involved in the development and management of these Agreements. They wish Tripartite Agreements negotiation and signator status - Role of LIA & NMIA would continue to be somewhat undefined - Province likely to be comfortable with continuing on this basis - Federal participation would be maintained in Management Committee - Federal Government may be criticized as having ignored native demands to achieve self-determination through direct involvement and some formal means of control over programming financed by the agreement - Possible accusations that we are treating natives in Labrador differently than others across Canada, in violation of constitutional, human rights, legal, moral or political principles - Established funding levels would be less affected perhaps than when choosing a new type of option - This would allow time for community experience with new priority setting and management functions allowed in interim agreements 	<ul style="list-style-type: none"> - Province might be open to minor increases in promoting local decision making and accountability to electorate - RAND is supportive of new flexibility and autonomy available to communities in interim agreements - IGA more concerned with implications of jurisdiction rights emerging institutions, questions of land and precedents - Local government needs a clear mandate with parameters of their jurisdiction clearly defined 	<ul style="list-style-type: none"> - Province appears to be gaining in their acceptance of merits of allowing native peoples to govern themselves in many aspects - We cannot easily defend a policy which offers less self-government authority to natives in Labrador than the rest of the country - Provincial and to lesser extent Federal Government do not always appear totally prepared to implement native defined self-government concepts - With needs so prevalent and resources so limited no decision makers will be able to have total consensus that they are being effective - Local control with adequate accountability is most effective in such cases - A thorough needs analysis would allow a "zero base" calculation of cost projections on a longer horizon

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P.006	Federal Options	Variables	Ranifications	Assessment	Comment
			<ul style="list-style-type: none"> - Allow time in which basic questions of status, rights, self-government, access to resources, etc. may be addressed 	<ul style="list-style-type: none"> - Might create pressure to deal with these important and basic issues 	<ul style="list-style-type: none"> - Without settlement of land claims and questions of aboriginal rights to land resources and self-government, very unlikely that these issues could be resolved satisfactorily

RECOMMENDATION:

(b) Bilateral Federal/ Provincial Agreement with reduced Federal role

- Less influence over the direction of program policy and delivery to Innu and Inuit communities
- Savings in terms of agreement management direct costs
- Possible loss of momentum to greater self-determination and government by the native people
- Complaints from associations and communities who feel Federal Government should acknowledge and accept more responsibility

- Presently, the natives wish to have the federal representatives between them, perhaps as a sort of mediator with the Province. The Province also feels more comfortable dealing with fellow bureaucrats, it appears

- Any reduction would likely render Federal involvement meaningless
- Funding could be transferred as part of a non-Indian Affairs agreement, were the human development objectives given less emphasis

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P.005	Federal Options	Variables	Ramifications	Assessment	Comment
			<ul style="list-style-type: none"> - Pressure to fund more and be less directly involved - Natives would feel somewhat abandoned by Federal government in their quest for more involvement in decisions that affect them - increased pressure for direct funding and federal recognition of status would likely be a result 	<ul style="list-style-type: none"> - Province would feel comfortable as long as funding levels maintained. They might allow native people to replace Federal representatives in policy, planning and management meetings 	<ul style="list-style-type: none"> - Basic issues would be kindled rather than appeased - all parties would likely find their concern and the need for dealing with the questions of status, resources, land jurisdictions and rights would become more pressing

RECOMMENDATION:

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(c) With an increased role by the Federal Government to ensure objectives in self-government, etc. are realized	<ul style="list-style-type: none"> - Provincial resistance would be expected - Infringement on native desires to control their own affairs won't soon bring negative reaction as we become more involved and more accountable for day to day aspects 	<ul style="list-style-type: none"> - Local affairs best handled by local leaders accountable to their electorate 	<ul style="list-style-type: none"> - Especially true in situations of basic needs and limited resources
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Federal Options	Variables	Ratifications	Assessment	Comment
Dual arrangement - Some funding bilaterally with Province - other program funding direct to native communities	(a) Restrict direct funding to post-secondary education, individual economic development business loans and contributions and vocational training and employment incentives	<ul style="list-style-type: none"> - Pressure would shift almost entirely to Federal Government to provide policies and decisions to support establishment of self-government - There would no doubt also be a rising expectation for new resources to support development of Self-Government <ul style="list-style-type: none"> - from communities, associations, Province and our Regional establishment or its equivalent - Efforts would resemble to some degree the trends in other areas, however, unique circumstances in this area would tend to put Department "in the middle" trying to speak for native interests and meet native demands as an advocate with the province <ul style="list-style-type: none"> - Virtually doubles agreements required - Necessitates resources to provide direct monitoring/management - Raises authority questions for some services under agreement - Creates expectation of certain directly funded programs to be funded to "data base" level - Creates issue of how each program will be delivered and managed 	<ul style="list-style-type: none"> - Policy decisions are not in place to accomplish establishment of authorities or institutions to create real self-government models as deemed workable and/or acceptable to meet expectations of native communities - Confusion would likely reign to the discredit of all parties - Impossible expectations and conflicting interests would lead to disputes between the Federal Government and the clients, as well as with Provincial representatives - Budget ceilings would be more difficult to establish and maintain 	<ul style="list-style-type: none"> - The models have not been fully conceptualized, even by the native groups. - Roles of LIA and NMIA as levels of self-government are felt to likely create issues for governments and for communities - Perhaps self-government cannot be realized until basic questions have been answered and there is an economic and land base to support it - Regional DIAND already administering post-secondary assistance

