

The Nunavik Commission and the Path to Self-Government in Arctic Quebec¹

**Gary N. Wilson
Department of Political Science
University of Northern British Columbia
3333 University Way
Prince George, British Columbia
V2N 4Z9**

**wilsong@unbc.ca
(250) 960 5514**

Introduction

In recent years, Inuit peoples in the Circumpolar North have made tremendous strides towards realizing the goal of self-government. The negotiations concerning the development of a system of public self-government in Nunavik, the northern third of the province of Quebec, are just the latest in a series of self-government arrangements involving the Inuit of Canada, Greenland, the United States and Russia. The quest to regain the autonomy enjoyed by Inuit peoples in northern Quebec prior to European contact began in the 1950s with the emergence of the cooperative movement in northern Quebec. In the 1970s, the threat posed by James Bay Hydro-Electric Project galvanized Aboriginal peoples in the North, including the Inuit, in the struggle against development. The outcome of this struggle was the James Bay and Northern Quebec Agreement

¹ The author would like to acknowledge the support and input of Paul Bussieres, Donat Savoie, Louis-Jacques Dorais, Jean-Jacques Simard, Minnie Grey and Harry Tulugak. This document is a draft. Please do not quote without the author's permission.

(JBNQA), a document which put in place the institutions of governance that have served the needs of Inuit and non-Inuit peoples in northern Quebec for the past three decades.

In the 1980s and 1990s, the people of Nunavik entered into negotiations with the provincial and federal governments on a new form of public self-government in the region. In order to determine a framework for a new system of government, the various parties to the negotiations created the Nunavik Commission, a trilateral body with representation from Nunavik, Quebec and Canada. The goal of the Commission was to “identify the required means to establish a form of public government that can meet the needs of a northern community while operating within federal and provincial jurisdictions.” (Dufour and Tremblay, 1). After conducting public hearings and other consultations over a 17 month period, the Commission produced a report and series of recommendations in March 2001 (Amiqqaaluta). These recommendations have formed the basis for the trilateral self-government negotiations that are currently taking place.

This paper will examine the work of the Nunavik Commission as a means of identifying the benefits and challenges of developing a new form of public self-government in Northern Quebec. Part one will consider the Nunavik case within the broader context of Aboriginal politics and federalism in the Canadian and Circumpolar Norths. The proposed Nunavik government will govern a region which will be embedded within the province of Quebec. As such, it will be consistent with the types of nested federal arrangements that are common in the Russian Federation and the notion of three-cornered federalism, a style of federal governance identified in the literature on Canadian Aboriginal policy and politics. The Commission and the on-going negotiations

on self-government are an excellent illustration of the challenges inherent in negotiating and operationalizing such trilateral arrangements.

One of the anticipated outcomes of the self-government process, as recommended by the Commission, is the amalgamation of the existing, separate institutions of government in Nunavik into a single government body with expanded authority. The second part of this paper will examine the challenges of creating such an amalgamated government. It will focus specifically on the dispute that taken place between one of the existing institutions, the Kativik School Board, and the Makivik Corporation, the recognized Inuit party to the JBNQA, over the issue of institutional amalgamation, a dispute that has affected the work of the Commission and the negotiations on self-government. Given the entrenched political and economic nature of the governance institutions in Nunavik and the fact that these institutions have been in place for almost three decades, it stands to reason that some institutions might have reservations about the proposed changes. In the case of the dispute between the KSB and Makivik, however, such reservations have threatened to derail the process of negotiating a self-government arrangement. Herein lies an interesting paradox facing Nunavik. On the one hand, Nunavik has already has a well-developed set of regional government institutions, a fact viewed by some as helpful to the development of a more autonomous self-government structure in the region. On the other hand, the entrenched nature of these institutions may act as an impediment to self-government.

