EVOLVING GOVERNANCE:

A COMPARATIVE CASE STUDY EXPLAINING POSITIVE SELF-

GOVERNMENT OUTCOMES FOR NUNATSIAVUT GOVERNMENT AND

THE MIAWPUKEK FIRST NATION

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Abstract

There are currently 27 indigenous groups with self-government agreements with the Government of Canada, and many more with other types of governance agreements. All have faced lengthy negotiation processes and institutional barriers in achieving success in self-government. Despite increasing interest in the topic, research on the impacts of self-government at the community level is still limited, and relatively little has been written about the evolution of self-government in Newfoundland and Labrador. Scholars and policymakers continue to debate the benefits of self-government. This thesis conducts a comparative analysis of two case studies. The first, Miawpukek First Nation, is a Mi'kmaq community on the island of Newfoundland that resembles a self-governing community in terms of policy but has no formal agreement. The second, Nunatsiavut Government, is based on a formal self-government agreement and serves the Labrador Inuit. The thesis first analyzes the data to demonstrate the statistical benefits of self-government agreements, comparing the data to that of the two cases. The thesis then uses rational choice institutionalist and culturalist institutionalist approaches to analyze findings from 46 semi-structured, elite interviews conducted with residents of the two communities, together with supporting documentation, such as policy studies and media reports. The thesis concludes that the success of both governments in improving outcomes for residents is not a result of formal agreements with the Crown or of access to resource revenues. Instead, the combination of a well-organized, accountable local government, innovative policy initiatives tailored to community needs, and the financial resources to deliver them, is the key to success in governance.

Keywords: *Governance, Self-government, Indigenous communities, policy outcomes, multilevel governance, corporate governance, land management, resource management*

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List of Acronyms

AAND	Aboriginal Affairs and Northern Development
AFN	Assembly of First Nations
ALA	Aboriginal and Labrador Affairs
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
CLCA	Comprehensive Land Claim Agreement
CWB	Community Well Being
DIAND	Department of Indigenous Affairs and Northern Development
DINA	Department of Indian and Northern Affairs
EPMRC	Evaluation, Performance Measurement and Review Committee
FNFMA	*First Nation Fiscal Management Act*
FNI	Federation of Newfoundland Indians
FN	First Nations
FNLMA	*First Nation Land Management Act*
HV-GB	Happy Valley - Goose Bay
IEDC	Inuit Economic Development Corporation
INAC	Indigenous and Northern Affairs Canada
IoG	Institute on Governance
ISC	Indigenous Services Canada
ITK	Inuit Tapiriit Kanatami
LIA	Labrador Inuit Association
LIDC	Labrador Inuit Development Corporation
LILCA	Labrador Inuit Land Claims Agreement
MDS	Most Different Systems method

MLG	Multilevel Governance
MFN	Miawpukek First Nation
NG	Nunatsiavut Government
NGC	Nunatsiavut Group of Companies
NIHB	Non-Insured Health Benefits Program
NL	Newfoundland and Labrador
NTI	Nunavut Tunngavik Incorporated
PSISP	Post-Secondary Inuit Support Program
SG	Self-government
SGA	Self-government agreement
TRHA	Torngat Regional Housing Authority
ULM	Upper Lake Melville

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Chapter 1: Introduction

1.1 Overview

The last 15-20 years have seen important developments in self-government (SG) for a number of indigenous groups in Canada. Indigenous governance has taken a particularly intriguing pathway for indigenous groups in Newfoundland and Labrador (NL), a late joiner to Confederation. Due to unusual circumstances surrounding confederation, indigenous groups in NL have had markedly different experiences with SG compared to groups elsewhere in Canada (Dickason, 2009, Bartels and Bartels, 2005; Wetzel, 1999; Brice-Bennett, 1977). One group in particular, the Labrador Inuit, have attained a Comprehensive Land Claim Agreement (CLCA), or Modern Treaty, which created the Labrador Inuit Settlement Area, or Nunatsiavut (meaning "Our Beautiful Land" in Labrador Inuttitut). The agreement has a self-government chapter creating a regional government, called Nunatsiavut Government (NG) and also includes a new fiscal financing arrangement and greater powers over an array of policy areas. Another group, called the Miawpukek Mi;kmaq First Nation (MFN), a Mi'kmaq band with a reserve on the south coast of Newfoundland, and the only Indian reserve on the island of Newfoundland, still sits at the Final Agreement stage in its SG agreement, but has nonetheless developed a number of important innovations, both in policy and administrative governance, that resemble those of a self-governing community (MFN website, 2018; APTN news, 2017).

Canada's Indigenous communities have walked a generations-long road in asserting their inherent right to SG, facing institutional and political barriers along the way. The pursuit of SG stems largely from a collective desire to build community capacity, preserve language and cultural heritage, improve community outcomes, and heal past ills (Panagos, 2008; Cornell and Kalt 2007, Coulthard, 2008). For indigenous groups of Newfoundland and Labrador, the pursuit of SG began with a fight for recognition of indigenous status, after an era of economic neglect in which indigenous identities were denied. (Bartels and Bartels, 2005; Roache, 2017; Heritage Newfoundland and Labrador, 2018). After a long political battle for official recognition as indigenous groups that was set on the national backdrop for the current shift toward recognition of indigenous rights, NG and MFN have both succeeded in both expanding their political autonomy and improving community outcomes. Both cases emulate similar success in SG, and

the associated improvements to community outcomes, found in an increasing number of indigenous communities across Canada (Government of Canada website, 2018). Although this success is not found uniformly in any region, and each indigenous group has had its own unique struggle for self-determination and recognition of rights, examining specific cases, like NG and MFN, reveals a number of best practices and lessons learned that could be useful for other communities.

1.2 Research puzzle

NL has historically been an unusual environment for indigenous advocacy and subsequently for the evolution of SG in indigenous communities. As noted by numerous authors (e.g. Bartels and Bartels, 2005, Brice-Bennett, ed. 1977, Dickason, 2009), the Labrador Inuit had to go about proving their ancestry and land use before making a claim, while the Mi'kmaq of Newfoundland have had to fight for recognition as First Nations groups by the provincial and federal governments. Each of these groups followed its own path, first toward recognition of indigenous status and land rights, and then in commencing negotiation of modern treaties or SG agreements, specific funding agreements, land management agreements, and cultural rights (Alcantara, 2007, 2008, 2013, Bartels and Bartels, 2005). Other communities and groups in NL have achieved varying degrees of self-determination as they continue negotiations with the provincial and federal governments, though only the Labrador Inuit have finalized a CLCA or SG agreement at present. These groups include the Qualipu Mi'kmaq Nation, a landless band consisting of over 25,000 Mi'kmaq residents across NL, the Innu Nation in Labrador, which consists of two main communities, Sheshatshiu and Natuashish, and NunatuKavut, which consists of several Inuit-Métis communities in southeastern Labrador. Each of these communities has had unique struggles related to membership, recognition of identity, and in securing a SG agreement (Alcantara, 2007, 2008, 2013; Hanrahan, 2012).

There is a diverse, emerging literature on the evolution of more established self-governing and quasi-self-governing regions in other parts of Canada, such as Nunavut, Nunavik, and the James Bay Cree[1]. Recent performance of newly-minted self-governing communities in NL is much less documented, and so too is governance in First Nations that still lack official SG

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[1] For example, see White, 2006; Légaré, 1998, 2008; Alcantara and Whitfield, 2010; Wilson and Acantara, 2012 Alcantara and Nelles, 2014.

agreements, such as MFN. These communities have had to wade through NL's turbulent history, only recently seeing meaningful acknowledgement of indigenous presence, identity, and rights in the Province. Despite the recency of these advancements, both MFN and Nunatsiavut have, like many indigenous communities in Canada, made considerable gains in terms of key community indicators, such as housing and employment[2]. Both have also begun to address cultural issues, such as language shift, in their policies (Macdonald, 2015, MFN website, 2018; NG website, 2018). In other words, this ability among indigenous groups to promote greater autonomy and prosperity is based upon decades of work (Wilson, 2008; Wilson & Alcantara, 2012), yet MFN and NG have both managed to erect transformative policy and governance structures relatively quickly in recent decades. In addition, MFN came under the *Indian Act* in 1987, at a time when many communities were beginning to try to leave it (Alcantara and Davidson, 2016, Dickason, 2009, Wetzel, 1995). Despite the restrictive, colonial nature of the *Indian Act*, which will be described in Chapter 2 (Coulthard, 2007, Alfred and Corntassel, 2012), MFN has increased its autonomy and improved outcomes during this time.

The success of MFN and NG in a relatively short time poses a research puzzle. The historical path dependency that has institutionalized poverty and hardship in many indigenous communities is well understood (eg. Alcantara & Davidson, 2015, Coulthard, 2007; Cornell, 2007). Many of the same authors also highlight the ways in which Indigenous groups manage these challenges and work to produce favourable results (Wilson & Alcantara, 2012, Alcantara and Davidson, 2015, Campbell, Fenge, & Hanson, 2011) but little of the literature truly highlights the departures from institutional path dependency that have occurred in the last few decades, particularly for MFN and NG. Only recent literature has begun to focus more heavily on local governance, rather than resource development or other external factors, which adds to this puzzle. Numerous authors have noted the importance of natural resources and development pressure in the development of indigenous communities (Alcantara, 2008, 2013; Panagos & Grant, 2013; Parlee, 2015). The literature is less conclusive regarding local autonomy in governance, such as advocating for cultural rights, or how such efforts can succeed with or

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[2] Based on data from Indigenous and Northern Affairs Canada (INAC)'s Community Wellbeing Index (CWB), published in 2015. The website is currently in transition. In 2017, the Trudeau Government announced the dissolution of INAC and the creation of two new distinctive ministries, Indigenous Services Canada, and Crown-Indigenous Relations and Northern Development Canada. Since then, content is being copied to the new website but is still available through INAC.

without local resource availability. This thesis examines *how* groups like MFN and NG have improved community outcomes through the development of local governance, despite institutional constraints, particularly due to the *Indian Act* and recalcitrance at other levels of government.

1.3 Research questions and argument

This thesis seeks to understand the evolution of SG in individual communities over time, and how this evolution contributes to well-being within communities, by investigating the following research questions: How has Indigenous governance in Canada evolved over time, especially in the past two decades? What explains the successes of certain governance structures and policies, introduced in self-governing communities, in achieving higher socio-economic outcomes? By examining the current state of governance in two case studies, this thesis works to add to the literature on SG within Canadian indigenous communities, particularly how SG helps enable the improvement of governance and policy outcomes within those communities. Each case study uses qualitative and quantitative data to analyze modes of governance via three key policy areas: employment, housing, and language and culture revitalization. The thesis argues that the two communities have succeeded in improving outcomes – according to measurable indicators and a thematic analysis of interviews - because they have policies and governance structures that are innovative, home-grown, and bottom-up. These communities have shown that SG can succeed in improving local outcomes with or without local resource bases or significant own-source revenues (OSR).

1.4 Theoretical framework

The theoretical approach used to answer the research questions strikes a balance between Rational Choice Institutionalist explanations, Culturalist explanations, and a Historical Institutional approach, the latter of which is most prevalent in the literature and is focused on institutional path-dependency. I argue that a multifaceted approach to understanding SG in indigenous communities is necessary in order to properly characterize their success. Previous studies examining similar research questions have focused mainly on Historical Institutionalist approaches (Bear Robe, 1992, Cornell and Kalt, 2007, Abele and Prince, 2006) or Rational

Choice Institutionalist approaches (Alcantara, 2008, 2014). This is because most Institutionalist approaches, whether Historical or Rational Choice, focus most strongly on the institutional constraints in which communities have operated over time, mainly those imposed by other levels of government and the *Indian Act* (eg. Alcantara, 2013; Wilson and Alcantara, 2012; Légaré, 2008; White, 2006). These constraints have created path-dependency and deepened the poverty found in many communities today. It is impossible to accurately discuss the emergence of SG in indigenous communities in Canada without understanding the history that underpins current conditions, but it is important to avoid overlooking the achievements of individual communities in the wash of history.

Some literature discusses how communities, as rational actors, work within those constraints to achieve the best possible outcomes (Alcantara, 2013; Alcantara and Davidson, 2015, Alcantara and Nelles, 2014, Papillion, 2011, Rodon, 2014). These authors capture some of the emergent phenomena in SG, such as multilevel governance (MLG) or inter-jurisdictional cooperation, and thus broaden our understanding of the complex matrix of processes that makes up modern indigenous SG in Canada. Some older models of SG have been mentioned less in contemporary literature, such as Treaty Federalism, which at one time was considered to be the most viable mode of indigenous governance that would increase local autonomy and improve local outcomes (Bear Robe, 1992).

The problem with using only one theoretical approach at a time in understanding recent developments in indigenous governance in NL, especially in in-depth case studies such as those conducted in this thesis, is that this can lead to too much focus on ambient institutional factors, while casting whole communities as single rational actors with discreet behaviours and choices, rather than diverse groups of actors. Historical institutionalist perspectives, for instance, focus on past decisions and conditions and risk backgrounding recent innovative developments, many having occurred over the last decade or two. Such an approach may overlook the agency of contemporary self-governing communities or groups in determining their futures. Using only Rational Choice institutional approaches to examine phenomena like MLG could obscure some cultural or historical factors that are also important in a well-rounded understanding of SG (White, 2006; Andersen and Johns, 2005, Bartels and Bartels, 2005). A multifaceted approach that offers a more thorough analysis could help to explain why emerging governance practices and structures in communities also influence current outcomes. Here, greater emphasis is placed

upon the New Institutionalist approaches, with particular focus on rational choice and cultural explanations, rather than historical, institutional path-dependencies alone. This shift in emphasis helps us focus on how communities innovate – not only within institutional constraints – but also in their attempt to break away from them.

Evaluating governance at the community level requires us to define it, then construct a template for analysis. Structure for the analysis of governance in the two case studies is provided by the Five Principles of Good Governance (hitherto the Five Principles) used by the Institute on Governance (IoG, 2018). These principles are based on the Principles of Governance created by the United Nations Development Programme (UNDP). The Five Principles include legitimacy and voice, direction, performance, accountability and transparency, and fairness. Analyzing the five elements of governance requires a working definition of governance in indigenous communities: managing of public and private resources, both material and immaterial, for the betterment of beneficiaries, via the operation of policies, procedures, and local institutions, within a defined set of parameters and a defined territory or jurisdiction, and with a clear mandate (Institute on Governance, 2019; Fukuyama, 2013; Aucoin, 2012).

1.5 Methods

This thesis combines quantitative data taken from the Community Well Being Index (CWB) from the Indigenous and Northern Affairs (INAC) website (Government of Canada, 2017) with findings from 46 semi-structured, elite interviews and presented in two case studies. The case studies are: NG, which serves the Labrador Inuit Settlement Area in northern Labrador, and the MFN, which serves the Mi'kmaq community of Conne River[3] in the Coast of Bays region of southern Newfoundland. These cases were selected because they are both in NL, where, as mentioned, the political environment surrounding the pathway toward SG for indigenous communities is unique in Canada, meaning that both cases have experienced similar external political pressures (i.e. provincial and federal policies affecting indigenous groups in NL). The two communities differ greatly in terms of internal contextual factors –culturally, economically, and politically, yet they have both expanded their political autonomy. Both have also produced policy strategies in similar areas, including housing, employment, and cultural

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[3] Since 1987, the reserve is officially listed as Samiajij Miawpukek, though colloquially most still call it Conne River today. MFN refers to both the community government and the reserve.

revitalization, and have produced favourable results[4]. This set of circumstances constitutes a valuable opportunity for comparison, which, using the Most Different Systems method (MDS) of comparison, allows a comparison of outcomes. Similar trends in outcomes over time, positive or not, between the two cases can be attributed to the success in SG, or governance that resembles SG.

In order to trace tangible change within the two cases, differences in outcomes are measured accross a defined time marker identified for each case. For NG, governance outcomes are analyzed before and after 2006, the first full year of formal SG for Nunatsiavut. For MFN, outcomes are examined both before and after 1987, the year MFN received official recognition as a First Nations band and began receiving greater financial resources, which assisted in policy implementation. The information used to determine change across the two time-markers comes from a variety of sources. Quantitative information is taken from the CWB (Government of Canada, 2019), and through other records on housing and employment, available for each community through an access to information request. Qualitative data comes from a series of semi-structured, elite interviews with elected officials, government employees, and community members to obtain more detailed information on conditions both before and after the established time markers.

The research design proceeds in two stages. First, I offer a quantitative analysis of policy outcomes in self-governing communities. This analysis establishes a clear empirical basis for the claim that not only is SG positively correlated with improved community outcomes in indigenous communities across Canada, but that both NG and MFN are success stories in terms of their ability to improve policy outcomes over time, even relative to other communities with SG. This is done using a longitudinal analysis of CWB data, which are available for each census year beginning in 1981 and cover 4 metrics: highest education level, mean family income, housing quality and availability, and labour force participation.

Next, I conduct a case study of each chosen community, using the MDS method and consisting of an analysis of governance in each case, which includes a review of 3 policy areas: housing, employment, and cultural revitalization. These policies were chosen because they are featured in the CWB, and because both NG and MFN have important policies that address these areas (MFN website, 2018; NG website, 2018, Anderson & John's, 2005). The case studies

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[4] Shown by higher CWB values over time, Government of Canada, 2019.

examine the findings from 43 semi-structured interviews with 46 participants (14 in MFN and 32 in Nunatsiavut), together with public policy records from each of the two communities in three chosen policy areas. Using a rational choice instututionalist and culturalist framework that includes analysis of the Principal Agent model and the Five Principles, I draw conclusions from my cases that answer the research questions. I first acknowledge the considerable contextual differences between the communities of the Miawpukek Mi'kmaq and the Labrador Inuit. I then trace similarly favorable developments in local policy directions found in each community back to the achievement of better community representation (both cultural and democratic) in order to discern a workable understanding of what contributes to success in SG in a community.

1.6 Thesis overview

Chapter 2 examines literature on the evolution of governance in indigenous communities in Canada, including the progress toward SG over the past few decades, and the institutional landscape of SG today. Despite many exciting new developments in indigenous governance in Canada, relatively little is written on the state of SG in newly minted self-governing groups or groups with recent moves toward SG, specifically NG and MFN[5]. The chapter begins by introducing the historical institutionalist perspective of indigenous governance, then defines path dependency, illustrating its impacts on SG. The chapter then proposes a combined theoretical model using Rational Choice Institutionalist and Culturalist approaches when trying to understand recent or future developments in indigenous SG. Finally, the chapter defines governance itself and proposes the Five Principles as a template of analysis. I ultimately note that while acknowledging both the importance of historical path-dependencies that have shaped communities is important, a holistic understanding of governance must be employed when examining governance.

Chapter 3 describes the research design, introduced above, in greater detail. This chapter begins by identifying and justifying the case selection, then proceeds by describing data gathering, including how interviewees were recruited, and how key documents, such as policy records, were sourced. Lastly, the method of analysis is identified, which involves both the

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[5] The Miawpukek First Nation (MFN) currently sits at the Final Agreement stage, but the community has not ratified it. This dissertation argues, however, that although MFN does not have an official self-government agreement, it nevertheless has many characteristics of a self-governing community in terms of its governance and policy outcomes. This will be further clarified in chapter six.

framework for evaluating governance, borrowed from the IoG and the UNDP; and Thematic Network Analysis, a method of coding qualitative data. Chapter 4 provides a quantitative analysis of SG outcomes, which empirically demonstrates that communities that are defined as self-governing do, in fact, demonstrate greater improvement of key indicators, such as housing, than those that are not self-governing, according to CWB data (Government of Canada, 2017, 2019). This chapter further argues that the two case studies chosen for this thesis are, in fact, success stories for SG in that they have succeeded in improving indicators, and done so favorably compared to other SG communities shown in the Index.

Chapters 5 and 6 will detail the qualitative results of my semi – structured interviews (some one-on-one, some conducted in groups) with community members (including ordinary community members, elders, local government employees, and elected officials) in my two case communities. I combine data gathered from interviewees with a review of policy records and an overview of democratic institutions (to provide proper context) to confirm my hypotheses. The data gathered are run through a Thematic Network Analysis (described in Chapter 3), which provide an analytical framework through which to answer the research questions. These chapters draw on an array of source material for analyzing governance, including interviews, media reports, legislation, policy reports, and records of decision (Hansards).

Chapter 7 presents a final comparative analysis that compares and contrasts the two cases. This final chapter argues that, although this study is limited in scope, it provides robust evidence to suggest that the success enjoyed by each of the two cases presented in improving outcomes is due to SG, or structures that resemble SG, and that innovative and home-grown policy solutions explain this success. The cases thus offer potentially useful insights for other communities. I further conclude that as communities receive greater autonomy to manage their affairs, they tend to form governments that better represent the diverse needs of their communities, and ultimately such governments better address community needs in comparison to band councils or 'mini-municipalities' operating with limited powers under the jurisdiction of the *Indian Act.* This chapter also concludes that such arrangements are important for language and culture revitalization and, lastly, that these benefits can be achieved irrespective of resource development.

Chapter 2: Institutional friction, rational choice, and the Five Principles of Governance: a review of the literature.

2.1 Introduction

This thesis employs a combined theoretical approach that relies mainly on new institutionalist theories, looking to rational choice institutionalism, historical institutionalism, and culturalism, combining them to help explain how some current indigenous SG structures differ from what went before. Some communities have managed to adopt new political structures that have enabled them to improve outcomes. This thesis challenges longstanding historical institutionalist narratives on SG in Canada by highlighting the importance of focusing on strategic choices within communities. The chapter begins by framing the historical and contextual circumstances that surround self-governing communities (section 2.2.1). It proceeds by defining the new institutionalist approaches (sections 2.2.2-2.2.5), explaining their relevance to conducting a case study of SG in specific indigenous communities, and offers a working definition of path dependency. I also identify the gradual institutional change that allowed the present iteration of SG to begin to unfold (section 2.2.6). The chapter then juxtaposes two largely opposing viewpoints on indigenous rights and SG: The classical liberal and the post-modern or critical approaches, identifying why neither can properly be used to examine SG in specific cases (Sections 2.3.1 & 2.3.2). I then proceed to a discussion of Multilevel Governance and Treaty Federalism (Sections 2.3.3 & 2.3.4), examining their important contributions to our understanding of SG. I further explain the choice of a combined approach to examining SG in my chosen cases, showing why each approach found in the literature would be inadequate on its own (Section 2.3.4). Finally, I present a working definition of governance (Sections 2.4.1), based upon the Five Principles (Institute on Governance, 2018), to be used as a template for analysis in the remaining chapters. Lastly, I define indigenous SG in Canada, showing the pathways it can take in individual communities (Section 2.4.2), then propose a more comprehensive definition of SG in Canada (2.4.3).

2.2 History and the institutionalisms

2.2.1 History matters: examining path dependency in Canada.

One of the overarching concerns expressed in much of the literature pertains to historical institutional developments, such as historical treaties, and the enduring presence of colonial paternalism on the part of the Crown that has frustrated efforts to revitalize traditional indigenous modes of governance. This is noted by authors such as Coulthard (2007, 2014), Cornell and Kalt (2007), Rusco (2006), Alfred (2005), and Purtusati (1997). Coulthard (2007, 2014) notes that, even as polities move toward better recognition of indigenous land rights and rights to SG, paternalistic policy frameworks continue to restrict what local indigenous governments can do with their money and the policy frameworks they can pursue. This restrictive institutional makeup tends to produce unfavorable political results and thus unfavorable community outcomes, such as poverty, a lack of resources or insufficient water or sanitation infrastructure. By restricting decision-making power, these institutions continue to frustrate efforts to address these problems, entrenching path dependency, though many groups try to fight it (Coulthard, 2007, 2014, Dickason, 2009).

Path dependency is defined as the tendency for institutions to develop along a particular path, and, due to the high cost of deviating from that path, institutions tend to resist change (Hall and Taylor, 1996). Centuries of a change-resistant colonial government, with institutions such as a majoritarian Westminster parliament and a centralized welfare state are cemented in place, and the cost of restructuring this system to better accommodate indigenous modes of governance is thought to be immense. As a result, indigenous communities choose pathways that are adapted to this broader institutional framework, and they, too, become path-dependent. The fiduciary relationship between colonial governments and indigenous communities that has become institutionalized over the last few centuries, especially in the Canadian context, continues to impede the development of robust governance structures in indigenous communities. Much of the literature problematizes this phenomenon, with many calling for it to be ultimately deconstructed or abolished if indigenous groups are to truly attain workable SG structures and meaningful self-determination (Alfred and Corntassel, 2012; Coulthard, 2007).

Alfred (2005) reminds us that SG is not a concept created in modern times in order to advocate for greater self-determination for indigenous peoples, rather SG for indigenous peoples

precedes colonization, and was disrupted by colonialism. An important example of this is the formation of the Iroquois Confederacy, a powerful political and cultural union consisting of six distinct Iroquis Nations (The Mohawk, Onondaga, Oneida, Cayuga, Seneca, and later the Tuscarora peoples), formed long before the arrival of Europeans in central Canada (Dickason, 2009). The Iroquois Six Nations were an important force in colonial policy for centuries, with many European settlements careful to maintain favor with Iroquois leadership. This historical reality seems to imply that meaningful SG has not only been integral to the health and survival of indigenous communities, but also reflects the pre-colonial cultural heritage of those communities. When historical iterations of indigenous SG were replaced by a fiduciary arrangement between indigenous communities and the crown (Dickason, 2009), it created "asymmetrical, non-reciprocal forms of recognition" (Coulthard, 2007, 2014, 439). This asymmetrical relationship was accompanied by a legacy of colonial oppression that has manifested economically; as seen in small reservations on poor quality lands (Dickason, 2009), often with inadequate water resources and boil water advisories (Daley et al, 2015). The relationship has also manifested in such developments as a highly misguided and destructive Indian Residential Schools System (IRSS) that lasted several generations and left deep scarring within indigenous communities (Frideres, 2009; Metatawabin, 2014; Coulthard, 2007, 2014). These developments have culminated in further entrenching of hardships path-dependency for indigenous peoples in Canada.

2.2.2 Path Dependency and the *Indian Act*

History has an ongoing impact on the political makeup of indigenous communities, which is rooted in the *Indian Act* of 1876. Though designed for the "benefit" of First Nations (FN), the *Indian Act* was harmful. The *Act* created a legal definition for "Status Indian", still in use today, which defines the population the *Act* administers. This "sterile, legal definition" (Coulthard, 2001, pg. 439) exists at odds with the notion of Indigenous identity explored by Coulthard (2007, 2014), Corntassel (2008), and Alfred (1999, 2005), even as it has acted to shape identity in legal terms. The notion of both indigenous identity and membership within a particular group have become salient in recent negotiations and advocacy efforts[6]. Wolfe (2006)

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[6] For instance, for both Labrador Inuit and Newfoundland Mi'kmaq, controversy has arisen over how status or membership is determined. Thousands across the province continue to fight for recognition in the Qualipu Band,

problematizes the notion of status in its legal iteration, arguing that the very existence of such a concept is designed to exclude, and ultimately eliminate. The very existence of indigenous groups in North America has been treated as an inconvenience to governments and settler society, and that the two groups continue to have a complex relationship (King, 2012). Wolfe notes that the genocide of indigenous groups in settler societies like Canada operates not only physically, culturally, and spiritually, but also legally, by eliminating indigenous people through denial of status. Even as "Status Indians" continue to live in Canada from one generation to the next, particular stipulations in the Indian Act or other legislation could strip away status from certain individuals even as it granted it to others[7]. Membership is critical in that it both grants access to treaty benefits under the *Act* and affects sense of belonging, and it will be discussed further in the case studies.

The *Indian Act* placed a federal bureaucrat in charge of FN bands in each region, who decided how communities would be funded and how funds would be spent (Dickason, 2009; Frideres, 2011). The impact of this practice was that decisions were made according to the priorities of the current federal government, often with little sensitivity to specific needs of communities. When this arrangement ended in the 1970's, band councils continued to operate with limited autonomy in generally impoverished communities, where there was little incentive for long term planning. It is little wonder, then, that for decades local councils were rarely able to overcome patterns of poverty, and this has impacted their ability to attain SG (Alcantara and Davidson, 2015. 557).

Indigenous groups must be cooperative, even appeasing the crown, while remaining internally cohesive in land claims and SG negotiations with the crown. The result tends to be mutually agreeable but suboptimal (Alcantara, 2008, 2014). This set of institutional constraints is a neo-colonial force in modern indigenous governance, and explains why indigenous groups

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while many who identify as Labrador Inuit feel left out in the aftermath of their 2006 CLCA. This will be discussed further in chapters 5, and 6, as both cases continue to struggle with what to do about membership. See Bartels and Bartels (2005); Patrick, 2013.

[7] The now repealed Section 12 of the Indian Act, for instance, stripped an indigenous woman of status if she married a non-indigenous man. Although the clause was abolished in 1987, thousands of the descendants of those whose status was stripped continue the fight for their right to be recognized today. With the Passage of Bill S3 by Canada's Parliament, which would reinstate Indian Status for many of these descendants, many hope that past injustice will be reversed for their families. It remains unclear how the new legislation will be implemented.

often feel constrained even as they work towards desirable outcomes. Further, since the 1970's[8],
when old patterns of paternalism began to change (Dickason, 2009, Bob, 2010) modern treaty
negotiation still rewards cooperation with the Canadian state (Alcantara, 2008, 2014). This
cooperation offers greater legislative and political authority for indigenous groups, but has
tended to further cement path dependency by replicating past patterns of negotiation and
compromise seen previously. This is of paramount importance for our purposes because although
this paper ultimately argues that modern SG agreements are a clear improvement from what went
before, they still exist within a settler context. True SG, and ultimately meaningful self-
determination, remain on the horizon as the Canadian state continues to move tortuously toward
reconciliation with indigenous groups. For the purposes of this paper, meaningful SG is a
concept best understood through the examination of governance at the community level.

A critical reading of Canada's colonial history supports the understanding that history has
shaped institutions in Canada, and this has in turn created constraints and challenges in the
governance of indigenous communities. Indigenous communities, individuals, entrepreneurs, and
negotiators, meanwhile, have, as rational actors, attempted to manage or push against these
constraints in pursuing their own betterment. The ultimate goal of these efforts is a model of
governance that is rooted in a nation - to - nation relationship between indigenous peoples and
the crown. (Government of Canada, 2019; Alfred, 2005, Alfred and Corntassel, 2012). Cornell
and Kalt (2007) refer to this as the "nation-building" model, which is preferable to the neo-
colonial model characterized by paternalism and path dependency. By gaining the control they
need to develop their own policy initiatives, self-governing indigenous communities can reverse
path dependency at the local level and improve social and economic outcomes.

2.2.4 Historical institutionalism and path dependency

Historical institutionalist explanations of governance outcomes are common in the
literature. A Historical Institutionalist framework places the institutions that structure society at
the center – supposing that the institutional makeup of a policy guides the behavior of competing

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[8] In 1973, the Canadian Government invited those indigenous communities that did not have existing treaties with
the Crown (such as the old numbered treaties that govern many FN communities), to negotiate modern treaties with
the Crown. Among the first to begin the process were the Inuvialuit in the Western Canadian Arctic (Inuvialuit
Agreement, concluded 1984), and the James Bay Cree, Naskapi, and Quebec Inuit (James Bay-Northern Quebec
Agreement, completed 1975). The Inuit of Nunavut were soon to follow (concluded 1993). See Alcantara and
Davidson (2015).

actors and tends to determine outcomes. Institutions are "formal or informal procedures, routines, norms, and conventions embedded in the political structure, which shape or constrain their activities and thus influence their choices and their outcomes" (Hall and Taylor, 1996, 398). A central tenet of a this approach is that path dependency is crucial in understanding the experience of indigenous groups, or their governance structures, because it helps explain why the institutions of federalism tend to resist change (Papillon, 2011). Path dependency also sometimes explains the governance decisions indigenous groups take after negotiating a modern treaty, and these agreements often determine key policy frameworks (Alcantara and Davidson, 2016). This in turn explains why indigenous groups have often been forced to continue to develop under sub-optimal conditions (Dickason, 2009). The difference between the two approaches described above are nuanced in much of the literature, and many authors will use either approach depending on the circumstances of a specific case. In taking a historical institutionalist approach, numerous authors have shown that many of the choices made by some self-governing communities rest on historical experiences and institutional constraints typically understood as a product of an existence within an enduring colonial environment (Cornell and Kalt, 2007, Dickason, 2009).

Wilson and Alcantara (2012), for example, illustrate how several components of the James Bay and Northern Quebec Agreement (JBNQA), the first such agreement made in modern times, were determined in large part by institutionalized patterns of interactions between the Federal and provincial governments and the Inuit and James Bay Cree. The authors further note that the JBNQA, in turn, "set the stage for the political and economic evolution of Inuit self-government in Nunavik after 1975" (pp. 787, 2012). Similarly, Alcantara and Davidson (2015) note that the Inuvialuit of the Northwest Territories, though they were quick to negotiate and settle one of Canada's first modern treaties, completed in 1984, have yet to reach a final agreement for self-government, and, in addition, the region continues to struggle economically. Institutional factors such as institutional layering are the likely culprit form the lack of a SG agreement. The federal government did not allow CLCA agreements to include SG until much later. For the lagging economy, the authors blame a low degree of synergy between the Inuvialuit Regional Corporation and local governments and industry, together with ambient factors such as lack of resource development in the area. Because the land claims agreement does not contain specific language on the subject, there continues to be a lack of legal certainty regarding resource

development for many indigenous communities. This historical institutionalist analysis does not completely discount the Inuvialuit negotiators as rational actors, in that they do make choices, but these choices are shown to be constrained by both history and circumstances. The literature on indigenous government shows us that both historical institutionalist and rational choice institutionalist explanations can capture different parts of the complex process of constructing and operating indigenous governance institutions, but clearly history has influenced outcomes, specifically by preventing some communities from improving outcomes over time.

2.2.5 Rational Choice Institutionalism

Rational Choice Institutionalism is also an important framework for analyzing governance. This approach rests on the core theoretical assumption relied on in this thesis: that indigenous communities are rational actors that engage in distinct processes of negotiation both internally and with other communities and other levels of government in order to craft governance structures and secure resources for the betterment of their residents. Rational choice institutionalism, as defined by Hall and Taylor (1996), is a framework in which individual actors are considered rational entities, acting within institutions. It also holds that actors use, or work within, institutions, to the best of their ability, in order to maximize their outcomes. Institutions exist and persist because they create greater certainty around what is likely to happen, and they structure the array of choices and preferences that may be pursued. Another important element of rational choice institutionalism, identified by authors such as Delreux and Adriansen (2017), is the principal-agent problem. This problem is created by the fact that a particular actor, called the principal, may delegate its activities to another actor the agent, to act on its behalf. This may be done voluntarily or due to institutional requirements, such as the democratic process. Because there is incomplete flow of information between them, the agent is able to act in its own interest, to the detriment of the principal. For this reason, the principal will seek to use institutions to control the behavior of the agent.

This framework can be robustly applied to indigenous groups in Canada in their push for SG, and in their interactions with the Canadian state, through their governance activities. As most of the literature illustrates, indigenous groups are often constrained from governing their communities or using resources as they would prefer, but they tend to engage in various activities within those institutional constraints in order to maximize their outcomes, and have

often come up with innovative methods for doing so (Alcantara and Davidson, 2016; Alcantara and Nelles, 2014, 2016; Papillon, 2011; White, 2006). Indigenous groups have interacted with other levels of government through structured processes, both through land claims negotiations and in their governance processes (Alcantara, 2008, Alcantara and Davidson, 2016), and have worked toward discreet outcomes. Further, indigenous groups have sought to manage the principal-agent problem. Traditionally, the principal-agent problem exists because, under the constraints imposed by Federalism and by the *Indian Act*, the welfare of indigenous groups, the Principal in this case, is placed in the hands of provincial and federal governments, the agent. Because governments and government officials tend to act in their own interests, electoral or otherwise, and because the process historically lacked transparency (Assembly of First Nations, 2018), indigenous groups have not historically had their needs well served (Dickason, 2009; Frideres, 2011). Under a modern self-government agreement, specific Indigenous governments become the agent, with their beneficiaries as principals, and through adequate transparency and participation, are hopefully better able to serve residents. Indigenous groups thus act within patterns of institutionalized processes to assert the needs of their people, then seek and gain control over policy instruments needed to address those needs. What emerges is a structured negotiation between different jurisdictions and levels of government about how different aspects of life, from culture to land and resources, are to be governed.

As Alcantara and Davidson (2016) note, echoed by Scholz (2006), "a move to successful negotiation is necessarily precipitated by an implicit agreement between the parties to reach a collective, yet individually suboptimal, outcome" (Alcantara and Davidson, pp. 557, 2016). The same holds true for the implementation of governance structures by indigenous communities and in their agreements with other jurisdictions (Alcantara and Nelles, 2014, 2016; Papillon, 2011). Alcantara and Nelles (2016) perform an in-depth analysis of four instances of relationships between indigenous communities and neighbouring municipalities, each of which represents a different relationship type. In one such example, the Teslin Tlingit Council and the Village of Teslin in the Yukon exhibit a high degree of synergy that is rooted in institutionalized cooperation on a number of issues, which led to a series of key decisions and agreements, geared towards the improvement of conditions and safety for residents. Conversely, low interaction and non-cooperation – the relationship between Sault-St Marie, Garden River, and Batchewana, is also rooted in a longstanding institutionalized lack of need or ability to cooperate. This suggests

that both decision-making and community outcomes are impacted by the institutional landscapes that surround communities, and that both communities and individuals are rational actors that attempt to maximize benefits to community, band, or group members.

Though robust, the rational choice institutionalist interpretation of indigenous governance is not without flaws. For instance, as Hall and Taylor (1996) note, Rational choice theory relies on what many consider to be a simplistic understanding of human motivation, and, though the approach can have strong predictive power about both preferences and outcomes, these are often sensitive to small changes in ambient conditions (pp 950-951). Thus, despite its strength in both explaining behaviour and predicting outcomes, a rational choice institutionalist approach to understanding governance must leave room for nuance. This means that accounting for historical influences, cultural realities, and diverse voices is important in examining why certain communities have attained SG, how they have arranged their governance apparatus, and how they have shaped their economic and social futures. Some authors, however, do not focus on institutional change or stasis in their discussion of indigenous rights or self-government, instead looking to a classical liberal or postmodernist understanding. Rather than examine the degree to which indigenous governance is able to thrive within Canadian federalism, or become an integral part of it, many argue that true indigenous SG is incompatible with Canadian federalism. Some argue that true liberation of indigenous groups can only occur outside of Canadian federalism (Alfred and Corntassel, 2005; Coulthard, 2007; 2014), while others argue that full sovereignty for indigenous groups is unachievable or untenable (Flanagan, 2000, Cairns, 2000). Each of these approaches offers a particular perspective on indigenous governance that aids in our understanding of the current institutional makeup, but is less helpful in analyzing how governance operates in a particular place and time.

2.2.6 from Path Dependency to Critical Juncture

As Hall and Taylor (1994) note, the path dependency that tends to stifle institutional change can only by countered by a significant shift, or 'critical juncture' (Hogan, 2019), where one or more critical decisions by important decision-makers cause path-dependent institutions to move to a different path. For Indigenous peoples in Canada, this shift began with a growing volume of legal action in the 1960's and 70's and culminated with the passage of the Repatriation Act of 1982, when indigenous land rights were added to the Canadian Constitution

under Section 32. As noted by Puig (2010), Jackson and Warren, (2005), Gudynas (2011), this change coincided with growing unrest among indigenous groups throughout the Americas. The unrest was in response to growing social and cultural dislocation as a result of renewed policies of land theft and assimilation that accompanied the global shift toward neoliberal policy agendas. A clear example of this came in 1990, with the with the Mohawk Uprising in Oka, Quebec, a response to territorial disputes between the Mohawk First Nation at Oka, and local authorities. It happened again in 1994 with the uprising of the Zapatista Liberation Army (EZLN) against the Mexican government in Chiapas, Mexico, beginning on the day that NAFTA was signed (Bob, 2005). In indigenous communities throughout the western hemisphere, groups were taking action in response to culture loss, land loss, or a lack of consultation during resource development on indigenous lands (Dickson, 2009; Panagos and Grant, 2013; Bob, 2005). These movements helped to generate public support for indigenous rights internationally (Bob, 2005), which have helped to drive the shift from politics of repression to the 'politics of recognition' identified by Alfred and Corntassel (2012).