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Federal Options	Variables	Ramifications	Assessment	Comment
		<ul style="list-style-type: none"> - Opens question of who should be receiving services/benefits. Wide open if outside the Federal/Provincial agreement - May cause apprehension on part of Province that this will evolve into totally direct funding - Affects some provincial departments' budgets directly if new delivery system - Eligibility questions brought home to Department - difficult in present environment to deal with these basic issues - Might create tendency towards "traditional" Indian Affairs programming which has not been terribly effective by most estimates - Might assist Province to respond to critics who say they should offer same benefits and services to all residents and not differentiate according to ancestry 	<ul style="list-style-type: none"> - More complex format to manage required - Complicates present delivery system - Very distant from Regional office - poor travel service - Flies in face of devolution policies - This complaint would likely then move to Federal level 	<ul style="list-style-type: none"> - Better to have these programs administered at the community level - Status, jurisdictions and land issues, etc. would continue to plague service delivery and we would be even more directly involved and responsible to find the desired solutions
	(b) Negotiate freely each program delivery system in each community or group	<ul style="list-style-type: none"> - Similar to (a) but more complicated - Would pit Federal commitment to self determination against Province's ability/willingness to accommodate 	<ul style="list-style-type: none"> - Provincial and Federal administrators would probably oppose such an unstructured and fluid system - Result in shopping around for sympathetic managers 	<ul style="list-style-type: none"> - Thought to be chaotic to administer - Same comments as (a) but even more valid as variations increase

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P.009	Federal Options	Variables	Ramifications	Assessment	Comment
	Direct Funding to all native groups		<ul style="list-style-type: none"> - Authorities to fund directly unregistered persons not on crown land or reserve would require cabinet approval and new T.B. authorities - Greater demand for funding at least more directly focused on Federal Government - Increased demands from other groups with native ancestry in the Province - Greater demand for resources to deliver and manage funds would be expected as Provincial authorities no longer involved - Increased demand for native expertise to substitute provincial involvement with devolution - increased self-government and devolution concepts might be initiated - Federal Government would have to deal with basic issues early in process, however, these involve Province 	<ul style="list-style-type: none"> - Any policies attached to this authority definition could create havoc - These could well run into traditional problems plus unique problems regarding the basic issues central to true forms of self-government - Province apt to be alienated by our actions and native initiatives at this point and resist settlement of central issues 	<ul style="list-style-type: none"> - The devolution options might indeed be more flexible under the Federal Provincial system now employed - Only the resolution of issues related to land claims could allow real self-government advances in any option, including this one. It is especially important to retain the cooperation of the Province as far along this path as possible for the good of the long-term native interest

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Federal Options	Variables	Ramifications	Assessment	Comment
Tripartite Agreements	- Native representatives as signators	<ul style="list-style-type: none"> - Native representatives likely to participate fully - Resources required to support participation Federal and native representatives - Improved agreements in terms of matching local priorities with resources - Increased demand for resources - Questions of who has status and who represents who will require clearer resolution and consensus - Politically popular approach - Prolonged negotiations - Probable pressure for more direct funding - Increased demands for control over program design, policy and interpretation, distribution, eligibility and operational control - General push towards self-government concepts and vehicles would be emphasized - Conflicts between Province and natives likely to intensify as an equal status relationship developed 	<ul style="list-style-type: none"> - Expectations could not likely be totally fulfilled - Federal Government would have problems with direct funding of certain programs in some of the existing circumstance without policy decisions hinged to land claims - Province would likely participate - gauged to be some preoccupation with cost and time considerations and who is native and who represents who - Province might be opposed to direct funding which natives seem to favor - Accountability factors required to match any increase in authority for self-governments - Possible conflict over role of associations vis-a-vis communities - One might expect that the basic issues prerequisite to self-governing authorities and institutions and other jurisdictional parameters would require more imperative solution than under present situation 	<ul style="list-style-type: none"> - Requires a considerably lengthy process - Most meetings should take place in Labrador - It is probably part of a native strategy to gain as much recognition and eligibility for programs, especially those directly funding in order to establish their "status" position and bargaining place at as many decision making 'tables' as possible in order to improve their position going into the eventual Land Claims process - Precedents of "dealing" the natives into policy and funding processes present some problems for both governments. - There is a feeling that it would all work much smoother if the rights, jurisdictions, institutions, land entitlements and the decisions on where Native Self-governments fit constitutionally could be dealt with prior to any form of recognition or implementation. This is said in the interest of essential clarity and hoped-for success in their establishment and harmonious function within the Canadian framework

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Federal Options	Variables	Ramifications	Assessment	Comment
Tripartite Agreements				
<u>RECOMMENDATION:</u>				
	<ul style="list-style-type: none"> - Native representatives as advisors and/or witnesses 	<ul style="list-style-type: none"> - Natives unhappy due to not having role of signator - Likely to withdraw if too unhappy - The weight of their opinions/ input would be somewhat unclear - Native representatives would of course utilize their signature as a bargaining chip throughout the process - Would serve as our evidence of native "involvement" to some extent 	<ul style="list-style-type: none"> - Uncertainty of roles could cause problems - Province might well be concerned over this increased status being afforded native participants - This would be a 'token' move which natives would soon recognize and this would foster their anticipated indignation 	<ul style="list-style-type: none"> - This is at best, small step from current agreement model - Question becomes - should we advance towards more involvement when the degree does not satisfy any of the parties as we understand their current positions - Would be seen as "too little" by Federal Government and natives against our long term objectives - Moving a "huge heavy object" an infinitesimal distance on an inclined plane with others hanging on could be dangerous. It might shift too far and the present degree of joint control could be lost
<u>RECOMMENDATION:</u>				

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