Federalism and Aboriginal Self-Government

The literature on Aboriginal politics in Canada has identified a number of styles of federalism which relate to the different relationships that can exist between Aboriginal governments and organizations, and other orders of government within the federal system (Abele and Prince, 137-8). Several of these styles of federalism may be helpful in terms of understanding the changes that are currently taking place in Nunavik. One of the most common is treaty federalism, a system of federal governance which has its roots in the pre-contact *Haudenosaunee* or Iroquois Confederacy (Ladner, 169). Under a system of treaty federalism, an Aboriginal nation forms a political relationship with other nations or orders of government on the basis of a treaty. This treaty acts as a fundamental constitutional document governing relationships between these different nations or orders of government (Abele and Prince, 140-141). In the context of Nunavik, the James Bay and Northern Quebec Agreement, which has been called the first “modern” treaty, gave birth to the current institutional structure of the Kativik Region in northern Quebec. This institutional structure included: the Kativik Regional Government (KRG), the Kativik School Board (KSB) and the Kativik Regional Council of Health and Social Services (which would later be renamed the Nunavik Board of Health and Social Services (NBHSS)). The JBNQA also created the Makivik Corporation, a non-profit organization owned by the Inuit of Nunavik whose central mandate is to protect the integrity of the JBNQA and focus on “the political, social and economic development of the Nunavik region.” (Makivik Corporation).

Another style of federalism which will play an increasingly important role in the success of a future self-government arrangement in Nunavik will be cooperative

federalism. As the name suggests, cooperative federalism aims to reduce conflict and enable coordination through joint planning, financing and programming across orders of government and in multiple policy fields (Watts, 60; Abele and Prince, 138). It is the result of increased interdependence and complexity in modern political systems and the need for intergovernmental consultation and cooperation to deal with these challenges (Watts, 60). The concept of cooperative federalism is not limited to Aboriginal politics; it has been used to describe various stages in the development of Canadian federalism since Confederation.

The Nunavik Commission itself is a good example of the type of outcomes that are possible under a system of cooperative federalism. As noted above, the Commission contained representatives from Nunavik, and the federal and provincial governments. The current self-government negotiations are also trilateral in nature, and some of the bodies that have been proposed by the Nunavik Commission Report will have representation from three orders of government.² If the proposed government is to succeed, it will need to strengthen existing intergovernmental relations with the governments of Quebec and, to a lesser extent, Canada. Such intergovernmental relations are a critical component of any federal system, but especially of one founded on the principles of cooperative federalism.

A key variable in the self-government negotiations in Nunavik is the fact that these developments are taking place in Quebec, the scene of many divisive and conflictual intergovernmental battles over the years. Given the nature of Quebec politics over the last three decades, one would expect that any negotiations involving self-government or autonomy in that province would have progressed slowly, if at all. This is

² Nunavik Environmental Commission and Nunavik Wildlife Commission

especially true if one considers the position of successive Quebec governments on the question of the “divisibility” of Quebec in the event of a successful separation vote. It is important to note, however, that the current self-government process began in earnest in 1983 after Premier Rene Levesque, leader of separatist Parti Quebecois (PQ), invited the Inuit of Nunavik to develop and submit proposals for self-government at hearings in the Quebec National Assembly (Nunavik, 01.01, 7).³ While it is fair to say that the self-government negotiation process has been impacted negatively by the politics of Quebec separatism, it is apparent that important breakthroughs and progress have been made under both Liberal and PQ governments. It is also true that the goal of successive Quebec governments, whatever their respective political orientations, is to preserve the territorial integrity of the province of Quebec by embedding any self-governing region firmly within the existing provincial boundaries. This is especially true for separatist governments, as they do not see Quebec as divisible in the event of separation. Given that a majority of Inuit in Nunavik voted no to Quebec separation in the 1995 referendum, it is clear that Quebec separatists want the Inuit of Nunavik to commit themselves legally to the province of Quebec.