Institutional changes in the institutional alignments within Canada coincide with the growing advocacy efforts for indigenous rights and self-determination happening globally. Beginning in the late 20th century, indigenous groups across the world have increasingly mobilized to make calls for recognition of their rights to land, culture, and SG (Bob, 2005, Puig, 2010). In 2006, 143 member states of the United Nations ratified the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), in which Article 4 affirms the indigenous right to self-determination and SG (2006, p. 8). While UNDRIP is more symbolic rather than directly impacting Canadian domestic policy (see McDonald & Wood, 2016), it represents the culmination of a global structural and discursive shift towards greater recognition of indigenous rights. This has helped to underpin the pathway to SG for indigenous communities in Canada. In 2018, the Parliament of Canada passed Bill C-262, which marks an official commitment by the Government of Canada to implement UNDRIP within domestic laws. The culmination of these changes has ultimately led to new patterns of relationships between indigenous groups and the Canadian state. The shift toward a politics of recognition, in particular, helps underpin a push for constitutional change that some argue have led to better consultation and collaboration with indigenous communities on matters of policy from resource development to service delivery. This would include, for instance, Canadian mining companies working on or near ancestral

aboriginal lands (Panagos and Grant, 2013). Essentially, policy frameworks moved from a paradigm of 'free entry' (406), where companies were able to develop lands without any consent from indigenous occupants and without ensuring that resource development benefitted the local population, to a paradigm of proper consultation that purportedly exists today. Panagos notes that it is still too soon to be certain whether these policy changes will lead to better outcomes.

2006 is also the year that 143 member states United Nations ratified UNDRIP. While the ratification of UNDRIP in 2006 is more symbolic than directly influential in terms of its effects on Canadian domestic policy (see McDonald & Wood, 2016), it represents the culmination of a global structural and discursive shift towards greater recognition of indigenous rights, that helped to underpin the pathway to SG for indigenous communities in Canada.

Many authors, including Coulthard (2007, 2014), Alfred (2005), and Cornell and Kalt (2007) cast doubt on the notion that the modern relationship between indigenous communities and colonial governments has seen meaningful change commensurate with the current paradigm shift toward consultation and recognition. They argue, for instance, that resource development often has negative impacts on communities and can solidify, rather than alleviate, colonial relationships (Sachs and Warner, 2001). The problem of resource development highlights the need for more in-depth case studies on governance, such as those being conducted in this thesis, and an in-depth investigation is needed to determine the costs and benefits of development for a community. This problem also highlights the necessity that self-governing indigenous communities, as rational actors, have the power to transform their social landscapes over time through innovative policy agendas. Some authors disagree on whether this is possible in contemporary Canadian federalism.

2.3 Moving Beyond the Institutionalisms

2.3.1 The critical-postmodern perspective

Coulthard (2007, 2014) critiques the colonial nature of the Canadian policy landscape. Mining policy historically failed to facilitate adequate consultation or respect land rights, as described by Panagos and Grant (2013), but even the current policy landscape is centered on what Coulthard calls the politics of 'recognition'. This critique focuses on the idea that modern shift toward recognition of rights are a tokenistic gesture that does not truly empower indigenous

communities. The critique of current systems of redress for the injustices suffered by indigenous peoples, from the modern land claims system to the welfare system, is derived from Fanon's famed deconstruction of the master-slave relationship (Coulthard, 2007; Fanon, 1952, 1963), which asserts that liberation from the mental enslavement inherent in colonial relationships cannot be achieved through peaceful collaborating with the colonial system. Alfred and Corntassel's reading of Fanon holds that tokenistic gestures of postcolonial restitution found in Canada are not sufficient to decolonize and can actually perpetuate patterns of colonial oppression. For example, the modern treaty, or CLCA negotiation process originally required extinguishment of aboriginal title[9], or the ancestral legal claim to traditional lands that had not been ceded in prior treaties, in exchange for a set of more clearly defined rights, such as harvesting rights (Alcantara and Davidson, 2016, Alfred and Corntassel, 2012, McDonald). The problem with extinguishment is that land rights should always have been honoured, and losing title to gain other rights is seen by some as a step backward.

This body of work, described as a post-modern, critical, or, as Alfred has sometimes put it, anarcho-indigenist perspective (2010), offers a more skeptical reading of current process of modern treaty negotiation. Alfred (2005) defines anarcho-indigenism as an ethos centered on peaceful resistance to the hegemony of the colonial state, combined with the resurgence or reclamation of an indigenous identity and a refusal to accept the modern liberal-capitalist order. Alfred and Corntassel (2005), and Coulthard (2007, 2014) suggest that modern treaty negotiation and the politics of recognition are merely gestures designed to further silence indigenous groups while continuing to rob them of traditional lands. Ultimately, true liberation for indigenous peoples, some argue, is incompatible with a liberal, capitalist order (Coulthard, 2007, 2014; Alfred, MacDonald, 2011). Wilson and Alcantara (2012) respond to this notion in their examination of Inuit corporate governance, which occurs when an Inuit land claims corporation is responsible for directing economic activities, such as resource development, for a region. They

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[9] In 1973, after a landmark case befor the Supreme Court of Canada affirmed the continued existence of Aboriginal title, Indigenous groups that did not have prior treaties with the Crown were invited to negotiate CLCAs, or modern treaties with the federal government. Some of these agreements would include a SG agreement. The legal concept of extinguishment is controversial, and has been under intense criticism, most recently in a (2018) report by the Standing Committee on Indigenous and Northern Affairs (INAN), which found that aboriginal title is inalienable and can never be extinguished, and that extingushment was a neo-colonial tool designed to remove rights (INAN, 2018; Alcantara, 2009, 2014).

argue that the success enjoyed by Inuit regional development corporations at both creating economic opportunities for Inuit, while also safeguarding Inuit control in economic development, shows that indigenous success in economic governance is not fundamentally at odds with capitalism. This idea is echoed by Newhouse (1993), who argues that, since it has become impossible for Indigenous groups to live completely outside of modern capitalism, that they will ultimately be influenced by it, and develop their own governance structures within it. Newhouse further notes that most indigenous groups were traditionally entrepreneurial, and that classical liberal capitalism is not incompatible with traditional indigenous life.

Most authors agree that a focus on past oppression and victimhood is a poor pathway to indigenous revitalization, and that a focus on empowerment is necessary (Alfred and Corntassel 2005). This is important because the institutional frameworks embedded in Canadian federalism have helped to perpetuate patterns of community poverty and administrative ineffectiveness of local governments and federal bureaucrats alike that have burdened indigenous communities. In the decades following the repatriation of Canada's constitution in 1982, community empowerment has become more salient for indigenous groups. This includes communities having both a seat at the table in resource development and provincial and federal policymaking and in decision making at the community level. This process of empowerment, rather than victimhood is evident in both inter-jurisdictional arrangements between indigenous and non-indigenous communities (Alcantara and Nelles, 2014), and in new modes of governance, such as multilevel governance (Papillon, 2011), or Inuit corporate governance (Wilson and Alcantara, 2012). It may be possible, then, that indigenous empowerment could happen within Canadian federalism. How can this lead to better political and cultural outcomes? Proponents of indigenous SG argue that empowerment within Canadian federalism is the best way to facilitate better outcomes for indigenous communities.

2.3.2 Classical liberalism and indigenous governance

Not all authors who have commented on the intersection between indigenous governance and modern liberal capitalism have had favorable attitudes toward the expansion of indigenous governance. Some argue that indigenous sovereignty and SG are contrary to the best interests of indigenous peoples and the Canadian state. In *First Nations? Second Thoughts*, Flanagan (2000) challenges what he calls "aboriginal orthodoxy", which he defines as the belief that the prior

existence of indigenous peoples in the Americas entitles them to particular considerations, such as land rights, harvesting rights, and SG. Flanagan argues that the ills of colonialism are the inevitable result of the superior technological and cultural advancement of Europeans over indigenous peoples of North America (whose technologies are described as "Neolithic"). Flanagan further argues that current attempts at redress for colonial abuses that focus on recognition of rights are doomed to fail, and that the just way forward is the dismantling of these policies in favor of full integration of indigenous peoples into the Canadian state. Flanagan's vision for indigenous governance can arguably be read through a classical liberal lens, one that privileges individual freedom and opportunity over group rights, and holds that the best way to alleviate human suffering is to ensure the equality of opportunity of all individuals, which is solidified by equality before the law. The classical liberal perspective espoused by authors such as Flanagan (2000), and Cairns (2000), evokes the writings of enlightenment thinkers, such as Locke, Hobbes, and Mill, whose ideas stressed that the role of government was to prevent chaos and violence and to promote the rights of the individual.

As Christie (2002) notes in his review, the neatly presented, simplistic view presented of aboriginal peoples and their struggle with colonialism by authors like Flanagan (2000), and to a lesser extent, Cairns (2000), seems sensible only if one ignores the persistent realities of modern colonialism, the ongoing effects of which would not be erased by simply trying to forget a troubled past to pursue a future of equality. The ultimate violence of colonialism, Christie suggests, was not perpetrated "not by way of guns and steel, but through control of thought and action - through sustained efforts to have Aboriginal peoples come to think and act like the colonizers" (2002, 192-3). If this is true, then the simple 'integration' or assimilation of indigenous peoples into Canada's liberal, capitalist order would not alleviate colonial violence, but instead would only replicate it. In this view, then, only meaningful self-determination would alleviate the harm caused by colonialism, as Coulthard (2007, 2014) and Alfred (199, 2005) assert.

Cairns (2000) advances a more nuanced narrative in *Citizens Plus: Aboriginal Peoples and the Canadian State*, in which he argues that indigenous groups cannot hope to be able to win the support of non-indigenous Canadians, or to effectively govern their communities, by attempting to pursue what he calls a "parallel" governance structure, which others have referred to as a "nation-to-nation" approach (Abele and Prince, 2006). Rather, Cairns argues, they will

have to accept limited governance within the confines of Canadian Federalism in order to be able to function as viable communities. Cairns echoes Flanagan's charge that the best path forward for indigenous peoples lies in their acquiescence to Canada's institutional landscape in its current form, or their integration within society, coupled with the abolition of any special status or any financial assistance from the Canadian state. Cairns espouses the "middle ground" between full assimilation and indigenous sovereignty. In his review, Christie (2002) rejects this view of indigenous aspirations, and raises the possibility that authors like Cairns and Flanagan are not truly concerned with the uplifting of indigenous peoples, nor the restoration of their dignity in the wake of colonial violence. Rather, as the writings of Coulthard (2007, 2014) and Alfred (1999, 2005) suggest, these types of arguments aim to replicate the colonial order.

While Cairns and Flanagan stress integration and assimilation, Newhouse (2000) focuses on the politics of adaptation. Newhouse asks how traditional indigenous values, such as wisdom, humility, and sharing, can be applied in a modern capitalist context, and attempts to describe an indigenous society in which capitalism is adapted to fit into an indigenous worldview. This involves taking a broader view of community development and wealth distribution than is typically discussed in the context of a liberal capitalist order (2000; 59). Newman's argument is a blended culturalist and classical liberal approach, which contrasts with those of Cairns and Flanagan, who stress the primacy of the individual and shun the notion of culturally appropriate forms of capitalism. Newman also contrasts with Alfred and Corntassel (2005), who stress the importance of indigenous resurgence, rather than adaptation, as the key to indigenous survival. Coulthard (2007, 2014) holds that indigenous survival is fundamentally at odds with modern capitalism. Coulthard (2007, 2014), Alfred (1999, 2005), Flanagan (2000), and Cairns (2000) all agree on one key point: That indigenous resurgence and indigenous self-determination stand at odds with modern capitalism and the Canadian state. The latter two simply hold that assimilation is the path forward, while the former favor indigenous resurgence. This assertion places them at odds with the works of Newhouse (2000), Alcantara and Nelles (2014, 2016), and Wilson and Alcantara (2012), all of whom have suggested that modern liberal capitalism, if properly blended into indigenous cultures, can produce benefits to indigenous communities, and are thus not fundamentally at odds with the well being of indigenous communities.

This debate pertains to our research question, because the relationship between indigenous communities and modern capitalism or modern federalism are central to the question

of whether, and how, policy and governance can be mobilized to the betterment of indigenous communities within a federalist, capitalist system. Put another way, the research questions ask: if indigenous communities have suffered at the hands of a capitalist, colonial system, how might their relationship with that system differ today from what went before? If Indigenous communities have been able work within a federalist, capitalist system to enact policies that benefit their people, how have they been able to do so? Section 2.3.3 further examines two proposed models in which indigenous groups might work within modern federalism to pursue their own policy initiatives and transform their communities.

2.3.3 Multilevel Governance and Treaty federalism

Each of the perspectives mentioned so far have been concerned with whether – and how - Indigenous communities establish SG within their communities, or with how their SG agreements or implementation influence outcomes. Cornell and Kalt (2007), as well as Alcantara (2008), Papillon (2015), and Rodon (2014), discuss both the ambient institutional determinants of both whether or not communities achieve SG (See Alcantara, 2007, 2008, 2013), and some of the new ways in which communities govern, and whether or not such governments are successful in achieving their policy goals. Several authors, such as Papillon (2015), Wilson, Alcantara, and Rodon (2015), and Alcantara and Nelles (2014, 2016) are concerned with the rising importance of multilevel governance (MLG) for the governance of indigenous communities. MLG refers to the complex network of political, social, and economic linkages between local and regional indigenous governments and non-indigenous local governments, federal, provincial, and territorial governments, other organizations, and international entities, in the creation and use of public policy or the control of territory and resources. MLG includes the rise of Inuit corporate governance in the Canadian arctic. Wilson and Alcantara (2012) discuss the importance of Inuit development corporations not only as political and economic actors in Inuit affairs, but as transformative agents in helping prepare Inuit regions for SG. They do this by creating economic infrastructure, in the form of services and economic development, which foster the building of local and regional capacity[10].

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[10] When Inuit regions formally begin SG they often enter into complex power-sharing relationships with regional development corporations, where jurisdictional ambiguities, and conflicts over allocation of funding, are common. For instance, in Nunavut, most resource royalties are managed by the Nunavut Tuungavik Corporation, but public

The study of MLG is concerned with the ways in which local or regional governments cooperate, or how they collide, with other levels and orders of government, or with organizations outside of government, as they negotiate their specific policy-making powers, and the scope of those powers. Studying MLG ultimately means examining the activities of a network of indigenous organizations and governments and their interactions with the Canadian state (Wilson, Alcantara, and Rodon, 2015). As Alcantara and Nelles (2014) argue, however, MLG is more narrowly defined as "a process of political decision-making in which governments engage with a broad range of actors embedded in different territorial scales to pursue collaborative solutions to complex problems" (Wilson, Alcantara, and Rodon, 2015, 46). MLG is important in contemporary scholarship because it takes a more complex and nuanced view of indigenous governance, treating it as an ecosystem of actors, rather than a discreet, adversarial interaction between indigenous groups and the Canadian State. Alcantara and Nelles (2014) argue that the presence of MLG can be identified through three criteria: actors, scales, and the nature of the decision-making process. This is useful as it provides a discrete understanding of where MLG is, and is not, occurring.

The study of MLG espouses a broader view of governance that is largely absent in the study of Treaty Federalism, an important model of indigenous governance developed in the late 20th century that is no longer widely discussed in its original form. Treaty federalism is a concept that explicitly defines negotiated treaties, historical or modern, between indigenous groups and other sovereign entities as constitutional documents (Bear Robe, 1992). The concept emerged in response to the proliferation of modern treaties, and the re-emergence of indigenous governments as modern political entities with discreet powers. Its proponents called for newly negotiated CCLCs, like the historical treaties of the 19th and early 20th centuries, to be treated as constitutional documents between two sovereign powers that clearly defined areas of jurisdiction or shared responsibility.

The concept faded as violations of negotiated treaties became more common, and complex networks of legal and political processes ensued. Today's institutional arrangement is better described in terms of MLG as this reflects the reality that treaties are not likely to be fully honoured or implemented on their own, and networks of partnerships, legal frameworks, and

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services are the responsibility of the public government (Government of Nunavut). This causes disagreement over how the monies controlled by the corporation should be used to benefit Inuit.

corporate arrangements help to solidify indigenous governance power (Wilson, Alcantara and Rodon, 2015). This complex institutional landscape shapes the ongoing evolution of policy and governance in indigenous communities, particularly at the moment when a community transitions to SG, meaning that understanding this landscape is crucial to understanding whether, and how, a move to SG has yielded positive policy outcomes in a community.

2.3.4 Finding Common Ground

This chapter argues that two viewpoints found in the literature are juxtaposed with institutionalist explanations: the classical liberal and critical perspectives. The classical liberal interpretation holds that indigenous peoples should be treated as individuals, equal before the law, and able to exercise their rights as individuals, while not receiving special rights or considerations (see Cairns, 2000, and Flanagan, 2000). This vision is best facilitated by the full integration of indigenous communities within Canadian federalism. As identified earlier, this viewpoint fails to adequately account for the ongoing influence of history in indigenous governance (Alfred and Corntassel, 2005, Cornell and Kalt, 2007, Bissonnette, 2006, Coulthard, 2007, 2014), and thus it fails to propose a viable solution, since ignoring history and treating indigenous peoples as individuals is unlikely to address ongoing colonial ills (Christie, 2002; Coulthard, 2007, 2014). The postmodern, or critical perspective takes an opposite approach, holding that indigenous groups will need to continue to assert their right to self-determination, that they cannot achieve true freedom by cooperating with the Canadian state, and that their interests are at odds with liberal capitalism Canadian federalism (Alfred and Corntassel, 2005; Coulthard, 2007; 2014).

In contrast to the opposing understandings of governance presented above, blending rational choice, historical, and cultural institutionalisms provides a more helpful framework for complex analysis of specific cases that have been able to establish functioning governments. The blended approach helps us to understand both the behavior of different groups as rational actors, in the negotiation process and in the process of governance, and also the importance of history and path-dependency in determining the often-narrow array of options communities face in determining how to govern. A culturalist institutionalist approach, which holds that individuals and communities cannot be separated from their cultural background (Taylor and Hall, 1996), is also helpful. A culturalist approach helps us understand why it is necessary for communities to

prioritize cultural revitalization, rather than simply focus on material concerns. Research has showed that a sense of cultural continuity is crucial to overall well-being, and thus cannot be discounted by policymakers (Chandler and Lalonde 1998). While these three approaches can often be at odds, offering seemingly conflicting interpretations of human motivation, they can be used in tandem in an effort to understand indigenous governance more complexly. It is also crucial to acknowledge the importance of MLG, understanding that disparate, non-governmental, and often informal or semi-formal political cooperatives are as important as official political channels in shaping governance. Governance is shaped by a complex networks of actors, so weaving the concept of MLG into an institutionalist framework is essential for capturing a complete understanding of governance, particularly how diverse actors have impacted the ability of local governments to improve outcomes over time.

2.4 What is Governance?

2.4.1 Defining and Analyzing Governance

Governance is typically understood as the operation or activities of governing, while government is the apparatus that enacts governance, including people or institutions (Fukuyama, 2013). Government, whether that of a state, or a local self-government, would therefore be an instrument of governance. Fukuyama defines governance as "a government's ability to enforce rules and to deliver services" (p. 350) a definition accounting only for the activities of government. Fukuyama justifies the definition by highlighting an interest in "infrastructural" rather than despotic power. His analysis is thus applicable to SG despite his focus on state governance, since he is concerned with bureaucratic capacity and freedom, more so than raw executive power. Further, Fukuyama suggests that there is a relationship between governance and democracy. He also points out the connection between governance as implementation and the normative ends of government. It is difficult to disentangle good government from effective government, and yet few would claim that effective tyranny is good *governance*. This insight is also valuable, because modern governance for Canada's indigenous communities so often amounts to implementation of land claims, thus the affirmed rights of the group become an underpinning of community governance. Fukuyama's most important discussion relates to capacity, and its connection with bureaucratic output. Noting a parabolic relationship between

bureaucratic autonomy and quality of governance, he further connects these to government capacity. The greater the capacity, the more autonomy boosts government quality. Capacity in this case would, of course, be determined by fiscal resources, institutional makeup, and expertise. For an indigenous government, this could include taxation and resource revenues, an institutional arrangement that works for the community, and an ability to build a capable bureaucracy. Autonomy and capacity are each important determinants of governance effectiveness.

Aucoin (2012) and Fukuyama (2010) each note the rising importance in Westminster Parliaments, particularly since the 1980's, of governance through public administration rather than public policy. By discussing the threat of politicization of the roles of traditionally non-political public servants, Aucoin highlights an important determinant of the successful operation of governance – the quality of public servants, and the preservation of their political impartiality. This phenomenon coincides with the critical juncture discussed earlier and it, too, has helped lead to new opportunities for indigenous communities. Such developments signal that although policy that addresses community concerns is important for indigenous communities in Canada, attention to the operation and arrangement of government is also necessary. Bevir, Rhodes, and Weller (2003) outline a changing role of the public sector, and the shifting emphasis toward what they call New Public Management – or the rising emphasis on the administrative capacity of public servants. They highlight the impact of globalization and the hollowing out of the state, which could affect the funding arrangements and political autonomy of indigenous SG in Canada. As global economies increasingly integrate and governments meld, indigenous governments may struggle to safeguard cultural heritage and administrative autonomy. The risk posed by globalization underscores the importance for indigenous governments to promote policy capacity and safeguard political autonomy.

A working definition of governance supports the creation of a framework with which to determine whether and how local governance institutions succeed in carrying out processes or functions of governance for communities. The Institute on Governance provides a valuable model for defining and analyzing governance that focuses on serving communities and building policy capacity.

"Governance determines who has power, who makes the decisions, how other players make their voices heard, and how account is rendered. Governance is how society, or

groups within it, *organize* to *make decisions"* [emphasis added] (IoG, *Defining Governance*, 2018).

The IoG definition steps beyond government by highlighting both the need for wider participation and accountability, and how society as a whole organizes in order to pursue policy. The IoG stresses 3 core items to consider when evaluating governance: the decision-making process itself, who influences decision-making, and their accountability to the public. In this thesis, determining good governance will turn on the Five Principles introduced in Chapter 1, based on the principles of the United Nations Development Programme: legitimacy of voice, direction, performance, accountability, and fairness. These principles serve as a scaffold when evaluating governance, whether through policy or administration, within indigenous communities. They are especially useful because they are geared toward capacity-building.

Legitimacy of voice is defined as the degree to which members of the public have a voice, or control in decision making that affects their lives. It can be measured by asking whether the public have input into the policy process, where power is located, how conflicting interests are managed, and whether policy is locally determined. Direction has to do with the strategic direction a government is taking, and is further divided into two categories: strategic vision on policy and strategic vision on good government. The former is concerned with whether those in power have a clear vision for shaping the machinery of government, while the latter is concerned with whether there is a clear vision on the direction of policy. The word *Strategic* is used here to describe a decision process that includes long term planning and considers diverse challenges. Performance refers to the actual "success", or progress of a government in both achieving strategic objectives and serving its people. It is divided into two parts: effectiveness of representative democracy, and the delivery of policy. An evaluation of representativeness, followed by an analysis of three key policy areas is used to measure effectiveness. Accountability and Transparency, the fourth theme, are determined by measuring the accountability of government to the public[11], and the degree to which the public has access to both government officials and information about the activities of government. Lastly, Fairness, which is divided into equity and rule of law, is measured. Equity refers to equal opportunity for

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[11] Accountability is further determined by the presence of sanctions and controls on the activities of government officers, and the presence of democratic pressures. Spicer (2017) proposes a model for measuring accountability of local governments, to one another and to the public, by quantifying these factors using a scoring system.

all irrespective of demographic attributes, while rule of law creates public confidence that rules will be applied fairly across the population.

Governance literature thus points to a working definition that focuses on the enactment of government, and the management of resources – natural, human, and political. Although this dissertation focuses on the notion of government through policy that addresses community needs, the case studies also give attention to administration, or the structure and operation of policy delivery. The project of empowering indigenous SG is partly concerned with re-indigenizing the constitutions and institutions that deliver policy, and this process is evident in the people and mechanisms of delivery[12]. In light of this, Fukuyama's model of analysis, based on capacity and government autonomy, applies to SG in Canada. Indigenous communities are constrained by the Canadian state in terms of policy options, but also must act within their respective capacities. A tension is created where the bureaucratic red tape in the model, usually imposed by the Federal Government, would constrain the executive purview of the local government, whereas an increase in capacity would push autonomy, and discretionary power, further. Simultaneously, greater autonomy creates new opportunities to build capacity in communities. Considering the salience of the accountability dimension of governance evaluation (IoG, 2018; Wilson & Alcantara, 2014), this tension between imposed red tape and perfect discretion for indigenous SG becomes difficult to navigate. Indigenous governments must have the autonomy to operate, innovate, and enact homegrown policy alternatives, but must also be sufficiently accountable to the local community.

2.4.2 Examining Indigenous Governance

Abele and Prince offer a useful model for understanding SG in Canada, outlining four basic pathways to SG for indigenous communities. Each of these pathways, except the fourth, is shaped and constrained by institutional arrangements within Canadian Federalism. The first pathway, called the "mini-municipalities" approach, involves band councils functioning with a similar scope of powers to that of small incorporated municipalities. Typical powers at this level could include basic public works, municipal revenue-raising powers such as property taxation, and community programs. Under the authority of the *Indian Act,* bands typically do not have tax-

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[12] For instance, Nunatsiavut practices Inuit-style consensus government in its Assembly, and also requires the Assembly President to speak Labrador Inuttitut; both policies are emblematic of NG's mandate to preserve Inutittut language and Inuit culture (NG website, 2018).

raising powers unless they create a land code[13]. As Abele and Prince note, most communities operating this way would not want it as an endpoint, since it offers only limited autonomy, and would prefer to change pathways, despite institutional barriers in doing so. Figure 2.1 shows a visualization of this model blended with the principal-agent model, showing that an indigenous community government is both a principal and an agent, but acting with limited power to change outcomes. In this figure, the solid arrows denote power or authority while the dotted arrows denote influence. MFN is closest to this form of government, but it has a much more elaborate policy agenda and greater control of health and education than municipalities normally would.

Figure 2.1: The principal-agent relationship and "mini-municipalities"

| Reciprocal influence | | Top-down influence |

| Community Members | First Nation/Inuit community government | Provincial and federal governments |

Principal   **Agent**   **Principal**   **Agent**
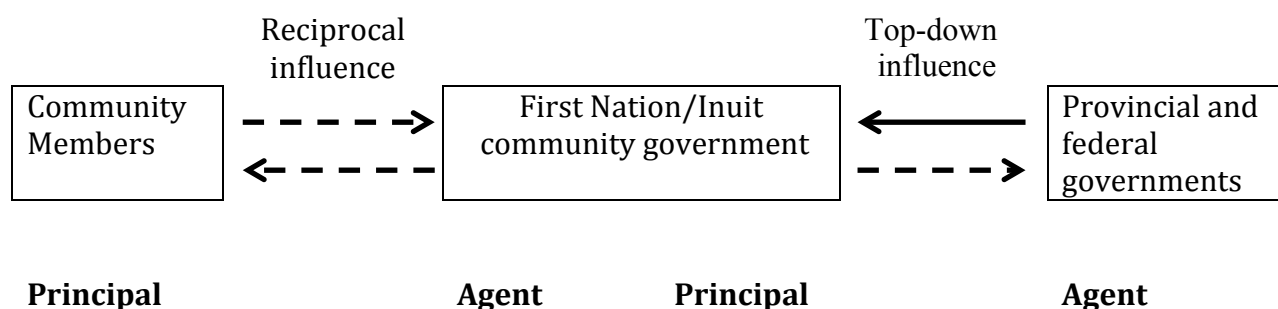
The next level, "adapted federalism" involves an indigenous polity being integrated within the federal system, as exemplified by the creation of the territory of Nunavut. This type of government functions much as a territorial government does, with limited provincial powers and often dependence on federal transfers. "Adapted federalism" allows a limited scope of indigenous autonomy and permits a recognition of rights approach under the Government of Canada's Inherent Right Policy[14]. The first two pathways fit seamlessly into Canadian federalism in its current form. Figure 2.2 shows the relationship, again blended. Note the relatively greater local power. NG fits best into this category, as it is a regional government with quasi-provincial powers. However, because it is a regional government within a province, it could exist on the line between a municipality and a territory, or between a territory and another order of government, depending on how much influence it is able to exercise.

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[13] Under the *First Nations Land Management Act*, which sets out provisions for communities under the *Indian Act* to negotiate a land code with the federal government, allowing them to fully govern their own lands.

[14] The Inherent Right Policy was a policy first launched by the Government of Canada in 1995 to guide SG negotiations with indigenous communities. It is conceptually rooted in the idea that indigenous groups have the inherent right to govern themselves, and is legally rooted in section 35 of the *Constitution Act* of 1982, which guarantees recognition of treaty rights to indigenous peoples.

Figure 2.2: The principal-agent relationship and Adapted Federalism
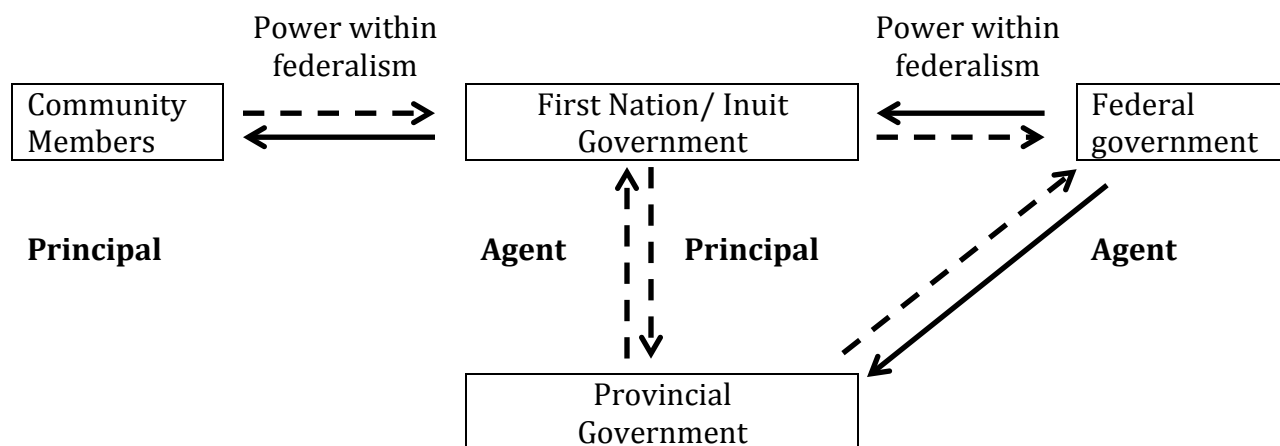
Abele and Prince next describe a third order of government, "trilateral federalism" in which the interests of indigenous groups across the country are represented by several national organizations, such as the Assembly of First Nations (AFN) and Inuit Tapirisat Kanatami (ITK). This regime would grant these organizations an array of powers, in terms of lawmaking and enforcement, revenue-raising, and service delivery, that equal or supersede provincial powers, thus transforming them into a third order of government. This model is a desirable option because it gives indigenous groups a large powerful organization to act on their behalf, but is difficult to attain as it requires a significant alteration of federalism. Lastly, Abele and Prince discuss the Nation–to-Nation arrangement that is advocated in much of the literature, both in Canada and internationally (Abele and Prince, 2006; Cornell and Kalt, 2006; Cornell, 2015). The latter two components of the Abele and Prince typology better match the second approach to indigenous governance discussed by Cornell and Kalt (2007), the Nation-building model, because they afford greater autonomy and a better path to self-determination for indigenous groups. Per the discussion of path dependency above, changing course while already on one of these pathways can be daunting, but some groups may attempt to adopt a new pathway if the current path is undesirable. Figures B1 and B2, appended, show the latter two arrangements.

Alcantara and Davidson (2015) discuss the dichotomy, found in indigenous governments in Canada, between public governments and limited-membership governments. Public government describes a situation such as Nunavut, where an Inuit-dominated government administers a whole territory, serving all residents, Inuit or not. A First Nation, such as MFN, would be considered "limited membership" since it provides services predominantly for band

members and only band members may vote. Nunatsiavut, on the other hand, would be considered a hybrid between the two, since it provides a full range of services to Labrador Inuit Land Claims beneficiaries within the land claims area, but also provides limited services to beneficiaries living outside of the claims area, and provides some services to non-beneficiaries living both within and outside of the land claims area. Only beneficiaries, whether living inside or outside the Settlement Area, may vote in NG elections. "Public government" is sometimes preferable to "limited membership", but only in a relatively large political unit and only if the indigenous population found there is sufficiently large, otherwise, As Rodon notes, "indigenous political power becomes too dilute to democratically address unique indigenous needs" (2014, pp. 252).

2.4.3 Toward a comprehensive definition

This dissertation favors a more comprehensive definition of Indigenous SG than that offered by the Government of Canada (2019). The latter considers a community to have SG if it has a formal SG agreement with the Crown, which is said to provide "greater autonomy and self-reliance for communities than *would be permitted under the Indian Act"* [emphasis added]. The federal Government also emphasizes a fiscal financing arrangement for SG that is partly based on own-source-revenue. (Government of Canada website, 2017). Instead, this thesis favours an understanding of SG that respects local initiatives and includes such elements as intra-jurisdictional relationships, described by Alcantara and Wilson (2014), Inuit corporate governance, such as in Nunavik and the Inuvialuit Settlement area (Wilson & Alcanatara, 2012), MLG, environmental governance and resource development, and also more informal modes of government, as components of SG. I promote a definition that captures the operationalization of governance in a community, though the analysis focuses on particular policy elements. Further, although I use the term SG, the dissertation also challenges the use of the term as such. SG would intuitively refer to any duly elected government in a federalist system that has authority over an array of policy areas, but currently the literature on indigenous SG refers only to those communities that have some form of SG agreement. Given that the term is not applied to non-indigenous communities in Canada, this paper thus advances the idea that indigenous SG is simply indigenous government.

Despite the important role of public administration in governance, this thesis acknowledges the salience of government by policy. There is a strong basis in the literature for understanding Indigenous SG through either a policy lens or a public administration lens. Alcantara and Wilson (2014), for instance, highlight the importance of intra-jurisdictional relations in understanding governance in Inuit communities. By examining the relationship between the Government of Nunavut and Nunavut Tunngavik Incorporated (NTI), the authors highlight a critical tension in Canadian arctic governance: the overlapping responsibilities of public governments and ethnic organizations that specifically represent, for instance, Inuit. The choice to implement public government in Nunavut has a lasting impact on the evolution of SG, since NG controls public funds and expenditures, while NTI controls funds from the Land Claims agreement. Likewise, the decision by Nunatsiavut Government (NG) to form a membership-based government will have a lasting impact on the evolution of SG there. Conversely, Daley et al. (2015) and Cater (2015), both conduct a discussion that is more policy-based. Daley et al, discusses the impacts of failing water and sanitation systems and associated health concerns in various arctic communities[15], while Cater examines the impacts of mining policy, an important topic in the field of environmental governance. These two articles examine governance as it relates to policy delivery.

The two case studies in this dissertation, though they differ substantially, have a few salient policy areas that overlap. Both have challenges regarding housing and employment, which they have implemented innovative solutions to address. Like most indigenous communities in Canada, both communities also have concerns about language and culture retention, with both Labrador Inuktitut and the Newfoundland Mi'kmaq dialect in serious danger of language shift, (Andersen and Johns, 2005, Jeddore, 2000). Later empirical chapters will outline the apparatus of policy delivery as well as policy itself, by including community members' remarks on the structures and processes of local government, as well as those concerning government activities. Their thoughts on policy implementation and outcomes will be at the fore, however, because policy outcomes are the real substance of a government's accomplishments.

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[15] There have been water crises in both case studies. Conne River has a compromised water sanitation system and had a boil water advisory for over two years, although that was lifted in 2018. Hopedale, in Nunatsiavut, has serious water distribution problems due to the unyielding bedrock and freezing temperatures, the combination of which causes frequent line breaches and shutdowns.

2.5 Conclusion

This chapter has examined the literature on the evolution of indigenous SG in Canada, showcasing numerous theoretical approaches to examining SG. We began by introducing the institutionalisms, as they form the baseline for analysis of SG. Rational Choice Institutionalism was presented as the central mode of analysis for indigenous SG, as it offers a robust analysis of the behavior of indigenous groups as rational actors and as agents of their communities. Historical institutionalism focuses on how group behavior is shaped by the institutional constraints imposed by history, which has created a sense of path dependency. Two other theoretical frameworks were examined and juxtaposed: postmodern or critical, and classical liberal, but these perspectives are less useful in understanding community governance. MLG is identified as an important development in indigenous governance that could have significant potential for transforming many communities. The shortcomings of the institutionalisms are then presented in view of Culturalist explanations of the behavior of indigenous groups, which offers an alternative rationale for the push for SG that centers on the need for cultural revitalization in developing a sense of nationhood. Culturalists argue that it is important to examine cultural influences on the structure and activities of governments, not simply their economic priorities. Governance is defined as the ability of a government to enforce rules and provide services, as well as have legitimacy of voice and provide representation. With this definition in mind, the Five Principles are identified as useful in the analysis and evaluation of governance structures. Lastly, Indigenous SG in Canada is defined and analyzed, which generates a typology that highlights the methods and pathways of SG found in the literature. Ultimately, a more comprehensive definition of SG than that used by the Government of Canada is proposed, which focuses on the inputs and outcomes of governments, rather than the official agreements they have in place.

Chapter 3: Methodology

3.1 Introduction

This chapter describes how the data used in this thesis are gathered and analyzed, how I justify and execute my case selection, and the metrics I use to answer my research questions. I end the chapter with a review of the three hypotheses and a description of how they are operationalized in the coming chapters.

3.2 Research design

This thesis combines empirical analysis of data on social indicators and a qualitative analysis using the comparative method. This combined method is useful because statistical analysis provides an empirical foundation for claims made about the social and economic benefits of SG, while the comparison of two in-depth case studies allows a richer understanding of how changes happen in particular cases across time. The research design proceeds in two stages. First, a quantitative analysis shows improvements in key socio-economic indicators in each of the communities examined, presented in Chapter 4. This quantitative analysis is followed by comparative case studies that each conducts a qualitative analysis of governance in the two cases (Chapters 5 and 6). Chapter 4 provides a longitudinal analysis using data from the Community Well Being Index (CWB), which consists of five scores, presented for each census year beginning in 1981 (Government of Canada, 2017). This is done to demonstrate that communities that practice SG improve outcomes faster than those that do not across an established time- marker. The five scores are based on education level, household income, employment, and housing, and the final score is a combined "community well-being" score. Chapter 4 uses a longitudinal analysis, using data from the years 1981, 1996, 2001, and 2016. Examining these indices longitudinally allows indicators to be empirically traced and can point to improvements in community policy outcomes. The chapter also draws on INAC's (2017) list of self-governing indigenous communities, to establish which of the indigenous communities listed in the CWB can be considered self-governing for the purposes of this analysis.

The case studies featured in chapters 5 and 6 employ Mill's Most Different Systems method, examining the major contextual differences between the communities of the Miawpukek

Mi'kmaq and the Labrador Inuit, and then tracing the similarly preferable governance outcomes - as described by participants and through examination of policy outcomes. To measure the presence of positive community outcomes over time, I use a separate time-marker for each case: 1987 for MFN and 2006 for NG. Through semi-structured elite interviews, combined with other sources, the case studies trace improvements in policy outcomes *after* the respective time-marker as compared to before it. The richness of this interview data helps to explain the improvements in housing, employment, income, and language and culture retention found in each case. Performance in three key policy areas is measured to help determine SG success in the two cases: language and culture revitalization, employment, and housing. These policy areas were chosen because they are, historically, salient issues in each of the communities visited for the study, and because NG and MFN each have policy agenda to address these three areas. Indicators for employment and housing are also featured in the CWB.

Both MFN and Nunatsiavut have, like many indigenous communities in Canada, suffered from language loss (Hot, 2009, Andersen and Johns, 2005; Jeddore, 2000), and have experienced culture loss as a result of colonial laws (Metatawabin, 2014, Dickason, 2009, Bartels and Bartels, 2005, Heritage Newfoundland and Labrador, 2018). The issue is particularly salient in the case studies due to the legacy ignorance and erasure of indigenous identity during Newfoundland's colonial period, which led Newfoundland's indigenous population being at elevated risk of culture loss and language shift (Andersen & Johns, 2005; Wetzel, 1995; Bartels & Bartels, 2005). Both MFN and NG have comprehensive housing strategies designed to address issues with housing shortages, and both have divergent but sensible plans in place to improve employment outcomes. Of course, there are other salient policy matters present in indigenous communities, such as health care and education, but NG has not yet drawn down its mandated powers to operate healthcare services and schools (Alcantara, 2018; Labrador Inuit Constitution Act, NG, 2005; Government of Canada, 2017). More on the three policy areas, the time-markers, and the definition of good governance (IoG website, 2018) as modes of analysis will be discussed in section 3.5.

3.3 Case Selection

The selection of the two cases conforms to the Most Different Systems (MDS) methodology often used in comparative studies. Derived from John Stuart Mill's Method of

Agreement, the MDS design requires two cases that differ greatly from one another contextually, yet both experience favorable results through SG when compared with other communities, implicating some common factor between them (in this case practices associated with SG). The cases constitute a natural experiment which, using the MDS, allows a comparison of outcomes. Despite great contextual differences, MFN and Nunatsiavut have been able to achieve similarly favorable results, and have done so through successful strategies such as housing programs. In the chosen cases, the successful strategies in question would be greater autonomy in governance and more home-grown initiatives in the three areas of inquiry: language and culture revitalization, housing, and employment.

Despite being indigenous communities in the same province, MFN and the communities in Nunatsiavut differ greatly. Nunatsiavut communities are near-arctic communities, making their challenges similar to those faced by arctic communities across Canada: Limited infrastructure, high shipping costs, unreliable weather, and disproportionate effects from climate change causing significant environmental disruption (Durkalec et al., 2015; Brinkman et al., 2016; Nunavut Climate Change Center, 2018). All of these factors create or exacerbate issues like inadequate healthcare delivery and food insecurity. MFN only received Indian status in the 1980's (Bartels and Bartels, 2005), but is formally administered under the Indian Act today.[16] Although it lacks the characteristics of an arctic environment, its remoteness still limits access to certain services. Labrador Inuit communities differ greatly from MFN both linguistically and culturally, since the former are arctic-dwelling Inuit communities and the latter is a Mi'kmaq community whose members are Status Indians. MFN also has road access, making it more accessible than communities on Labrador's north coast, but it still faces the numerous challenges associated with being a remote community, such as the cost of food and other goods. While Nunatsiavut has had a modern treaty and a SG agreement with the Crown since 2005, MFN currently sits at the un-ratified Final Agreement stage, despite advancements in Housing, employment, and education policy. The communities differ in terms of resource access; Nunatsiavut is the beneficiary of an impacts-benefits agreement (IBA) with, the operator of Voisey's Bay Mine, has large-scale harvesting rights along the Labrador coast. MFN, meanwhile, has a limited resource base on reserve land and is lacking in its own source revenue. Nunatsiavut

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[16] Nunatsiavut, on the other hand, is an Inuit government. Recall that the Inuit are not Status Indians and are not administered under the Indian Act.

consists of numerous communities, with a total population exceeding 2000 (NG website, 2018), while MFN is a single FN band, with an on-reserve population of 920 (MFN website, 2018; Government of Canada, 2018). These key contextual differences, in politics, culture, climate, infrastructure, and size, are important because they can show how two cases that are contextually divergent can still sometimes utilize similar governance strategies in key policy areas in order to improve indicators.

The two cases thus differ greatly, but with key commonalities: Both have implemented SG practices[17] that have produced favorable results (NG website, 2018; MFN website, 2018; CWB, 2018). Both have generated strategies and seen improvements in the 3 policy areas listed above. Despite having largely divergent paths forward, the two cases have utilized similar policy instruments to foster improvements, suggesting that similar strategies could be utilized elsewhere to address similar types of problems. Additionally, the two communities are a sensible pair for analysis because despite vast differences, they are both situated in the province of Newfoundland and Labrador, a late joiner to confederation, giving them a historical experience that is quite unique from their counterparts' experiences in the rest of Canada.

3.4 Data collection

3.4.1 Interviews

A series of semi-structured, elite interviews (scripts found in Appendix C) form the primary data source for each case study. Because they are in-depth, guided, and open-ended, semi-structured interviews are an effective tool in generating the richness necessary for a case study. Writes Lynch:

"Well-conducted interviews give access to information about respondents' experiences and motivations that may not be available in the public or documentary record; they allow us to understand opinions and thought processes with a granularity that surveys rarely achieve; and they add microfoundations to events or patterns observed at the macro level. (2013, pp, 37).

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[17] Recall that Conne River, the name of the community situated within the Miawpukek First Nation reserve, has so far done so informally. There is an Agreement in Principle for SG, but it is currently suspended. In recent decades, Conne River has often operated outside the Indian Act and pursued its own approach to local government.

The attributes described above are especially crucial here as the documentary record on both history and governance in small, remote communities is often incomplete. Such communities also have unique experiences in the evolution of their governance structures. When analyzed with the TNA method described in section 3.5.4, these interviews provide robust, granular evidence of the evolution of governance in the communities under study.

Political scientists commonly assume that qualitative analysis is best for depth and meaning, while quantitative is preferable for reliability and broad generalization. Gallagher call this "a false dichotomy. Accurate measurement requires understanding the meaning, and context, of the social phenomenon one is studying. Conversely, the ability to convey meaning is more powerful when one can make confident statements about how far and wide one's findings travel and the limitations or constraints of the research" (2001, 181). Gallagher thus makes a robust case for the mixed-methods approach used in this thesis. As Gallagher notes, semi-structured interviews are most effective when used with triangulation, defined as the process of using alternative sources of information to supplement or corroborate the primary set of information. In keeping with the mixed approach, this thesis not only uses media and government reports as a source of primary data to inform the policy analysis, but also as a fact-checker for the interviews. This is effective because some factual claims made by interviewees in this study are inaccurate, yet participants' overall feelings about their communities are still important.

Non-random sampling was used to recruit interviews for the interviews. Random sampling is generally not required for designs that are interpretivist, or descriptive in nature, and instead a process of selecting or approaching certain individuals who would have specific knowledge (in this case on governance) is appropriate (Lynch 2001; King, Keohane and Verba, 1996). Participants were recruited in collaboration with both NG and MFN, which enabled me to use both purposive recruiting and snowballing. I began by sharing an invitation to participate in the study on local message boards and online. I also used word of mouth to attract participants. Each person I interviewed was asked to suggest additional individuals who might like to participate and those individuals were invited to contact me if they wish. Through this technique, I was able to interview a total of 46 participants: 14 in Conne River, and 32 in Nunatsiavut. Nunatsiavut is sampled more heavily because the population is larger than that of Conne River, and Nunatsiavut Government is a complex regional government as opposed to a community government. Table 3.1 shows a breakdown of information on the interview recruiting process,

including the total population of each community, how many agreed to an interview, how many government vs non-government officials were at the time of interview. Additionally, all values are broken down by gender to demonstrate that care was taken to achieve reasonably gender-representative results.

3.4.2 Other data

Other data used for this study include laws, such as NG's *Elections Act,* Agreements, such as the LICLA, media reports, and data from the CWB (Government of Canada, 2019). The case studies use policy documents, such as the Impact Benefit Agreement for the Voisey's Bay site, internal records on housing and employment programs for each case[18], obtained through an access to information request. Another source of data is Hansard or records of decision for each government, available publicly through the respective websites (MFN website, 2018; NG website, 2018). Information from these sources will be woven together

Table 3.1: participants recruited, by gender, occupation, and community[19]

Case	Gender	Member population	Number Interviewed	Elected officials/ civil servants	Community members
Nunatsiavut Government (NG)	Male	1230	22	11	11
	Female	1130	10	6	4
	Total	2360 (Statistics Canada, 2016)	32	17	15
Miawpukek First Nation (MFN)	Male	510	7	3	4
	Female	445	7	2	5*
	Total	960 (Statistics Canada, 2016)	14	8	5
	Grand total	3320	46	25	20

* One of the women interviewed identified herself as an elder.

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[18] For instance, documents from the Torngat Housing Corporation, an arms-length subsidiary of NG that administers programs such as the low-income housing initiative, or the housing program administered by the MFN Housing records

[19] Values for total population and by gender are taken from Statistics Canada's (2016) Census Profiles on Samaijij Miawpukek (Conne River) and Nunatsiavut Settlement Area, respectively.

3.5 Data Analysis

3.5.1 Three policy Areas

Three policy areas will are studied in detail: cultural revitalization, housing programs, and employment programs. By measuring the effectiveness of policies in these areas, and showing statistically how they have contributed to improving indicators, and done so to a greater degree than what came before, SG effectiveness is demonstrated. The three policy areas will be evaluated according to the Five Principles of Good Governance (FPGG, IoG website, 2018), derived from the eight principles (UNDP Bureau for Development Policy, 2011) used by the United Nations Development Programme (UNDP). These principles were introduced in Chapter 2, and their application is described below. This same system is used in this thesis to evaluate governance as a whole. Table 3.1, below outlines challenges for each community in each of the three policy areas, and notes how the areas are being addressed, thus identifying a way in which SG effectiveness can be measured in each case.

Table 3.2: A policy framework in three chosen policy areas, by case study.

Policy	Miawpukek First Nation	Nunatsiavut Government
Language and culture revitalization	**Problem:** Mi'kmaq language almost extinct in Conne River (Jeddore, 2000) **Solution:** Band controls school. Language training provided until Grade 3 (MFN website, 2018). Annual Pow Wow. Supporting teachers in immersion training.	**Problem:** Labrador Inuktitut below 25% fluent speakers in Nunatsiavut (Statistics Canada, 2017). **Solution:** Language Nest program available in Nain and Hopedale until Grade 3 (NG website, 2018). Community Freezer initiatives provide wild caught food to those in need.
Employment	**Problem:** Limited local industry to employ members. **Solution:** Employment Assurance Program achieved 100% part-time employment (MFN website, 2018, member interviews, 2018) Band owns and operates fishing licenses and vessels.	**Problem:** Limited local industry to employ beneficiaries. **Solution:** Skills-based job training for local industry (eg. Voisey's Bay Mine) IBA with Vale, ltd. requires at least 50% of mine employees be Inuit (NG website, 2018). NGC has numerous capital investments, must hire Inuit.
Housing	**Problem:** Housing crisis on many reserves – crowding, waiting lists, limited resources to build new homes or repair damaged homes. **Solution:** MFN Housing Authority. Pay-what-you-can housing plan, grants and loans for first time buying or repairs.	**Problem:** Waiting list for housing, severe shortage in some communities. **Solution:** Provide low income housing (through TRHA), working with federal government to increase funding, pilot projects to provide specialized housing, Assisted Living Program for complex needs.

3.5.2 The time-markers

The time-markers selected for each case presented in this study are critical for measuring changes in policy outcomes over time. The 1987 marker for MFN is significant because it is the year MFN officially received status as a First Nation and began receiving additional resources to dedicate to its policy initiatives (see section 5.2.2). 1987 also marks the beginning of SG negotiations between MFN and the federal government[20]. The 2006 marker for NG is significant because it is the first full year that Nunatsiavut Government was in operation as a government[21]. The quantitative analysis presented in Chapter 4 demonstrates that the presence of SG is associated with stronger improvements, across both time markers, in the 5 metrics measured in the CWB, and that both Nunatsiavut and Conne River have outperformed the communities with SG across their respective time markers. Both case studies show that these two moments in time are associated with key policy innovations that helped to improve outcomes in the respective community. The combined approach, using a quantitative analysis and two case studies, generates a better understanding of what contributes to successful governance. Table 3.2, below, displays the relevance of the time-marker to each case study.

Table 3.3: Measuring change in governance outcomes before and after SG

Timeline	Miawpukek First Nation	Nunatsiavut Government
Before time-marker	Newfoundland Mi'kmaq formed the Federation of Newfoundland Indians in 1975, fought for recognition as First Nations band, constructed sawmill, layed the foundation for policy development to come.	Labrador Inuit formed the Labrador Inuit Association (LIA) in 1975. Begin to advocate for policies to better the lives of Labrador Inuit. In 2005, LIA finalizes LILCA with provincial and Federal governments, creating NG.
Time-marker	1987: Received recognition as a First Nations Band.	2006: Nunatsiavut becomes self-governing
After time-marker	Began negotiations for SGA with the federal government. Implemented innovative policy initiatives to expand housing quality and availability and employment income. Launched Mi'kmaq language program at local school (Interviews, MFN website, 2017)	NG begins to set up governance structures and pass laws. Launched employment training strategy and housing strategies, and Language Nest programs. (Interviews, NG website, 2017) Enforces IBAs, harvesting laws.

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[20] A final agreement was reached in 2013 (Government of Canada, 2017).

[21] The ratification of the Labrador Inuit Land Claims Agreement (LILCA) that created NG occurred just prior, in December of 2005. Finalization of the Agreement was many years in the making, and the fact that it coincides with UNDRIP is emblematic of a growing global consensus on indigenous rights among many nations, international groups, and the legal community.

3.5.3 Five Principles of Good Governance

As introduced in chapter 2, the Five Principles are: Legitimacy and Voice, Direction, Performance, Accountability, and Fairness. These principles are further underpinned by three guiding principles: who has voice in decision-making, how decisions are made, and who is accountable. Together these principles can be used to establish a compelling narrative as to whether or not good governance is happening in a particular system – in this case, community and regional governments. The ability to determine the presence of good governance thus underpins a 3-point argument that answers the research questions:

1: At the community level, The presence of SG helps to foster good government, as evaluated through the Five Principles

2: By establishing good government, self-governing communities better address community needs than they did 1-2 decades ago, before they were self-governing.

3: Communities are able to improve outcomes by practicing good government, and not solely through own-source revenue from resource development or local industry.

3.5.4 Thematic Network Analysis

These three hypotheses are confirmed through analysis of whole governance structures, and of 3 specific policy areas, by applying Attride-Stirling's (2001) conception of Thematic Network Analysis (TNA) in order to find meaningful ways to code qualitative data from interviews, media sources, and policy output in our two case studies. To this end, the main themes within this TNA will be the Five Principles introduced earlier, thus permitting these principles to become a template for analysis. Much of the literature notes that, although TNA is chiefly a qualitative coding technique, it can be considered quantitative in the sense that it treats words like a sampling pool and detects numbers of particular words that fit into particular concept categories. Such a coding technique has the ability to measurably draw characterizations of certain concepts out of blocks of data such as interviews or news media clippings. For example, a researcher can measure the number of times media says a certain word or phrase about a particular government action. Alternatively, one could measure how often the media is positive or negative about a particular action, and so on. The key is we are using words or phrases and relating them to particular concepts to form webs that can be thematically analyzed in a manner that is partly quantitative and partly not.

Guest, McQueen and Namey describe the use of text in qualitative/thematic analysis as a "proxy for experience" as opposed to an object of analysis (2012, 9). This essentially means that by drawing themes and other meta-information out of text, we are attempting to recreate, and connect with, the experiences of participants. This is why our qualitative analysis will go beyond simple text analysis (reconstructing narratives or analyzing conversation). In addition to these basic analyses of the narratives, this research will also thematically define the narratives. As a more interpretive form of coding, the technique will involve significant engagement by the researcher. The other advantage to this technique, also noted by Guest, McQueen and Namey (2012, 7) is that it lends itself well to an exploratory, rather than a confirmatory, research design. My project will incorporate aspects of both.

I begin with several hypotheses (which would be a confirmatory feature) but the coding method is exploratory. That is, I constructed the exact terms and concepts to be coded into my thematic networks *as I gathered data* from constitutional analysis, policy records, and semi-structured interviews. Such a technique allows for an adaptive research design that is both sensitive to community needs and able to target research goals in a precise but qualitative way. This is because although data are qualitative in nature[22], it will contain quantitative elements. These elements include both the empirical analysis of INAC's CWB data, while controlling for style of government, and the numerical treatment of themes drawn from interview data, found in the TNA. The process produces results that are at once descriptive, textured and nuanced. Indigenous local governance being the complex, changing, living process that it is, pure empirical analysis alone is not a sufficiently descriptive method.

For the thematic network, I establish an over-arching theme, "SG as good government". Thus, the "Global themes" established are derived from the IoG's model described above. I subsequently introduce "organizing themes" and "basic themes" for my research, which are organized according to how they fit into the "global themes" The full TNA for this thesis is shown below, as per Attride-Sterling's proposed design (2001, 388-89). Figure 3.1 illustrates a sample layout for a TNA. The TNA ultimately demonstrates whether or not good governance is, indeed, occurring in the two selected cases, and particularly whether each government addresses

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[22] King, Keohane, and Verba (1994) describe qualitative inquiry as an attempt to understand phenomena in relational and evaluative way that establishes causality through determining causal mechanisms and examining them comparatively, rather than through empirical analysis. Pg. 84

the three chosen policy areas. The TNA, when taken in conjunction with numerical indicators,

answers our research questions by demonstrating how.

Figure 3.1 Structure of a Thematic Network.
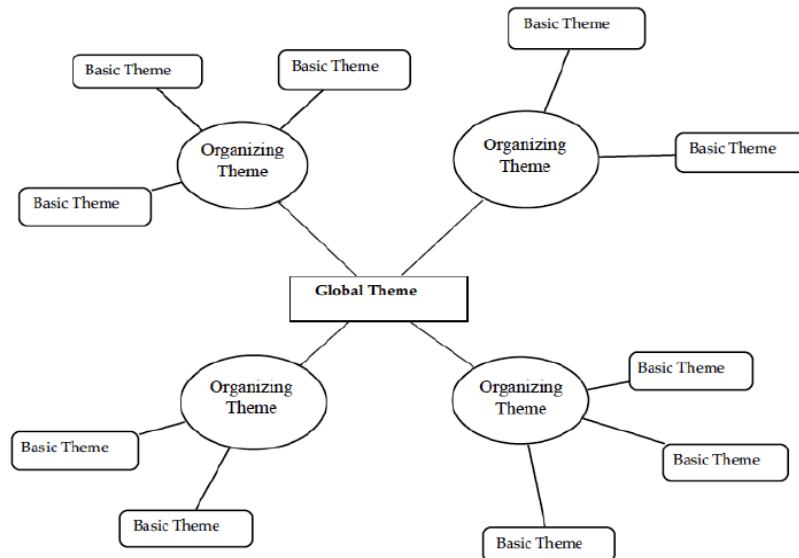
Source: Attride-Sterling, 2001, pp. 388

The five global themes along with corresponding organizing themes used to form

thematic networks for the purposes of this study are listed in Table 3.4 below.

Table 3.4: Thematic network for evaluating local governance

Global theme	Organizing theme	Basic theme
Legitimacy and voice	Participation	All community members have a voice. Community members are politically engaged.
	Consensus orientation	Internal mediation of conflicting interests is effective. Multilevel governance is skillfully managed.
	Power is local or regional	Drawing down of powers benefits community. Public sees an important role for local government. Culture is incorporated in decision-making. Policy instruments are "home-grown".
Direction	Strategic vision on good governance	There is strategic plan for the operation of government. Federalism is modified to fit community needs. Democratic institutions reflect culture/local needs.
	Strategic vision on policy	There is a plan to address public concerns. Cultural practices/identities are preserved. Tradition and modernity are balanced. Objectives are strategic/long-term.
Performance	Responsiveness	Policy directions address community needs. Members feel their concerns are heard and acted upon.
	Effectiveness and efficiency	Language loss is reduced. Cultural practices are actively fostered. Housing: reduced crowding/waitlists and improved quality. Reduced unemployment/rising incomes. Integrating cultural priorities with material priorities.
Accountability	Accountability	Institutions function democratically (or not). Government is sensitive to public preferences/needs Public confidence in elections/elected members
	Transparency	Public is aware of/ understands government activities Policy/governance information is accessible Public understands government structure/policy agenda
Fairness	Equity	All members/beneficiaries have a fair chance to influence Policy benefits distributed equitably and according to need
	Rule of law	Public has confidence rules will be enforced Rules are effective at maximizing welfare

The "basic themes" for these networks are salient themes derived from the interview transcripts, and have been categorized according to the Five Principles. Each trasncript is then analyzed to determine whether the informant agrees or disagrees with that theme at the time of the interview, as well as how they feel about it qualitatively. Each theme is considered with broader contextual factors within the community. The TNA technique determines not only what it is true (or most true) out of the various themes presented, but also the salience of particular themes relative to others. By determining both what was said pertaining to different themes – and how many people said it – I determine the overall attitude among local community stakeholders and leaders regarding particular themes. I also note how these elements are treated by provincial and federal government departments and the media. Thematic analysis enables us to understand what is going on in a community and the direction it is taking in terms of governance. By revealing what themes are important in analyzing governance and why, the analysis helps to answer our research questions: How does the operation of government in the community differ from what went before, and what explains any successes in policy?

3.6 Conclusion

This Chapter has shown the research methods for the study presented in this dissertation. The design begins with a quantitative analysis of community indicators to empirically defend both the case selection and the relationship between SG and improved policy outcomes. Next, two case studies are presented, each of which is made up of a review of the respective constitutions for the two governments, and of policy records and records of decisions for the two cases. These elements are placed within a Thematic Network Analysis, which is based upon the Five Principles of Good Governance, in order to evaluate not only government as a whole but performance in specific policy areas. From this, a narrative is created detailing the state of SG in each of the two cases.

Chapter 4: Measuring self-government success

An analysis of Community Well-Being Index data for the Miawpukek First Nation and Nunatsiavut Government.

4.1 Introduction

As introduced in chapters 1 and 2, part of the impetus for indigenous communities to increase their autonomy and develop their own governance structures is the desire for control of resources and to develop their own programs to address their unique set of complex social issues such as poverty and housing. Ultimately, communities desire greater control over their economic futures (Cornell, 2015; Cornell and Kalt, 2007; Papillon, 2015). Much has been written about the evolution of indigenous governance structures and practices in Canada, including individual communities' level of control over their own economic futures (Alcantara and Davidson, 2016; Alcantara and Wilson 2014; Papillon, 2015, Rodon, 2014). Much, too, has been written about the economic and social impacts of economic development, especially resource development, on indigenous communities in Canada (Panagos, 2013, Cater, 2015; Bernauer, 2011). Less has been written directly linking the presence of SG in a community to its social and economic indicators. This chapter examines the results from the 2016 Evaluation of the Impacts of Self-Government Agreements Final Report carried out by the Evaluation, Performance Measurement and Review Branch of INAC[23], which determined that, on average, both CLCAs and SGAs have positive effects on certain social and economic indicators in indigenous communities. Section 4.2 gives an overview of the socioeconomic situation in indigenous communities, while 4.3 discusses how the impacts of SG are measured. Section 4.4 presents a longitudinal, comparative analysis of CWB findings in the two communities. The section also compares the results of the findings in the INAC report with the CWB figures for the two case studies to show that they are, in fact, experiencing positive impacts as a result of achieving SG. Sections 4.5 and 4.6 discuss the results and limitations of the analysis.

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[23] Recall that, after the publication of this report in early 2016, The Trudeau Government separated INAC into two departments, Crown Indigenous Relations and Northern Affairs Canada (CIRNAC) and Indigenous Services Canada (ISC) which each have a separate role in supporting the SG aspirations of indigenous communities.

4.2 Understanding the socioeconomic impacts of self-government

The data on social and economic indicators in indigenous communities in Canada are clear: Most indigenous communities in the country sit significantly below the Canadian average scores for numerous indicators, such as those used in the CWB (Government of Canada, 2019). For example, 25% of indigenous people in Canada live in poverty, compared to 14% of the general population (Statistics Canada, 2019). A recurring question in the literature on governance in indigenous communities is how it could address issues of systemic poverty and other socioeconomic gaps. Further, these observers ask whether greater autonomy or authority for these communities would generate more locally appropriate policy instruments necessary (Frideres, 2011; Cairns, 2000, Flanagan, 2000, Cornell and Kalt, 2007). Numerous authors have examined the economic and social travails of particular self-governing communities according to certain modes of analysis. Alcantara and Davidson (2015), for instance, ask why the semi-autonomous (though not officially self-governing) Inuvialuit have not moved past the Final Agreement level in its self-government negotiations, and why the region continues to lag economically. Alcantara and Nelles (2014, 2016) examine the economic and social benefits and drawbacks found in specific local agreements between indigenous communities (some self-governing, some not) and non-indigenous communities. Papillon (2015), Alcantara, and Spicer (2016), and Rodon (2015) examine MLG, its impacts on indigenous local and regional politics, especially in Inuit self-governing regions. Through this work, these authors assess the economic and social benefits of the strategies developed through this cooperation between non-governmental entities (such as IEDCs), and indigenous, provincial, territorial and federal governments.

Absent from much of this literature is an examination of the overall economic impacts of SG agreements across Canada, compared to non-indigenous governments. In addition, no one has used the CWB data to compare specific cases, such as MFN or NG, against all self-governing communities' accross Canada. Indigenous and Northern Affairs Canada, in a (2016) report from the Evaluation, Performance Measurement and Review Branch, demonstrates that having a SG agreement is associated with improved outcomes, through a number of metrics derived from the community well-being index. There is an even stronger association between attaining a CLCA and better outcomes, and communities that have both are best off. Other authors have conducted surveys of large numbers of communities related to particular areas of

SG. For example, Fallon and Paquette (2012) offer a thematic analysis of First Nation SGAs and their performance in delivering on education within communities.

4.3 Measuring the impacts of self-government

In the case studies to follow, this thesis highlights the Government of Canada's (2016) CWB data for two of the policy areas discussed in this thesis: employment (listed as labour force participation in the CWB), and housing. This chapter will also look at the other available metrics, income, education, and overall Community Well Being metric, all of them provided by the Government of Canada's Community Wellbeing Index (CWB). The metric on housing determined by a measure of crowding, where a linear regression with a negative coefficient is used to generate a score (where a greater rate of crowding yields a lower score). The metric related to employment is a simple measure of labor force participation, taken as a percentage of the whole labour force, excluding seniors and those who are unable to work. The metric on education, presented as a percentage calculated through an equally weighted combination of high school graduation rates and post-secondary graduation rates. Lastly, there is a score for income, which is calculated through a logarithmic regression based on per capita income in each community.

In this chapter I conduct a longitudinal examination of the CWB data for MFN and Nunantsiavut. I then cross-reference this change with the averaged national data provided by the Government of Canada. The figures for Nunatsiavut are taken from the Government of Canada's CWB datasets for 1996 and 2016. These datasets were chosen because they are evenly spaced before and after the 2006 time marker identified in Chapter 3, and, by using data from 2016, offers the most up to date data available. Additionally, by measuring change over 20 years, this analysis uses a time period of the same length as the Government of Canada's evaluation of the impacts of SG (2016). For MFN, the figures are taken from the CWB Datasets for 1981 and 2001. These years were chosen to capture the changes that took place for MFN before and after the 1987 time marker. The percent change between the earlier year and the later year is measured for each metric, then compared to the average change over the same period for all First Nations communities and all non-indigenous communities, as determined in the Report on Trends in First Nations Communities, 1981-2016 (Government of Canada, 2019). The Government of Canada's (2016) report evaluating impacts of SG agreements on indigenous communities shows SG to

have a positive effect, on average, on the changes in CWB metrics from1996 to 2016. These figures are compared to those from MFN to show that MFN has experienced even stronger improvements over a 20 year period than self-governing First Nations, on average. For Nunatsiavut, the analysis is the same except the CWB figures for the five Nunatsiavut communities are combined in a weighted average, by census population, and are compared to the average change in the metrics for all Inuit communities shown in the Report on Trends in Inuit communities, 1981-2016 (Government of Canada, 2019).

4.4 Impacts of SG on MFN and Nunatsiavut

Descriptive statistics are shown below, in table 4.2 for MFN and 4.4 for NG. Tables 4.1 and 4.3 show background information for comparison. All tables show the percent change found over the time period indicated, for each of the 5 metrics: education, labor force participation, housing, income, and overall CWB scores, taken from INAC's CWB datasets for 1981, 1996, 2001, and 2016. Increases in a metric over time signify improvement in that metric.

4.4.1 Miawpukek First Nation[24]

Table 4.1 offers context for the changes observed in the MFN case study. It shows averaged CWB scores for all First Nations Communities versus those of non-indigenous communities for 1981 and 2001, showing the percent increase observed for each score. Table 4.2 displays the same analysis for MFN specifically, offering percentage changes between 1981 and 2001. For comparison, it also displays the average change for all FN communities. Lastly, it displays data that shows how SGAs have, on average, impacted temporal change in CWB scores compared to the average scores for FN communities.

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[24] MFN, or Conne River, is listed in INAC's CWB records as Samiajij Miawpukek, the community's official designation under the Indian Act, in all census years after 1981, in which it is simply called Conne River. The official name was changed to Samiajij Miawpukek in 1987 when the community received official status as a reserve under the Indian Act. This thesis uses the term Miawpukek First Nation as it is the community's preferred name in official public communications. That title is also presented on the community website in Mi'kmaq Miawpukek Mi'kamawey Mawi'omi.

Table 4.1 Community well-being in FN versus non-indigenous communities

CWB Metric	CWB scores in 1981 and 2001 and percent change							
	First Nations communities[25]		Change	percent change	Non-indigenous communities[26]		change	percent change
	1981	**2001**			**1981**	**2001**		
Income	35.1	46.1	**11**	**31.33**	58	65.1	**7.1**	**12.24**
Education	14.1	31.4	**17.3**	**122.69**	28.4	41.3	**12.9**	**45.42**
Housing	63.2	71.9	**8.7**	**13.77**	91.2	94.6	**3.4**	**3.72**
Labour force participation	67.5	70.1	**12.6**	**3.85**	80.5	83.2	**2.7**	**3.35**
CWB overall	45	54.9	**9.9**	**22.0**	64.5	70.7	**6.2**	**9.61**

The CWB data show significant gaps, in all metrics measured, between FN communities and Non FN communities. FN communities have experienced greater improvement over the same time period, however. The narrowest gap in scores is for education, with a 14 point gap for 1981, and a 10 point gap for 2001, while the widest gap was for housing, a difference of 28 for 1981 and 22 for 2001. For both FN and non-indigenous communities, education saw the most significant gains made, by percent increase over this time period, over a 45 per cent increase for non-indigenous communities, and over a 122 per cent increase for First Nations communities. Labour force participation, on the other hand, saw the slowest growth for both categories - it already had a high rating for non-indigenous communities, at over 80 points in 1981, increasing less than 3 points over 20 years, while it sat at under 68 points in 1981 for indigenous communities and grew to just over 70 points. The data thus show significant gaps in well-being, which SGAs attempt to close through SG.

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[25] All values were derived from the CWB datasets for the respective census years, with the First Nation communities values isolated.

[26] All values were derived from the CWB datasets for the respective census years, with the non-indigenous communities values isolated.

Table 4.2: Improving Policy Outcomes in Miawpukek First Nation

CWB Metric	CWB score, by year		Change in CWB score	percent change in CWB score	average change in CWB score, All FN communities	average CWB gains, all communities with SG	
	1981	2001				SGAs only[27] (points)	CLCAs only (points)
Income	29	59	**30**	103.45	**11**	+5	+7
Education	9	47	**38**	422.22	**17.3**	-[28]	-
Housing	40	87	**47**	117.5	**8.7**	+5	-
Labour force activity	50	73	**23**	46.0	**12.6**	+6	-
CWB overall	32	66	**34**	106.25	**9.9**	+5	+3

MFN has seen the most significant gains in its education scores, at over 422 per cent. Note, however, that this is largely due to an extremely low score (9 points) in 1981. Significant gains have been made in both labour force activity and income (46 per cent and over 103 per cent respectively), and housing also saw significant gains. In all categories, gains made in in Conne River far exceed the average gains made by FN communities across Canada over the examined time period. SG and CLCA effects were also significant for each CWB metric except education. This was determined based on the regression conducted by INAC. Values from that regression are listed as a measure of growth between the 1996 and 2011 census, and figures listed are relative to expected growth values for FN communities over that period. For instance, for income and CWB overall, SG promotes an average CWB score 5 points higher, or about 10 percent for each metric, after a 15 year period, than indigenous communities in general. For labour force activity, the SGA-driven benefits are higher, averaging a 6 point benefit, or about an additional 8 per cent above average gains for FN communities. Housing also saw an average gain of 5 points with a SGA. As table 4.2 shows,

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[27] All values listed for self-government agreements and CLCAs are derived from a regression conducted by Indigenous and Northern Affairs Canada's Evaluation, Performance measurement and Review Branch. It isolates the impact of SGAs and CLCAs on CWB scores. These values indicate elevated performance beyond what would be expected based on average changes over the same period, listed for FN communities and non-indigenous communities.

[28] "-" indicates that there was no significant effect for this metric.

4.4.2 Nunatsiavut

Similar to the discussion for First Nations above, significant improvements have been observed for Inuit Communities between 1996 and 2016, particularly in income and education, with CWB seeing more modest improvement and housing and labour force participation seeing a slight decline. Note that this is partly due to the fact that the latter three metrics were higher for Inuit communities to begin with than for First Nations communities. Labour force participation and housing saw the negative gains for Inuit communities, with nearly a 3 percent and 7 percent decreases, respectively. As above, figures for non-indigenous communities over this time period were already much higher to start with, and remained higher as of 2016 despite only modest increases. Figures found here display gap between Inuit and non-indigenous communities that is nearly as significant as between non-indigenous communities and FN communities.

Table 4.3: Community well-being in Inuit versus non-indigenous communities

CWB metric	CWB scores in 1996 and 2016 and percent change						
	Inuit communities		change	percent change	Non-indigenous communities		change	percent change
	1996	**2016**			**1996**	**2016**		
Income	52.4	67.8	**15.4**	**29.39**	93.1	94.6	**1.5**	**1.61**
Education	28.5	35.5	**7.0**	**24.56**	38.6	55.6	**17.0**	**44.04**
Housing	71.3	66.2	**-5.1**	**-7.15**	93.1	94.6	**1.5**	**1.61**
Labour force activity	77.9	75.6	**-2.3**	**-2.95**	81.7	84.1	**-2.4**	**-2.94**
CWB overall	57.5	61.3	**3.8**	**6.61**	68.9	77.5	**8.6**	**12.48**

Table 4.4 contains data for the 5 communities inside the Labrador Inuit Settlement Area, or Nunatsiavut: Nain, Hopedale, Makkovik, Postville, and Rigolet. The data are averages weighted by population. Income is the strongest gain made for Labrador Inuit over the period observed, with a 45 percent increase, compared to a 30 percent average increase for all Inuit communities. The trend continues for other categories, where Nunatsiavut achieves modest gains, while Inuit communities, on average, saw a decline in labour force activity and housing. Nunatsiavut, however, saw a 2 percent gain in labour force activity and a 20 percent gain in

housing availability. The CWB gains for SGAs listed in this table are the same as above, since the regression conducted in the Government of Canada (2016) report on the impacts of SG measured the impacts of all SGAs and CLCAs, Inuit or FN. This chapter measures the gains made in CWB indicators for each case study against the average gains among communities with SGAs, finding that the gains experienced Nunatsiavut communities are significantly greater in magnitude than those of self-governing communities on average.

Table 4.4: Improving policy outcomes in Nunatsiavut

CWB metric	CWB score, by year		Change in CWB score	percent change in CWB score	average change in CWB score, All Inuit communities	average CWB gains, all communities with SG	
	1996	2016				SGAs only[29] (points)	CLCAs only (points)
Income	48.7	69.4	**20.7**	**42.65**	**1.5**	+5	+7
Education	31.7	42.8	**11.1**	**35.10**	**17.0**	-	-
Housing	63.3	76.6	**13.3**	**20.95**	**1.5**	+5	-
Labour force activity	69.2	70.6	**1.4**	**2.02**	**-2.4**	+6	-
CWB overall	53.3	65.0	**11.7**	**23.0**	**8.6**	+5	+3

4.5 What these findings mean for our case studies

Although the degree of impact of SG and CLCAs varies based on the indicator examined and results vary considerably across communities, the data show a strong positive relationship between having an SGA and significantly higher CWB scores for indigenous communities. As discussed in the report on Evaluation of the Impacts of Self Government (Government of Canada, 2016, 22), the figures on SG were significant after controlling for various community factors, such as natural resource development. In every indicator measured for each of the 2 case studies, changes over the time period of observation were positive, and exceeded the averages for all FN or Inuit communities, respectively. Improvements in the CWB figures from MFN and Nunatsiavut also exceeded those found for for SGAs and CLCAs, on average, shown in the Government of Canada report (2016).

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[29] Values listed here are derived from a regression formula that isolates the impact of SGAs and CLCAs on CWB scores. These values indicate elevated performance beyond what would be expected based on averages listed for FN communities and non-indigenous communities.

4.5.1 MFN

The data support the claim that MFN, though it doesn't hold an official SGA, has seen gains in community well-being that are considerably greater in magnitude than communities with SGAs, on average. The most notable examples are in housing availability and labour force participation, which saw gains of 47 points and 23 points, respectively, between 1991 and 2001. This is compared to average gains of 8.7 and 12.6, respectively, for FN communities. Communities with SGAs had housing availability scores 5 points higher than those of FN communities on average, and gains in labour force activity scores were 6 points greater. This means that SG has yielded significant impacts in raising housing availability and labour force activity scores. MFN, however, has more than doubled its score on housing availability and improved in labour force activity substantially, meaning that it has outperformed communities with SGAs, on average. The reasons for this performance will be examined more closely in Chapter 5.

4.5.2 Nunatsiavut

The story for Nunatsiavut is much the same as for MFN. As a self-governing entity, NG has outperformed other communities with SGAs by a substantial margin in all categories except labour force activity. Labour force activity scores saw a modest gain of 1.5 points between 1996 and 2016 compared to a 2.4 point average drop among all Inuit communities. Gains made in communities with SGAs, however, were 6 points better on average than those without, which means that SG may help to produce better employment outcomes elsewhere. This shortfall will be discussed more thoroughly in Chapter 6. NG has outperformed even other communities with SGAs on other metrics, however, such as in Housing availability, which saw an average gain of over 13 points for Nunatsiavut, compared to a 1.5 point average gain among Inuit communities over the same period, and a 6 point increase for communities with SGAs. Since these figures are gains in CWB values, not absolute values, and they are controlled for ambient factors, there is strong evidence that SG is having a positive impact on communities, and that SG in Nunatsiavut is having a stronger impact than other self-governing bodies.

4.6 Limitations of the CWB data

The CWB provides robust datasets for the examination of important indicators of well-being in indigenous communities, such as housing quality and crowding, education levels and income. While CWB data are useful for evaluating the impact of SGAs and CLCAs on those indicators, it does have some important flaws. As the authors point out in the Report on Trends (Government of Canada, 2019) for both Inuit and FN communities, the indicators pertain mainly to socio-economic well-being, and they measure well-being at the community level. CWB indicators may not capture the complex social and economic realities of individuals living within communities, and they also may not reflect any of the cultural realities that are examined in this thesis. For instance, the CWB measures how many people finish high school or post-secondary education, but not how many people are learning or re-learning thier traditional language or traditional practices, both identified as important issues for NG and MFN to address (Andersen and Johns, 2005, Jeddore, 2000;).

The indicators also represent important but rudimentary indicators of well-being in a community, and thus may fail to truly capture the complex and highly unique environmental factors present each individual community. The researchers who conducted the evaluation of of SG impacts on CWB indicators in indigenous communities (Government of Canada, 2016), attempted to control for ambient community factors as much as possible, but cannot do so completely. Further, the public-facing CWB data do not offer the same granular community-level demographic data that was available to the researchers who developed the Government of Canada report, so it is not possible to control for these factors in the analysis conducted of Nunatsiavut and MFN.

4.6 Conclusions

The data presented in this chapter provide robust support for the claim that the presence of SGAs has a positive impact on the CWB indicators, in particular those related to housing and employment, examined in this thesis. The data also provide robust support for the claim that, during the period immediately before and in the 14 years following its establishment as a FN Band under the Indian Act, MFN experienced significant gains in these key CWB indicators. This supports the idea that, when it formed a band council in 1987, MFN began to set in motion

a policy agenda that helped to foster these gains. This will be discussed further in chapter 5. Nunatsiavut, for its part, has also experienced similar gains in CWB indicators for Labrador Inuit, both during the 10 years leading up to the creation of NG in 2006, and in the 10 years since its creation, up to 2016. The ways in which NG's policy agenda has helped to foster these changes will be examined in greater detail in chapter 6. The data presented show that, although the effects of SG are complex and difficult to measure definitively through indicators, the data show strong positive movement in the key indicators in each community, and thus make a strong case that these communities have been successful in implementing policies that aim to improve these indicators.

"I've often said: 'we got in [to the Indian Act], and we can get out'"
Chief Mi'sel Joe, Miawpukek First Nation, Interview, April 11, 2017

Chapter 5: The evolution of governance in Conne River

5.1 Introduction

This chapter presents a case study examining the evolution of governance in the Miawpukek First Nation (MFN) at Conne River. Using the Five Principles of Good Governance, as presented by the Institute on Governance (IOG), I analyze the results from a series of semi-structured interviews with officials and community members. For additional context, I draw on various records, including policy documents, Hansards, and media reports. The chapter also challenges the federal government's definition of SG by arguing that Conne River has some of the characteristics of a self-governing community even though it does not have a ratified SG final agreement. The qualitative analysis presented here, together with the data presented in chapter 4, demonstrates that not only is MFN a success story in SG in empirical terms[30], like its counterpart, NG , but it also has performed better, on average, than many self-governing communities across Canada on those metrics. Self-governing communities, meanwhile, have a tendency to perform better on the four community indicators measured than communities that operate fully under the Indian Act.