In many respects, therefore, the current negotiations on self-government in Nunavik are part of province building federalism, a third style of federalism that is common in Canada (Abele and Prince, 147). The Quebec government is interested, first and foremost, in negotiating a political and economic arrangement that will entrench the

³ In response to notion of Nunavik autonomy at the hearings of the Parliamentary Commission of the Quebec National Assembly, Rene Levesque commented: “My answer is yes. (...) It is quite simple; if the Inuit unify their approaches in the way of an autonomy within Quebec, in order to have a better management of their affairs, to pass laws in fields that concern them directly, to organize their life, we would be ready at once to discuss that with them and to accept this consideration. We would negotiate from this base whenever they want. (...) We would be ready anytime, but it’s up to them to decide.” (Amiqqaaluta, 1)

region of Nunavik within the province of Quebec. In return, the province is willing to negotiate a transfer of autonomy that will allow the inhabitants of Nunavik a greater degree of self-government. Although the federal government is also a key part of the negotiations, the reality is that since the 1960s, many policy areas and roles in Nunavik that used to fall under the purview of the federal government have been transferred to Quebec. Together with “ensuring” the province’s territorial integrity, gaining control over policy areas and roles that used to be undertaken by the federal government is a key part of Quebec’s province-building strategy.

The last style of federalism that pertains directly to the self-government negotiations taking place in Nunavik is three-cornered federalism. According to Abele and Prince, this federal approach “symbolizes formal collaborative relations among the federal, provincial/territorial governments, and Aboriginal governments or national organizations.” (Abele and Prince, 138) Three-cornered federalism could be interpreted as an extension of cooperative federalism which includes Aboriginal governments or national organizations such as the Assembly of First Nations or the Inuit Tapiriit Kanatami. As such it includes the same emphasis on coordination and joint policy-making. As noted above, such cooperative elements are already parts of the current negotiation process, as well as the work and the recommendations of the Nunavik Commission.

Related to the notion of three-cornered federalism is the concept of nested federalism, a federal model that exists for the most part in the Russian Federation (Wilson, 2003; Wilson 2001). Nested federalism involves “a system of federal governance in which an autonomous territorial unit (or units) exists *within* a recognized

constituent unit of the federation. Such territorial units have limited autonomy within their “host” region, but this autonomy is usually greater than that of a municipal or local government.” (Wilson, 2005) In Russia, these autonomous territorial units are both constituent members of the federation and parts of larger regions which are also constituent members of the federation. These nested territories were originally created during the Soviet period in the 1930s as ethnic homelands for some of Russia’s indigenous minorities. For the most part, they have survived the post-Soviet transition and are now embedded within the federal structure of the Russian Federation.⁴ Most of these regions, which are referred to in Russian as autonomous *okrugs* (districts), are located in the northern parts of European Russia, Siberia and the Russian Far East.

The proposed system of federal governance in Nunavik would closely resemble the nested federal arrangements in Russia, especially in terms of the relations between the various governments. Although Nunavik would not be considered a constituent member of the Canadian federation, it would nevertheless be an autonomous territory with an existing constituent member, a status that would place it somewhere between a province and a municipal government.

In many respects, the concept of nested federalism encapsulates many of the features of the four styles of federalism examined above. In nested federal arrangements, cooperation among the three “corners” of the triangle (regional, provincial and federal) is a functional necessity. Moreover, nested federal arrangements are usually based on some form of written agreement. In the case of Russia, the arrangements are embedded (albeit loosely) in the federal constitution and other trilateral and bilateral agreements. The

⁴ Although, as Wilson (2005) and others have observed, their status as autonomous territories is increasingly under threat as the federal and regional governments in Russia look for ways to consolidate and streamline the federal system.

okrugs, therefore, have constitutional status, along with all of the privileges associated with such status. In the case of Nunavik, the nested federal arrangement would be based first and foremost in the JBNQA, but also in a document which will outline the new structure of government.⁵ In theory, nested federalism also preserves the territorial integrity of the existing region, while accommodating the autonomous region's (or regions') demands for greater autonomy; although, in the case of Russia, there is often disconnect between the larger "host" region's perception of itself within the nested arrangement (first among equals) and the *okrug's* perception of its status in relation to the host region (equals).⁶

The literature on federalism makes a clear distinction between structure and process in any federal arrangement (Elazar, 67-68). While it is critical to have agreement on the federal process and, in particular, the style of federalism, the success of a federal arrangement is also dependent on the institutional structures in which the processes of federal governance are embedded. In nested and three-cornered federal arrangements, intergovernmental relations take place on a trilateral basis. Therefore, the federal institutional structures must seek to represent and accommodate the interests of the various parties within the particular arrangement. In the case of Nunavik, some examples of such institutional structures that have been proposed by the Nunavik Commission Report are the Nunavik Environmental Commission and the Nunavik Wildlife Commission (Amiqqaaluta, 41-44). In order to make self-government a workable reality,

⁵ In the summer of 2003, the parties to the negotiations signed "The Negotiation Framework Agreement on the amalgamation of certain institutions and the creation of a new form of government in Nunavik." Trilateral negotiations on the AIP were completed successfully in January 2005. At the time of writing, the parties to the negotiations were consulting with their respective organizations on the terms of the Agreement in Principle.

⁶ The term host region refers to the larger (territorially) region in which the autonomous regions are nested.

however, the framers of the new system will have to build other tangible and regular linkages between the different orders of government.

The two proposed commissions are examples of *interstate federalism*. Interstate federalism involves government to government consultation, whether it is through commissions or other bodies in specific policy areas, or through more general government to government consultations (regular meetings between ministers and senior bureaucrats – a system that is also referred to in Canadian federal parlance as executive federalism) (Dupre, 2-5; Simeon). Another means of encouraging intergovernmental cooperation and consultation is through *intrastate federalism*. In intrastate federalism, territorial units are represented in national or regional bodies, which function as forums for intergovernmental relations. In Russia, for example, the autonomous *okrugs* are represented in the upper chamber of the federal parliament and have representatives in the legislatures of their host regions. In Canada, intrastate federalism has played a secondary role in forging intergovernmental relations compared to interstate and, especially, executive federalism. The Nunavik Commission, however, has proposed that the region of Nunavik be represented in both the Quebec National Assembly and the Canadian House of Commons (Amiqqaaluta, 45-46). If such representation becomes a reality, these linkages would serve as important conduits of intergovernmental relations.

The Nunavik Commission and the Self-Government Negotiations

The current negotiations on a new form of government for Nunavik have their roots in the decades-long struggle to strengthen and entrench Inuit autonomy in northern Quebec. As suggested above, the cooperative movement, which started in the 1950s,

gave the Inuit of Nunavik a degree of control over economic and commercial activities in this region (Vick-Westgate 65-68; Aatami et al, 222). This control would later be expanded under the terms of the JBNQA, which provided a monetary settlement and created a new set of governance structures. The Nunavik Constitutional Committee (NCC) was created in the mid 1980s following hearings in the Quebec National Assembly on new self-government arrangements. At the time, it was concluded that the region's decision-making powers were too fragmented (Nunavik, 01.01, 7). The NCC entered into negotiations with the Quebec government regarding a new form of self-government for the region. These negotiations, however, were interrupted periodically by the constitutional battles of the 1980s and early 1990s and the Quebec referendum of 1995.

Following the referendum in 1995, Quebec Premier Lucien Bouchard and Makivik Corporation President Zebedee Nungak discussed restarting the negotiations using the commission approach. This approach had been used successfully in Nunavut and Greenland, two other important models for Nunavik (Nunavik, 01.01, 9). In 1999, a Political Accord was signed between the Nunavik Party (an organization headed by Pita Aatami, the President of the Makivik Corporation) and the governments of Quebec and Canada (Political Accord). One of the stated goals of the Accord was to “establish a Nunavik Commission with the mandate to develop a timetable, plan of action, and recommendations for the structure, operations and powers of a government in Nunavik.” (Political Accord, 2) It was expected that such recommendations would serve as the basis for more in-depth discussions on a new form of government (Political Accord, 2). More specifically, the Commission was governed by the following principles, as

expressed in the Political Accord: non-ethnic government; respect for the authority of the Quebec National Assembly and the Parliament of Canada; respect for the rights of the Inuit under the JBNQA; consideration of existing political and economic realities (preservation of the territorial integrity of Quebec); subject to the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms; respect for the Arctic character of Nunavik and the close relationship between the Inuit of Nunavik and Nunavut (Political Accord, 8-10).