Section 5.2 of this chapter briefly covers the history of the community from its beginnings as a logging and fishing community prior to confederation, through its struggle for recognition as a FN band, to its now-stalled progress toward final agreement in SG. Section 5.3 provides a description of MFN's strategy in three policy areas, while 5.4 introduces the evolution of governance in Conne River. Next, sections 5.5 through 5.9 examine the state of governance in MFN, using the IOG's Five Principles. 5.5 begins with a discussion of legitimacy and voice in the community, highlighting how residents feel about their input into the political process. Next, 5.6 gives a discussion of direction, which analyses the strategic direction in both policy and overall governance in the community. Section 5.7 looks at performance, highlighting both how

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[30] Speaking in terms of their socio-economic factors, based on figures from the CWB (Government of Canada, 2019).

well MFN represents its people, and how well it has performed in three policy areas: housing, employment, and language and culture. Here, I highlight respondents' feelings about thier government's performance both before and after the 1991 time-marker identified in Chapter 3. In section 5.8, I discuss respondents' thoughts on the accountability and transparency of their government. Section 5.9 finishes with a short discussion of fairness. Throughout the examination of governance, I use remarks from interviewees and cross-reference them with news reports, CWB data and policy documents to construct a narrative of the evolution of governance in Conne River.

5.2 Mi'kmaq History in Newfoundland

5.2.1 The Beginnings of Conne River and Miawpukek

Prior to European contact, the Mi'kmaq were a semi-nomadic, predominantly hunter-gatherer people situated in the region surrounding much of the Gulf of St Lawrence. They traditionally occupied what is now Gaspésie in Eastern Quebec, Eastern New-Brunswick, Nova-Scotia, and parts of New England and Southern Newfoundland (Pastore, 1998; Bartels and Bartels, 2005; Dickason, 2009). As Pastore writes, Mi'kmaq people first began to continuously inhabit the southern and western shores of Newfoundland at least as long ago as the 16th century, though Bartels and Jantzen (1990) suggest they did not take up permanent residence in that region until the mid-17th century. The south of Newfoundland, like the island of Cape Breton, forms a part of Mi'kmaq traditional territory, according Mi'kmaq oral history, particularly for seasonal hunting and fishing (Jeddore, 2011, 2015; Dickason, 2009). More Mi'kmaq groups also migrated to the island of Newfoundland in increasing numbers as they became increasingly displaced due to European settlement in large parts of what is now Nova Scotia and New Brunswick,[31] and they eventually began to establish permanent settlements. Miawpukek began as a summer camp for Mi'kmaq who originated from Cape Breton, for whom the Coast of Bays region formed a part of the traditional territory. Miawpukek became a permanent settlement and its residents emerged as a distinctive group by the mid-18th century,

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[31] The matter of traditional gterritory would become important in the 20th century, in the ongoing dispute over existence and extent of Mi'kmaq territory in Newfoundland. In 1983, MFN filed a land claim for over 14,000 km^2 of territory, which was rejected on the grounds that the Mi'kmaq did not 'occupy' that territory continuously prior to colonialism. The Qalipu First Nation continues to be without a reserve (AANDC, 2015; Wetzel, 1995, 1999).

and was represented on the Mi'kmaq Grand Council by the 19th century (Jackson, 1993; Jeddore, 2015).

Settlement and development in southern Newfoundland heavily impacted the Mi'kmaq in a number of ways. It also had a devastating effect on the Beothuk, who, after violence and displacement, predominantly by settlers, are thought to have disappeared before 1830[32]. The disappearance of the Beothuk is regarded as a dark mark on the history of Newfoundland and Labrador, and remains one of the most poignant and shameful examples of genocide against indigenous peoples in Canadian history (Dickason, 2009). Mi'kmaq are known to have interacted with the Beothuks, and an erroneous belief emerged, called the Mi'kmaq Mercenary Myth, that Mi'kmaq had been offered a bounty by French colonial authorities to hunt Beothuk in Newfoundland. This would later contribute to negative perceptions of Newfoundland Mi'kmaq, and help serve as justification for discriminatory policies[33].

By the mid-18th century, Mi'kmaq families had become increasingly dependent on wage labour and the volatile fur trade for income while fishing and hunting for subsistence (Pastore, 1998). Continued infrastructure development and settlement of the isand also increasingly disrupted the traditional Mi'kmaq way of life in the Coast of Bays region during this time (Pastore, 1998; Bartels and Bartels, 2005; Dickason, 2009). The fur trade then collapsed in the 20th century, while the collapse of the local caribou population, due to environmental pressures created by increased development, created food shortages. Economic destitution soon followed for the Mi'kmaq (Heritage Newfoundland and Labrador, 2019, Bartels and Bartels, 2005). By the time of confederation in 1949, residents of Miawpukek, by then called Conne River, were disproportionately undereducated, underemployed, and dependent on provincial welfare.

Most residents of Conne River were Roman Catholic by the late 19th century, and had experienced significant loss of traditional language and culture. Conversion to Christianity and repression by the church, combined with intermarriage with the settler population and repressive colonial laws, led to culture and language shift. Widespread stigmatization of Mi'kmaq identity, present throughout the region, also contributed to the shift, with some actively masking or

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[32] The total disappearance of the Beothuk as a people is unconfirmed. A few reports from the 1820's indicate that some Beothuk individuals may have joined other groups, such as the Mi'kmaq, and there are those, even today, who self-identify as having Beothuk ancestry. The passing of Shawnawdithit in 1829, however, is widely understood to mark the end of the Beothuk as a distinctive culture. (Pastore, 1998, Dickason, 2009, Bartels and Bartels, 2005).

[33] This contributed to the stigmatization of Mi'kmaq, even as the Beothuk were idealized, and may have impacted recognition and rights later on. See Bartels and Bartels, 2005; Lawrence, 2009, 2014; Wetzel, 1999

forgetting their indigenous ancestry. By the mid-20th century, many Mi'kmaq children were raised without learning any of their traditional language or attending traditional gatherings. At the time of confederation in 1949, Conne River was an impoverished community that was at risk of losing its traditional language and culture (Tulk, 2008, Dickason, 2009).

5.2.2 Gaining Status under the *Indian Act.*

The quote at the beginning of this chapter was part of the Chief's response when asked about the process of gaining status under the *Indian Act* for residents of Conne River, or Samiajij Miawpukek[34], and becoming MFN. Joe essentially means that MFN has fought for recognition under the *Indian Act* in order to gain the associated rights and benefits, as part of an overall path to SG. When Newfoundland joined Confederation in 1949, none of its indigenous groups were officially recognized as indigenous, with the Smallwood government at the time openly denying their existence. Some have argued that the exclusion of Newfoundland and Labrador residents of indigenous ancestry from official recognition was, in part, a strategy of the then Department of Indian and Northern Affairs (DINA) to avoid acquiring legal and financial obligations to indigenous peoples in the new province, as it had to those in the rest of Canada (Bartels and Jantzen, 1990; Joe, personal communication, April 2017)[35]. In fact, there are estimated to be at least 40,000 people of indigenous ancestry across the province today (statistics Canada, 2019). Including those who are still without official status or membership, that number could be over 100,000. The Mi'kmaq of Newfoundland, including residents of Conne River were thus denied status at the time of confederation, along with other indigenous groups in the province, and were treated as simple Newfoundland residents, with only limited access to provincial services, up until the 1970's. By this time, Conne River had a logging operation with a mid-sized lumber mill, one of the few sources of income for the community.

By the 1970's, the community of Conne River was a poor logging settlement, with income and education levels well below the average for the Coast of Bays region (Bartels and

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[34] The word "Samiajij" is derived from the Mi'kmaq term "aosamiajij", meaning "too big but too small". During negotiations with the provincial and federal governments to create the reserve, a key sticking point was surrounding the exact territory for the reserve, with the federal government reluctnat to allow the full extent of traditional lands to be included. The community decided on a name that captured the idea that the reserve was larger than the federal government had wanted, but smaller than Miawpukek oral tradition would indicate. The reserve is listed as Samiajij Miawpukek on all official documents as of 1987.

[35] Full explanation for the denial of indigenous status recognition, and the accompanying funding and services, to the Mi'kmaq of Newfoundland, exists largely in confidential negotiations and secret cabinet documents from the time of confederation, which were not available as source material for this thesis.

Bartels, 2005, Pastore, 1998; Dickason, 2009). Many Mi'kmaq living in the region also did not acknowledge their Mi'kmaq heritage due to multigenerational stigma[36]. This began to change when the Federation of Newfoundland Indians (FNI), a coalition of Newfoundland's Mi'kmaq groups, officially launched in 1975[37]. The FNI was formed as a combined effort to strategically pressure the provincial and federal governments to recognize that there were, in fact, indigenous groups in Newfoundland and Labrador with legitimate rights under the Indian Act and the constitution. The FNI met considerable opposition from provincial and federal officials, especially those in the department of Indian Affairs under the government of Prime Minister Pierre Trudeau, who were keen to avoid the additional financial liability associated with tens of thousands of additional Status Indians receiving the rights and benefits required under the *Indian Act*. (Wetzel, 1995; Hanrahan, 2009, 2014, Joe & McDonald, Interview, April 11, 2017).

The FNI consistently lobbied officials in St. John's and Ottawa between 1975 and 1986. For provincial officials, The FNI argued that, as a First Nations people, fiscal financing for Newfoundland Mi'kmaq would be a federal responsibility and thus it was in the Province's best interest to help the FNI to secure recognition under the *Indian Act*. By 1981, the federal government was making annual cash transfers to the Government of Newfoundland and Labroador to support Conne River. The Province channeled the funds into general revenue, rather than release them to the community, prompting FNI to increase pressure on officials (Wetzel, 1995, 1999). Repeated requests to release the withheld funds to the community were ignored, as was the advocacy process in general. In 1983, Mi'sel Joe[38] managed to garner national attention for the issue when he led a group of nine protesters from Conne River in a nine day sit-in and hunger strike in the offices of Premier Peckford. Peckford's government then finally released the withheld funds to Conne River, which in 1984 submitted an official request to receive status as a band under the *Indian Act*. Status was granted in 1987, which began a new chapter for the newly minted MFN in its journey toward SG. Since 1987, both MFN and the other Mi'kmaq groups have continued to pursue their own paths to self-determination.

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[36] Recall that the Mi'kmaq Mercenary Myth, which had first appeared two centuries earlier, contributed to the stigmatization of Newfoundland Mi'kmaq, and to the beleif that the Coast of Bays region was not a part of their traditional territory, and thus they had no claim to it. This was exacerbated by racist stereotypes and colonial attitudes that impacted indigenous groups more generally (Bartels and Bartels, 2005, Wetzel, 1995, 1999).
[37] FNI was originally called the Native Association of Newfoundland and Labrador, which formed in 1972 and represented the Mi'kmaq, the Labrador Innu, Labrador Inuit, and the Inuit-Metis of southern Labrador. In 1975, the Inuit, Innu, and Inuit-metis split off to form their own groups, and the association was renamed.
[38] Recall that Mi'sel Joe has been the Chief, or Saqamaw, of MFN since he was first elected to the position in 1983, with the exception of a short break from 1988-1990.

5.3 Governance in Conne River

5.3.1 Status and membership disputes

In 1983, just prior to applying for status as an Indian Band, MFN withdrew from the FNI to pursue recognition solely for its own reserve. FNI continued to campaign for recognition of status for the much larger group of Newfoundland Mi'kmaq claimants living outside of the reserve in Conne River. The Labrador Inuit and Innu each also withdrew in the mid 1970's to form their own organizations, which will be discussed further in chapter 6. The FNI continued to advocate on behalf of other Mi'kmaq groups, which was a task made more difficult in that other Mi'kmaq of Newfoundland were spread across much of the southern and western coasts of the island, and were tied to numerous communities, but no one community could be identified as solely Mi'kmaq. This also made proving ancestry difficult and onerous for many. (Hanrahan, 2003; 2012) Ultimately, the FNI would reach an agreement-in-principle with the federal government in 2006, creating the Qalipu First Nation as a band without reserve lands. To date, the band boasts the largest membership in Canada - over 25,000 - but many people of Mi'kmaq heritage have been denied status under the enrollment rules used by the band, leading to controversy. Many who self-identify as Mi'kmaq, are connected to the wider Mi'kmaq community, and are able to trace back their Mi'kmaq heritage for many generations, nonetheless fail to meet the specific guidelines for membership. The guidelines focus on both tracing lineage and citing specific forms of connectedness to the broader Qalipu community, in addition to federal requirements. In other words, some have argued that the parameters for membership are arbitrary and that criteria set by the Government of Canada and the band do not capture what it means to be Mi'kmaq.

The controversy surrounding membership in the Qalipu First Nation exemplifies the broader issue of First Nations status across Canada, specifically: who gets it, and who does not. The question of status is central to indigenous governance, since the latter is concerned with serving a particular community, ensuring services are adequate, and improving social and economic outcomes, all of which pertains to a particular population. Indian status is, as a concept, inherently discriminatory, since it seeks to categorize and exclude. As King (2012) and Wolfe (2006) note, the creation of status is, historically, concerned with the elimination of indigenous identities and rights, rather than the preservation of them. Due to the specific legal

rights and financial benefits enshrined within the *Indian Act* and the *Constitution Act*, together with the cultural and social benefits of membership within a band, status has become desirable for many Mi'kmaq in Newfoundland, despite the historical and colonial roots of status (Garamond 2014). For each band, determining Indigenous status, which many have argued is both arbitrary and centered in racist and discriminatory legislation, is a challenging and controversial matter, which has impacted MFN in a number of ways. MFN has managed issues surrounding status by ultimately administering only a small subset of Newfoundland Mi'kmaq who share a connection to a particular place. The question of band membership remains a challenge for MFN. As Saqamqaw Joe and McDonald note (Interview, April 11, 2017), the question of membership within the band has produced controversy, particularly concerning who could vote in band elections[39], and what services, if any, could be made available to those living off reserve.[40]

5.3.2 Emerging Governance

After being brought under the *Indian Act* in 1987, MFN began to officially implement key policies for which it had already laid the groundwork in the years leading up to 1987 (Wetzel, personal communication, April 2017). The most economically significant of these were housing and employment policies that evolved into those still in use today. These will be discussed more thoroughly in the next section. In 2004, negotiations began for a self-government agreement. The aim of this negotiation process was to get a better deal for MFN, to solidify its independence as a community, and to formally remove itself from the strictures of the *Indian Act* in order to chart its own course. (Saqamaw Joe, McDonald, interview, April 2017). As discussed in chapter 2, the *Indian Act* is widely understood to be a restrictive and paternalistic piece of legislation (Dickason, 2009; Coulthard, 2007, 2014; Alfred and Corntassel, 2005). Under the *Act*, communities often forced to seek approval from the federal government for simple matters, such as harvesting resources from their own lands[41]. An AIP was reached in 2013. From there, through engagement with the community, the band council worked to establish consent in

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[39] Currently, only those who can demonstrate residency on reserve may vote in Conne River, though the matter has been rdisputed a number of times. A majority of residents support this policy. (Saqamaw Joe and McDonald, personal communication, 2017).
[40] Currently, core benefits, such as subsidized housing, the jobs program, or assistance with travel and education costs, is reserved for residents.
[41] See: The (2018) INAN report on indigenous land claims, which reported recurring frustrations of many groups in attempting to govern their lands, particularly with having to seek federal approval for simple harvesting rights.

anticipation of ratifying a final agreement. Ultimately, this process failed, and Conne River remains under the *Indian Act* today.

The main reason for the failure of the Final Agreement, cited by over half of those interviewed for this study (9 of 13), was an unfavorable fiscal financing agreement within the AIP. Under the funding formula used in Canada's Fiscal Approach to Self-Government, the money received in the annual general transfer[42] to the band is offset by revenue sourced within the community (own-source revenue, or OSR). OSR is revenue from resource royalties, property taxes, or income from band-owned businesses. MFN has relatively low OSR levels, but what little it does have would offset what the community currently receives in federal support, causing a net negative financial impact from the agreement. The advantage of SG agreements, as one community member pointed out (personal communication, April 2017), is that governments gain greater control of the revenues they do have, while still receiving support from the federal, and sometimes provincial government. However, this benefit only works properly when a community has enough revenue to fund programs. A community with low revenue cannot afford to lose any.

What the failed Agreement in Principle highlights is that SG is not solely dictated by the definition used in Government of Canada policy documents. Rather, it is present in the policies and practices of an individual community. As several community members note, including Chief Joe, Conne River is, in many ways, self-governing in that it has created its own policies that work for the community (Interview, April 11, 2017). The *Indian Act* is restrictive, but communities do not always comply with these restrictions, and it is up to federal officials to enforce them. Occasionally, a community like Conne River will begin to manage its affairs in a way that does not comply wiht the *Indian Act*, and, upon recognizing that the community is functioning well, officials may make a discretionary choice to allow the practices to continue without penalty[43]. While this condition is paternalistic and colonial in nature, MFN has set an example as to how such institutional conditions can be managed. When this occurred in Conne River, the community continued to implement the policies in housing that were conceived in the

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[42] There is a separate funding category, called the "social transfer", which refers to dedicated funds for specific social programs and is excluded from the calculation. However, the "general transfer" includes the per-member welfare transfers required under the *Indian Act*, which can be offset (Government of Canada, 2015, pp. 5).This effectively creates both a "transfer ceiling" and a "transfer floor" .

[43] Under the *Indian Act,* communities can face penalties, such as having their assets or funding frozen, for violating the act.

mid 1980's, and the Government of Canada elected not to interfere (Joe, Interview, and April 11, 2017).

As negotiations for an agreement in principle unfolded, MFN began the process of developing its own land code under the *First Nations Land Management Act* (FNLMA)*,* which was ratified by the community, then signed by the Minister of Crown-Indigenous Relations and Northern Affairs (CIRNA) in 2017 (Government of Canada, 2019). This marks another significant step forward for MFN in terms of self-determination. Having a land code transfers control of key powers related to management of land and resources, such as mortgages, local harvesting, and matrimonial property, to bands, allowing, flexibility in the management of a wide array of economic activity (Bouthiller, 2016). Being under the FNLMA regime involves drafting a land code and submitting it to CIRNA for review. Once approved, the code must be ratified by community members, then both parties sign a framework agreement, officially freeing the community from the imposed land management regime under the *Indian Act*. To date, land management agreements under the FNLMA have received little scholarly or media attention, but one report shows that the new regime has created considerable benefits in the communities that have their own land codes, compared to those whose land and resource management remains under the control of the federal government under the *Indian Act* (KPMG, 2014)*.* The latter is known to hamper economic development by creating unnecessary bureaucratic restrictions and greatly increasing transaction processing times. Communities that have their own land codes have seen their transaction times fall drastically, while overall economic activity has increased considerably (KPMG, 2014, Bouthiller, 2016). It is too early to determine how the new land code will impact future economic outcomes for MFN, but the above data suggest a land code is likely to be a positive policy development.

5.4 Government through policy

5.4.1 A Job for every resident

As discussed above, the seeds for the emergence of successful policy implementation in employment and housing were planted before 1987, but becoming an Indian band, and securing the associated grant funding, helped MFN to build on these policies. The goal of full employment within the community originated with the staffing, supply and operation of the

band-owned lumber mill that was upgraded and in the 1970's, which included the construction of a service road and other amenities. The community also mobilized its meager financial resources, a dedicated workforce, and a portion of the lumber it produced, to construct new housing for residents. When it began to receive funds under the *Indian Act* in 1987, Conne River had lumber and a capable workforce to support in producing its own housing. This not only improved housing availability, but fostered another of the community's achievements: job-creation.

MFN boasts full employment, measured in terms of the number of residents employed for at least part of the year, because it runs a job-creation program that gives residents the option of seeking employment by the band council for a minimum of 17 weeks each year, funded primarily through an annual grant agreement with the federal government, on a per resident basis. The majority of eligible MFN residents are able to work under this regime. The tradition of aiming for full employment began with the staffing and operation of the band-owned lumber mill that began operation in the 1970's, and included the construction of a service road for the mill, and other amenities. During this time, the community had also mobilized its meager financial resources, a dedicated workforce, and a portion of the lumber it produced, to construct new housing for residents. By the time funds started flowing to the band under the *Indian Act* in 1983, Conne River had a capable workforce engaged in logging, running the mill, or in carpentry, and was capable of producing its own housing.

Today, the job-creation program, now called the MFN Employment Assurance Program, gives residents the option of seeking employment by the band council for a minimum of 17 weeks each year. It is funded through regular federal transfers and by a regular Grant Agreement through INA[44], on a membership basis. The Program ensures the majority of eligible MFN residents are able to work at least part of the year. Those who are unable to find additional work after working the requisite 17 weeks for the band may then apply for Employment Insurance (EI). This ensures residents have earnings year round, and also brings additional funds into the local economy. This method of ensuring income exemplifies innovative policy as a response to local needs. In a community where employment opportunities have been scarce since the closure

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[44] The agreement wil be officially administered through Indigenous Services Canada in late 2020. Although INAC has been officially dissolved and CIRNA and Indigenous Services Canada have been created, line items for grants and transfers in the federal budget still read: Indian and Northern Affairs Canada, as of the Supplementary Estimates proceedings in the fall of 2019. This will change once responsibilities are officially shifted to Indigenous Services Canada in 2020.

of the sawmill in 1999, but where an active workforce still remained, the band council pursued a model that redirected the efforts of that workforce to community projects, such as maintaining roads, while ensuring they continued to have an income.

5.4.2 Housing done differently

The housing program in MFN, administered by the Miawpukek Housing Authority, has a genealogy that is closely related to the jobs program that arguably has its roots in the construction and operation of the Conne River Sawmill that closed in 1999 (Conne River resident, interview 41, April 12, 2017; archived continent, no date). The mill provided lumber for constructing homes and other buildings. This was how Conne River residents were able to secure modern housing at a time when funds were being withheld by the federal government and cash flow within the community was extremely limited. (Wetzel, 1995, 1999; Dickason, 2009). Each homeowner was invested in their property at that time, and Conne River had the unique position of becoming a FN reserve with modern homes, owned by their occupants, already on the land. When the band set about expanding housing availability for the community, a regime was devised where prospective homeowners would pay what they could, and could apply for subsidy based on need, according to a point system, where the band would allocate financial assistance to the purchase of housing for residents as needed. Today it is called the Miawpukek Market-Based Housing Policy.

The program in Conne River differs substantially from that found in most communities on the mainland, which focus mainly on allocating new housing to those who apply as it becomes available, which in turn depends upon available funding. In 2013, the Assembly of First Nations (AFN) reported that and estimated 37% of on-reserve housing units required replacement or major repairs, with many residents on waitlists. An estimated total of 130,000 new units are expected to be needed by 2031. MFN currently has low demand for renovations and a manageable waitlist of approximately 30 residents (Miawpukek Housing Authority, 2017). The housing program in Conne River once again demonstrates policy adaptation to unusual conditions: the sawmill made production of materials possible, while significant external funding was unavailable prior to the band receiving status in 1987. Once the band was able to recieve status, and federal funds were available at the expected levels for a first nation's band, the band council had an opportunity to try to avoid the deteriorating housing situation found on many

reserves: create a housing program that would be sustainable and yet provide housing to those who needed it. The band has been able to keep homes in good repair while building new homes at a sufficient pace to prevent long waiting lists[45]

5.4.3 "Our strength is ourselves": Mi'kmaq cutural revitalization

Despite centuries of colonial rule, coupled with various policies of of cultural genocide and assimilation that led to neglect of Mi'kmaq cultural heritage, that heritage remains vibrant. Both language and musical practices are being revived by those with Mi'kmaq heritage, status and non-status alike, across the Newfoundland (Tulk, 2008). This revitalization is a source of strength and community resilience for many. In Conne River, cultural revitalization comes after a long period of subjugation or loss of culture and language, and is centered on two key policy initiatives: The first is support for the annual pow-wow, which is attended by residents and numerous visitors and includes displays of traditional Mi'kmaq dance, music, food, and other activities. All of those interviewed regarded this practice as a benefit to the community and an important showcase - and celebration - of the cultural revitalization present there. The second is language revitalization through language learning. Mi'kmaq instruction is provided at the local school, which the community has had full control over since 1987[46]. Conne River is currently home to only a handful of native speakers of the Mi'kmaq language, with most middle-aged or older people reporting that they did not learn more than a few words as children. Most report disappointment or sadness at not having learned more when they were younger. To promote fluency, MFN has begun providing funding for teachers to take Mi'kmaq language immersion classes in Mi'kmaq communities in Nova Scotia, where the language is more widely spoken

These initiatives constitute innovative policy solutions to suit a community's specific needs. Realizing the importance of traditional Mi'kmaq language and ways of knowing, MFN has structured its education policy around ensuring that youth learn about their Mi'kmaq heritage and receive an instruction to Mi'kmaq language. The interviews examined in the sections to follow present clear picture of how, due to the school language program and other policy

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[45] Interviews #33, #34, #35, #36, April 11, 2017, #39, April 12, 2017.
[46] The band has had full control of the local school since 1987, including its administration, hiring of teaching staff, and adding cultural elelments and Mi'kmaq language to curriculum, though the education program remains provincially funded at standard levels. A new school building, Se't A'newey Kina'matino'kuom, or St. Anne's School, opened its doors in the fall of 2017 (MFN website, 2019; ISC, 2019).

developments, Conne River is better able to preserve Mi'kmaq language and culture than prior to 1987. Sections 5.5-5.9 offer a closer examination of findings from interviews and a review of media and policy documents, going through each of the Five Principles to evaluate governance for MFN.

5.5 Legitimacy and Voice

Legitimacy and voice is an important aspect of the Five Principles of governance used by the IOG identifies who in the community has influence in decision making, how decisions are agreed upon, and how different voices are included in the governance process. Legitimacy and voice is important from a theoretical standpoint because studying a community like MFN as a rational actor in a principal-agent relationship requires an understanding of the concerns and motivations of the principal. It is crucial to determine who has a voice and how this shapes the behaviour of the principal. MFN holds monthly band council meetings, which the public are welcome to attend. Residents may voice their concerns either in those meetings, or at the ballot box. Not everyone exercises this right, however, and some voices are heard more than others. The interviews conducted for this study suggest that MFN does a good job of hearing from its members and, as a result of becoming a band with more resources than before, is better able to represent their interests than it was prior to 1991. Not all members feel they have a voice, however, which hurts the local government's legitimacy for many.

5.5.1 Participation

Crucial to understanding participation is knowing whether all community members are able to have a voice. 12 of those interviewed felt that MFN residents can at least be heard. Everyone was aware of their right to approach the council, with one noting that "to voice your concern you had to go straight to the top [of the community government]" (Interview #38, April 12, 2017). Some felt that councilors were not always accessible outside of meetings, with two noting that "the government doesn't listen to us, we haven't seen the chief in quite a while" (Interview #37, April 11, 2017). Five residents[47] noted that speaking before council is one thing, but it doesn't mean anything will change as a result. Still, 9 interviewees felt that the council will hear members concerns, and take them seriously. Though it is difficult to extrapolate numbers

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[47] Interviews # 37, April 11, 2017, #40, #41, April 12, 2017

from a sample this small to the whole population of Conne River, these numbers do highlight the importance of participation in the success of governance in Conne River. Members can have input, then, and several of the council members interviewed feel strongly that they took seriously, and attempted to act on, substantive concerns brought before them. One ongoing complaint came from those worried about the either the waitlist for housing, or the fact that the scoring system for determining who would receive housing did not always appear fair[48]. Another layer of participation concerns the ability of the community to pursue its interests to higher levels of government. Chief Joe and other councilors pointed to the ability of the community to lobby the government to first attain status, then advocate for its key policy goals. "Hopefully they have a voice through us in our campaigning in St. John's and Ottawa", Joe said, also noting that Trudeau's government "ministers are more accessible from before". As if echoing a complaint heard from some residents, however, they noted that "just because a minister hears from [communities] doesn't mean anything will change" (Interview # 35, April 11, 2017).

      Another crucial component of participation concerns whether community members are engaged. One community elder noted that the community seemed not to be as engaged as in the past. A Councilor noted that some people do engage, and others do not, but that members should remember that they can come into the band office any time, they do not have to wait for the next meeting or the annual assembly. The latter is a five-day affair at which some community members are "very vocal", according to community members (Interview 36, April 11, 2017). The council is also seeking community input on its new governance code, currently at the draft stage. The code is available online (MFN website, 2015) and a survey was conducted to solicit input. One common complaint regarding engagement in relation to the stalled Self-Government negotiations was that many members tried to engage the council on the matter, but information came in "dribs and drabs; you had to fight for information" (Interview 38, April 12, 2017). Three councilors and two band employees noted, on the other hand, that council worked hard over the course of over a year to engage the public, and it was often difficult to get the complexities across[49]. Some community members appeared to have difficulty determining and weighing the exact costs and benefits of a SG agreement, a complex and often speculative endeavor that can

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[48] Two of those interviewed complained that the scoring system needed improvement, with one noting that there was a single man who had recently received a 3 bedroom house, while at least one single mother of three children had been on the waitlist for several months.
[49] Interviews #33, #34, #35, and #36, April 11, 2017

be difficult to articulate concretely. Those who expressed certainty about the costs and benefits were almost unanimous in their preference for the status quo over formalizing a final SG agreement. (8/14)

5.5.2 Consensus Orientation

The SG negotiating process showcases the next component of the governance model: how consensus is reached in deliberations. To address this, members were asked whether mediation of conflicting interests is effective in Conne River. Here, opinions ranged between two extremes: The claim that no consensus was present in the local SG negotiations, or in most decision-making within the community more generally, versus the assertion that SG negotiations were a clear example of consensus-building that is commonplace in the community, with the ultimate consensus, after considerable engagement, being to postpone any agreement. Some of those interviewed expressed frustration with some of the more routine examples of the council balancing interests, particularly in managing the business environment[50]. One Band councilor pointed to the successful practice of consensus as exemplified by the use of the healing circle for matters such as community justice or general disputes[51]. This type of example demonstrates both the presence of consensus-building for MFN and the successful use of traditional practices to solve problems.

Examining consensus orientations within the community also leads to an evaluation of multilevel governance systems for MFN, concerning how consensus is reached at the organizational level, as well as cooperation or disagreement with other levels of government. This conversation is again relevant to the proposed SG agreement. All councilors pointed to the notion that relations with the provincial and federal governments were primarily positive, noting that MFN had usually been allowed to pursue its chosen policy initiatives. One Councilor suggested that a federal bureaucrat who came to visit Conne river "would see that we govern

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[50] Managing conflicting interests in a community is never easy, and ultimately some community members will be left unsatisfied. One member pointed out that when the local grocery store had sought a liquor license, it had been denied, when a short time later, the Band granted a license for its ban-run store at the local gas bar. The situation exemplifies the Band council's need to balance the interests of one local business with the desire to promote a reveue stream for the band itself.

[51] A Councilor cited both local justice proceedings and disputes within council as areas where the healing circle practice has been used. The process is sometimes used in criminal proceedings to foster reconciliation with the victims of the crime, and broader community healing, while the practice is useful in council; in one such example, a counselor was accused of misconduct, and after a mediation, that person resigned without serious conflict. (Interview 36, April 11, 2017).

ourselves already" (Interview 36, April 11, 2017). As McDonald notes: "getting SG, day-to-day-would be the same, except [with SG] it's your house" (Interview, April 11, 2017). This testimony emphasizes the idea that, in terms of its relationship with other levels of government, MFN has many of the characteristics of SG already, and that these developments have the potential to produce benefits by fostering successful policy development.

5.5.3 Power Orientation

One cannot discuss the allocation of power between both elements within the community and other levels of government, without discussing power orientation itself. Examination of the locus of power in the community reveals a policy system that relies upon the legitimacy granted through band elections, the development of policy to address community needs, as discussed above, and the devolution of powers in order to implement those policies. As seven councilors, government employees, and community members note, the drawing down of powers by MFN is impressive: In terms of powers that would normally be administered provincially, MFN enjoys local control of education, as mentioned above, a locally-run medical clinic with two full time nurse-practitioners[52], a housing assistance program, and a full land code under the FNLMA. These achievements demonstrate considerable policy making capacity at the local level, and in the case of health and education, require a high degree of synergy with other levels of government.

Important for understanding power orientation is the degree to which devolution produces benefits in the community. Those interviewed are virtually unanimous in saying that the benefits of devolution are apparent in terms of outcomes in the community, though there was disagreement in terms of degree. One resident indicated that the council is not accountable enough as it is, due to the lack of accessibility that the same resident mentioned earlier. A few others expressed doubts about whether devolved powers produced the desired benefits discussed, or that the rate of improvement had slowed down[53], but went on to mention key benefits that had

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[52] One of the Nurse-practitioners at the clinic, Dennis Benoit, sits on the band council, and also served as director for the MFN Health and Social Services department at the time of data collection.
[53] Slower growth is evident in the CWB numbers for 2001-2016, compared to the 1990's (Government of Canada, 2019).

emerged since 1987[54]. The issue of slower growth in community outcomes is further examined later in the chapter.

In addition to evaluating the locus of power in the community, it is important to ensure that community members see an important role for local government. Most residents of Conne River see an important role for their government, with many acknowledging a role for local government in improvements to housing and employment. In regards to whether or not that could lead to formal SG, one resident stated that the local government plays an important role in the policy improvements seen, but that he was still against SG. In terms of policy "We're already doing it", he said, but added that without own-source revenue official SG would not work (Interview #38, April 11, 2017). Lastly it is important that local decision-making reflects local culture, and that policy initiatives are "home-grown", or designed by the community, for the community. Several community members point to practices such as healing circles, discussed earlier, but equally important to using culture in decision-making is to promote culture in decision-making. As one member stated:

> "[The] Band Council [is] promoting culture and language. I think it is very important because...anytime that we can … hang on to our culture and language, makes us a little bit unique and the more that we lose that we lose our language. We lose our culture. We lose our use of land. That's a big thing. Using the land to sustain, if we lose all of that, we're not who we are anymore." (Interview # 38, April 12, 2017).

This quote captures the sentiment of most of those interviewed, who were almost unanimous in their emphasis on the importance of celebrating Mi'kmaq heritage, and ensuring a part of community identity. Those interviewed were also positive in their assessment of community efforts to promote and preserve culture.

Although some were unsure of the role of their local government, many emphasized the need for local decision-making to promote positive outcomes. One community member highlighted the convergence of factors between 1987 and the early 1990's, such as chronically low incomes, the expansion of the sawmill, and the sudden increase in federal funding, that led MFN to pursue the important policy directions, such as its jobs and housing programs, that helped transform the community. (Interview #41, April 12, 2017). These developments

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[54] Three elders and two community members stated something to this effect. One stated that while they felt things are not improving now the way they were in the 1980's and 1990's, there were a lot of good roads and good houses, and a new school (Interviews #40, 43, 2017).

emphasize the importance of having a local government with the power to make meaningful decisions when facing social and economic conditions such as those found in Conne River in the 1970's and 1980's. Not only is it necessary to ensure that the local government is responsive, but it must have both the power and policy capacity to make desired changes.

5.6 Direction

The key for judging Direction for a local government is to ascertain a clear strategic vision, both on policy and on good governance. Strategic vision on policy is established by developing policy that progressively addresses community needs, while a vision for good governance is determined through both a strong governance plan and clear principles of leadership (Institute on Governance, 2019). In order to maintain a stable principal-agent relationship, the principal must be assured that the agent is using a positive strategy in executing governance. Although direction can be difficult to measure, a number of those interviewed had insights on the direction of their government. Their testimony generally points to a positive direction in terms of both policy and governance since the 1991 time marker identified, as compared to beforehand. This is largely due to increased financial resources, the presence of strong leadership and improved policymaking capacity.

5.6.1 Strategic Vision on Good Governance

Based on a review of its policies and discussions with members, the core vision of governance for MFN appears to be to establish effective, responsible local government, both formally and in practice, that meets the needs of the community, and keeps power local. This vision demands some degree of adaptation of federalism to accommodate meaningful SG at the community level[55]. According to a band employee, the goal of the negotiations for SG, and of the creation of a land code under the FNLMA, was finding ways to do things more independently, while maximizing overall revenue. Between funding transfers, local economic activity[56], and EI payments, he added, the community has sufficient funds and would lose some

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[55] This was discussed in chapter 2. See also Abele and Prince, 2005.
[56] At the time of the interview, Conne River had several businesses operating, including a grocery store, a gas bar and liquor store (run by the band council), two bed and breakfasts, a restaurant, and a small fishery (license held by the band).

of this under SG (Interview #33, April 11, 2017). Another band employee stated that the community's vision was about finding balance:

> "Even though in 1986 the school was acquired by the community, we still have to abide by the provincial curriculum ... you still need that provincial influence … especially in health policy. … In a sense there's a sort of combination where you follow the provincial curriculum but also there's lots of yes local stuff incorporated... [our control] is more in sort of teaching practices and other projects." (Interview #34, April 11, 2017).

A community member echoed this sentiment:

> "I think a lot of people, they don't like the Indian Act, they feel that it restricts [a community] … But they still ... like the way that Conne River is running, but I don't think that, when it comes down to it, they don't want the full control to be at the band office." (Interview #42, April 12, 2017).

These three pieces of testimony seem to describe a community that has attained a measure of autonomy in the design and implementation of policy. At the same time, MFN is able to adapt provincial policy to suit local needs whether by, for example, ensuring school curriculum includes Mi'kmaq language and cultural traditions, or by ensuring that the medical clinic is equipped to provide culturally sensitive care (especially important given that culture can be an important determinant of health)[57]. This suggests a collaborative approach to governance that prioritizes local solutions for meeting community needs while still relying on provincial and federal governance infrastructure. Some still hold the desire to achieve full SG in the long term. Councilor McDonald offered an apt analogy: Conne River is a house, and a SG agreement to the title deed, as introduced earlier. The "house" belongs to the people of MFN, which has the flexibility to implement policy, or operate the house, in a way that works for residents. Many members, however, want the deed to their house (Interview, April 11, 2017). These testimonies demonstrate that Conne River has a strategic vision on governance, which it is still developing. Although there is some disagreement on the direction governance should take, most of those interviewed are happy with the evolution of policy and governance in MFN since 1987.

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[57] A study of adults from MFN showed a positive relationship between traditional practices and health (2014). A report by the Health Council of Canada (2012) explains why western healthcare practices can be alienating or exclsionary (or even racist) for indigenous people in Canada.

5.6.2 Strategic Vision on Policy

"...Here [In Conne River] we've got the structure in place where our policies are sound... I've been working since '91 and there's always been policies in place, and they're still being updated, and normally by a policy committee, and there is a process for that… if you're going to go with SG, you should have all your policies in place. Some places, they don't even have any policies whatsoever. [At MFN], we have a lot of similar policies [to the provincial and federal government], but *tailored to our community*" [emphasis added] (Interview #33, April, 17).

This was said by a government employee on the importance of locally-developed policy. The quote captures a broader theme in the examination of policy development for MFN: strategic vision for governance of a community is critical, and it lacks substance without a coherent policy structure. Members interviewed tended to point to MFN's vision on policy as evidenced in the policy directions the community has taken since 1987, particularly in terms of housing, jobs, education, and culture, while others cited a lack of vision, evidenced by a recent period of little change. One member suggested, for example, that "there is a plan and a vision at the school to teach the Mi'kmaq language to kids, and they hold the [annual] Pow-wow, which is important, [but] I don't know if it is a good overall vision for success…" (Interview #38, April 12, 2017). It is too early to tell how successful the language program will be, but the vision and plan that has been set out lays a clear foundation for the community. A band employee notes that MFN has "outlined everything as a great big strategic plan that's... not just for a couple years, but… a long term plan..." (Interview #33, April 10, 2017). As mentioned above, he compared this to some bands he had visited that appeared to lack a strategic policy framework, but had SG. He also noted it is difficult to have long term thinking with an election every 2 years[58]. The issue was put to a referendum in 2016, but residents voted against it.

5.7 Performance

To assess the performance of a local government, we break the concept down into responsiveness and effectiveness and efficiency. Responsiveness can be measured by gauging

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[58] Recall from chapter 2 that two years is the standard time horizon for band council elections under the Indian Act. As Cornell and Kalt (2007) note, these short time horizons are associated with poor policy outcomes, as they make it more difficult to make long term decisions.

how well community residents feel their government hears their concerns and responds to their needs. Effectiveness and efficiency, on the other hand, is measured in this thesis through evaluation of key policy outcomes. Of the Five Principles, performance measurement makes the greatest use of empirical data, such as the CWB findings used to demonstrate success in key policy areas. Residents offered an array of feedback on responsiveness, effectiveness, and efficiency to supplement qualitative findings. Due to its empirical value and foundation in policy outcomes, performance is central to understanding whether and how SG in MFN is successful in producing better outcomes since 1991 than beforehand.