The Commission was comprised of representatives from Nunavik and from the federal and provincial governments. It completed its work over the course of 15 months and three distinct phases. First, the Commission visited all the communities in Nunavik and held public hearings. It also conducted private meetings with specific groups such as members of regional organizations and other institutions operating in Nunavik, local government officials and schools. Second, the Commission conducted a series of meetings with officials from federal and provincial departments and ministries, as well as officials from Nunavut and Greenland and other experts. Further meetings were also held with regional organizations and institutions in Nunavik. In the last phase, the Commission established working groups on specific issues. Following these three consultation phases, the Commission's recommendations were finalized and the report was tabled in March 2001 (Amiqqaaluta, 2)

The Commission's recommendations included the amalgamation of the KRG, KSB, NRBHSS and Avataq Cultural Institute into a Nunavik government which would be composed of at least 5 members and a leader, elected on Nunavik-wide basis (Amiqqaaluta, chapter 2). The primary reasons for such an amalgamation are to

encourage more effective and efficient government (Amiqqaaluta, 3). The report called for the creation of a Nunavik Assembly, which would be composed of at least 15 locally elected members. The Assembly would have exclusive law-making powers with respect to Inuit language and culture, and substantive and effective (shared) powers in other areas such as education, health, environment, and land and resources (Amiqqaaluta, 8-10, 11-13). Significantly, the Commission recommended that any development of natural resources would require the consent of the Nunavik Assembly. In addition, the Commission proposed the creation of a Council of Elders, a body that would have an advisory role in the new government. The Council would act as the guardian of Inuit language and culture in Nunavik and would be comprised of representatives from each of the communities in the region and from the Inuit community in Chisasibi⁷ (Amiqqaaluta, 10). To complete the branches of power, the Commission also suggested the creation of a Nunavik Court with a specific judicial district and a full-time judge and resident crown attorney (Amiqqaaluta, chapter 3).

Outside the basic structures of the new government, the Commission made a series of recommendations, regarding the processes of government, in particular involving language, decentralization, financing and intergovernmental relations. Like Nunavut, the official languages of the new government would be Inuttitut, French and English. It is anticipated that Inuttitut would be the predominant working language and that the Nunavik Assembly would be empowered to enact laws which protect Inuttitut and Inuit culture (Amiqqaaluta, 10). The level of Inuttitut language retention in Nunavik is quite high – according to one source, 95% of the Inuit population can speak Inuttitut and, thus, it remains the dominant spoken language (Makivik)

⁷ Chisasibi is a Cree community south of the 55th parallel of latitude.

Linguistic and ethnic considerations aside, the Commission recommended that the new government in Nunavik be a public government. The debate over public versus ethnic government is an important and controversial issue in discussions of Aboriginal self-government in Canada. In many parts of the country, there is a concern that without certain ethnic guarantees, demographics and demographic change may allow non-Aboriginals to take control over public governments in Aboriginal territories. In northern regions, such as Nunavik and Nunavut, however, the vast majority of the population is Inuit and this is likely to remain the case in the future, so the issue of public versus ethnic government is not really a concern. Nevertheless, the fact that the public model is being proposed makes the idea of self-government more palatable to southern interests, therefore removing this divisive issue from the negotiation agenda.

Another similarity with Nunavut involves the proposed decentralization of government throughout the region. In a philosophical sense, the idea of decentralization is generally consistent with the Inuit Qaujimajatuqangit⁸ principle of Pijitsirniq (serving and providing for family and community) and the decentralized, community-oriented principles that are part of Inuit culture. Politically and economically, decentralization will create tangible connections between the communities of the region and the new government and also disperse economically-valuable government positions throughout the regions.