5.7.1 Responsiveness

The key to understanding responsiveness is to assess whether policy attempts to address needs in the community, and whether people feel their voice is heard. Testimony presented in section 5.8.1, earlier, notes that thoughts on accountability are mixed. Most state that they are able to approach the council, and be listened to, but it is not always clear what has been taken seriously. A number of community members pointed out that council was more responsive in the 1990's and early 2000's[59], but that it is often difficult to see or measure that same responsiveness today. One member stated this, but also reiterated that things improved dramatically after 1991, and are still improving, but slowly (Interview #38, 2017). One of the most common complaints from residents was regarding persistent boil water advisories[60], and problems with the sewage system, which recently saw $3 million in upgrades. Two residents complained that there is a sewage outlet on the beach near their home, and that during the summer months, the smell is unbearable (Interview #37, April 11, 2017). The challenge in addressing complaints about complex infrastructural problems is these problems can be difficult to address quickly, especially with limited resources. A common theme for rural communities is that even expensive systems fail or are difficult to repair, especially water and sewage systems (National Ground Water Association, 2017; US Department of Housing, 2006). When there doesn't appear to be movement in certain policy areas, many residents may blame government responsiveness, or assume nothing is being done. Those who are upset with their government are likely to continue

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[59] Interview #37, April 11, 2017, #40, #41, April 12, 2017. This was a period of rapid improvement in community well-being followed by a period of more gradual improvement, see CWB scores from the CWB index, Government of Canada, 2019).

[60] The most recent of which was lifted June 13, 2007. There have been 5 boil water advisories since 2007, prompting frequent upgrades to MFN's small water treatment facility (Barry, CBC News, August 2019)

to feel that way in spite of positive outcomes later on (Hibbing & Theisse-Morse, 2008). In the case of water treatment, media sources and interviews with government employees and band councilors reveal ongoing remediation efforts that may often be invisible to community members. A worthwhile tactic to address this problem is to strengthen lines of communication on what is being done about key issues. This relates to our discussion of voice in section 5.5, in which some members cited challenges in engaging or in receiving information. Overall, the evidence suggests that MFN is responsive, but there are challenges in communication about policy solutions.

5.7.2 Effectiveness and Efficiency

MFN is at least reasonably responsive as a government, but is it effective and efficient in maintaining current policy outcomes or introducing new policy to improve those outcomes? A cursory examination of community outcomes on the CWB report (Government of Canada, 2019), and of a recent evaluation of the MFN Grant Agreement (Government of Canada, 2011) show that up until 2011, MFN has had considerable success in policy outcomes, as illustrated in Chapter 4. Less information is available regarding policy success since then, as the most recent edition of the CWB was completed in 2016. The data gathered for this study serve to both evaluate residents' impressions since 2011, and get a sense of what the numbers mean for people in the community.. In the analysis of CWB data, presented in chapter 4, all 5 of Conne River's CWB scores improved sharply from 1981 to 2001. Since 2001, the rate of improvement has levelled off substantially[61], but the community was already scoring well on all metrics by this time. There is room for improvement in community outcomes, as in any community, but a steep growth curve like that seen in the 1990's is usually not sustainable, and it is possible that some residents have become disillusioned with slower growth in outcomes more recently. This means that overall growth is more positive, and more beneficial to the community, than some residents may realize.

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[61] Between 1981 and 2001 the overall CWB score for MFN more than doubled, from 32 to 66, compared to a 22 percent improvement across all First Nations Communities over the same period. From 2001 to 2015, however, CWB in Conne River improved by a much more modest 7.6 percent, from 66 to 71, a growth rate that is more comparable, though still superior, to growth in other first nations (6.2 percent) over that period.

5.7.2.1 Housing

For housing, the CWB data are both descriptive and encouraging, and yet has become a point of contention from some community members. One member suggested that "compared to other communities, you hear things, that we're lucky to have good housing in our community" (Interview #42, April 12, 2017). Others, however, suggested that there are problems with the scoring system for allocating housing or housing subsidies (5/14). Income is taken into account, they say, but there were concerns about how it is calculated[62]. One particular member noted that:

> "The housing system has really progressed from where it was, but 4 houses per year is not keeping up [with the demand]. The point system needs adjusting. The housing program [formally] began in '97… prior to 96/97, people were building their own homes and a very, very small percentage [were receiving assistance from the band]. We had no no programs in place, but now you have a program in place that looks after low income [earners] and you have a program in place for [building] sweat equity…[and] for loans." (Interview #38, April 12, 2017).

This member has pointed out the three main elements of the program. A point system is designed to determine financial need, there is a rent to own program for those who cannot get a mortgage or purchase up front, and there are low interest loans available, to be combined with financial assistance (MFN Government, 2017). A government employee added that MFN has its own capital lands and housing department, which oversees the allocation of housing. Two houses per year are built for the community. "Everybody's got a place to live", he stated (Interview #33, April 11, 2017). This implies that the previous claim that four houses per year is inadequate may not be accurate. According to the CWB index and the AANDC Report on the MFN Grant Agreement, crowding rates[63] in Conne River are among the lowest among indigenous communities for housing, meaning that even if community members are frustrated with the process of obtaining housing, the situation is at least manageable, given limited resources.

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[62] For instance, one member suggested that when a band member is cohabiting with a non-member, the non-member's income is not counted. Another pointed to an example where a single adult had received a subsidy to purchase a 3 bedroom dwelling while several families with children remained on the waitlist.
[63] Recall from Chapter 4 that crowding rates are the key metric used to determine a community's CWB score for housing (Government of Canada, 2019). For MFN, the housing score for 2016 was 94, ranked 14th among 387 indigenous communities across Canada that received a score for housing in 2017. Note: housing scores were only given to communities with at least 250 residents.

5.7.2.2 Employment

Several members had feedback on the Employment Assurance Program as well. Some (5/14) noted that employment numbers increased dramatically in the 1990's, but now are steady. All government employees and band councilors interviewed point to the program's ongoing success, with one noting that the program had "transformed the community", with 180 members currently on the program (Interview #33, April 11, 2017). He noted that Employment Insurance only provides funds to those who are between jobs or work seasonally, never to those who are chronically unemployed. He added that there have been changes to improve productivity, such as incentives. A community member pointed out that the program definitely works: people grumble about "part time" work, but when you think about it, EI is own-source revenue under this system, and "that's good for the community" (Interview #38 April 12, 2017). This comment is in response to recurring complaints (6/14 in this study) that the term "full employment" is misleading, because those who accept seasonal work with the band only work for part of the year, and many argue that is not "full employment". This is reflected in the figures seen in the CWB score for labour force participation. (Government of Canada, 2019)[64], which do not count those working under the Conne River Employment Assurance Program. It is worth noting, however, that, given the relative lack of local industry, many of these individuals would likely be unemployed entirely without the Program, and thus would be ineligible for EI. Taking this into account, it becomes clear that, although the program may not truly produce full employment, it still produces considerable financial benefits for the community, constituting a clear improvement on conditions that existed prior to 1987.

5.7.2.3 Language and culture

Another policy area in which the band council has been active is language and culture. As described earlier, the Se't A'newey Kina'matino'kuom school is 80 percent staffed by teachers from the community. This is because the band provides financial support to band members to study education away from the community, and band control of the school means it can offer preferential hiring to Mi'kmaq applicants. Several teachers have been sent to do a Mi'kmaq language immersion program in Nova Scotia. These initiatives have generally been positively

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[64] The 2016 score for MFN is 69, having remained relatively constant from 2001. The data are derived from the Canadian Census, which takes into account weather workers are employed throughout the year. Those who work for only 17-21 weeks are not counted, as they fall below the threshold.

recieved in the community, although some have expressed concerns. One elder emphasized the importance of traditional culture in the communities and commended the school program, but said that while young children are often engaged with the programming, many teenagers seem to lose interest (Interveiw #43, April 14, 2017) Some of those interviewed expressed uncertainty at the benefits of Mi'kmaq language education, wondering if the program might divert resources away from other programs, or have an adverse impact on test scores (Interviews #34, April 11, 2017; #42, April 12, 2017). The question of whether student performance is impacted by language and culture programs is outside the scope of this study, however the CWB data do show a sharp increase in high school completion rates almost soon after MFN assumed control of the school in 1986. This finding demonstrates previous findings that engagement with traditional culture helps both facilitate access and increase benefits of education for indigenous students (Leavitt, 1995; Hampton, 1995; Kitson and Bowes, 2010).

Despite some concerns, there is strong support for a language program at the school (most of those interviewed, 9 of 14, praised it), but is the program working? School language programs are difficult to assess because they are designed to promote long-term outcomes (i.e. language-fluency), and they typically do not produce fluency on their own (see section 6.7.2.3). A number of community members echo this sentiment. Some feel that the program is unlikely to produce fluency at all (3 of 14), while others (4 of 14) felt that it is a positive step but is unlikely to produce fluency without parents also learning the language and speaking it at home. This challenge is more common in a community where only a small percentage of the population are fluent in an indigenous language: it becomes very difficult for children to reach a point of fluency because there is no way to provide language immersion. This is a difficult challenge, but community members are not wholly discouraged by it - many feel it is positive just to have some Mi'kmaq language in the community, so that it will not be lost entirely.

Community members were virtually unanimous in their praise of other community efforts to promote Mi'kmaq culture, such as the local annual pow-wow, which hosts Mi'kmaq from across Atlantic Canada, and includes cultural performances, such as song and dance. Another example is the Little Braves program, which has community elders provide instruction to local children and youth in traditional practices, such as wilderness survival, trapping, and snowshoe making. Chief Joe and Councilor McDonald each highlight the gains made in language and culture revitalization over the last several years, but that there is more to be done: "ever since

taking over the school in the 1980's we've been able to address culture in the community, and you know we've brought back things that haven't been in the community in a long time" (Interview, April 11, 2017).

These successes in reconnecting with culture are also reflected in the community's use of Mi'kmaq traditions at the political level, such as having a chief with both ceremonial administrative duties. As Chief Joe notes, he is "largely a cultural ambassador for the community" (Interview, April 11, 2017). Some of his administrative duties are shifted onto other councilors such as McDonald, who serves in the dual role as Band solicitor and vice-chief, allowing Joe to spend time on the important work of advocating for Miawpukek and Mi'kmaq history and culture worldwide. These activities range from setting sail in a birch bark canoe made in Conne River, to lend credence to Mi'kmaq oral history, or petitioning the Scottish government to return ancient Beothuk remains[65], to speak on behalf of MFN. Miawpukek has demonstrated a vision for cultural leadership in addition to its vision on administrative governance.

5.8 Accountability and Transparency

Accountability and transparency are closely connected to some of the themes covered section 5.5, and so have already been discussed. For example, transparency is concerned with the flow of information between principal and agent, whereas voice describes how the principal is able to convey concerns and priorities to the agent. Accountability is a measure of how much the agent is bound to serve the interests of the principal, while consensus and power orientation concern how much the principal is able to influence the agent. All of these relationships underscore the legitimacy of governance structures. Since 1991, MFN has performed well in terms of accountability and transparency, held accountable through to band members through both elections and public inquiry, and able to demonstrate accountability through delivering on policy. Transparency is achieved through information sharing, which is practiced through public

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[65] For example, in 1999, Chief Joe and a small crew from Conne River sailed from Cape Ray, NL, to Chapel Island, NS in a traditional birch-bark canoe, making the traditional journey Mi'kmaq had made centuries earlier as part of their seasonal travels. The modern journey served to demonstrate to the world that the perilous trip could have been made with available technology at the time. Joe also negotiated the return of the remains of two Beothuks, Nonosabasut and Demasduit, announced in January 2019. The remains had been in the possession of the Scottish National Museum since 1827, having been taken from Newfoundland before then. Chief Joe made several trips to Scotland to petition for the remains to be returned to Canada as an important gesture of reconciliation, and the remains are now being transferred to the Canadian Museum of History in Ottawa (McNeish and Ladik, Jan. 2019).

meetings and reports (Government of Canada, 2011). Crucially, MFN is able to provide adequate accountability and transparency than the provincial and federal governments did prior to 1991 precisely because MFN serves its community directly and is more accessible to members. Some community members did express concerns on the topic of accountability, discussed below.

5.8.1 Accountability

One community member notes that the band council is both constrained, and also held to account, under the *Indian Act*, by virtue of the requirement to report revenues and expenditures, and to follow set procedures for elections and government protocols (Interview 41, April 12, 2017). Others (4 of 14) felt that there was uncertainty as to the level of accountability that would be present without the *Indian Act*. This is one of the major reasons why some members were recalcitrant about the concept of a final agreement on SG. As another member put it: "they would do whatever they like" (Interviews #37, April 11, 2017; # 40, April 12, 2017). Some of those interviewed pointed to positive developments in accountability. As mentioned earlier there is a governance code guiding council decisions, and an elections code, both of which were ratified by the community, ensuring that governance operates in a way that is compatible with community preferences. As one community member points out:

> "council is elected [by the] community ... they get voted in and then they all get this certain portfolio to handle different things and if we didn't have this band council, we wouldn't have anything, would probably look like some of these places up [in Nova Scotia and elsewhere] That looks pretty bad... Band councils there aren't always as active… this one has a strong record, we've got a good chief there every minute and the community can hold council accountable and make sure they make good decisions. That's why we have good policies." (Interview # 42, April 12, 2017).

This quote summarizes the sentiments of a large portion of the community who see the strong policies described earlier as stemming directly from the accountability of council. Although accountability can be difficult to ensure, MFN appears to possess solid mechanisms for promoting it, which, in turn, fosters positive policy outcomes in the community.

5.8.2 Transparency

Community members consistently cite strong public confidence in the transparency of elections (12/14, but fewer cited confidence in the transparency of government activities (5 of 14). 6 of 14 respondents also expressed concern that transparency would decline under an official SG regime, due to the disappearance of reporting requirements under the *Indian Act* and the associated Grant Agreement. One member thought they would "get away with things or do things that... that the communities probably might not even be fully aware of" (Interview # 42, April 12, 2017). Another stated that the public is largely unaware of band council activities, particularly in the operation of the fishery. The band holds several fishing licenses and a small fleet, which are leased to a private company. The public is unaware of the specific activities or financial condition of the company. An audit was conducted in 2015, which was inconclusive and vague (Community member, Interview 41, April 12, 2017). Another community member noted:

> "There were concerns that there would be - It's not just about the [OSR issue] - that there would be less accountability with self-government which is which was counterintuitive to me because I thought self-government was supposed to be about more accountability, and *that information never got out...*"[emphasis added] (Interview 38, April 12, 2017).

This quote, again, relates to the point raised earlier: A key pitfall is information flow, which is detrimental in terms of transparency, because it leads to a lack of public confidence. A second community member noted:

> "we still have communities complaining that there's not enough accountability but if you compare other First Nations to what we do here everything all our meetings are open the minutes go to the public anybody can come in and ask for information… so long as it's not private information or confidential information, it's provided… Copies of financial statements, so everything is open but I don't think they realize… what other communities do so they have nothing to compare it to." (Interview 34, April 11, 2017).

The testimony seems to confirm the idea that public confidence is shaken by a perceived lack of information flow. Since this information is available, either through an access to information request or a review of council record of decisions, this is not a fatal flaw and can likely be addressed through a more robust communication strategy. From a theoretical perspective, improved transparency will be crucial to long term success in SG because, as was

highlighted in section 2.2.5, the incomplete flow of information between principal and agent, who are both rational actors, can lead to self-interested or detrimental behaviour. Moreover, improved transparency would improve public confidence within MFN.

5.9 Fairness

The final Principle of Governance is fairness, which concerns how well a community serves equity and the rule of law. These elements are largely outside of the scope of powers devolved to the community, but community members did have thoughts about them.

5.9.1 Equity

In terms of governance, equity concerns the ability of a government to ensure that different groups have the opportunity to participate equitably in society. Since MFN is a First Nations community with a predominantly Mi'kmaq population, this would primarily include women, people with disabilities, or lower income residents. One of the issues identified was whether people are able to participate fairly in band elections. Most felt that anyone can participate in elections, although some suggested that elections are too long, which can drive up the costs of a campaign. Another common concern regarding equity is whether policy benefits are distributed within the community according to need. Impressions regarding this issue were mostly positive, however, some members, again raised the issue of the point system used by the housing program, with one member noting: "There's been instances here where you know families have applied for a same house and you have single men living in a four-bedroom house". This issue could potentially be resolved with an adjustment of the point system, which in turn could be informed by a gender-based analysis of the housing program to ensure that the point system is assessing needs properly.

5.9.2 Rule of law

Public safety and policing is managed provincially throughout Newfoundland and Labrador, either through the Royal Newfoundland Constabulary, or through local-provincial partnerships that install RCMP detachments like the one in Conne River. There is therefore no direct relationship between law enforcement and local policy. A few residents did express ideas about how the rule of law is perceived locally. One band councilor noted that it is difficult to

enforce community policies, because people only ever support policies that benefit them thus use of law enforcement to back local policy is generally to be avoided. For that reason, small communities are usually governed through social pressure and a system of agreements between residents. There is another side of this problem, which is the perception from the individual community member's point of view that the band council does not enforce anything, or that it does not enforce anything on behalf of a community member. One member highlighted the issue mentioned earlier in which the tender for a liquor license was refused to one local business, when there is a liquor store occupied by the band. In addition, the band requires band employees to purchase items at the gas bar, also operated by the band, for official business, such as hosting events. This issue, together with the one listed above regarding the lack of transparency in the operation of the fishery, has left certain members with the impression that the band protects its own interests but not those of local business. On the other hand, public-private partnerships like the one involving the fishery often include stipulations that are private, while it is not uncommon for local governments to require their staff to patronize publicly-run services. Refusing a license to a private business to prevent completion with a publicly owned business should be addressed in the next policy review cycle. This problem demonstrates the challenges associated with managing conflicting interests and preferences, and with enforcing local laws fairly.

5.10 Conclusion

This chapter examined the history of MFN and the Mi'kmaq of Newfoundland, then discussed three key policy areas examined in this thesis, and finally conducted an evaluation of governance in Conne River, using the Five Principles of Good Governance. Examining governance with this method reveals how MFN is able to excel in both delivering on its key policy priorities and exercising leadership, both within the community and across Canada. Four key successes are listed below.

- Outcome 1: CWB scores for Conne River are high and consistently rising.
- Outcome 2: MFN has an effective housing program that promotes low crowding rates has seen the community go from a very low CWB score to a very high score.

- Outcome 3: MFN has gained control of local education, which has seen rising highschool completion rates[66] and the creation of a new Mi'kmaq language program.
- Outcome 4: MFN has a decent employment rate and high incomes, compared to the average First Nations community[67].

MFN band members have good reason to be proud of the accomplishments of their community over the past few decades. From being one of the poorest communities in the already poor Coast of Bays region, Conne River has become one of the most prosperous in the region, and has done so without a strong source of own-source revenue, such as revenue from a mining operation. As of 2016, Conne River ranks 64th out of more than 1000 indigenous communities to have received a CWB score[68]. Despite these successes, the examination of the three policy areas and the Five Principles also reveals five key points of concern for band members:

Issue 1: Transparency and information flow: Some members feel left in the dark. The issue of transparency came up in almost every interview, with most community members raising concerns about information flow. Improved communication and engagement would help to address this problem. In particular, better communication could help alleviate concerns that there has not been meaningful action on issues such as the sewage and water treatment systems, which are difficult and complex issues to solve.

Issue 2: Language retention: Doubts about the potential for success, concerns about resources

Preventing language shift or loss is a complex and challenging area, and some community members are unsure whether language shift is possible to reverse. If the goal of the MFN language program is one that produces fluent speakers, then more resources, such as Mi'kmaq lessons for parents, would be required. If the goal is simply to promote familiarity with the Mi'kmaq language, then it is already a successful program in that it gives students a solid introduction to Mi'kmaq language.

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[66] On the CWB index (2016), out of 387 First Nations communities, MFN is ranked 52nd for education, with a score of 54, which is considered moderate. This is compared to a score of 9 in 1981.

[67] ibid. MFN is ranked 172nd for labour force participation, with a score of 68. It is also ranked 49 of 387 for income, with a score of 69. These numbers are a substantial improvement from 50 and 29, respectively, in 1981, but are more modest than improvements in housing.

[68] Recall that only communities over 250 residents were given a score for individual indicators, such as housing. 387 such communities were listed as First Nations. All communities with over 60 residents, however, received a general CWB score. There are over 1000 First Nations communities with such a score (Government of Canada, 2019).

Issue 3: The Employment Assurance Program does not produce "full employment"

Although it is true that full employment normally refers to each eligible worker having full time employment, this is not always necessary or required to promote well-being in a community. By receiving earnings seasonally, then going on EI, members are able to secure higher annual incomes than social assistance payments alone would provide, at a lower cost to the community. The issue does generate public frustration, as many feel unable to secure adequate work.

Issue 4: The Market-Based Housing Policy does not always allocate housing equitably.

Several problems were identified regarding the scoring system, mainly which it fails to take some conditions into account, and so does not always allocate financial assistance according to need. A review of the guidelines with a gender-based analysis leading to more comprehensive guidelines could address the issue.

Issue 5: The previously rapid rate of improvement in policy outcomes appears to have slowed.

The 'levelling off' of some indicators has led some in the community to become concerned that the community government is no longer very active. This is largely a problem with communication and transparency, since members are not always aware of how much is being done to address issues. It is also important not to become complacent, and allow standards or procedures to loosen. Continued policy review and analysis and strong public engagement will be necessary to maintain the progress that has been made over the last few decades.

The questions this thesis asks are: How has Indigenous governance in Canada evolved over time, especially in the past two decades? What explains the successes of certain governance structures and policies, introduced in self-governing communities, in achieving higher socio-economic outcomes? The case of MFN offers an answer for each. The evolution of governance in MFN since 1987 differs from what went before in that it used to be a small, struggling community, with few policies and relatively little governance, but with residents who had innovative policy ideas. Since receiving recognition, the community gained more financial resources and developed home-grown, purpose-built policies that address community needs. In this pursuit, MFN had to contend with the institutional constraints of Canadian federalism, from its disputes with provincial and federal governments over status and withheld funds, to navigating the complex regulatory landscapes imposed by the *Indian Act*. Despite the fact that it was brought under the *Indian Act* at a time when many communities were trying to do the

opposite, MFN has been able to work beyond legislative constraints, charting its own course in policy and government, while receiving financial resources to make new policy options possible. As a rational actor representing the interests of the residents of Conne River, MFN has had success with its policy initiatives because these initiatives were designed in the community, developed in the crucible of the community's history, outside of the one-size-fits-all aproach present in the *Indian Act*.

"If Nunatsiavut Government hadn't been there, and LIA hadn't been there, none of this would be there. We'd be back where we were in the early '70's, with the [provincial] government telling us what to do, when to do it, how to do it. It's the biggest thing that's happened. People realize now that they do have rights, they do have a voice".

- Jim Lyall, Ordinary Member, former President, NG Assembly

interview, April 27, 2017

Chapter 6: The Evolution of Governance in Nunatsiavut

6.1 Introduction

This chapter presents a case study evaluating governance outcomes for Nunatsiavut Government (NG), which serves residents of the Labrador Inuit Settlement Area (hitherto referred to as the Settlement Area or Nunatsiavut[69]), as well as Labrador Inuit across Canada. I use the Five Principles of Good Governance, as presented by the Institute on Governance (IOG), to analyze the results from a series of semi-structured interviews with officials and community members. For additional context, I draw on various records, including policy documents, data reports, and media reports. The chapter also explores the modern concept of SG via the modern treaty process, seen through the negotiation and ratification of the Labrador Inuit Land Claims Agreement (LILCA). The qualitative analysis presented here, together with the data presented in chapter 4, demonstrates that, as with MFN, not only does NG enjoy strong governance outcomes in empirical terms[70], but it also has performed better, on average, than self-governing communities across Canada on the metrics identified in the CWB. Self-governing communities, meanwhile, tend to perform better on the four community indicators measured in the CWB than most communities that either operate fully under the *Indian Act*, or are non-status[71] and non-self-governing. As this case study will demonstrate, outcomes in Labrador Inuit communities

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[69] Settlement Area refers to the geographical area created by the LILCA, while Nunatsiavut refers to Labrador Inuit society in the abstract: Settlement Area residents, diaspora, the Settlement Area, and NG itself.

[70] Based on figures from the CWB (Government of Canada, 2019). Communities served by NG have enjoyed greater improvements in terms of policy outcomes, than other Inuit communities across the Canadian Arctic, and enjoys generally better outcomes than communities that are not self-governing

[71] Recall from the previous chapter that a number of indigenous groups were never governed under the *Act* and so are non-status. These include Inuit, metis and federally unrecognized, or non-status, First Nations people. The Inuit, in particular, lived outside the areas impacted by the treaties.

improved markedly directly after NG formed in late 2005. It shows that his change is attributable to a combination of the homegrown, community-tailored policy systems that NG has been able to deploy. This demonstrates that an empowered, properly funded regional government is better equipped to produce positive outcomes in governance, than government by provincial and federal governments, and better able to be an advocate for its people than representative organizations such as the Labrador Inuit Association (LIA).

Section 6.2 begins with a brief history of the Labrador Inuit from pre-contact through to the formation of the LIA, while 6.3 summarizes its submission of a CLCA, its attainment of SG, and the layout of the newly-formed NG. In section 6.4, I describe NG's strategy in three policy areas. Sections 6.5-6.9 examine the state of governance in NG using the IOG's Five Principles. 6.5 looks at legitimacy and voice in the community, highlighting how residents feel about thier input into the political process. 6.6 continues with a discussion of direction, examining where respondents feel MFN is at in terms of governance, and where things are headed. Section 6.7 discusses performance by examining representation (6.7.1) and key performance outcomes (6.7.2) in housing, employment, and language and culture, highlighting NG's performance since its 2006 formation, the time-marker identified in Chapter 3, compared policy outcomes found before then. Section 6.8 discusses respondents' thoughts on the accountability of their government while 6.9 examines fairness. Section 6.10 then identifies 5 key success for NG, then and discusses 6 key issues needing to be addressed.

6.2 Labrador Inuit history

6.2.1 from pre-contact to 20th century hardships

The Inuit are a circumpolar culture that have historically occupied vast stretches of arctic tundra and boreal forests in the far north. Inuit Nunangat, or homelands, extend from the modern day territories of eastern Siberia, Canada, Alaska, and Greenland (Inuit Tapirisat Kanatami, 2019; Brice-Bennett, 2012; Dickason, 2009). Labrador Inuit are known to have occupied the northern coast of Labrador continuously for more than 1000 years, and Inuit history holds that Inuit have lived there since time immemorial. The Labrador Inuit subsisted through a seasonal rotation of moving inland to hunt caribou, fox, and other animals, then to the coast for fishing, hunting seal, and whaling. In terms of governance, they lived predominantly in smaller groups of

20-30 mebers for much of the year, often congregating in larger numbers in coastal areas to mingle and trade (Heritage Newfoundland and Labrador, 2008). The primary mode of governance for these groups was Inuit customary law, elements of which are still practiced today. Contact between Labrador Inuit and European whalers and fishermen began in the 15th and 16th centuries, and early encounters were predominantly for trade, though violent interactions did occur (Brice-Bennett, 2012).

Inuit life evolved differently from that of the Mi'kmaq during the colonial period. Until the late 19th century, settler populations in Labrador consisted largely of seasonal fishing traffic, traders, and Moravian missionaries who established settlements along the coast. Inuit continued their seasonal movements and activities much as they had done prior to contact until the 20th century, but increasingly relied on trading furs, seal pelts, and whaling products in exchange for goods offered by Europeans, such as guns, nails, and metal tools (Dickason, 2009). This led to the creation of trading settlements along the coast. During the 18th century, Moravian missionaries from Europe began establishing missionary posts on the Labrador coast[72] (Hiller, 2015). The mission outposts served predominantly as trading posts until the 19th century, when settlers began to move in. Descendants of resulting intermarriages between these groups still reside on the north coast today, many of whom identify as Labrador Inuit. By the early 20th century, due to financial difficulties, the Moravian mission was forced to lease its lands and trading rights to the Hudson's Bay Company (HBC), which traded primarily in furs, leading many Inuit to become more dependent on the fur trade. The HBC set prices, which were profit and market-driven, and, as Korneski highlights (2016), replicated colonial patterns of interaction that consolidated settler authority and racialized systems of compensation[73]. This colonial relationship deepened hardships for the Inuit.

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[72] The Moravians set up numerous trading posts along the Labrador coast. The first of these was Nain, the first missionary settlement for Inuit to be established in North America (Hiller, 2015). Soon after, stations were also erected at Okak and Hopedale and eventually Hebron. Later, in the mid-to-late 19th century, Makkovik, Ramah, Zoar, and Hebron, were established. Zoar, Hebron, Ramah, and Okak would later be abandoned. Hebron is now an important Labrador Inuit heritage site, and has received considerable attention from archaeologists. The detailed archaeological record on the northern coast of Labrador would later become a factor in the successful negotiation of the LILCA (Alcantara, 2009, 2014).

[73] Korneski (2016) notes that race and class - based delineations help to shape patterns of interaction and institutionalized the often impoverished payments Inuit received for their trade goods. These patterns help to solidify settler dominance and contributed to Inuit poverty. Although this article is based primarily on records from 1830-1850 - nearly a century prior to the takeover of the mission licenses by the HBC, the company had already been active in the region for some time (Dickason, 2009).

Confederation in 1949 had significant political impacts on the Inuit, particularly the provincial government's policy of denial of indigenous presence in Labrador. For Inuit, the impact of this was different than for other groups, in that Inuit do not fall under the *Indian Act*[74]. Instead, Labrador Inuit would have been invited by the federal government to negotiate a CLCA in the 1970's[75]. Due to the institutional structure of Canadian federalism, however Inuit groups living within a province as opposed to a territory generally became institutionally embedded within that province in terms of the delivery of services that the federal government would be responsible for in a territory (Dickason, 2009; Alcantara, 2008, 2014; Pain, interview 15, April 20 2017)[76]. This has caused the Labrador Inuit remain more politically distant from the federal government than Inuit in other regions. Many Inuit had by this time converted to Christianity.

Confederation also impacted Inuit life. In 1949, for instance, Moravian schools[77] were taken over by the provincial and federal governments and brought into Canada's Indian Residential School System[78], where abuse was common and English-only instruction prevailed, leading to similar trauma and language and culture loss found elsewhere in Canada between 1949 and 1979[79]. Collapsing fur prices in the 1950's and 60's led Inuit to become increasingly dependent on wage labour or government assistance in the coastal communities (Heritage Newfoundland and Labrador, 2008; Dickason, 2009). The combination of economic decline and colonial policies led to considerable economic and social hardship for Labrador Inuit. This culminated in the closure, by the Provinces of Newfoundland, of the communities of Okak,

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[74]Unlike the Mi'kmaq and the Innu, who, upon receiving recognition, came under the *Act*. Like the Inuit of Nunavik, Labrador Inuit existed in a regime in which political and legal responsibility for Inuit affairs was ambiguous.

[75] Recall that, in 1973, The Government of Canada invited indigenous groups that did not already have formal agreements to negotiate modern treaties with the Crown. The first of these was a combined treaty between the Cree, Naskapi, and Inuit of Quebec, in the historic James Bay and Northern Quebec Agreement (JBNQA) of 1984 (JBNQA, 1984; Alcantara, 2016).

[76] The Inuit in the Canadian arctic (what is now the Northwest Territories, Nunavut, and Nunavik), had limited contact with the south, and received very little attention from the Federal government, until after the Second World War. Early interactions were often a negative experience, as seen with the forced relocations that occurred during the Tuberculosis epidemic of the 1940's and 50's, or during the High Arctic Exiles in the 1950's (See Government of Canada, about the Nunalivut Initiative, 2019, and the Royal Commission on Aboriginal Peoples *The High Arctic Relocation*, 1994.

[77] Since the late 18th century, Moravian schools provided and promoted literacy and oral instruction in the Inuit language, using an orthography based on Roman letters and developed by the missionaries (Taylor, 1998).

[78] Interestingly, the systematic removal of children from their families and placement in the schools that stripped them of language and culture and subjected them to abuse, took place despite the fact that the government of Newfoundland and the Government of Canada had each taken the official public position that Newfoundland and Labrador did not have indigenous groups.

[79] In 2017, Prime Minister Trudeau delivered a formal apology on behalf of the Government of Canada to survivors of the Newfoundland residential schools. The apology was accompanied by a class action settlement of over $50 million for the survivors and their families (Bartlett, November 2017; Government of Canada, 2019).

Nutak, and Hebron in the 1950's, and the subsequent relocation of residents to other communities, primarily Nain and Hopedale. The resettlement deepened hardships for those affected, in some cases separating neighbors, families and friends.

6.2.2 The Labrador Inuit Association and Submitting a land claim

In response to their hardships they were experiencing, the Labrador Inuit joined the Federation of Newfoundland Indians when if formed in 1973 to begin advocating for recognition and land rights[80]. They then withdrew in 1975 to form the LIA, which, in 1977, began negotiating a CLCA with the provincial and federal governments[81]. The negotiation of modern treaties is more complex in a provincial jurisdiction than for Inuit in territorial jurisdictions (such as the Inuit and Inuvialuit of the Northwest territories) because it requires agreement from three signatories (The provincial government, the federal government, and the indigenous group(s) concerned) as opposed to just two (the group(s) and the federal government) (Alcantara, 2014, 2016; University of Northern British Columbia, 2020)[82]. Negotiations officially began in 1984, and historical and anthropological evidence was gathered to build the case for a Labrador Inuit Settlement Area (NG, 2019; Heritage Newfoundland and Labrador, 2008)[83].

The LIA began to provide services to Labrador Inuit, laying the groundwork for the SG agreement that would create NG. The LIA grew to include the Labrador Inuit Development Corporation, which created jobs and focused on economic development for Inuit; the OKâlaKatiget Society, which provided broadcasting services in Inuktitut and English for Inuit audiences, the Labrador Inuit Alcohol and Drug Abuse Program, and the Labrador Inuit Health Commission (NG, 2019; Heritage Newfoundland and Labrador, 2008). These organizations played an important role in beginning to address issues such as poverty, unemployment, and housing shortages. More importantly, they demonstrate the re-emergence of community-driven

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[80] Like other indigenous advocacy organizations that formed at that time, the Federation, and the LIA were a response to the Trudeay government's infamous White Paper on Aboriginal Peoples, released in 1969, which proposed abolishing Indian status altogether to focus on policies of assimilation. This caused widespread outrage among indigenous groups and academics, as it would mean extinguishment of indigenous rights. See Palmater, 2019; Coulthard, 2007; and Wetzel, 1995, 1999.

[81] Thery were joining the Nunavik Inuit and the Inuvialuit, who had begun the process in 1973 and 1984, respectively.

[82] Recall that becoming institutionally embedded at the provincial level meant a different experience for Inuit in terms of governance than for Inuit living in the Northwest Territories or Nunavut (See Wilson and Alcantara, 2012; Alcantara and Davidson, 2016).

[83] Archaeological evidence would fill a critical role not only in determining the traditional lands of the Labrador Inuit, but in probing their very existence as a people, after governments had initially denied it.

governance for Labrador Inuit, which would in turn lead to complex regional government. One of its most important accomplishments was forming the Torngat Regional Housing Association, an arms-length agency that owns housing units in the five Inuit communities in the Settlement Area and helps provide affordable housing for those in need.

6.3 Regaining Inuit governance in Labrador

6.3.1 Nunatsiavut Government

After more than 15 years of negotiations, the LILCA was signed by the three parties in 2004. The claim gave Labrador Inuit legal title to more than 15,000 square kilometers of settlement lands along the Labrador north coast (called the Settlement Area) and a suite of powers and rights over hunting, harvesting, resource revenue sharing, and service delivery. The LIA was dissolved, and NG was created in its place under the self-government chapter chapter of the LILCA to administer services to Labrador Inuit. The incumbent LIA president, Anthony Anderson, assumed the role of interim NG president until the first presidential election in 2008. NG is a regional government with an array of administrative functions, the majority of which are located at its main administrative building in Nain (along with the President's office). The legislature, called the Nunatsiavut Assembly, is located in Hopedale and consists of a total of 18 elected members: the President, ten ordinary members[84], one AngajukKâk (Inuit leader similar to a mayor) each for Nain, Hopedale, Makkovik, Postville, and Rigolet, and the chairs for each of the two community corporations in the Upper Lake Melville area[85]. Ordinary Members, AngajukKâks, and community corporation chairs are elected in a general election every four years, the most recent of which was in 2018. Presidential elections are every four years, but are staggered between general elections. The next Presidential election will be held in the spring of 2020. Although NG is primarily responsible for administering the Settlement Area on the northern coast of Labrador, it also has representatives from Upper Lake Melville (ULM) and the Constituency of Canada, which represents all beneficiaries living across Canada.

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[84] The ordinary members are elected representatives for the constituencies of Nunatsiavut. They include one each for Hopedale, Makkovik, Postville, and Rigolet, as well as two each for Nain, and the Upper Lake Melville area (home to more than 2500 Labrador Inuit), and the constituency of Canada (office located in St. John's).

[85] Which consists of Happy Valley-Goose Bay, Mud Lake, and Northwest River, situated on the shores of Lake Melville. There are currently two community corporations, though the NG constitution allows for additional ones to be created as needed. Currently they are: Suvunivut Community Corporation, in Northwest River, and Nunakatiget Community Corporation, in Happy Valley-Goose Bay.

The NG President serves several roles, including presiding over Nunatsiavut Assembly meetings, facilitating consensus in decision-making and selecting a cabinet. Six of the ten ordinary members elected to the Assembly are assigned a role in Cabinet, such as minister of Education and Economic Development or Minister of Nunatsiavut Affairs, in addition to their legislative role. Like provincial and federal ministers, ministers in the Nunatsiavut Assembly are responsible for administering the offices and services of NG. Key programs that ministers manage include education and skills development, allocating funds for housing, operating programming to support language and culture retention, and working on strategic initiatives to address problems like overcrowding and food security (NG website, 2019; Interview 15, April 28, 2017). NG derives much of its funding from a fiscal financing arrangement set out in the LILCA, and also has tax-raising authority and draws resource revenues from the Voisey's Bay mine, owned and operated primarily by Vale, Inc., which lies entirely within the Settlement Area and with which the Labrador Inuit have an Impact Benefit Agreement (IBA). Together these revenue streams, which amount to significantly more than the LIA had prior to 2006[86], help to finance a sophisticated governance structure and policy agenda for Labrador Inuit. One informant (Ernie McLean, interview, April 20) pointed out that without the kind of political power that a fully functioning regional government, backed by a land claim, it is unlikely that Labrador Inuit would be able to secure as much autonomy or funding as it did.

6.3.2 Understanding Inuit Corporate Governance

Section 2.3.3 discusses Inuit corporate governance in the arctic, and its relationship to MLG. In Nunavut, regional community corporations, such as Nunavut Tuungavik Corporation, exist alongside the public government of Nunavut, but have different responsibilities[87]. Unlike in the other Inuit Nunangat, Nunatsiavut self-governing on a limited-membership model. Due to this, LIA was dissolved because NG would be able to represent Inuit directly. Nunavut requires regional corporations to represent Inuit interests because it is a public government, responsible for serving all residents of the territory. In Nunatsiavut, corporate governance is exercised

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[86] See Alcantara, 2017, and NG website, 2019. Half of respondents, most government officials and elected members and a third of community members think that Nunatsiavut is better off than it was under the LIA (Interviews, April 3-May

[87] The Inuvialuit have their own development corporation representing the interests of the Inuvialuit Settlement Area while residents remain under the jurisdiction of the Government of the Northwest Territories. The Nunavik Inuit have two corporations: Kativik and Makkivik Corporation.

through Nunatsiavut Group of Companies (NGC), an arm's-length consortium of companies, 51% owned by NG, that helps employ Labrador Inuit and ensure local business development and vital services, such as air travel[88]. Most of those interviewed recognize the importance of Nunatsiavut Group of Companies in promoting economic development in the region and providing employment to beneficiaries, however some expressed concern about the lack of transparency of the group, or that NG has no direct control over the companies' activities. This issue highlights the complex nature of Inuit corporate governance and its integral role in the policy ecosystem of a regional government like NG. The Group could play a role in facilitating NG's strategic objectives on housing infrastructure development. NGC also plays a role in capital management for NG. Currently, the LILCA provides for a 30-year fiscal agreement with the Government of Canada, after which time NG plans to be fiscally self-sufficient. This plan rests in part on NG's capital holdings and investments, which are held in trust in order to continue to ensure funding for NG programs after the current fiscal financing arrangement expires.