⁸ Inuit Qaujimajatuqangit is a series of 6 principles that are based on the traditional philosophy of the Inuit peoples of the Circumpolar North. These principles include: Pijitsirniq (concept of serving); Aajiqatigiingniq (concept of consensus decision-making); Pilimmaksarniq (concept of skills and knowledge acquisition); Piliriqatigiingniq (concept of collaborative relationships); Avatimik Kamattiarniq (concept of environmental stewardship); and Qanuqtuurunnarniq (concept of being resourceful to solve problems). See: "What is Inuit Qaujimajatuqangit?" *Canku Ota* (An On-line Newsletter Celebrating Native America), January 13, 2001, #27 (http://www.turtletrack.org/Issues01/Co01132001/CO_01132001_Inuit.htm) Date accessed: May 26th, 2005.

One potentially divisive challenge facing the new government has to do with the question of where the capital of Nunavik will be located. For some time now, Kuujjuaq, the largest community in the region, has served as Nunavik's administrative centre. The Commission recommended that the choice of a new capital be made by the population of the region in a referendum (Amiqqaaluta, 16). While Kuujjuaq may seem like the logical choice, other communities may also seek to claim this position. Although linked by a common culture, the communities of Nunavik are separated by distance and geography and have not always seen eye to eye politically. One example of this discord is the opposition of the community of Puvirnituk in eastern Nunavik to the JBNQA (Lavoie, 340). As such, it is possible that the choice of capital may cause intra-regional divisions. Should Kuujjuaq become the capital, there is also the concern that the structures and functions of government would gradually become centralized there, despite the efforts to decentralize government throughout the region.⁹

One of the most important issues facing a new government is financing. Economically, Nunavik is not a self-sustaining region. It relies on funding from the federal and provincial governments to provide services to its inhabitants. At the same time, greater autonomy would allow it to receive a more substantial share of the taxes, resource rents and royalties raised in the region. The Commission recommended that the Nunavik government be empowered intervene in areas such as income tax and sales tax rates. It would also be allowed to generate other revenues through fees, fines and dividends (Amiqqaaluta, chapter 4).

⁹ Officials in Nunavut have expressed the same concerns regarding the centralization of power in the capital Iqaluit, despite concerted efforts to decentralize government authority throughout the territory.

The most contentious financial issue involves the merger of existing funding sources to each of the existing institutional entities into two block funds (one federal, one provincial) for the proposed amalgamated government. One of those existing institutional entities, the Kativik School Board (KSB), has been highly critical of this recommendation because it “offers no guarantee to protect the region’s education budget...” (Nunatsiaq News, 07/02/2003) The KSB, it seems, fears that its existing budget will be reduced or reallocated to other departments as a result of the amalgamation. The School Board is also concerned that it will lose some of the political autonomy it currently possesses under the current political system.

These concerns were apparent during the Commission deliberations and became acrimonious in the period immediately following the tabling of the Commission Report. Despite being hailed as a success, the Report itself has not been signed by two of the 8 commissioners. The two dissenting commissioners were Andre Binette, a representative from the provincial government, and Annie Popert, a representative from the KSB. The KSB refused to acknowledge the Report as a basis for self-government negotiations because of what it views as the lack of consensus on the Report’s recommendations (Nunatsiaq News, 11/01/2002). In November 2001, the KSB began legal proceedings against the Makivik Corporation, the Kativik Regional Government, the Nunavik Regional Board of Health and Social Services, and the Kativik Regional Development Council to seek a temporary stop to and a permanent injunction on self-government negotiations (Nunatsiaq News, 07/02/2003). In addition to the broader issue of the KSB’s position within a new government, the School Board specifically challenged the Makivik Corporation’s right to act on behalf of the people of Nunavik in self-government

negotiations. According to a news release by the KSB, “Makivik has been acting unilaterally and without authorization, as if it alone was the Nunavik Party. At no time was Makivik ever given the mandate to enter into any type of negotiations on behalf of the people of Nunavik.” (Nunatsiaq News, 07/02/2003)

As noted previously, the Nunavik Party was the representative institution for the people of Nunavik in the intergovernmental deliberations that led to the signing of the Political Accord which established the Nunavik Commission in 1999. According to Section 2.1 of the Accord, the Nunavik Party was represented by the Makivik Corporation and its President as a party to the agreement (Political Accord, 3). However, Section 2.2 states that:

For the purposes of this Accord, and without prejudice to their respective mandates, responsibilities, and authorities, Makivik Corporation, the Kativik Regional Government (KRG), the Kativik School Board (KSB), the Nunavik Regional Board of Health and Social Services (NRBHSS) and the Kativik Regional Development Council (KRDC) are designated as the “Nunavik Party” (Political Accord, 3)

The Accord was signed for the Nunavik Party by Pita Aatami, the President of the Makivik Corporation. While it seemed that both sides in this argument were correct, in 2004, a Quebec court judge rejected the KSB’s application to halt the self-government negotiations. The court ruled that Makivik, which is the representative of the Inuit (Nunavimmiut) under the JBNQA, “continues to represent the Nunavik Inuit even when negotiating changes to the James Bay and Northern Quebec Agreement.” (Nunatsiaq News, 13/02/2004). This ruling allowed the self-government negotiations to continue, albeit without the immediate support and participation of the KSB.

Following the tabling of the Report of the Nunavik Commission, the three parties in the self-government negotiations signed the Negotiation Framework Agreement

(Negotiation Framework Agreement). The purpose of this agreement was to:

establish a formal process for negotiating, as a first phase, an Agreement-in-Principle and a Final Agreement on the amalgamation of the KRG, KSB, NRBHSS, KDRC and, if necessary, of other existing organizations, including their boards and councils, and all of their powers, responsibilities, roles, functions, authorities, assets, jurisdictions, competencies, obligations, resources, and privileges, into a single Unified Entity in Nunavik (Negotiation Framework Agreement, 3)

The Parties to the Agreement were also required to undertake subsequent negotiations on creating a new form of government for Nunavik and to discuss the issue of a new funding regime based largely on block funding agreements with the governments of Canada and Quebec (Negotiation Framework Agreement, 3-4)

An important institution to emerge after the tabling of the Commission's Report was the Technical Advisory Committee (TAC). The idea of such a committee was raised prior to the signing of the Negotiation Framework Agreement in 2003. The three appointed negotiators for Nunavik, Minnie Grey, Harry Tulugak and Maggie Emudluk, invited the three main institutions in the existing government (the KRG, the KSB and the NRBHSS) to appoint two persons to the committee. The role of the TAC was to "give the organizations impacted by amalgamation a forum for their input, to share insights and have an exchange between the negotiators and the organizations." (Nunavik, 01.03, 11). This committee has provided important technical advice to the negotiators, who otherwise may not have technical expertise on those institutions and their perspectives on the self-government negotiations (Nunavik, 01.03, 11).

The Makivik Corporation, the KRG and the NRBHSS all appointed representatives to the committee. The only organization that did not comply with this request was the KSB, which at the time was attempting to halt the process of self-government. Following the resolution of the KSB's court case in early 2004, however, the negotiators once again invited the School Board to participate in the TAC. The KSB responded positively to this request and nominated two representatives. This development represented a significant step towards involving the KSB, once again, in the self-government negotiations. Indeed, "[t]he participation of the Kativik School Board representatives was felt by all, and was much appreciated as their input added a valuable dimension to the discussions, that of the concerns originating from the education sector." (Nunavik, 01.03, 17-18). While the involvement of the KSB in the TAC does not completely resolve the concerns that the School Board has with the amalgamation of the existing institutions, it could be interpreted as a positive step towards the realization of a self-government agreement.

Conclusions

The path to self-government in Nunavik has been long and has survived a number of external and internal challenges over the past few decades. The most significant barriers have been the political instabilities in Quebec over the past several decades and the opposition of the Kativik School Board to the amalgamation of the existing institutions of government. The temporary resolution of the separation issue following the defeat of the sovereignty referendum in 1995 has provided a window of opportunity for the negotiation process. More recently, the judicial rejection of the KSB's application

to halt the self-government negotiations and the renewed participation of the KSB in the self-government negotiations through the Technical Advisory Committee has brought renewed optimism about achieving a final agreement. Indeed, now that the parties to the negotiations are on the verge of an Agreement-in-Principle, it seems that a successful conclusion to the negotiation process is in sight.