6.4 A policy framework

Like MFN, NG has made advances in government by policy since the creation of NG in 2006. This includes an arrary of programs that support NG's efforts to aleviate poverty, increase incomes and labour force participation, address some of the daunting infrastructure and housing problems it is experiencing, especially in Nain and Hopedale, and reduce culture and language loss. Per our discussion from chapter 2, in examining the policy landscape present in Nunatsiavut, NG can best be understood as a rational actor, working as an agent to maximize benefits of its beneficiaries. Operating within an imposed institutional structure, NG must implement the LILCA and SG by enacting policies to improve the lives of Nunatsiavummiut.

6.4.1 NG beneficiaries, membership, and residency

In order to manage services for beneficiaries, NG must, like any government, establish who exactly it serves, and justify this decision. This critical question determines who benefits from the LILCA. Chapter 5 contains a discussion of membership troubles experienced by the

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[88] Reporting to the Labrador Inuit Capital Strategy Trust, NGC is designed to build capital to be held in trust for the benefit of Labrador Inuit, in the form of profitable companies. The Precursor to NGC is the Labrador Inuit Development Corporation, which was formed in the 1970's to promote economic development in the region.

Mi'kmaq of Newfoundland, and similar membership disputes have affected Labrador Inuit. Some of these difficulties revolve around a widespread frustration and lack of clarity around how membership is determined, and whether or not the practice is fair. In addition, there is a perceived divide, among Nunatsiavut beneficiaries, between those who reside within the NG settlement area, on the north coast, and those who reside in ULM, or in the rest of Canada. As one beneficiary from HVGB reminds us (Interview, April 25, 2017), NG's obligations under the LILCA are primarily to beneficiaries residing in the Settlement Area. This creates a problem for many since the majority of Labrador Inuit live outside of the land claims area, and some, especially in ULM, have unique or complex program needs. The same informant also stated that she had voted in favor of the LILCA, along with over 75 percent of beneficiaries, when it was ratified in 2005, but that many who voted for it did not fully realize what they were voting for. Benefits would be more concentrated in the Settlement Area, and some would lose membership entirely due to multigenerational absence from the settlement area[89]. Enforcement of these rules has become more rigorous in recent years, with the registrar reviewing the membership of individuals as they apply for services. One informant (interview 10. April 24, 2017) suggested that this increased scrutiny is due to the rising costs of service delivery, and a desire to reduce membership in order to reduce program liabilities, with closer observation of the rules being a defensible way to do so.

Another problem, mentioned by 5 informants, 3 of whom were women living outside the Settlement Area[90] is the issue of children that were taken forcibly from their homes and placed in foster care, often far away from their home communities, due to real or perceived abuse or neglect by provincial or federal authorities[91]. The crisis continued for decades, with multiple generations taken from their homes. Some have argued that a lack of care was taken to place children in the care of family members or to keep them in their communities (Sinclair, 2007).

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[89] The determination of membership for Labrador Inuit is outlined in Chapter 3 of the LILCA. The chapter sets out rules for registration as a Labrador Inuit beneficiary: an individual must either be of at least one quarter Inuit ancestry (by birth record) and have been born in the Settlement Area or have a parent or grandparent born in the Settlement Area (LILCA, 2004). These criteria are controversial. Some people of Labrador Inuit ancestry have strong roots in the ULM region, their families having been there for several generations.

[90] Interviews #1, April 3, 2017; #2,# 6, April 21, 2017; #10, April 24, 2017; #17, April 28, 2017; and #20, May 2, 2017.

[91] Dubbed the '60's Scoop, the crisis affected indigenous communities across Canada. In a 2017 class-action settlement, survivors were awarded over $800 million by the Government of Canada. Some have argued that the 60's Scoop never ended, with children continuing to be taken from their homes and mishandled by the system, being taken far from home, losing touch with family, or siblings separated (Sinclair, 2007, Government of Canada, 2020).

This eventually led to loss of membership years later, as some individuals grew up far from the Settlement Area, often losing connection to their home communities. There are numerous documented cases of one sibling receiving membership under the LILCA, while the other did not as a result of being separated from the family (Sinclair, 2007; Interview #10, April 25, 2017). These issues are of extreme importance to many beneficiaries because, as we will see, many people have come to rely on services offered by NG, and their ability to benefit is impacted by their status as beneficiaries or as residents of the Settlement Area. The research questions investigated in this thesis concern how the policy agenda of a self-governing community addresses community needs. The issue of membership raises the question of whose needs are being addressed by policies, and how this is decided. This chapter will focus primarily on recognized beneficiaries when determining how the community benefits, but it is important to understand the complex nature of this question, since the question of who is a member and who is not is complex.

6.4.2 Housing policy in Nunatsiavut

Similar to other regions of the Canadian arctic, especially the Inuit Nunangat, Nunatsiavut has a housing crisis. This crisis is complex and heavily influenced by contextual factors, such as an arctic environment, lack of road access, and high building and heating costs. Nunatsiavut also faces a distinctive fiscal reality, which it shares with Nunavik, but is distinct from the other two Inuit Nunangat in the high Arctic. Indigenous organizations situated in one of the three territories receive special additional funding reserved for communities situated north of the 60th Parallel. As part of provinces, Nunavik and Nunatsiavut do not qualify for this additional funding, and their funding agreements are determined primarily by their respective CLCAs. In addition, NG does not qualify for housing or infrastructure funding earmarked for First Nation reserves. One NG government employee (Interview # 15, April 27, 2017), highlighted that Nunatsiavut exists in "every policy gap you can imagine for an Aboriginal person in this country", despite its complex infrastructure funding needs, which are comparable to those of other fly-in-only, arctic communities. Nunatsiavut does receive some dedicated funding for housing under its fiscal financing agreement with the Government of Canada, but the employee described it as minimal in comparison to the needs.

The key housing problem in northern communities like those in Nunatsiavut is lack of availability and affordability, which leads to overcrowding and, as homes age, health hazards such as mould, and a need for repairs. Statistics Canada defines overcrowding for a private dwelling as having at least one bedroom too few for the number of occupants (Government of Canada, 2019). These dwellings often contain multiple generations or families within the same household. According to the 2012 Regional Housing Needs Assessment (NG, 2014), conducted in partnership between NG, The Government Canada, and the Government of Newfoundland and Labrador, 10 percent of dwellings in the Settlement Area are overcrowded, while 40 percent are occupied by more than one family. 74 percent of dwellings are in need of repairs, and about 44 percent had issues with mould. These figures are typical of homes in Inuit Nunangat across Canada, and, as the Standing Senate Committee on Aboriginal Peoples found in its (2017) report, the problem had worsened slightly across Canada's arctic over the past decade. The needs assessment conducted in Nunatsiavut represents the first in-depth assessment conducted by NG since its formation in 2005, and will be used to inform future policy.

Currently, the policy framework for housing in Nunatsiavut consists largely of subsidized housing provided to low income families by the Torngat Regional Housing Association (TRHA), an arms-length association of NG. TRHA was founded by the LIA in the 1990's to address the growing housing difficulties experienced by Labrador Inuit in securing affordable, safe, and warm housing. As several of those interviewed highlight, NG has been able to ensure increased funding to TRHA since 2006, which was intended to lead to new units being built and necessary repairs being done (Interview 2, April 20, 2017; Interview 17, April 28; Interview 26, May 9, 2017). As one local official pointed out (interview 26), NG has been able to secure unprecedented funding for TRHA and other programs, including the $15 million set aside for Nunatsiavut in the 2016 federal budget, $4 million of which is earmarked for housing. This individual identified issues as well, however, specifically that TRHA is only designed to address the needs of a certain sector of the population, namely, low-income households that have sufficient cash flow to finance subsidized housing and pay for utilities. NG also attempts to fill in the gaps through Assisted Living, a federal program that NG now administers, which is designed to house people with complex needs, including challenges such as extreme low income, substance abuse, or mental illness. NG has operated this program with federal backing since

2006. These strategies have created a policy landscape that NG beneficiaries hope will begin to alleviate the housing crisis.

6.4.3 Creating Jobs for Labrador Inuit

A key ingredient for prosperity and economic sustainability for NG is boosting the employment levels and incomes of Labrador Inuit, which NG supports in several ways. Unemployment or underemployment are a perennial problem for many northern communities. According to the CWB, labour force activity[92] in Inuit communities lags behind the rest of Canada, sitting at roughly 75 percent in 2016, compared to 84 percent for non-indigenous communities in that year, and down 2 percent since 1996 (Government of Canada, 2019). This problem contributes to lagging incomes, compounding the economic challenges residents face, in terms of housing affordability and food insecurity[93]. Between 1996 and 2016, Nunatsiavut lagged slightly behind other Inuit Nunangat in terms of labour force participation with a weighted average score of 71 across the 5 communities in 2016, up 2 points from 1996. This appears to be the result of a combination of sluggish economic growth and resource development in the region in the late 20th century, and low levels of education among the local population, meaning that many Inuit could not take advantage of employment opportunities in local industry, such as mining (Belayneh, Rodon, and Schott, 2018; Rodon and Lévesque, 2015). CWB scores for education[94] in the five Nunatsiavut communities reached 43 in 2016, up from 32 in 1996, compared to a 2016 score of 56 for non-indigenous communities.

Nunatsiavut's method of addressing this gap has been twofold: Ensuring preferential hiring of qualified Nunatsiavut beneficiaries by employers inside the settlement area or at Vale's nickel mining operation at Voisey's Bay, and supporting training and education for beneficiaries to help ensure they are qualified for new employment opportunities. The requirement to hire qualified Inuit at Voisey's Bay is part of the Impact Benefit Agreement (IBA) between Vale, and Nunatsiavut, negotiated as part of the broader LILCA process in 2005. As noted by Alcantara,

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[92] Recall that this indicator is derived from an equally-weighted combination of labour force participation, by percentage of working-age population, over the week prior to the census, and the percentage formally employed.
[93] Food insecurity is an ongoing problem in Nunatsiavut, with over 80% of Nain and Hopedale residents experiencing food insecurity, with lower rates in the other 3 communities, according to a 2017 survey (NG).
[94] Recall from Chapter 4 that Education scores are derived by combining two equally-weighted variables, the proportion of a community's population, 25 and older, that holds a university degree, and the proportion that holds a high school diploma or greater.

(2008; 2014), and by several of those interviewed[95] The IBA with the Voisey's Bay mine, and development pressure in general, was an integral part of the completion of the LILCA, since the mine was situated in Labrador Inuit traditional territory. The IBA, among other things, requires that at least 51 percent of employees be beneficiaries of the agreement. The other cornerstone of employment-related policy in Nunatsiavut is the support it provides for training and skills-development through the Post-Secondary Inuit Support Program (PSISP). This suite of grants and other funding is designed to assist beneficiaries with the costs of post-secondary education or apprenticeships, by subsidizing the cost of travel, lodgings, tuition, and other expenses for those pursuing job training away from the Settlement Area. Most of those who use the program travel to Happy Valley Goose Bay, in central Labrador, to pursue training there.

6.4.4 "Speaking into the future": language and culture revival

Another key policy issue for NG, which was identified as important by a large majority of those interviewed (25 of 32) and as a top priority by 10 of 32, is the issue of culture loss and language shift in Nunatsiavut. Many cultural traditions of Nunatsiavummuit have seen revival in recent years, and traditional subsistence practices such as fishing, trapping, and hunting continue to be widely practiced. Labrador Inuttitut language shift documented in detail by Andersen and Johns (2005), and by statistics Canada (2019). Andersen and Johns offer a detailed profile of Labrador Inuttitut and a related dialect from Rigolet, as distinctive dialects of Inuktitut. Anderson and Johns identify the extent and causes of language shift in Labrador. After Inuttitut transmission was disrupted over multiple generations by the Newfoundland Residential Schools, most Inuit children in Labrador were no longer exposed to the language at a young age, resulting in lack of fluency. According to statistics Canada, fewer than 27 percent of adults are fluent in Inuttitut today, most of whom are elderly. The current demographic situation could see total language shift within the next generation (Andersen and Johns, 2005).

NG has an important opportunity to act upon the urgent issue of Labrador Inuittitut language shift. This is being done primarily through two ventures: Support of the Language Nest Program, which has been in operation since 2005, and the Inuit Bachelor of Education Program (IBEP), which is offered by Memorial University of Newfoundland in partnership with NG, at the Labrador Institute. The IBEP is designed to ensure that there are qualified Inuit teachers

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[95] Interviews #5, April 20, 2017, #18, April 28, 2017; #20, May 2, 2017; Andersen, Interview, April 28, 2017.

equipped with traditional knowledge and Inuttitut language skills for teaching jobs in the
Settlement Area. The program turned out its first graduates in 2019. The Language Nest, which
currently operates in Nain and Hopedale only, is an immersive all-Inuttitut preschool to Grade 3
program designed to foster Inuttitut fluency. Together, these two programs are intended to
promote study and reproduction of Inuit culture and reverse Inuttitut language shift by creating a
continuity of native speakers. The Language Nests are resource-intensive and struggle to find
qualified staff. Inuttitut language instruction is also available to students in Nain, Hopedale, and
Rigolet.

There are several other policy initiatives that are relevant to culture and designed to
promote both cultural continuity and overall well-being. An important example is the
Community Freezer initiative, which provides local, culturally appropriate food, such as moose,
seal, fish, and berries. The initiative targets vulnerable populations, including elders, in both
ULM the Settlement Area, who are unable to get out on the land. The program is provided out of
the two Inuit Community Corporations in ULM and through the Inuit Community Governments
in the Settlement Area. Food is provided by or purchased from local hunters. The Community
Freezer is one example of how NG supports cultural activities and continuity in the context of
changing circumstances. With food security a growing issue in the Settlement area, in part due to
the ban on caribou hunting to preserve a dwindling local herd. Changes in sea ice reliability due
to Climate Change are disrupting seal hunting as well (Communities of Labrador, 2005; Wollett,
2010). Caribou and seal are traditionally two primary food sources of the Labrador Inuit, and
their disruption has deepened food insecurity for Labrador Inuit, especially those in vulnerable
populations. One ULM resident stressed the importance of the Community Freezer for
vulnerable people in particular in ULM, both for sustenance and cultural continuity (Interview 8,
April 24, 2017).

In each of these policy areas, NG exemplifies rational use of its limited resources to
produce better outcomes for its beneficiaries than existed prior to 2006. NG faces notable
institutional and environmental challenges, however. Institutional challenges include constrained
fiscal realities, early childhood education regulations requiring a daycare license and training to
operate the Language Nest Program, a lack of educational resources in the Settlement Area and
minimum provincial and federal standards for skilled work in trades and other professions, which

pose challenges for ensuring employment. Environmental challenges include extreme cold in winter, sea ice that limits shipping, and lack of roads.

6.5 Legitimacy and voice

As mentioned in section 5.5 of the last chapter, gauging legitimacy and voice traces the flow of decision-making power, determining who has a voice in decision-making, and how. The principle is underpinned by participation across the community, consensus orientation, which determines how consensus is reached and that decisions result, and power orientation, which describes the locus of power and control. This part of governance is important in answering our research questions, as it is central to understanding how governance in Nunatsiavut differs today from what was seen under the Provincial government and the LIA prior to 2006, when substantial changes took place in terms of representation and also helps explain why NG is more effective at meeting the needs of beneficiaries. As one beneficiary and former Ordinary Member of the Assembly pointed out, NG is the result of a carefully negotiated land claim and is now responsible for negotiating on behalf of Labrador Inuit, that beneficiaries can influence their government, and that in turn, NG can be their voice (Interview 13, April 27, 2017). Legitimacy and voice has multiple dimensions, especially in a complex regional government, such as NG. First, participation is examined thematically by asking who has a voice in affairs within the community. Next, consensus and power orientation are examined by reviewing how conflicting interests are mediated, how power is exercised, and by whom.

6.5.1 Participation

Understanding how people are able to participate in the governance of their community is crucial to understanding SG. Those interviewed had more to say about members having a voice than almost any other element of governance. Most of those Interviewed (24/32) stated either that members tend to feel they had a voice or that NG gives its members a voice. A member of the Assemble stated that he felt that he and the other ordinary members do a good job of bringing concerns to the Assembly and Executive Council, even though they have to "contend with executive council" and so cannot always guarantee the preferred outcome, but such is the nature of regional politics and consensus government (Interview 8, April 24, 2017). A community member from Nain pointed out that community concerns definitely are "heard" in in the

Assembly, but that "ministers could be more visible and hear them more" (Interview 17, April 28, 2017). This should not be taken as a wholesale indictment of the cabinet, however, as ministers have to balance concerns from across Nunatsiavut and are focused on their own portfolios, such as Nunatsiavut Affairs. Another community member from Nain remarked that Members try to bring concerns forward, but "it is often a funding issue, they [cabinet] can't address these issues", or they are working on them already. (Interview 18, April 28, 2017).

In general, those interviewed noted that NG provides a robust framework for political representation of Labrador Inuit. As one informant noted, NG means "having 18 people representing you...that's a big thing... I think [this is] representation and, it's our people and people feel comfortable." (Interview #6, April 21, 2017). In other words, NG provides a strong system of representation for Labrador Inuit by having a sufficient number (18) who are local people and are accessible to local Inuit. As another resident notes, it is important for Labrador Inuit to feel they make their own decisions. For too long, people felt that "you had to be from away to make decisions, which becomes a culture in itself… and it takes work, and time, to make change"(Interview 5, April 20, 2017). This highlights the importance of local people *feeling* they have a voice in Nunatsiavut affairs, and a plurality of informants (22/32) suggest this is the case.

An important caveat to the theme that beneficiaries have a voice is that of Upper Lake Melville (ULM) residents. Five informants from ULM (half of those interviewed there) mentioned that residents of ULM do not feel their voice is heard as much as those living in the settlement area. They also suggested that Ordinary Members from there are diligent in bringing concerns forward, especially regarding membership, but many feel their concerns are not heeded. Some feel other concerns are not heeded either, such as those regarding access to housing assistance. Of the 10 respondents interviewed from ULM, 6 mentioned that housing is expensive in HV-GB, and is not just a problem in the Settlement Area. One ULM resident, who does community outreach work, stated that the local shelter is routinely full and that there is a definite need in the community (Interview, April 2017). This problem is connected to the discussion in section 6.4.1 regarding the importance of membership and residency in NG. As one respondent pointed out, those living in ULM often "feel left out" of the conversation regarding both membership and other issues in ULM (Interview 5, April 20, 2017). Another pointed out that membership is frequently the number one issue for ULM residents when the Assembly conducts its quarterly town hall meeting in the area (Interview 2, April 20, 2017). A community member

pointed out that, although many are upset about the issue of membership and more should be done to address concerns, this is the agreement that we all signed on to, and the membership rules are in the agreement, and are not easy to change now (Interview 10, April 25, 2017). Although this chapter focuses primarily on the importance of governance for beneficiaries, it is important to note that the membership rules mean that those who are not beneficiaries do not have a voice in the same way that beneficiaries do, which means that many who identify as Labrador Inuit will not have a voice in NG policy.

6.5.2 Concensus and Power Orientation

Consensus and power orientation are crucial for understanding governance in Nunatsiavut. The issue of consensus is salient because if conflicting interests are not managed in a productive way, then governance cannot work for everyone. There are a number of conflicting interests in Nunatsiavut, meaning that policy development and treaty implementation are determined in part by either power brokerage or collaboration. One relevant example are the issues surrounding fishery licensing licensing (over which NG has jurisdiction within the Settlement Area under the LILCA), and harvesting rights both inside the settlement area and in ULM. Disagreements have existed between members and non-members and between NG and the Government of Canada. A few informants highlighted the importance of greater clarity or enforcement in terms of fisheries and harvesting in facilitating the wellbeing of Labrador Inuit and in terms of facilitating subsistence activities and business initiatives[96]. Blake, in particular, noted the importance of stronger controls on harvesting in the Settlement and Lake Melville areas, as there are concerns of over-harvesting, especially by the settler population. Unfortunately, the LILCA only covers the Settlement Area for terrestrial resources and imposes quotas but does not grant exclusive fishing rights to beneficiaries, meaning some issues around harvesting are beyond NG's control. Others note that respect for Inuit traditional harvesting practices needs to be central in ongoing policy development in order to ensure that those practices are able to continue.

As highlighted above, this has implications for food security (Max Blake, April 24, 2017; Interview 25, May 9, 2017). Many Inuit continue to push for greater consensus on the

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[96] Interviews 4 and 5, April 20, 2017; Interview 9 and Max Blake, April 24, 2017; Interview 13, April 27, 2017, Interview 18, April 28, 2017.

management and harvesting of resources and the enforcement of treaty provisions. The decline of caribou herds in the area has increased pressure on the issue, as beneficiaries are increasingly concerned about land management. Some note that issues such as this make it more important than ever to have a strong regional voice for Inuit interests (Interview #4, #5, April 20, 2017; Interview #18, Paril 28, 2017). Without a well-equipped regional government, they suggest, Labrador Inuit would have difficulty advocating to the same degree, as was the case with the LIA, prior to 2005. As one beneficiary pointed out, under NG, Labrador Inuit "have more clout.. More ability to fight for the rights of Labrador Inuit" (Interview #10, April 25, 2017). Another noted that "transition to SG created the ability to make decisions'' (Interview #5, April 20, 2017). The role of NG in being an advocate for beneficiaries also came into sharp relief during the Muskrat Falls protests, situated outside the land claims area. Though there was little NG could do to oppose the project directly, it was called on to step in on behalf of a number of Inuit protesters who were arrested after blockading the project. The protesters are concerned about the risks posed by Methylmercury levels in the water and fish of Lake Melville, an issue in whcih NG has become a vocal advocate (NG website, 2020).

Understanding consensus-building within communities necessitates a MLG lens, examining relations with external organizations and other levels of government. NG has had a few points of contention with other entities, which it has managed as best it can. Alcantara (2017) discusses how disputes between NG and the Federal government over harvesting rights and quotas, specifically in regard to shrimp fisheries, are managed. In this example, the LILCA is specific about shrimp quotas to which NG is entitled, but, due to scarcity and competition, NG and the Government of Canada have been at odds in the issuing of licenses, which has affected access for NG beneficiaries and companies. This has led to what the author refers to as compromised treaty implementation (pp. 339), in which the direction of policy often turns on coervice negotiation and the locus of power. The study illustrates what several informants from this study allude to - the need for greater certainty and cooperation on fisheries, for the benefit of Nunatsiavummuit. NG has so far addressed the matter by standing its ground, issuing permits as much as possible and negotiating with the government, which relates to the ongoing theme from informants that NG functions as an advocate for beneficiaries and for regional economic development.

The same study also identifies another case where NG and the federal government are able to cooperate more harmoniously on NG's fiscal financing arrangement, due to clarity of treaty language and the absence of any dispute over implementation. This success, called administrative implementation, exemplifies what informants have identified as a positive fiscal financing arrangement that provides solid funding for NG programs. One NG employee in Nain spoke to the centrality of the Fiscal agreement in implementing the LILCA and delivering programs for beneficiaries (Interview 15, April 27, 2017) while a beneficiary in HV-GB noted that NG policy and government is best if delivered locally, while the most important role for other levels of government is financial support (Interview 10, April 25, 2017).

Another important component of consensus-building at the community level is the Inuit model of consensus government, which is an important feature of political life in NG, and is cited by many respondents as positive (19 of 32). One informant pointed out that consensus government is a crucial part of Inuit political tradition and comes from a long history (Interview 20, May 2, 2017). Thus, the practice is important not only due to its benefits, but also its traditional significance. Consensus government is an important feature because it eliminates party politics and adversarial decision-making from the policy-making process, which can foster a more collaborative policy approach (White, 2006). This, in turn, can help to foster the kind of innovative or cooperative policy initiatives that are often credited with policy success. Consensus government can have important implications for power orientation within the community as well. What happens when there is an impasse, or when members cannot agree? As one respondent notes (Interview 9, April 24, 2017), consensus government can sometimes mean government by NG President, since the President can frame the debate or push a particular direction if there is a dispute. Overall, informants were positive in their view of consensus government.

6.6 Direction

Direction is important for understanding government, since it is impossible to predict future outcomes without understanding how governance and policy are being shaped over time, and what shapes them. As discussed in Section 5.6, the key for establishing directionality in local or regional governance is to determine a clear strategic vision, both on policy and governance

itself. This is a complex task when examining a compex regional government, but for NG there emerges some key themes in terms of strategic vision.

6.6.1 Strategic vision for good governance

Respondents are somewhat divided in their opinions of strategic governance in Nunatsiavut, both in terms of whether they think NG is acting strategically, or whether the current strategic aims are justified given the socio political reality. A beneficiary from ULM pointed out that, when it began operation in Nain and Hopedale 2006, NG "really didn't have a long term government plan" to ensure the viability of an administrative apparatus in two remote, arctic communities (Interview 5, April 20, 2017). By centering its administrative operations in Nain, for example, NG needed to ensure there would be adequate housing and services, such as digital communications, for a workforce of over 100, most of them qualified professionals. This is understood to have placed some strain on local housing and telecommunications infrastructure, which were already limited[97]. Since housing shortage and crowding continue to be a dire issue in Nain, as per the 2014 housing needs assessment introduced in section 6.4.2, the community does not have a high tolerance for any strain on these services. He further notes that due to the shortage of housing, some qualified personnel have opted not to seek employment with NG in Nain, not wishing to move there. This respondent identifies a clear challenge to the successful operation of NG, but ultimately it is a problem NG has been able to manage, as NG continues to operate and deliver services, and a number of qualified employees have been attracted despite challenges. Since NG has a mandate to serve the Settlement Area under the LILCA, and one of its priorities is to ensure employment within the Settlement Area (NG website, 2019), from both a logistical and symbolic standpoint, the primary bureaucracy and Assembly needed to be spatially located within the settlement area, alongside areas of historical, cultural and spiritual importance for Labrador Inuit, ultimately creating a logistical challenge that had to be solved.

Strategic governance in NG is also exemplified in NG's strategic capital management plan, which, though widely praised, has drawn criticism from some beneficiaries. Specifically, as resident of HV-GB notes: "People don't understand why they're keeping the money in the trust

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[97] In fact, though they do have high-speed internet with limited bandwidth and are serviced by land lines, the 5 commuinties on the North Coast continue to be without cellular coverage.

accounts"[98] rather than use it to address pressing crises in housing and food security (Interview #10, April 25, 2017). "But you need to have it there in case you need it for the years to come... I've heard people say 'oh they need to unlock that and deal with the housing now'. People really need to balance the two…" Jim Lyall (April 27, 2017) stated that trust funds are to be used strategically. We only have 30 years, then we need to be self-sufficient"[99]. Yet another NG official stressed the importance of holding contingency funds in case of futre shortfalls (Interview #6, April 21, 2017). A beneficiary from the Settlement Area, on the other hand, contended that both NG and Innu Nation had signed an IBA with the Vale, Ltd. for the Voisey's Bay Mine, and NG had put away a substantial portion of the funds in trust instead of funding immediate needs, while individuals and families from Innu Nation were recieving a cheque each year, a source of frustration for many (Interview #18, April 28, 2017). This position echoes the sentiment that funds should be unlocked and used.

A rational choice institutionalist approach can help to parse the conflicted nature of strategic policy in a regional government like NG. A rational agent, acting on behalf of a principal, faces conflicting pressures with regard to strategic governance (Hall and Talor, 1996; Shepsle, 2006). This is due to the fact that, although it is rational to optimize fiscal resources by holding some funds in trust to ensure future fiscal security, it is also rational for a principal to increase spending to address current social issues in the face of democratic pressure (the housing crisis and food in security in the case of NG). The three Trust funds referenced earlier are intended to provide long term financial security. It is unclear how long the Voisey's Bay Mine will operate, or what a future fiscal financing arrangement with the federal government would guarantee beyond 2030. As Whitfield and Alcantara (2012) point out, Inuit corporate governance may hold the key to fiscal sustainability. A transition to SG in 2006 meant that NG could begin to implement its strategic capital plan, with the financial backing to be able to do so, and local governance means that Labrador Inuit have control over the funds. This has led to greater fiscal capacity to deliver policy for Labrador Inuit than existed prior to 2006.

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[98] This refers to the three main funds through which NG manages its investment funds for future use: the Labrador Inuit Capital Strategy Trust, which oversees the NGC, The Labrador Inuit Lands Claims Settlement Trust Fund, which is where NG stores a one-time federal transfer it reiceived as part of the claims settlement, and the Labrador Inuit Land Claims Implementation Trust Fund, which manages funds used for LILCA implementation (NG website, 2020 Alcantara, 2014; Wilson and Alcanatara, 2012).

[99] Lyall is referring to the provision in NG's fiscal financing agreement with the Government of Canada, which will expire in 2035, at which point it will need to be renegotiated. At that time, the Government of Canada will no longer be obligated to provide the same funding levels under the LILCA.

6.6.2 Resource politics and governance success.

An interesting case study in examining directionality in governance is the development of resource management policies. Much has been written about the impacts of resource development on indigenous governance. There is no question that mining operations like Voisey's Bay and Baker Lake, Nunavut, produce economic benefits for communities in the Canadian Arctic, and have become major economic drivers for the region (Belayneh, Rodon, and Schott, 2018; Rodon and Lévesque, 2015). This source of economic prosperity is no replacement for economic planning and strategic policy development. As Sachs and Warner (2001) note, resource development can actually be a curse, causing slower development and even political unrest, for countries that are not able to build capacity in other ways. The problem can also cause environmental damage or economic dependence when projects disappear.

Dubbed the "resource curse" this phenomenon affects Canada's indigenous groups as well. Although resource development can be an economic driver, and the promise of revenue can help facilitate the creation of CLCAs and SG (Alcantara 2008, 2014), it can also be a driver for hardship and unrest. For NG, the nearest example is next door: the Muskrat Falls hydroelectric dam, a megaproject situated on the Churchill River near HVGB. The project is currently in its impoundment phase of construction and is already causing elevated levels of Methylmercury (Calder et al., 2016), which are expected to increase further and render wild caught food in Lake Melville unsafe. Opposition to the project has already sparked protests among Labrador Inuit, especially from Rigolet, the community likely to be most affected. The case of Muskrat Falls demonstrates the economic and social risks to indigenous communities involved in a source development that is otherwise economically beneficial, and illustrates the need for strategic long-term planning, as described above. In the previous chapter, we examined a community with little OSR or resource revenues, but with a strong policy network and some strategic planning that have led to successful policy outcomes. One member compared MFN to a community in the Yukon that had strong resource revenue and an SG agreement, but weak policy development. Similarly, as discussed in section 6.6.1, NG and Innu Nation each receive revenues through their respective IBAs with Voisey's Bay mine. From these revenues, NG's decision to fund its strategic capital plan instead of making cash payments to beneficiaries exemplifies a commitment to strategic planning. Without this type of planning, when a resource project

terminates, a community can be left worse off than before, between economic hardship and environmental damage.

6.6.3 Direction on policy

Provided a secure funding formula and a sustainable governance structure, a regional government like NG can then think long-term about policy. Specific policy instruments will be discussed in section 6.7.2, but it is also important to examine the direction policy has taken since NG became self-governing in 2006. Overall, this has meant the gradual movement of policy from provincial and federal competencies under the control of NG. As one beneficiary from HV-GB put it "We are recognized as a government", which had not been the case prior to 2006 (Interview 11, April 25, 25, 2017). An official from Hopedale stressed that NG's "ability to make [its] own decisions" is a huge success and results in more money flowing to the communities for local services (Interview 21, May 2, 2017). An official in HV-GB pointed out that NG could work a little more on capacity, as powers such as Education and Health haven't been drawn down yet (Interview 6, April 21, 2017). Others point out however, that although NG does not have control (or funding responsibility) over provincial health assets, it does administer the funds that flow from the federal government under the Non-Insured Health Benefits (NIHB) program. This program is intended specifically for indigenous communities and covers expenses not covered under the provincial plan, such as medical, dental and travel to receive treatment, and is offered to beneficiaries through NG. The majority (24/32) of those interviewed spoke positively of the program, even some of those who spoke negatively about other programs, particularly the housing programs, suggesting that administration of the program by NG has improved service quality since NG assumed control in 2005.

Another important policy direction for NG is the 're-indigenization' of policy and government. This trend is seen most clearly through the implementation of consensus government, discussed in setion 6.5.2, and also through the mandatory requirement under the Nunatsiavut Elections Act, section 118 (c), that any candidate for NG president be fluent in Inuttitut in order to be eligible. Approximately one third of those interviewed spoke positively section 118 (c). For instance, one beneficiary stated she felt very strongly about the importance of the requirement, as it would encourage continued study and revitalization of the language and signal a commitment by NG to protect the language (Interview 1, April 3, 2017). Some

respondents were critical of Section 118(c), suggesting that, with so few people left who are fluent, it may prevent the most qualified candidate from coming forward (Interview 20, May 2, 2017; Interview 4, April 20, 2018). Despite this possibility, it is clear that NG's overal policy direction is to prioritize language retention and cultural revitalization as much as possible, and that it is a priority of most NG beneficiaries (more than two thirds stated that they felt it was very important for Inuit language and culture to be preserved and to be reflected in local governance. This policy direction is an indication that, despite any institutional or fiscal constraints, NG is committed to preserving the distinctiveness of Labrador Inuit identity as a method of promoting community well-being, and that local governance is a crucial ingredient producing this outcome.

6.7 Performance

Establishing a clear direction for policy and governance helps us to understand what NG is trying to accomplish as a government and where things are going. Sections 6.4, 6.5 and 6.6 have established how NG is different from what went before the LILCA was signed in 2005 (greater government autonomy, a strategic fiscal plan, strategic policy objectives, and a strong voice for Labrador Inuit when negotiating with other levels of government). Evaluation of the specific policy instruments outlined in section 6.4, shows that new policy directions and governance structures are, indeed, leading to incrementally better outcomes for Labrador Inuit than was seen before 2006, and that the overall responsiveness of NG is part of what explains it..

6.7.1 Responsiveness

Responsiveness, defined as the degree to which a government appears to action or address concerns of beneficiaries, is a key way to assess whether a democratic government is effective. Though opinions on the responsiveness of NG were positive overall among respondents, a number of those interviewed identified problems with the responsiveness of NG. Some respondents stated that responsiveness was lacking overall, or that it was unequal between ULM and the Settlement area. As one resident in the Settlement area indicated, there is a lot of frustration with key policy desires not being met, citing slow movement on the housing crisis and lack of action on food insecurity (Interview #18, April 28, 2017). One resident from HV-GB gave NG a six out of ten for responsiveness, saying that the government falls down in certain areas, particularly in terms of support to beneficiaries living in ULM (Interview #11, April 25,

2017). Another resident of HV-GB, who works in the human services sector, echoed this
sentiment, pointing out that people in ULM do not feel their voice is heard, meaning that they
likely do not believe that NG is responsive to their needs. 18 of the the 32 people interviewed
indicated that they believe NG to be adequately responsive, with many stating that, as a
democratic government, NG necessarily must address community concerns.

One official from Nain stated that NG is responsive to its beneficiaries' needs, adding
that he "believe[s] in democracy and think[s] it has a positive effect in NG, but ... It doesn't
always work that way". He further added that in the NG Assembly, ministers are each
responsible for their portfolios, and make strategic decisions collectively, through consensus, and
thus decision-making is centered in cabinet, which is responsible for the whole region (Jim Lyall,
interview, April 27, 2017). This means that the cabinet, which is made up of ordinary members,
is making decisions that do not appear from the perspective of local residents, to be in response
to their concerns. Meanwhile, ordinary members often lack direct input into the process, leading
to frustration. Another resident in Nain highlighted that there was currently a lack of
communication from ministers, which can further add to the impression of lack of
responsiveness. Ultimately, most of those interviewed felt that NG is at least somewhat
responsive to concerns of those it serves, and many of the problems highlighted stem from the
complexity and diverse needs faced by a regional government in appearing to address needs.

6.7.2 Effectiveness and efficiency

6.7.2.1 Attacking the housing problem

As discussed in section 6.4.2, NG is currently managing a housing crisis, particularly in
Nain and Hopedale. The crisis is characterized by difficulty finding housing, widespread
problems with disrepair and mold, problems with crowding, and even homelessness (Barker,
October 2019; NG website, 2020). What makes the problem so intractable for Nain and
Hopedale specifically is the lack of new space to construct new housing, coupled with the high
building costs and severe financial restrictions. As the AngajukKâk of Hopedale, Marjorie
Flowers, highlighted, due to the rocky terrain, which has to be blasted the cost for zoning a new
subdivision of just five homes, and attaching it to utilities, is over $1 million, before construction
even begins (Interview, May 2, 2017). Nunatsiavut has historically only been able to allocate
approximately $3 million in funds to Torngat regional housing from its fiscal financing budget,

but in 2018 was able to allocate another $2.6 million for high cost housing development initiatives (NG website, 2020). If all funds were allocated to Hopedale this year, it would only be enough for about 10 single detached homes, still not enough to fully address shortages. Flowers further notes that the community is currently experiencing severe water shortages and delivery problems[100]. The system has frequently lost pressure and needed constant repairs over the last several years, taking "a tremendous amount of funds from Hopedale". She added that until the crisis is rectified, the community will have limited ability to address other matters.

As one beneficiary in ULM pointed out: not only are Nain and Hopedale "really strapped for...places to build, [but] with rising economy, rising expenses, the low income people are hurt the most. The housing problem in Nain actually got a bit worse after Voisey's bay" (Interview 5, April 20, 2017). This was due to rising costs adversely affecting low income individuals and families that were unable to secure employment through Voisey's Bay. An NG official in HV-GB noted that the housing problem is serious, with severe overcrowding, but that, between lobbying for additional funds from the federal government and strategically allocating resources, NG is addressing the problem (Interview 6, April 24, 2017). One NG official in ULM noted that NG is addressing housing issues but it is slow and people are struggling "A lot of people move in here [to ULM] from the coast because there's more resources here so, maybe the Nunatsiavut government needs to look at, maybe providing some housing program here or work on something with the province, cost-sharing" (Interview 3, April 20, 2017). This sentiment was echoed in other interviews in the area, with a woman in HVGB noting that some people come to ULM to escape the housing troubles on the north coast, but that high rents also made it difficult to live in ULM (Interview 10, April 25, 2017). This response further speaks to the importance of continuing to address the crisis.

Overall, those interviewed were at least somewhat optimistic about NG's capability to act on this problem, with one NG employee and former Ordinary Member noting that it had "Come a long way" From the days of the LIA, despite ongoing difficulties (Interview #12, April 26, 2017). Former LIA President Anthony Andersen highlighted that "only starting to show in the last couple of years that someone out there is listening to what the Nunatsiavut government is saying and there is starting to become more housing funds available" (interview, April 28, 2017). Andersen is in part referring to the announcement in the spring of 2017 of an additional federal

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[100] See also: Pelley, January 2019, CBC news, March 2015.

transfer of $15 million to NG in dedicated funding for housing. This cash injection, for which NG had advocated for some time, could help turn a corner in the ongoing crisis. From 2006 to 2017, NG's primary housing strategy was, as identified in section 6.4.2, funding for Torngat Regional Housing association, administration of Assisted Living, and additional housing initiatives on an ad-hoc basis. In its 2018 budget, which totaled approximately 98 Million, NG unveiled additional funds for housing as part of its new Nunatsiavut Housing Strategy. This is a further signal that NG is moving in a new direction on addressing housing shortages. Nunatsiavut's CWB[101] score for housing score rose from 63.3 to 76.6, an increase of 13.3, between 1996 and 2006. This is compared to a slight decline of 5 points, from 71.3 to 66.2, in Inuit Communities across the Inuit Nunangat. This means that, although Nunatsiavut lagged behind other regions in terms of housing prior to the formation of NG, the overall housing has improved markedly since its formation, despite the challenges identified above. This suggests that the dedicated housing funds NG has been able to unlock and strategically allocate, through Torngat and other initiatives, has begun to succeed in boosting outcomes. It is still too early to tell whether the current Nunatsiavut Housing Strategy will boost these gains further.

6.7.2.2 Promoting employment, raising incomes.

Overall, thse interviewed were more positive about the employment situation for Labrador Inuit than they were about the housing situation. More than half (17 of 32) spoke optimistically about NG's overall strategy for boosting both employment and income for Nunatsiavut beneficiaries. As discussed in section 6.4.3, Nunatsiavut does this in two primary ways: by requiring employers in the Settlement Area to hire a qualified Inuit Candidate where one is available, and by offering support through the PSISP for post-secondary students. Each of these programs has had some success in promoting Inuit employment in Nunatsiavut. Anthony Andersen noted, for instance, that NG is now able to do things under the LILCA and SG agreement that it couldn't do before, such as guaranteeing a share of employment fo Inuit, through Impact Benefit agreements such as NG has with Voisey's Bay, and, throuugh its education department, promoting skills development (Interview, April 28, 2017).

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[101] These figures are taken as a weighted average between the 5 communities in the Settlement Area. CWB housing scores are determined by combining the percentage of homes that are not overcrowded with the percentage of homes not in need of major repairs (Government of Canada, 2019).

An official from HVGB added that the combination of the IBA (which generates demand for Inuit trained in trades and other professions) and investment in education programs has "put a lot of Inuit in college, which makes us a more skilled workforce". This quote is accurate according to NG's own estimates; post-secondary enrollments increased by over 25 percent between 2006 and 2017 (NG employee, personal communication, April 2017). CWB scores in education[102] rose from 32 to 43 between 1996 and 2016, a 35 percent increase, whereas the score across Inuit Nunangat increased by only 25 percent over the same period. This evidence suggests that a combination of NG's IBAs and training programs have had a significant positive impact on education in the region.

The positive feedback was not universal. Some students have suggested that the PSISP does not always provide enough funding or makes unfair decisions. One beneficiary recounted a personal situation in which poor grades from courses taken over a decade earlier disqualified him from financial assistance (Interview 32, October 26, 2017). Another described a family that relocated to HV-GB for training programs for both parents, but were forced to return home as funding was insufficient to support the family (Interview 22, May 3, 2017). Several respondents[103] also pointed out that the IBAs and employment rules are not always fully honored, noting that fewer Inuit than the 50 percent quota are employed at Voisey's Bay mine, and NG frequently hires non-Inuit to its administrative offices in the Settlement Area. This issue highlights both the need for NG to be vigilant about enforcing IBAs, and the importance of strengthening the PSISP in ensuring Inuit are qualified for a variety of jobs (Including those offered by NG). One Hopedale resident and former NG official said:

"There are bad parts of any government. The good thing is that… when [companies] come into our communities now, [companies] have to employ some of us, but then you as elected official, you have to stand up and make sure that happens. I've had run-ins here with companies that brought in their labour here and I was ready to ship them back on the next plane…"

Interview #20, May 2, 2017

This comment not only speaks to the importance of ensuring employment of Inuit in Nunatsiavut communities, but also the advocacy role of NG, which ties back to the discussion in

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[102] CWB scores for education are based on an equally-weigted combination of the percentage of residents with a highschool diploma or higher, and the percentage of those with univeristy degrees.
[103] Interview #11, April 24, 2017; Interview #18, April 28, Interview #20, May 2, 2017.

section 6.5 about the importance of NG as a voice for Labrador Inuit, and that this role may be as important as any policy role in impriving outcomes. In terms of NG's success in promoting employment, some respondents pointed to a lack of increase in the number of Inuit employed. The CWB score for Nunatsiavut only increased by 1.4 points, or 2 percent, between 1996, and 2016. This may appear discouraging, yet income scores increased by 21 points, or over 40 percent, over the same period[104]. Coupled with the rising education outcomes for Nunatsiavut, the data suggest that although the raw number of jobs has not increased, the *quality* of jobs has increased, suggesting that, through a combinatin of IBAs, job training, and job creation, NG has acheived moderate improvement for beneficiaries in employmet.

6.7.2.3 Language and culture revitalization

NG has been active in the preservation of Inuit culture, though it is not able to dedicate financial resources to such pursuits to the same degree as more material concerns, such as housing. As discussed in section 6.4.4, most informants feel strongly about the importance of cultural revitalization by NG, while many feel it should be prioritized. In terms of governance, the key theme for culture and language retention for NG is balance. In a political environment with numerous, conflicting material demands on NG's limited resources, NG has had to balance those urgent material needs with the equally urgent need to address problems like language shift before it is too late. One beneficiary noted: "it [culture] is one of those things that you have a department that continues to work and continues trying to integrate that into different programs across departments[105]... Still, you have to put resources into your health. You have to put resources into housing and community development as well". This quote exemplifies the belief, held by many, which it is important to balance priorities, but that culture is important. As one respondent put it: "there's nothing worse than losing your culture" (Interview 5, April 20, 2017).

As Jim Lyall (April 2017) pointed out, "we don't want people to lose their identity", it is a matter of coming up with the right program. The current language nest, he argued, is very good, but by 2017 only 3 children in Nain had completed the program, and NG has to weigh the cost of that program (approximately $200,000 per child over 5 years) against other priorities. The

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[104] CWB scores for income are calculated as the average income for a community, taken as a percentage of the highest average income in Canada (78,000 per year in 2016). The score therefore does not need to be indexed for inflation.

[105] Here, "across departments" refers to the fact that culture is integrated into NG policy in multiple ways, such as the IBEP, or the Community Freezer.

challenge with an immersion program that ends after grade 3 is that it can be difficult to maintain fluency when the language is not spoken at home. There have been conversations about extending the program to Grade 6, but teachers have complained that this is difficult with the shortage of inuktitut language materials for older children. As another resident suggested (Interview #20, May 2, 2017), saving the Inuttitut language is critical, but it will take longer than 10 years, meaning that it is still too early to tell whether NG will have success in reversing language shift. Such initiatives take time and resources. Fortunately, as numerous respondents remarked, NG has been successful in several initiatives. For example, NG partnered with the Rosetta Stone Endangered Languages Program in order to produce a full edition of Labrador Inuttitut[106] materials for distribution, ensuring that there is a full record of the language to assist with transmission.

NG has also had a great deal of success hosting an annual Heritage Forum, an academic conference in which topics in Labrador Inuit history and culture are thoroughly examined. Reserchers share insights, archaeological findings, or key themes in ongoing cultural conversations. These initiatives will not revitalize Labrador Inuit culture on their own, but they do inform and invigorate the conversation about cultural revitalization, while ensuring that knowledge and information are available. They also encourage the adoption and dissemination of cultural knowledge. What emerges from this is a cultural confluence that NG may be able to build on. One resident of HV-GB pointed out that "You're bringing a culture into another culture and you have to learn to work and live in both cultures" (Interview 10, April 26, 2017). Another beneficiary noted that NG is "very supportive" of cultural revival of practices such as throat-singing and drum-dancing, but also of the Nain brass band, which many residents are very proud of. Enthusiasm for the brass band shows that cultures are not static but can change. The brass band is something the Moravians brought over, but it can still be considered an Inuit cultural tradition today (Interview, April 2017). These quotes highlight Nunatsiavut's complex relationship with settler society, occupying the nebulous space between cultural adaptation and assimilation, attempting to preserve identity while moving forward.

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[106] See the program website at: https://www.rosettastone.com/endangered/projects/

6.8 Accountability and Transparency

Accountability and transparency are hallmarks of a good government because they show that there are mechanisms in place to ensure that the government continues to deliver the services people rely on, and that they strive to improve if there are shortcomings. In section 6.7, an assessment of NG's policy performance in key areas was given, which demonstrated the strides NG has made, since 2006, in improving outcomes. Sections 6.8 and 6.9 examine how those successes can be maintained, and how NG can ensure that those successes benefit everyone.

6.8.1 Accountability

Accountability is a critical component of government, and numerous respondents (18 of 32) mentioned its importance. There are two basic forms of accountability that informants identified: Personal accountability, which applied to NG officials, elected or not, in carrying out their duties, and institutional accountability, which applies to the operation of the whole of government, at any level, in delivering on its obligations. Personal accountability was mentioned in the context of individuals within NG being held to account in any case of misconduct. As one informant from ULM aptly put it: "there's rules and if you break them, that's it" (Interview 4, April 20, 2017). Another Informant from ULM mentioned that when irregularities or misconduct are discovered, an ordinary member or other official will either resign or be dismissed. (Interview 10, April 26, 2017). This has happened 5 times in NG's 13 year history for ordinary members and ministers alone[107], suggesting that NG has a record of promoting accountability among its officials. This does not mean accountability is assured, but it does signal to the public that accountability is taken seriously.

The other form of accountability respondents identified was institutional. The main issues identified in this regard were related to NG's accountability to both beneficiaries and to the other levels of government in the handling of disbursed funds, and holding other levels of government accountable for their obligations to NG beneficiaries. Participants were divided on whether they prioritized holding NG or other levels of government accountable to beneficiaries. One former

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[107] These are: Kate Mitchell, 2019, dismissed as First Minister for allegedly interfering with the Torngat Regional Housing Association; Minister Roy Blake, 2017, resigned from the Assembly amid-sexual assault charges; Sean Lyall, resigned from the Assembly amid -personal spending account irregularities; Dan Pottle, 2015, dismissed as Finance Mister after missing a crucial meeting; Max Blake, 2011, resigned amid -allegations of misconduct.

official in Hopedale indicated support for financial reporting requirements, saying if NG receives money from the provincial or federal government, it has to go through the process of reporting on how the money is spent. NG needs to have accountability for the flow of funds (Interview 20, April 2, 2017). Another beneficiary noted the loss of investment funds from NG's capital trusts during the 2009 financial crisis (Interview 9, April 24, 2017). This financial loss was largely beyond NG's control, but many beneficiaries were upset by the loss and called for greater accountability. Respondents raised some concerns about accountability, but the health of the trust funds discussed in section 6.6.1, the ongoing delivery of services, and the removal of officials for rule breaking all suggest strong accountability within NG.

6.8.2 Transparency

"The biggest issue is communication". One official in ULM summarized one of the major problems NG faces in maintaining the confidence of many of its beneficiaries: perceived transparency. (Interview 8, April 24, 2017). One respondent from ULM, a former cabinet minister of the Government of Newfoundland and Labrador, said that he was unfamiliar with the role of each minister within NG. "People don't know what the government is up to", he said, adding that they look to Okalakatiget (OK) radio, the only radio station in the settlement area, but suggested that NG shares very little there (Interview 5, April 20, 2017). This is cause for concern, because in a region with limited communication infrastructure, a government must take additional efforts to ensure adequate transparency.

NG has a well-developed website, on which it presents information on all of its policy initiatives and posts press releases to report any significant activities. As several informants note, however, many people, both within the settlement area and in ULM, lack internet access, and some expect more robust in-person communication. In addition, multiple respondents indicated that NG has weaker communication and transparency in ULM than in the Settlement Area. The NG Assembly does conduct quarterly town halls in the area, but this is not often enough to put people at ease, and both more frequent updates and more robust flow of information is needed. As one respondent noted, NG could benefit from a communications director to develop a strategy for ensuring better flow of information (Interview 20, May 2, 2017). When people do not receive updates on what their government is doing, they become concerned that their government is not addressing their concerns at all. NG's transparency problem relates to our

discussion in Chapter 2 regarding the problem of imperfect communication in the principal-agent relationship. Imperfect information flow can allow the agent to be unaccountable to the principal, but in this case, it also leads to the principal *believing* the agent to be unaccountable.

6.9 Fairness

The final piece of the Five Principles, fairness, has considerable importance in Nunatsiavut. Examining both equity and the rule of law determines the degree to which NG is succeeding at ensuring that all Labrador Inuit are able to benefit from the LILCA that was negotiated on their behalf. Fairness has critical implications for the legitimacy of NG as a whole.

6.9.1 Equity

NG has attempted to ensure equity in a number of ways, such as through programs designed to serve vulnerable people, and through its administration of campaigns and elections. As introduced in section 6.4.1, NG's most salient challenge in promoting equity lies in how well it serves residents of ULM versus the Settlement Area, and in how it manages issues with membership. Many beneficiaries argue that the issue ultimately turns on equity, because it determines who benefits from SG based on demographic characteristics. Two interviewees pointed out that the seemingly arbitrary criteria for determining identity is problematic because "An Inuk is an Inuk"(Interview, May 2017), and "If your mother is Inuit and your father is not [or vice-versa], you're still Inuit." (Interview 20, May 2, 2018). The latter informant goes on to suggest that denying membership based on mixed ancestry or cultural drift is "racist… [NG] is committing political genocide". Use of the term genocide here evokes the discussion in section 5.3.1 which centered on the complex nature of Indian Status as a tool to exclude.

King (2012) and Wolfe (2006) reach the conclusion that the concept of status serves as a tool used by federal governments to exclude, usually in order to remove obligations. They argue this practice has resulted in genocide by creating a large group that has been stripped of identity. Some have suggested that NG risks doing the same if the result is eliminating Inuit identity for part of the population. Membership as an equity concern is a governance problem, because a government is arguably not working if it is not working for everyone. Sections 5.5 and 6.5 discuss how diversity of voice in decision-making informs the legitimacy of a government. Any discussion about who has the power, or a voice, to influence the policies that serve a community

must necessarily also be about who has the power to decide *who* that policy is serving. This is why resolving membership concerns in NG is crucial - If NG is to be evaluated on its ability to improve outcomes for Labrador Inuit since 2006, then it must entertain the ongoing conversation about who Labrador Inuit are, and that discussion must be as inclusive as possible.

Another salient theme from the interviews concerns who has the ability to run for office, vote in elections, or work in government. Equity is a crucial concept in a representative democracy, because it connects again with the concept, discussed in section 6.5, of voice in policy making as a determinant of legitimacy (Hibbing and Theisse-Morse, 2008). From a rational choice institutionalist perspective, representative democracy is an agent-principal relationship where the principal has 3 avenues to influence the agent: through voting, running for office, or entering the bureaucracy (Taylor and Hall, 1996). In NG beneficiaries feel overwhelmingly that NG elections are fair (30 of 32 interviewed), although some felt that NG could take some actions to improve access to voting. 4 respondents[108], for example, noted that, for voters in the Canadian Constituency, which is spread across the country, the use of mail-in ballots causes a democratic deficit as many fail to vote before the deadline[109]. These respondents favor a longer voting period for the constituency of Canada.

In terms of running for public office, two salient equity challenges include gender and income, specifically, it can be more difficult for low income individuals and women to run for office (Sanbonmatsu and Carroll, 2017; Prindeville, 2004). Being low income can be a barrier by making a candidate uncompetitive due to lack of resources, while gender identity can pose psychological, economic, or emotional barriers to running. Nunatsiavut has fairly robust mechanisms to address both issues in its elections legislation. Section 33 of the *Nunatsiavut Elections Act,* called the extraordinary procedure for ensuring gender equality, permits the President to nominate a woman to run in a contest in which no female candidate has entered. Campaign finance rules, meanwhile, impose a $1000 limit on spending in order to level the playing field for candidates. Despite these provisions, there are still shortcomings in terms of equity. As McMahon and Alcantara (2019) suggest in their research on Nunatsiavut elections, there is evidence that gender impacts running for office in NG. They find that, similar to other

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[108] Interviews #1, April 3, 2017; #19, May 1, 2017; #30, June 27; #31, June 29, 2017. 3 of 4 were from outside Labrador.

[109] Two respondents noted that some of the ballots had arrived at the NG returning office (in HV-GB) after te deadline and could not be counted. One canadidate suggested that they would have won the election had these ballots been counted.

political contexts, women are as likely to have *nascent ambition*, or a desire to run to influence policy, but are less likely to develop *expressive ambition*, or the decision to run. Factors that impact this include family responsibilities and self-confidence. The solution to this issue is likely not political, since fewer women than men run and win in NG elections even where section 33 is practiced.

Equity is also a factor in NG's administrative bureaucracy. As mentioned in section 6.7.2.2, several informants cited concerns surrounding the hiring of Inuit for administrative positions within NG. As Riccucci and Van Ryzin (2016) note in their discussion of representative bureaucracy, equity within an administration is important because it helps ensure greater accountability, promotes legitimacy and trust, and projects equitable practices into the whole of society. In the context of NG, this would be accomplished by demonstrating that every effort is taken to hire qualified Inuit to administrative positions and to build a qualified workforce. Though NG has policies in place to address both, interviews suggest there is a lack of public confidence that this is being carried out. Equity is thus an important concern across NG, and although NG has robust policies to promote equity, more work is likely needed to continue to close equity gaps.

6.9.2 Justice and the rule of law

Although NG has a right to take on powers in criminal justice under the LILCA, it has not yet drawn down this power, meaning those interviewed had less to say about it than other matters, but there is evidence of its importance. As Loukacheva (2012) notes, traditional Inuit society lacked formal forensic or law enforcement institutions, but had a sophisticated system of Inuit customary law. The last formal Inuit trial held in Canada was reportedly near Iqaluit in 1924 (p. 205). Today, justice and law in the arctic is emerging as an important area of study, which underscores emerging tensions between colonial law and order and Indigenous jurisprudence. As one community member from Nain notes: "Things like justice, education [are] not drawn down, why don't we have more say?" (Interview #18, April 28, 2017). Another stated that without full devolution of powers like health, education and justice, "we aren't where we are supposed to be eventually" (Interview 10, April 24, 2017). These comments convey that although NG currently lacks a clear vision or policy framework for expanding its control of law and order, many beneficiaries see the development of Inuit regimes of law and order as important

in solidifying local control over their own affairs. Justice and the rule of law are an important component of fairness in SG because they provide assurances that the rules will be enforced equitably across the population. As section 6.4.1 discusses, fairness is of particular concern in the enforcement of membership rules, and it will be important for NG to apply those rules equitably for the purposes of ensuring that all Labrador Inuit are able to share in the benefits NG has strived to produce for beneficiaries since 2006.

6.10 Conclusion

To quote former NG president Jim Lyall: "NG has accomplished more in 9 years than the provincial and federal government had accomplished in 30 for Labrador Inuit" (Interview, April 27, 2017). These words summarize what has changed for Labrador Inuit since attaining SG in 2006. This chapter examined a brief history of the Labrador Inuit and their path to SG, then discussed NG's approach to key policy areas, including housing, employment and income, language and culture, and membership. It also included an evaluation of governance in NG, using the Five Principles of Good Governance, considering the testimonies of interviewees, reports, policy documents, and laws. Examining governance with this method reveals how NG has been able to excel in delivering on its key policy priorities, exercising leadership, and being a voice for Labrador Inuit, both to other levels of government and to the public. Five key successes are listed below.

- Outcome 1: NG has become voice for Labrador Inuit, advocating its concerns to other levels of government, and promoting Inuit culture.
- Outcome 2: NG has facilitated rising incomes in the Settlement area by reserving jobs for qualified Inuit in industry and government and supporting beneficiaries in seeking post-secondary education.
- Outcome 3: NG has had success in administering the NIHB for Inuit, providing critical health services that many Labrador Inuit rely on.
- Outcome 4: NG has secured additional, dedicated funds and developed a new strategy to address the housing crisis in the Settlement Area.
- Outcome 5: Fostering financial sustainability through capital planning

The 32 interviewees were almost unanimous in indicating that Labrador Inuit are *proud* of their landmark achievement in attaining SG, and they have good reason to be. As one beneficiary and

former cabinet minister of the Newfoundland Assembly put it: "Having SG is a benefit in itself" (Interview 5, April 20, 2017). There is a sense among beneficiaries that simply the feeling of having control over their own affairs is a victory and a benefit, without even measuring policy benefits. The benefits of SG in Nunatsiavut are measurable, however. Despite these successes, this chapter has revealed a number of issues that came up frequently in interviews and are shown in the data.

Issue 1: Slow movement on housing

As identified in sections 6.4.2 and 6.7.2.1, housing is a complex and intractable problem for NG, and many beneficiaries are concerned about the amount of time it is taking to address the crisis, especially in Nain and Hopedale, where homelessness and crowding are significant issues. Interviews pointed to considerable progress in measuring the problem and finding solutions, however, and NG has already acquired additional funding and developed a new housing strategy to attack the problem. It is still too early to test the success of this new strategy.

Issue 2: Language shift is not being reversed in the Settlement Area.

As discussed in sections 6.4.3 and 6.7.2.1, language shift is a challenging and complex problem that will likely take decades to truly address. With the looming threat of losing the few remaining native speakers of Labrador Inuktitut, the problem is urgent and NG will likely need to explore further policy options. These could include more courses or immersion seminars for adults, or expansion of the Language Nest programs, which are currently insufficient to reverse language shift on their own.

Issue 3: Communication and transparency are a major issue.

Similar to members of MFN, one of the primary complaints among NG beneficiaries was that NG does not make a sufficient effort to communicate its activities and solicit regular input from beneficiaries. To address this problem, NG may require a communications director and strategy, recognizing that many beneficiaries may not be accessing the NG website for information.

Issue 4: Disputes over enrollment are not being resolved.

Discussed in section 6.4.1, enrollment as a beneficiary is a serious issue for Nunatsiavut because, for many, it strikes at the core of what it is to be Labrador Inuit, and risks leaving some behind. Because membership rules are contained within the LILCA itself, they are not easily changed, however the registrar of beneficiaries will need to proceed with due sensitivity around the membership issue, and may need to adjust its interpretation of the rules. Alternatively, it may

need to conduct further review of those cases where membership has been lost, particulalry if it is due to family breakdown, to determine a possible path for remediation.

Issue 5: Unequal benefits received by those inside versus outside the settlement area.

The service and communication gaps, raised by many respondents, between the Settlement area and ULM is a multifaceted issue that touches on legitimacy, equity, and policy delivery. Since the focus of services within the Settlement Area is enshrined within the LILCA, it is not likely to experience fundamental change. NG might consider, however, strategically offering key services to beneficiaries in ULM in order to partially address the issue.

Issue 6: After 10 years, some people feel as if things have not changed very much.

In an interview, Lyall noted that NG spent the first 4 years of its existence getting everything set up, hiring people, configuring its administrative offices, and developing strategic plans. Because of this, NG had not had fully 10 years, between 2006 and 2017, to begin researching and tackling major problems such as housing. According to both Lyall and CWB data, NG has shown an impressive amount of progress thus far. As Hibbing and Theisse-Morse write: policy output, as manifested, for example, in a robust economy, has little effect on approval or trust of government (pp. 2, 2008). In other words, some people will invariably be unhappy with government performance.

The questions this thesis asks are: How has Indigenous governance in Canada evolved over time, especially in the past two decades? What explains the successes of certain governance structures and policies, introduced in self-governing communities, in achieving higher socio-economic outcomes? NG differs from the LIA before it in that it is a fully functioning regional government that delivers an array of policies for its beneficiaries and has a strategic capital plan. As in MFN, the explanation for the upward movement in policy outcomes Labrador Inuit have experienced since 2006 appears to be that NG has access to considerably more financial resources than before, has the power to develop its own home-grown solutions to address its problems, and is able to be an advocate for Nunatsiavut. Unlike MFN, which lacks OSR and resource revenue, NG has substantial revenue streams and an IBA that guarantees employment, both of which have likely been a source of success for NG. Given the complex nature of resource development and the "resource curse", however, this chapter finds that NG's true path to success in improving outcomes since 2006 lies not in its access to resource revenue, but rather in

strategic policy development and capital management for future generations, thus showing that it's not the resources, but how you use them, that moves SG ahead.

Chapter 7: Conclusion

7.1 "A Phoenix from the Ashes": Self-Government for Inuit and Mi'kmaq in Newfoundland and Labrador

Though vastly different from one another, the cases examined in chapters 5 and 6 are each examples of success in local governance. This thesis has shown that success in improving outcomes for indigenous groups in Canada is often due to SG, or structures that resemble SG. Many communities, such as MFN and Nunatsiavut, have introduced new modes of governance and have seen improvements in policy outcomes over the past 15-20 years. Despite the institutional constraints these communities face, evidence shows that their innovative and home-grown policy solutions have facilitated this improvement. Both MFN and NG, as rational actors (or agents), representing the needs of their constituents (the principal), have managed institutional and environmental constraints to produce policy and administrative strategies that have improved outcomes over a given time marker. The cases thus offer useful insights for other communities looking to develop their governance regimes. Section 7.2 of this chapter summarizes the key findings from the two case studies, then discusses broader implications for SG in Canada. The chapter concludes that the key explanation for the success enjoyed by self-governing communities is innovative and home-grown policy and governance structures, and that these benefits can be achieved irrespective of external factors such as poverty or resource development. Recommendations for future work are offered and limitations of the study are identified in sections 7.3 and 7.4.

7.2 Summary of findings

This thesis establishes a positive relationship between rising outcomes, according to CWB data, and the presence of SG in a community, then analyzes 46 semi structured elite interviews with community members, together with other data, in two case studies. These findings provide detailed qualitative evidence that locally determined governance structures, such as consensus government, corporate governance, and policy committees, and innovative policies, such as the MFN Employment Assurance Program, or NG's PSISP, help to explain the success MFN and NG have enjoyed in improving outcomes in their communities. The evidence

suggests that although governance outcomes in the chosen cases are far from perfect, the changes in policy and administration that have taken place between the time markers identified (1987 for MFN and 2006 for NG) and the present day have overall been positive. Evidence further indicates that the ability of indigenous communities to structure their own governments and policies is crucial for for these positive outcomes to occur.

Those interviewed identified a variety of concerns with certain policies or governance modes within their communities. For MFN, these concerns included transparency and information flow, the effectiveness and resource requirements of language training, the fact that the Employment Assurance Program does not provide true 'full employment', the market-based housing program is not always fair, and the rate oif improvement in policy outcomes has slowed. These concerns are valid, and speak to ongoing challenges in effective governance in a small community that faces resource constraints. The evidence suggests that MFN consistently makes efforts to address concerns, but that residents are not always aware of what their government is doing. The issue of information flow is of particular concern, as it lies at the core of the Five Principles of which transparency is a crucial element for determining confidence in a local government (Institute on Governance, 2018). MFN has succeeded in a number of areas. CWB scores improved dramatically after 1987 as compared to beforehand. The housing program is effective in preventing crowding, keeping homes in good repair, and minimizing waiting lists, while the employment rates are favorable and incomes are significantly higher than average among indigenous communities. The band-controlled school is providing Mi'kmaq language instruction, which has sparked enthusiasm among many members. Overall, these results are indicative of a community that is successfully self-governing, and residents point to their innovative policies to explain this.

For NG, results are more complex. Interview findings were also, broadly speaking, positive about governance in the settlement area, but NG's path to success in SG is more administrative than policy-driven, and measuring policy success was more complex. Those interviewed expressed several key concerns, including: slow response to the housing crisis, however this is a complex and extremely expensive issue to address, and NG has taken concrete steps, through increased funding and pilot projects; language shift reversal is slow or non-existent, a complex challenge that is difficult for any government to address; communication and transparency, a persistent concern that will likely require NG to improve its communication

strategy; disputes over membership and enrollment, a deeply sensitive issue for many, which the language set out in Chapter 3 of the LICLA ultimately determines - Inuit lineage and residency in the settlement area is key; unequal service between the Settlement Area and ULM, a difficult problem that again is rooted in the LICLA, which favors the Settlement Area. Lastly, some feel that after 10 years (from 2006-2016), not enough has changed in Nunatsiavut. While indicators and policy documents show that there has, in fact, been substantial change in policy outcomes, interview data also indicates that the real change is within NG, that it has created sophisticated administrative structures and created a complex regional government. As Lyall notes (interview, April 2017), it took several years to assemble NG's administrative apparatus. He also notes that having SG is an achievement in itself. Interviews also uncovered 5 key achievements for NG: That is succeeds as an advocate for beneficiaries, that its policies in IBA implementation and education have promoted rising incomes, that it has successfully administered the NIHB program, that it has attained dedicated additional funding for the housing crisis, and that has fostered long term financial stability through its corporate arm, NGC. These achievements are poised to produce lasting benefit for Labrador Inuit, and demonstrate that SG has indeed contributed to improving outcomes for Labrador Inuit.

7.3 Corroborating the Argument

This thesis set out to ask 2 research questions: How has Indigenous governance in Canada evolved over time, especially in the past two decades? What explains the successes of certain governance structures and policies, introduced in self-governing communities, in achieving higher socio-economic outcomes? A 3-part argument, introduced introduced in Chapter 3, offers an aswer to these questions and the three points are supported by the case studies.

1. At the community level, The presence of SG helps to foster good government, as evaluated through the Five Principles.
A detailed application of the Five Principles of Good Governance (Institute on Governance, 2019; UNDP, 2019) supports this argument for each case. Both cases demonstrate key hallmarks of good governance, such as legitimacy, accountability, and strategic direction. Both have strong mechanisms to promote voice, and have managed to keep power local. NG has a strong strategic vision and financial plan with significant capital investments, while MFN has a more informal

strategic direction and a healthy financial statement. MFN succeeded in transforming Conne River primarily through innovative policy, while NG has an innovative regional administrative apparatus. Both cases have had sufficient autonomy to tailor policy and administration to local needs, and findings from interviews and other sources confirm a clear connection between this autonomy in decision-making and successful policy and administration.

2: By establishing good government, self-governing communities better address community needs than they did 1-2 decades ago, before they were self-governing.

This argument is suported primarily by examining the performance of each government, in sections 5.7 and 6.7. Here, by drawing on the clear improvements seen in CWB indicators across the time markers identified for each case, then contextualizing that with the local qualitative data, a clear narrative emerges: MFN and NG are better able to address issues in their communities today than they were prior to the respective time marker. This is due to their ability to structure policy and government in ways that work for the community. NG is a complex regional government with significant resources and a suite of targeted policies. Prior to 2006, Labrador Inuit had to rely on the much less resourced LIA and the provincial and federal government for services. Not surprisingly, services were less available and less effective. MFN was a poor community with limited resources prior to 1987, but with a full band government and full funding, the community was able to flourish, and provide high quality services for its residents.

3: Communities are able to improve outcomes by practicing good government, and not solely through own-source revenue from resource development or local industry.

This argument is corroborated by examining one of the key structural differences between the two cases: The fact that NG has significant OSR streams, including an IBA with a major resource development project and MFN has relatively little OSR, yet both have been able to implement policies that address community needs. As a regional government serving the 5 remote communities in the Settlement Area and a large diaspora, NG has considerable resource requirements. It makes efficient use of its financial resources, such as resource revenues and a fiscal financing arrangement, despite the environmental challenges arctic communities face. MFN is a small, rural community with unique needs and little OSR, yet it is able to optimize its use of funds to deliver sustainable benefits to band members. Both cases thus exercise good governance and employ analagous policy strategies despite disparate revenue sources.

7.4 Limitations

A rich array of quantitative data was gathered for this thesis, but the study is limited in scope. The limitations of this research exist in 3 basic areas: representativeness of interview data, limitations of CWB data, and limited transferability to other communities. As discussed in 3.4.1, semi-structured interviews are critical for obtaining the degree of nuance and richness of data required for building a complex understanding of the *evolution* of SG in MFN and NG. Because interview research typically yields a small sample size, however, it is difficult to ensure findings are representative of the whole population. Those interviewed were also not sampled randomly, due to the fact that only certain individuals had required information. The interview method used was designed to yield a detailed analysis of governance in the two cases, but does not fulfill the same objective as a survey, as is often used in policy evaluation research to obtain conclusive findings on community outcomes.

It is difficult to generalize some of the more anecdotal findings, such as individual testimonials about experience with a particular policy, to the whole population of either community without a fully representative sample. It is also difficult to extrapolate a statistical analysis of interview findings, often shared in this thesis as a ratio of the total number interviewed having shared a particular perspective. These figures are not meant to portray a statistically accurate cross-section of public opinion within each community. Instead they simply convey the relative salience or prevalence of a particular position or issue among a politically active subset of the population. Despite a lack of representativeness, the combination of interview data and findings from other sources produces a detailed narrative about the evolution of governance in each community. This thesis addresses the problem of representativeness by using supporting data and media reports, especially for corroborating anecdotal findings. In some cases, wholesale criticisms of either government were based on a particular experience but were not typical. This was noted in the discussion.

Because it did not use a survey, this study had to rely on metrics from other sources to measure policy outcomes in each community. The primary source of quantitative data for the study was the CWB provided by the Government of Canada (2019). While this dataset is robust and comprehensive (in that it provides data for the majority of Canadian communities), it only offers data only at the community level and lacks the granularity to help understand the complex experiences of individuals in each community (Government of Canada, 2017, 2019). In terms of

the housing crisis in Nunatsiavut, for instance, the CWB can indicate whether crowding rates have risen or declined in absolute terms, but offers little insight on the many factors that impact life in an overcrowded home, nor does it describe subsidiary problems that may arise as a result of crowding. These are factors that policymakers ultimately must understand properly in order to determine priorities. Ultimately, a more nuanced system of metrics may be needed to understand a complex problem such as the housing crisis. This is why the more comprehensive 2014 report released by NG was cited in Section 6.7.2.1, however the 2019 edition is not yet available. The thesis addresses this shortcoming by blending data from multiple sources. Specific details from the interviews were used to provide depth to the narrative derived from quantitative data.

Lastly, the findings from these in-depth case studies have limited transferability to other communities, because the cases are specific, and because the analysis only examined some key policy systems. Part of the advantage of a case study is that every community is unique, with its own complex history and needs, and what works in one community may not work in another. For instance, when MFN launched its jobs and housing programs in 1987, it had a working lumber mill, which could both employ people and produce lumber for housing construction, and a small skilled workforce, which could operate the mill and train new workers. These specific factors were unique to MFN, meaning the specific lessons the case study offers may be more relevant to some communities than others. More important is the message: that MFN and NG each had the opportunity to craft their own strategic policy regimes. The case of Conne River is an important indicator of why homegrown policy innovation is so important at the community level and why the one-size-fits-all approach under the *Indian Act* has been so damaging, while NG is a good exemplar of success in SG. Either way, communities need to have both autonomy and policy capacity to solve local problems. This process may look different in each community.

7.5 Significance and future research

This thesis adds to the literature on the evolution of indigenous SG in Canada. It also adds to the literature on MLG, resource politics, and business development in indigenous or northern communities. It offers evidence of the benefits of Inuit corporate governance, but also highlights the risks posed by the resource curse described by Sachs and Warner (2001), and suggests how these risks can be mitigated. The results of this study are also useful for communities indigenous or not, who are either looking for new strategies to improve outcomes,

or are in the experimental phase of implementing SG. The lack of transferability of specific insights from the two case studies means that more case studies like these are needed to truly capture the evolution of SG for indigenous communities across Canada. The MDS is a valuable tool in comparing two disparate cases and discovering instructive commonalities, and the Five Principles of Good Governance (Institute on Governance, 2019, UNDP, 2019) can produce rich results when used to examine a governance up close. The Five Principles should be applied to other communities across Canada, and could even inform valuable international comparative studies of Indigenous governance outcomes in different nationalities. This field of research could also benefit from more data. Surveys of a larger sample of individuals in communities like Nunatsiavut and Conne River would generate a more representative dataset on residents' experiences with policies such as NG's PSISP or MFN's Employment Assurance Program, and could also offer robust evidence on the success of these programs. A more in-depth understanding of governance structures would also help inform this body of research. A detailed thematic analysis of constitutional documents, or the full collection of laws from communities like those studied here could produce valuable insights on the evolution of governance.

7.6 A final word

Despite limitations, this thesis has provided robust evidence that something new and different is happening in indigenous governance in Canada: Some communities have found innovations in policy and governance that yield improvements in outcomes. With sufficient autonomy, self-governing communities, under an adapted federalism regime, can better address residents' needs than local Inuit governments and band councils, or 'mini-municipalities' (Abele and Prince 2005), operating with limited powers under the full jurisdiction of provincial and federal governments. This is the case because, as we saw in sections 5.5 and 6.5, communities that are fully self-governing, or behave as though they are self-governing, tend to have sufficient legitimacy and power to grant a voice to their constituents. The Principal-Agent relationship introduced in Chapter 2 can only work when there is sufficient flow of information between them to promote accountability, and when the agent has sufficient power to act on the principal's behalf (Delreux & Adriansen, 2017). This is particularly the case for indigenous communities, because an additional Principal-Agent relationship, between the community government and other levels of government, is also at play. If other levels of government have too much power in

determining local governance arrangements or policy decisions, then the community will lack autonomy to optimize its resources or tailor policy to community needs. When communities assert this autonomy, and develop the innovative policies that suit their needs, positive outcomes tend to occur..Some commentators have adopted the phrase: "a phoenix from the ashes" to describe developments in modern indigenous governance, because, it conveys a sense of rebirth or renewal. It appears meaningful SG has returned to these communities after centuries of colonial rule. This evolution is showing promise but it is still too early to say whether we are truly turning a corner, leaving behind our colonial past and moving towards meaningful self-determination for indigenous peoples.

References

Abele, F. and Prince, M.J. (2006). Four Pathways to Aboriginal Self-Government in Canada. *American Review of Canadian Studies* 36:4, 568-595, DOI:10.1080/02722010609481408

 - (2003). Aboriginal governance and Canadian Federalism: a to-do list for Canada. In Rocher, F. and Smith, M. [eds.] *New Trends in Canadian Federalism*. Peterborough, On: Broadview Press.

Alcantara, C. (2007). Explaining Aboriginal Treaty Negotiation Outcomes in Canada: The Cases of the Inuit and the Innu in Labrador. *Canadian Journal of Political Science*. 40:1, 185-207.

 - (2008). *Deal? Or no deal? Explaining comprehensive land claims negotiation outcomes in Canada* (doctoral thesis). University of Toronto, Toronto, Canada.

 - (2013). *Negotiating the Deal: Comprehensive Land Claims Agreements in Canada*. Toronto, ON: University of Toronto Press.

 - (2017). Implementing comprehensive land claims agreements in Canada: towards an analytical framework. *Canadian Public Administration* 60(3): 327-348.

- and Davidson, A. (2016). Negotiating aboriginal self-government agreements in Canada: an analysis of the Inuvialuit experience. *Canadian Journal of Political Science*. 43:8, 553-575 doi:10.1017/S0008423915000402

- and Nelles, J. (2014). Indigenous Peoples and the State in Settler Societies: Toward a More Robust Definition of Multilevel Governance. 44: 183-204

- and Nelles, J. (2016). *A quiet Evolution: The Emergence of Indigenous-local Intergovernmental Partnerships in Canada.* Toronto: University of Toronto Press

- and Spicer, Z. (2016). A new model for making aboriginal policy? Evaluating the Kelowna Accord and the promise of multilevel governance in Canada. *Canadian Public Administration*. 59(2): 183-203.

- and Whitfield, G. (2010). Aboriginal Self Government through constitutional design: a survey of 14 aboriginal constitutions in Canada. *Journal of Canadian Studies*. 44, 2: 122-48

- and Wilson (2014). The dynamics of intra-jurisdictional relations in Inuit regions of the Canadian arctic: an institutionalist perspective. *Regional and Federal Studies*. 24(1): 43-61

Alfred, G. T. (1999). *Peace, Power, Righteousness: An Indigenous Manifesto*. Don Mills: Oxford University Press

- (2005). *Wasáse: Indigenous Pathways to Action and Freedom.* Don Mills: Oxford University Press.

Alfred, G.T. and Corntassel, J. (2005). "Being Indigenous: resurgences against contemporary colonialism. *Government and Opposition*. pp. 597-614.

Andersen, C. and Johns, A. (2005). Labrador Inuktitut: Speaking into the future. *Préserver la langue et les saviors*. 29(1-2).

Assembly of First Nations (2018). Affirming First Nations Rights, Title, and Jurisdiction. [Working Report].

Atkinson, M. M., Coleman, W.D. (1992). Policy networks, policy communities, and problems of governance. *Governance: An International Journal of Policy and Administration.* 5(2) 154-180.

Attride-Stirling, J. (2001). Thematic Networks: an analytic tool for qualitative research. *Qualitative research* 1,3: 385-405

Aucoin, P. (2012). New political governance in Westminster systems: impartial public administration and management performance at risk. *Governance: An International Journal of Policy, Administration, and Institutions.* 25(2), pp. 177-199.

Bartels, D. A. and Bartels, A. (2005), Chapter 10 "Mi'kmaq Lives: Aboriginal identity in Newfoundland". in, McNab, D.T., (2005, Ed). *Walking a Tightrope: Aboriginal People and their Representations*. Wilfrid Laurier University Press.

- and Janzen, O. U. (1990). "Micmac Migration to Western Newfoundland." *Canadian Journal of Native Studies* 10(1): 71-94.

Bartlett, G. (November, 2017). Tearful Justin Trudeau apologizes to N.L. residential school survivors. [CBC news online]. Retrieved from: https://www.cbc.ca/news/canada/newfoundland-labrador/justin-trudeau-labrador-residential-schools-apology-1.4417443

Bear Robe, A. (1992). "Treaty Federalism – A concept for the entry of First Nations into the Canadian Federation". *Siksika Nation Indian Government Committee*. Gleichen, Alberta: Siksika Tribal Administration

Belayneh, A., Rodon, T., and Schott, S. (2018). Mining economies: Inuit business development and employment in the eastern subarctic.

Bevir, M., Rhodes, R. A. W., and Weller, P. (2003). Traditions of governance: interpreting the changing role of the public sector. *Public Administration*. 81(1), pp. 1-17

Bissonnette, A. (2006). "Aboriginal Peoples' right to self-government: phoenix from the ashes". In Christie, G. (ed.) *Aboriginality and Self-Governance: A Multidisciplinary approach*. Canada Council for the Arts.

Bob, C. (2005). *The Marketing of Rebellion. Insurgents, Media, and International Activism*. Cambridge University Press.

Boutillier, S. (August, 2016). An unsung Success: The *First Nations Land Management Act. Policy Options*. Retrieved from: https://policyoptions.irpp.org/magazines/august-2016/an-unsung-success-the-first-nations-land-management-act/

Fitzhugh, W. W., Jordan, R. H., Brice-Bennett, C. (1977). *Our Footprints Are Everywhere: Inuit Land Use and Occupancy.* Brice-Bennett, C. [Ed]. Nain, NL: Labrador Inuit Association

Brice-Bennett, C. (1997). The Inuit. *Heritage Newfoundland and Labrador*. [Website]. Retrieved from: https://www.heritage.nf.ca/articles/aboriginal/inuit.php

Brinkman, T.J., Hansen, W.D., Chapin, F.S., Kofinas, G., BurnSilver, S. and Rupp, T.S. (2016). Arctic communities perceive climate impacts on access as a critical challenge to availability of subsistence resources. *Climatic Change*, 139 (3-4). 413-427.

Cairns, A.C. (2000). *Citizens Plus: Aboriginal Peoples and the Canadian State*. Vancouver: University of British Columbia Press.

Calder, R. S. D., Schartup, A. T., Li, M., Valberg, A. P., Balcom, P. H., and, Sunderland, E. M. (2016). Future Impacts of Hydroelectric Power Development on Methyl mercury Exposures of Canadian Indigenous Communities. *Environmental Science & Technology* 50 (23). 13115-13122. DOI: 10.1021/acs.est.6b04447

Champagne, D. (2006). "Remaking Tribal Contributions" in Lemont, Eric D., ed. American Indian Constitutional Reform and the Rebuilding of Native Nations. Austin, US: University of Texas Press

Chong, N.G. (2010). Indigenous political organizations and the nation state: Bolivia, Ecuador, and Mexico. *Alternatives* 35: 259–268

Christie, Gordon. "Book Review: Citizens Plus: Aboriginal Peoples and the Canadian State, by Alan C. Cairns; First Nations? Second Thoughts, by Tom Flanagan; A People's Dream: Aboriginal Self-Government in Canada, by Dan Russell." Osgoode Hall Law Journal 40.2 (2002): 189-200.

Chandler, M. J., and Lalonde, C. E. (1998). Cultural Continuity as a Hedge Against Suicide in Canada's First Nations. *Transcultural Psychiatry* 35(2): 191-219.

Communities of Labrador, Furgal, C., Denniston, M., Murphy, F., Martin, D., Owens, S., Nickels, S., Moss-Davies, P. (2005). Unikkaaqatigiit – Putting the Human Face on Climate Change: Perspectives from Labrador. Ottawa: Joint publication of Inuit Tapiriit Kanatami, Nasivvik Centre for Inuit Health and Changing Environments at Université Laval and the Ajunnginiq Centre at the National Aboriginal Health Organization.

Connell, W. F. (2011). *After Moctezuma: Indigenous Politics and Self-Government in Mexico City, 1524-1730*. University of Oklahoma Press.

Corntassel, J. (2008). Toward Sustainable Self-Determination: Rethinking the Contemporary Indigenous rights discourse. *Alternatives*. 33: 105-132

Cornell, S. (2007). "Remaking the tools of governance: colonial legacies, Indigenous solutions" in Jorgensen, M. (ed.) *Rebuilding Native Nations: Strategies for Governance and Development*. Phoenix: University of Arizona Press. pp. 57-77.

 - (2015). "Wolves have a constitution:" continuities in indigenous self-government. *International Indigenous Policy Journal*. 6(1). Retrieved from: https://ir.lib.uwo.ca/iipj/vol6/iss1/8

 - and Kalt, J. P. (2007). "Two approaches to the development of Native Nations: One works, the other doesn't" in Jorgensen, M. (ed.) *Rebuilding Native Nations: Strategies for Governance and Development*. Phoenix: University of Arizona Press. pp. 3-33.

Coulthard, G, S. (2007). Subjects of Empire: Indigenous peoples and the 'politics of recognition' in Canada. *Contemporary Political Theory*. 6: 437-460.

(2014). *Red skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press.

Dahl, J., Hicks, J., and Jull, P. [Eds.] (2000). *Nunavut: Inuit Regain Control of their Lands and their Lives*. Copenhagen: IWGIA

Delreux, T. and Adriaensen, J. (2018). Introduction. Use and limitations of the Principal-Agent Model in studying the European Union. In Delreux, T. and Adriaensen, J. (2018) *The Principal Agent Model and the European Union*. Palgrave Studies in European Union Politics. Palgrave Macmillan, Cham

Daley, K., Castleden, H., Jamieson, R., Furgal, C., and Ell, L. (2015). Water Systems, sanitation, and public health risks in remote communities: Inuit resident perspectives from the Canadian Arctic. Social Sciences & Medicine. Vol. 135, pp. 124-132.

Dickason, O. (2009). *Canada's First Nations: A History of founding Peoples from Earliest Times*. Don Mills, ON, Oxford University Press.

Durkalec, A. Furgal, C., Skinner, M. W., and Sheldon, T. (2015). Climate change influences on environment as a determinant of Indigenous health: Relationships to place, sea ice, and health in an Inuit community. *Social Science and Medicine*. 136-7. Pp. 17-26

Fallon, G., and Paquette, J. (2012). A critical analysis of self-governance agreements addressing First-Nations control of education in Canada. *Canadian Journal of Educational Administration Policy*. 132: 1-28.

Fanon, F. (1963). *The Wretched of the Earth*. Paris: Presence Africaine.

(1952). *Black Skin, White Masks*. New York: Grove Press

Flanagan, T. (2000). *First Nations? Second Thoughts*. Montreal: McGill University Press.

Frideres, J.F. (2011). *First Nations and the 21st Century*. Don Mills, ON: Oxford University Press.

Fukuyama, F. (2013). What is governance? *Governance: An International Journal of Policy, Administration, and Institutions*. 26(3), 347-368

Gallagher, M. (2001). Chapter 9: Capturing meaning and confronting measurement. In Mosley, L. [Ed.], *Interview Research in Political Science*. Ithaca, NY: Cornell University Press.

Government of Canada (2019). About the Nunalivut Initiative. [website]. Retrieved from: https://www.rcaanc-cirnac.gc.ca/eng/1552073111368/1552073153674

- (2019). The Housing Conditions of Aboriginal People in Canada [Website]. *Census in Brief*. Retrieved from: https://www12.statcan.gc.ca/census-recensement/2016

- (2019). Newfoundland and Labrador Residential Schools healing and commemoration. [website]. Retrieved: https://www.rcaanc-cirnac.gc.ca/eng/1511531626107/1539962009489

- (2019). Report on trends in Inuit communities, 1981-2016. *The Community Wellbeing Index.* Indigenous Services Canada.

- (2019). Report on trends in First-Nations communities, 1981-2016. *The Community Wellbeing Index.* Indigenous Services Canada

- (2019). 2016 *Community Well-Being Index*. [Data and Data Dictionary]. Retrieved from: https://open.canada.ca/data/en/dataset/56578f58-a775-44ea-9cc5-9bf7c78410e6

- (2016). Evaluation of the Impacts of Self-Government Agreements. [Report] Indigenous and Northern Affairs Canada.

- (2015). *Canada's Fiscal Approach to Self-Government Fiscal Arrangements*. [Policy document]. Aboriginal Affairs and Northern Development Canada.

- (2014). 2011 *Community Well-Being Index*. [Data and Data Dictionary]. Retrieved from: https://open.canada.ca/data/en/dataset/56578f58-a775-44ea-9cc5-9bf7c78410e6

- (2009). 2006 *Community Well-Being Index*. [Data and Data Dictionary]. Retrieved from: https://open.canada.ca/data/en/dataset/56578f58-a775-44ea-9cc5-9bf7c78410e6

- (2004). 2001 *Community Well-Being Index*. [Data and Data Dictionary]. Retrieved from: https://open.canada.ca/data/en/dataset/56578f58-a775-44ea-9cc5-9bf7c78410e6

- (1999). 1996 *Community Well-Being Index*. [Data and Data Dictionary]. Retrieved from: https://open.canada.ca/data/en/dataset/56578f58-a775-44ea-9cc5-9bf7c78410e6

- (1994). 1991 *Community Well-Being Index*. [Data and Data Dictionary]. Retrieved from: https://open.canada.ca/data/en/dataset/56578f58-a775-44ea-9cc5-9bf7c78410e6

- (1984). 1981 *Community Well-Being Index*. [Data and Data Dictionary]. Retrieved from: https://open.canada.ca/data/en/dataset/56578f58-a775-44ea-9cc5-9bf7c78410e6

Grammond, S. (2014). Equally recognized? The Indigenous peoples of Newfoundland and Labrador. *Osgoode Legal Studies Research Paper Series.* 70.

Gudynas, E. (2011). Buen Vivir: Today's tomorrow. *Development.* 54:4, 441–447

Guest, G, McQueen, K. M, and Namey, E. E. (2012). *Applied Thematic Analysis*. Thousand Oaks, CA: Sage Press.

Hall, P. A. and Taylor, R. C. R. (1996). Political science and the three new institutionalisms. *Political Studies.* 54: 936-957

Hampton, E. (1995). Towards a redefinition of Indian Education. In Battiste, M. A., and
      Barman J. (1995). [Eds.] *First Nations Education in Canada: The Circle Unfolds*.
      Vancouver: University of British Columbia Press.

Hanrahan, M. (2003). "The Lasting Breach: The Omission of Aboriginal People from the Terms
      of Union between Newfoundland and Canada and Its Ongoing Impacts." In V. Young, E.
      Davis, and J. Igloliorte [Commissioners], Royal Commission on Renewing and
      Strengthening Our Place in Canada: Collected Research Papers. St. John's: Office of the
      Queen's Printer, Newfoundland and Labrador.

(2012). A story of invisibility: The reaction of the print media to the formation of Qalipu
      Mi'kmaq First Nation. *Native Studies Review* 12(1): p 61-82

Health Council of Canada (2012). Empathy, dignity, and respect: creating cultural safety for
      aboriginal people in urban health care. [report]. Retrieved from:
      https://learningcircle.ubc.ca/files/2014/05/Empathy-dignity-and-respect-Creating-cultural-
      safety-for-Aboriginal-people-in-urban-health-care.pdf

Heritage Newfoundland and Labrador (2008). Disappearance of the Beothuk. [website].
      Retrieved from: https://www.heritage.nf.ca/articles/aboriginal/beothuk-
      disappearance.php

 - (2008). Inuit Organizations and Land Claims. [website]. Retrieved from:
      https://www.heritage.nf.ca/articles/aboriginal/inuit-land-claims.php

 - (2008). Impact of Non-Aboriginal Activities on the Inuit. [Website]. Retrieved from:
      https://www.heritage.nf.ca/articles/aboriginal/inuit-impacts.php

Hibbing, J.R and Theisse-Morse, E. (2008). Voice, validation and legitimacy., in Brandon,
      Sullivan, John Sullivan, and Mark Snyder, [Eds]. *Cooperation and Its Consequences for
      Public Life.* Lincoln: University of Nebraska Press

Higgins, J. (2011). The Voisey's Bay Mine. [website]. *Heritage Newfoundland and Labrador*.
      Retrieved from: https://www.heritage.nf.ca/articles/economy/voiseys-bay.php

Hiller, J.K. (2001). The Moravian Church. [Website]. *Heritage Newfoundland and Labrador*.
      Retrieved from: https://www.heritage.nf.ca/articles/society/moravian-church.php

Hogan, J. (2019). The Critical Juncture concept's evolving capacity to explain policy change.
      European Policy Analysis 5(2): 170-189.

Hot, A. (2009). Language Rights and Language Choices: The Potential of Inuktitut Literacy. *Journal of Canadian Studies/Revue d'études canadiennes*, Volume 43, Number 2, pp. 181-197.

Isaac, T. (2012). *Aboriginal Law: Commentary and Analysis.* Saskatoon: Purich Publishing Ltd.

Jackson, J. E., and Warren, K. B. (2005). Indigenous movements in Latin America, 1992-2004: controversies, ironies, new directions. *Annual Review of Anthropology*, 34: 549-573.

Jackson, D. (1993). *On the Country: The Micmac of Newfoundland*. St. John's, Newfoundland: Harry Cuff Publishing

Jeddore, J.N. (August 2011). "There were no Indians here". *The Independent, Newfoundland and Labrador.*

(2015). *Moccasin Tracks: A Memoir of Mi'kmaw Life in Newfoundland* St. John's: ISER Books.

James Bay and Northern Quebec Agreement (1984). Nunavik Inuit, James Bay Cree Nation, Naskapi Nation, Government of Quebec, Government of Canada.

Kalt, J. P. (2007). "The role of constitutions in native nation building: laying a firm foundation." in Jorgensen, M. (ed.) *Rebuilding Native Nations: Strategies for Governance and Development*. Phoenix: University of Arizona Press. pp. 78-114.

King, T. (2013). *The Inconvenient Indian: A Curious Account of Native People in North America*. Toronto: Anchor Canada.

King, G, Keohane, R. O, and Verba, S. (1994). *Designing Social Inquiry*. Princeton, NJ: Princeton University Press.

Kitson, R. and Bowes, J. (2010). Incorporating Indigenous Ways of Knowing in Early Education for Indigenous Children. *Australasian Journal of Early Childhood Education.* 35(4). doi.org/10.1177/183693911003500410

Korneski, K. (2016). Planters, Eskimos, and Indians: Race and Organization of Trade under the Hudson's Bay Company in Labrador, 1830-1850.

Lawrence, B. (2014). Federally unrecognized indigenous communities in Canadian contexts. In Forte, M. C. (ed., 2013): *Who is an Indian? Race, Place, and the Politics of Indigeneity in the Americas*. University of Toronto Press

(2009). Reclaiming Ktaqamkuk: Land and Mi'kmaq Identity in Newfoundland. In J. Agyeman, P. Cole, R. Haluza-DeLay, & P. O'Riley (Eds.), *Speaking for Ourselves: Environmental Justice in Canada* (pp. 42-64). Vancouver: UBC Press.

Leavitt, R. (1995). Language and cultural content in native education. In Battiste, M. A., and Barman J. (1995). [Eds.] *First Nations Education in Canada: The Circle Unfolds*. Vancouver: University of British Columbia Press.

Légaré, A. (2008). Canada's Experiment with Aboriginal Self-Determination in Nunavut: From Vision to Illusion. *International Journal on Minority and Group Rights*. 15: 335–367

Lemont, Eric D. (2006) "Introduction" in Lemont, Eric D., ed. American Indian Constitutional Reform and the Rebuilding of Native Nations. Austin, US: University of Texas Press.

Long, K. (2014). The relationship between traditional cultural engagement and health: data from Miawpukek First Nation's regional health survey. [Master's Thesis]. Halifax, NS: Dalhousie University.

Loukacheva, N. (2012). Indigenous Inuit law, "Western" law and northern issues. *Arctic Review on Law and Politics*. 3(2): 200–217.

Lynch, J. F. (2013). Chapter 1: Aligning sampling strategies with analytic goals. In Mosley, L. [Ed], *Interview Research in Political Science*. Ithaca, NY: Cornell University Press.

McDonald, F. and Wood, B. (2016). Potential through Paradox: Indigenous rights as human rights. *Citizenship Studies*. 20 (6-7). 710-727

McMahon, N. and Alcantara, C. (2019). Running for elected office: indigenous candidates, ambition, and self-government. *Politics, Groups, and Identities.* DOI: 10.1080/21565503.2019.1584750

McNeil, K. (1996). Aboriginal Governments and the Canadian Charter of Rights and Freedoms. *Osgoode Hall Law Journal* 34.1: 61-99.

McNeigh, S. and Ladik, (January 2019). [Updated]. Finally coming home: Scotland to return remains of Beothuks *The Guardian*.

Miawpukek First Nation (2015). *Miawpukek First Nation Governance Code* [Policy document]. Retrieved from: https://docs.google.com/document/d/1eayeUvbmt3sPGcQZdLJQeBwzjYeKqyIE/edit

Metatawabin, E. with Shimo, A. (2014). *Up Ghost River*. Penguin Random House.

Newhouse, D. (2000). Modern aboriginal economies: capitalism with a red face. *Journal of Aboriginal Economic Development*. 1(2): 55-61

Otis, G. (2006). "Aboriginal governance with or without the Canadian charter?" In Christie. G. (ed.) *Aboriginality and Self-Governance: A Multidisciplinary approach*. Canada Council for the Arts.

Palmater, P. (October 2019). Abolishing the *Indian Act* means eliminating First Nations' rights. *Macleans*. retrieved from: https://www.macleans.ca/opinion/abolishing-the-indian-act-means-eliminating-first-nations-rights/

Panagos, D. (2008). *Aboriginality, existing aboriginal rights and state-accommodation in Canada* (doctoral thesis). Kingston, ON: Queen's University.

-. & Grant, J. A. (2013). Constitutional change, Aboriginal rights, and mining policy in Canada. *Commonwealth & Comparative Politics*, 51:4, 405-423, DOI: 10.1080/14662043.2013.838373

Papillon, M. (2015). Introduction: The Promises and Pitfalls of Multilevel Governance. In Papillon, M, and Juneau, A. (Eds. 2015) *Canada: The State of the Federation, 2013. Aboriginal Multilevel Governance.* Kingston, ON: Institute for Intergovernmental Relations, Queens University

Pastore, P. (1998). History of the Newfoundland Mi'kmaq. *Heritage Newfoundland and Labrador.* Retrieved from: https://www.heritage.nf.ca/search.php?q=Mi%27kmaq+language

Pastore, P. (1998). Traditional Mi'kmaq culture. *Heritage Newfoundland and Labrador.* Retrieved from:

Patrick, D. (2013). Inuitness and territoriality in Canada. In Forte, M. C. (Ed., 2013). *Who is an Indian? Race, Place, and the Politics of Indigeneity in the Americas*. University of Toronto Press

Pertusati, L. (1997). *In defense of Mohawk land: Ethnopolitical conflict in Native North America.* Albany, NY: SUNY press,

Puig, S. M. (2010). The Emergence of Indigenous Movements in Latin America and Their Impact on the Latin American Political Scene: Interpretive Tools at the Local and Global Levels. *Latin American Perspectives*. 36:6, 74-92.

Ray, F. (2012). Preserving Indian preference for Native American Self Governance. *American Indian Law Review*. 36:1, 223-52

Riccucci and Van Ryzin, G. G. (2016). Representative Bureaucracy and the Willingness to

Coproduce: An Experimental Study. *Public Administration Review*. 76(1): 121-130.

Roache, T. (2017). The long road to recognition for the Qalipu Mi'kmaq. *Aboriginal Peoples'*

Television Network. Retrieved from: https://aptnnews.ca/2017/02/01/the-long-

road-to-recognition-for-the-qalipu-mikmaq/

Rodon, T. (2014). "Working together": The dynamics of multilevel Governance in Nunavut.

Arctic Review on Law and Politics. 5(2): 250–270.

Rodon, T, and Lévesque, F. (2015). Understanding the social and economic impacts of

mining development in Inuit communities: experiences with past and present mines

in Inuit Nunangat. *The Northern Review.* 41: 13-39

Royal Commission on Aboriginal Peoples, the. (1994). *The High Arctic Relocation*: 1953-55

relocation. Retrieved from: http://publications.gc.ca/collections/collection_2016/bcp-

pco/Z1-1991-1-41-3-eng.pdf

Rusco, E. (2006). "The Indian Reorganization Act and the rebuilding of Native Nations" in

Lemont, E. D., [Ed.] American Indian Constitutional Reform and the Rebuilding of Native

Nations. Austin, US: University of Texas Press

Sachs, J. D., and Warner, A. M. (2001). The curse of natural resources *European Economic*

Review 45(4-6): 827-838

Sinclair, R. (2007). Identity Lost and Found: Lessons from The Sixties Scoop. *First Peoples*

Child and Family 3(1): 56-82.

Shepsle, K.A. (2006). Rational Choice Institutionalism. In Rhodes R. A. W., Binder, S. A.,

Rockman, B. A. (2006). *Oxford Handbook of Political Institutions*. Oxford: Oxford

University Press.

Spicer, Z. (2017). Bridging the accountability and transparency gap in intermunicipal

collaboration. *Local Government Studies*. 43(3): 388-407.

Standing Committee on Indigenous and Northern Affairs (INAN, 2018). *From the Ashes:*

Reimagining Fire Safety and Emergency Management in Indigenous Communities.

 - *(INAN, 2018). Indigenous Land Claims: Toward Respect and Implementation*. Retrieved from:

https://www.ourcommons.ca/DocumentViewer/en/42-1/INAN/report-12/page-5

Standing Senate Committee on Aboriginal Affairs (2018). *"We can do Better": Housing in Inuit Nunangat*. Ottawa: The Parliament of Canada.

Stocks, A. (2005). Too Much for Too Few: Problems of Indigenous Land Rights in Latin America. *Annual Review of Anthropology*. 34: 85-105

Taylor, J.G. (1998). Inuit Post-Contact History. *Heritage Newfoundland and Labrador* [website]. Retrieved: https://www.heritage.nf.ca/articles/aboriginal/inuit-history.php

Tilly, C. & Tarrow, S. (2007). *Contentious Politics*. Oxford University Press.

Tulk, E. (2008). "Our Strength is Ourselves": Identity, status, and Cultural Revitalization among the Mi'kmaq in Newfoundland. [Doctoral thesis]. Memorial University of Newfoundland.

United Nations Declaration on the Rights of Indigenous Peoples (2006). *United Nations General Assembly*, Article 4, p. 8.

United Nations Development Programme (2011). Chapter 8. Governance principles, institutional capacity, and quality. *Towards Human Resilience: Sustaining MDG Progress in an Age of Economic Uncertainty*. New York: Bureau for Development Policy.

University of Northern British Columbia (2020). Inuit Regional Autonomy [website]. Retrieved from: https://www.unbc.ca/inuit-regional-autonomy

Van Cott, D. L. (2007). Latin America's Indigenous Peoples. *Journal of Democracy.* 18, 4: 127-142.

Wetzel, J. (1995). *Decolonizing Ktagmkuk Mi'kmaw history*, LL.M Theses, Dalhousie University.

(1999) The hidden Term of Union: Executive summary, confederation and federal abandonment of the Newfoundland Mi'kmaq. *Newfoundland Quarterly*. **92** (4): 23–28.

White, G. (2009). "Nunavut and the Inuvialuit Settlement Region: Differing Models of Northern Governance." In *Northern Exposure*, ed. Frances Abele , Thomas J. Courchene, F. Leslie Seidle and Frances St-Hilaire . Ottawa: IRPP

(2006), "Traditional Aboriginal Values in a Westminster Parliament: The Legislative Assembly of Nunavut" *Journal of Legislative Studies*, 12: 8-31.

Wilson, G and Alcantara, C. (2012). Mixing Politics and Business in the Canadian Arctic: Inuit Corporate Governance in Nunavik and the Inuvialuit Settlement Region. *Canadian Journal of Political Science*. 45(4): 781-804.

-, Alcantara, C. and Rodon, T. (2015). Chapter 3. Multilevel governance in the Inuit regions of

the territorial and provincial north. In Papillon, M, and Juneau, A. (Eds. 2015) *Canada:*

The State of the Federation, 2013. *Aboriginal Multilevel Governance.* Kingston, ON:

Institute for Intergovernmental Relations, Queens University

Wolfe, P. (2006). Settler colonialism and the elimination of the native. *Journal of Genocide*

Research 8(4): 387-409

Appendix A: list of semi-structured interviews

Table A1: List of Interviews, Nunatsiavut

Interview	Participant	Date	Description
1	Anonymous	April 3, 2017	NG Beneficiary, female
2	Anonymous	April 20, 2017	Beneficiary, Ordinary Member, NG Assembly, male
3	Anonymous	April 20, 2017	Beneficiary, NG Assembly, male
4	Stan Oliver	April 20, 2017	Beneficiary, male
5	Ernie McLean	April 20, 2017	Beneficiary, former MHA and Minister, Legislative Assembly of NL, male
6	Anonymous	April 21, 2017	Beneficiary, Ordinary Member, NG assembly, female
7	Anonymous	April 23, 2017	Beneficiary, female
8	Anonymous	April 24, 2017	NG assembly, beneficiary male
9	Max Blake	April 24, 2017	Beneficiary, male
10	Anonymous	April 25, 2017	Beneficiary, female
11	Anonymous	April 25, 2017	Beneficiary, male
12	William Barbour	April 26, 2017	NG employee, beneficiary elder, male
13	Jim Lyall	April 27, 2017	Ordinary member, president NG assembly, male
14	Anonymous	April 27, 2017	Beneficiary, NG Assembly, male
15	Anonymous	April 27, 2017	Beneficiary, NG employee, female
16	Anonymous	April 28, 2017	Beneficiary, male
17	Anthony Andersen	April 28, 2017	Beneficiary, male
18	Don Dicker, Sr.	April 28, 2017	Beneficiary, elder, male
19	Anonymous	May 1, 2017	Beneficiary, Female
20	Anonymous	May 2, 2017	Beneficiary, male
21	Marjorie Flowers	May 2, 2017	Beneficiary, AngajukKâk, NG Assembly, female
22	Anonymous	May 3, 2017	Beneficiary, female
23	Anonymous	May 4, 2017	Beneficiary, male
24	Anonymous	May 8, 2017	Beneficiary, Ordinary Member, NG Assembly, male
25	Anonymous	May 9, 2017	Beneficiary, NG Assembly, male
26	Anonymous	May 9, 2017	Beneficiary, NG Assembly, female
27	Anonymous	May 10, 2017	Beneficiary, NG Assembly, female
28	Anonymous	May 16, 2017	Beneficiary, NG Assembly, male
29	Anonymous	May 17, 2017	Beneficiary, male
30	Anonymous	June 27, 2017	Beneficiary, Ordinary Member, male
31	Anonymous	June 29, 2017	Beneficiary, male
32	Eric Andersen, Jr.	October 26, 2017	Beneficiary, male

Table A2: List of Interviews, Conne River

Interview	Participant	Date	Description
33	Anonymous	April 11, 2017	MFN Employee, male
34	Anonymous	April 11, 2017	MFN Employee, female
35	Chief Mi'sel Joe and Shane McDonald	April 11, 2017	Chief, male/Band Councilor, male
36	Anonymous	April 11, 2017	Band Councilor, female
37	Anonymous, couple	April 11, 2017	Community Members, male, female
38	Anonymous	April 12, 2017	Community member
39	Mary Benoit	April 12, 2017	Community member, church leader
40	Anonymous, couple	April 12, 2017	Community members, male, female
41	Anonymous	April 12, 2017	Community member, male
42	Anonymous	April 12, 2017	Community member, female
43	Priscilla Drew	April 14, 2017	Community member, Elder, female

Appendix B: pathways to self-government

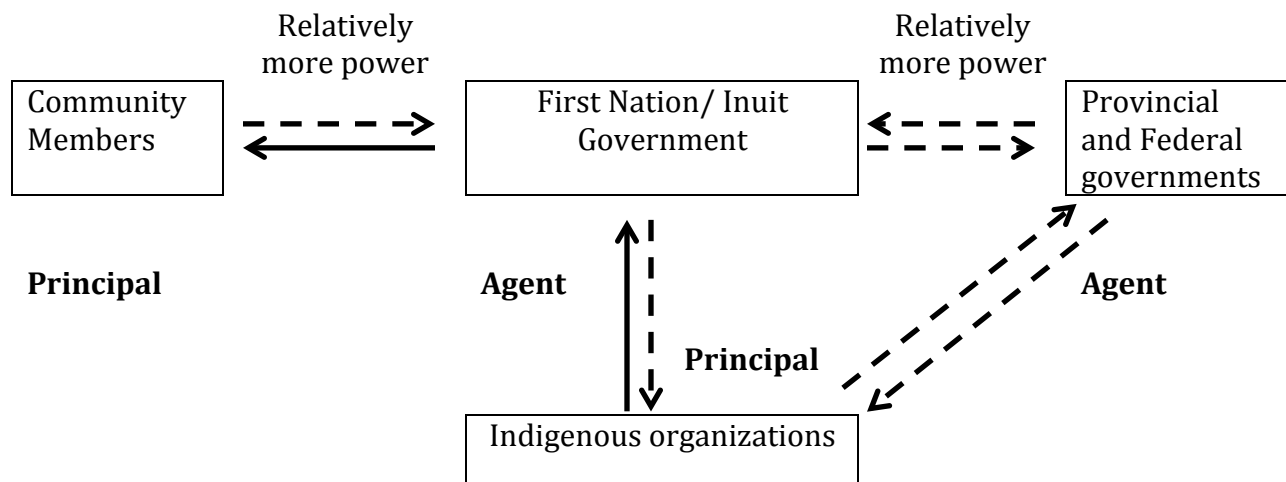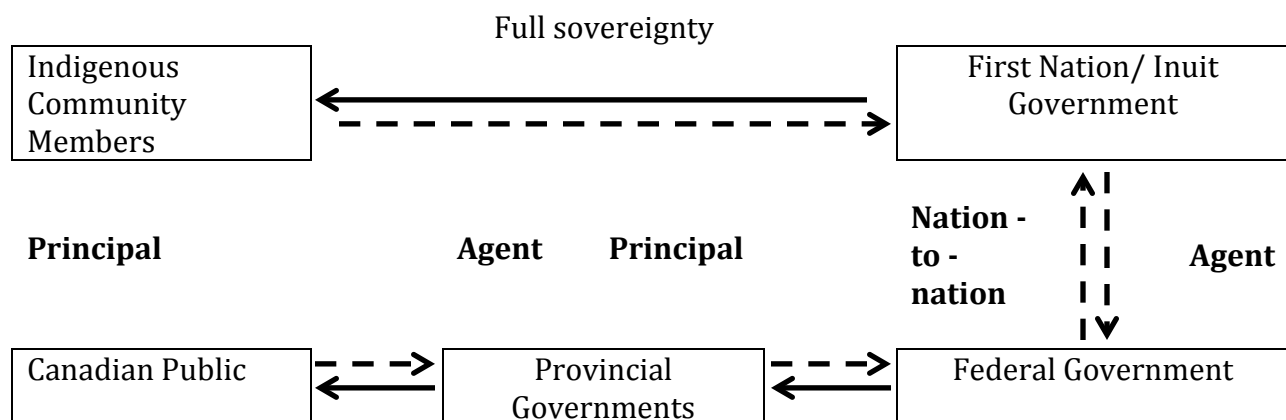*Figure B1: The principal-agent model and Trilateral Federalism*

Relatively more power | Relatively more power

Community Members → First Nation/ Inuit Government ⇄ Provincial and Federal governments

Principal **Agent** **Agent**

Principal

Indigenous organizations

Figure B2: The principal-agent model and a nation – to – nation / Inuit to Crown relationship

Full sovereignty

Indigenous Community Members ⇄ First Nation/ Inuit Government

Principal **Agent** **Principal** **Nation - to - nation** **Agent**

Canadian Public ⇄ Provincial Governments ⇄ Federal Government

Appendix C: interview scripts

Interview Guide
Local Stakeholders and officials in Miawpukek Mi'kmaq First Nation

Script
Thank you for agreeing to be part of this research study. The goal of this research is to better understand the politics and long-term impact of the ongoing comprehensive land claims negotiations and accompanying self-government agreements in NL. I also want to examine the effects of any constraints placed on this process by the Canadian political environment and the process of managing such obstacles.

I am interviewing local officials or other prominent community members who are or were involved in any part of the negotiations processes. During this interview, we will ask you a series of questions about your knowledge or experience working in this capacity; your personal views or strategies vis-à-vis the concept of self-government or self-determination, and how this process fits into the future of your community. This interview will run between 30 to 60 minutes, depending on your time and level of interest. Please note that you can end the interview at any time and that you may skip any questions you do not wish to answer. Your identity will be kept strictly confidential. We will not use your name in any publications stemming from the research.

I would like to record this interview so that I can transcribe it later. As per University policy, data will be kept for a minimum of five years, as required by Memorial University's policy on Integrity in Scholarly Research.

Do you give me permission to record this interview?
Do you give me permission to begin the interview?

CATEGORIES QUESTIONS

Background

Can you [each] tell me about your current role in the management of public affairs in Miawpukek First Nation and your background?

Can you [each] tell me about your involvement (if any) in the ongoing process of negotiating the MFN agreement with the federal government over the last 10 years or more?

What was the main goal for MFN in the CLC, Self Government agreement? negotiations at that time?

Are you aware of any other similarities this negotiation process may have with that of any other land claims or Self Government negotiation process in Canada? What makes them similar [what makes this process unique]?

It is my understanding that the ongoing process of negotiations with the federal government have not yet resulted in a modern treaty and that the 2013 Agreement in Principle for the practice of

Self Government in Miawpukek FN, though adopted by the Council, is not formally ratified by the federal government. Can you comment on this situation?

How would you describe the behaviour of the federal government in this matter overall?

In your view, what is required for a community to be Self-Governing?

Is the present activity of the Band Council for MFN enough to be considered a self-government?

Context

Institutional Considerations

What role (if any) should the provincial and federal governments play in the management of any local affairs in Conne River?
Regarding Cultural practice
- employment?
- or housing?

As per the 2013 version of the Agreement, there is a provision for the preservation and continuation of cultural values in various aspects of government, particularly education. How is this evident in the community?

Can this be found any actions by the local government?

How important is it to you or your community that any traditional values and government practices of the Miawpukek Mi'kmaq be present in the modern constitution and government structures and practices?

How is your community achieving this?

What special considerations do indigenous governments need to have that differ from regular Canadian municipalities?

What are the advantages?

Some people think true autonomy of indigenous communities is incompatible with Canadian federalism. In your view, how does your community's right to greater autonomy or land and resource control fit into Canadian federalism? Can our traditional understanding of federalism be modified to better accommodate aboriginal community governance or other inherent rights?

Political Considerations

How does MFN Government represent the needs of the community?
Within Conne River?

At the federal government level?

Can you describe any changes to the Democratic process or representation in the community in the past 15 years?

How might this have affected the following:

Cultural preservation and promotion?

Employment?

Housing?

Any other important political changes in the community?

Have there been any major instances of misconduct among the council in the last decade? How was this handled?

Who are the major stakeholders involved in the local affairs of your community?

How might these actors have contributed to local matters of government?

Outcomes

How do things for MFN differ today from what went before the creation of Miawpukek First Nation?

From your perspective, what are the major successes or strengths of community governance in Miawpukek FN:
For cultural preservation and promotion?

Employment?

Housing?

From your perspective, what are the weaknesses or limitations?

Has the government been successful overall?

What explains why policy generated in the community creates better outcomes than what the federal government might do to solve problems in the community?

Future
How do you think MFN will fare in the years to come?

Will it continue to be a model of successful community government, or even self-government?

Conclusion
Is there something you would like to talk about that you haven't mentioned?

Interview Guide
Local Stakeholders and officials, Nunatsiavut Government

Script
Thank you for agreeing to be part of this research study. The goal of this research is to better understand the politics and long-term impact of the ongoing comprehensive land claims negotiations and accompanying self-government agreements in NL. I also want to examine the effects of any constraints placed on this process by the Canadian political environment and the process of managing such obstacles.

I am interviewing local officials or other prominent community members who are or were involved in any part of the negotiations processes. During this interview, we will ask you a series of questions about your knowledge or experience working in this capacity; your personal views or strategies vis-à-vis the concept of self-government or self-determination, and how this process fits into the future of your community. This interview will run between 30 to 60 minutes, depending on your time and level of interest. Please note that you can end the interview at any time and that you may skip any questions you do not wish to answer. Your identity will be kept strictly confidential. We will not use your name in any publications stemming from the research.

I would like to record this interview so that I can transcribe it later. As per University policy, data will be kept for a minimum of five years, as required by Memorial University's policy on Integrity in Scholarly Research.

Do you give me permission to record this interview?
Do you give me permission to begin the interview?

CATEGORIES QUESTIONS

Background

Can you [each] tell me about your current role in the management of public affairs in Nunatsiavut, and your background?

Can you [each] tell me about your involvement (if any) in the process of negotiating the LILCA with the provincial or in Self-Government?

Follow up: What was the main goal for Nunatsiavut in establishing, Self-Government agreement?

Follow up: How would you describe the behaviour of the federal government in this matter overall?

The Labrador Inuit have had a self-government arrangement in place for about 10 years now. Before we start the main part of the interview, do you have any comments on how things are going so far?

Would you say that Nunatsiavut Beneficiaries are better off with Self-Government than before? Has NG been truly self-governing in your opinion?

Context

Community Considerations

Over the past 10-20 years, how much improvement have you seen in living conditions, the business environment, and public services in your community?

Follow up: Would you attribute any of this to better community representation or policy in local government?

How important is it to you that Labrador Inuit cultural values are present in your government's laws and constitution?

Should your government be structured in a way that is culturally relevant? Would this include anything related to the Moravian Church and Christianity? Inuit Cultural traditions or ways of knowing?

Political Considerations

What role (if any) should the provincial and federal governments play in the management of any local affairs in Nunatsiavut?

In your view, how well does NG democratically represent its constituents? Are elections fair? Do people in the community feel their voice is heard?

What progress has been made in Nunatsiavut in the following policy areas?
 - Inuit Culture and Language retention
 - Food and food security.
 - Employment?
 - Housing?

Does the democratic process in NG help to ensure success in these areas?

Outcomes

How do things for MFN differ today from what went before the creation of Nunatsiavut Government?

From your perspective, what are the major successes or strengths of community governance in Nunatsiavut:

For cultural preservation and promotion?

Employment?

Housing?

What explains these successes?

From your perspective, what are the weaknesses or limitations?

What explains these?

What explains why policy generated in the community creates better outcomes than what the federal government might do to solve problems in the community?

Is there anything your office could be doing differently to address challenges?

Future
How do you think Nunatsiavut will fare in the years to come? Will it continue to be a model of successful self-government?

Conclusion
Is there something you would like to talk about that you haven't mentioned?

Interview Guide
Nunatsiavut Community Members

Script
Thank you for agreeing to be part of this research study. The goal of this research is to better understand the politics and long-term impact of the ongoing comprehensive land claims negotiations and accompanying self-government agreements in NL. I also want to examine the effects of any constraints placed on this process by the Canadian political environment and the process of managing such obstacles.

I am interviewing local officials or other prominent community members who are or were involved in any part of the negotiations processes. During this interview, we will ask you a series of questions about your knowledge or experience working in this capacity; your personal views or strategies vis-à-vis the concept of self-government or self-determination, and how this process fits into the future of your community. This interview will run between 30 to 60 minutes, depending on your time and level of interest. Please note that you can end the interview at any time and that you may skip any questions you do not wish to answer. Your identity will be kept strictly confidential. We will not use your name in any publications stemming from the research.

I would like to record this interview so that I can transcribe it later. As per University policy, data will be kept for a minimum of five years, as required by Memorial University's policy on Integrity in Scholarly Research.

Do you give me permission to record this interview?
Do you give me permission to begin the interview?

CATEGORIES QUESTIONS

Background

Can you tell me about your role in your community?

The Labrador Inuit have had a self-government arrangement in place for about 10 years now. Before we start the main part of the interview, do you have any comments on how things are going so far?

Would you say that Nunatsiavut Beneficiaries are better off with Self-Government than before? Has NG been truly self-governing in your opinion?

Context

Community Considerations

Over the past 10 years, how much improvement have you seen in living conditions, the business environment, and public services in your community? Would you attribute any of this to better community representation or policy in local government?

How important is it to you that local cultural values be present in your government's laws and constitution? Should your government be structured in a way that is culturally relevant? Would this include anything related to the Moravian Church and Christianity? Inuit Cultural traditions or ways of knowing? Is this happening in your opinion?

Political Considerations

What role (if any) should the provincial and federal governments play in the management of any local affairs in Nunatsiavut?

In your view, how well does NG democratically represent its constituents? Are elections fair? Do people in the community feel their voice is heard?

What progress has been made in Nunatsiavut in the following policy areas?
 - Inuit Culture and Language retention
 - Food and food security.
 - Employment?
 - Housing?

Does the democratic process in NG help to ensure success in these areas?

Outcomes

From your perspective, what are the major successes or strengths of Nunatsiavut government?

What explains these successes?

From your perspective, what are its weaknesses or limitations?

What explains these?

Conclusion
Is there something you would like to talk about that you haven't mentioned?