In many respects, the self-government negotiation process in Nunavik over the last few years reflects many of the styles of federalism that have been identified in the literature on Aboriginal politics and policy, and on Canadian federalism in general. It is in this negotiation process that we see elements of cooperative federalism, province-building federalism and treaty federalism. The most useful style in terms of explaining the dynamics of the negotiation process in Nunavik, however, is three-cornered federalism. From the very beginning, the self-government negotiations in Nunavik have involved three different parties: Nunavik, Quebec and Canada. Moreover, any self-government institutions will have to contain intergovernmental linkages which involve all three governments in the public policy process.

In addition to encapsulating various federal styles, the self-government negotiation process has illustrated some of the benefits and challenges of developing new forms of government in regions where government structures already exist. In the case of Nunavik, three decades of experience with regional government through the various administrative bodies created by the James Bay and Northern Quebec Agreement have provided the region and its inhabitants with a great deal of institutional and administrative capacity, as well as a history of intergovernmental relations with the provincial and federal governments. On the other hand, the existing institutions of government in

Nunavik have become entrenched over the past three decades and, in some cases, protective of their jurisdictions. As the case of the KSB illustrates, this can create barriers to change.

Should a final agreement be achieved, it will herald a new era in the development of Canadian federalism. The new region of Nunavik will become the first nested federal arrangement in Canada. Unlike Nunavut, which is a separate territory, Nunavik will be politically, economically and territorially embedded within the province of Quebec. Yet, at the same time, it will retain a significant degree of autonomy over its own affairs. Despite the differences in political status between Nunavik and Nunavut, these two regions have much in common. First, their respective governments are public in nature. In other words, they are open to all the inhabitants of the region, regardless of ethnic background. Second, alongside similar developments in other parts of the Circumpolar North (Greenland, Alaska, other parts of Arctic Canada), Nunavut and Nunavik represent a significant step forward in terms of Inuit self-government.

Bibliography

Abele, Frances, and Michael J. Prince. "Aboriginal Governance and Canadian Federalism: A To-Do List for Canada." In Francois Rocher and Miriam Smith (eds), *New Trends in Canadian Federalism* (Peterborough: Broadview Press, 2003), 135-165.

Amiqqaaluta – Let Us Share. Mapping the Road Toward a Government for Nunavik. Report of the Nunavik Commission, March 2001

Aatami, Pita, Mark Gordon, Larry Watt, Tikile Kleist, Lucy Grey and Harry Tulugak. "The History and Current Activities of Makivik Corporation." In Gerard Duhaime and Nick Bernard (eds). *Arctic Economic Development and Self-Government* (Quebec, QC: GETIC, 2003), 207-230.

Dufour, Jules and Marc-Adelard Tremblay. *The Nunavik Commission – Lessons from a Unique and Extraordinary Experience*, December 2001

Dupre, J. Stefan. "Reflections on the Workability of Executive Federalism." In Richard Simeon (ed). *Intergovernmental Relations* (Toronto: University of Toronto Press, 1985), 1-32.

Elazar, Daniel J. *Exploring Federalism* (Tuscaloosa: University of Alabama Press, 1987)

George, Jane. "Self-Government heads Back to Court Next Week." *Nunatsiaq News*. January 11, 2002.

George, Jane. "Court Gives All-Clear on Self-Rule Talks." *Nunatsiaq News*, February 13, 2004.

Koperqualuk, Lisa (ed). *Nunavik. Premiere Issue: Our Land, Our Future* (St. Laurent QC: Makivik Corporation): 01.01.

Koperqualuk, Lisa (ed). *Nunavik. Perspectives* (St. Laurent, QC: Makivik Corporation): 01.02.

Koperqualuk, Lisa. *Nunavik. Technical Advisory Committee* (St. Laurent, QC: Makivik Corporation): 01.03

Koperqualuk, Lisa (ed). *Nunavik. Infrastructure* (St. Laurent, QC: Makivik Corporation): 01.04

Ladner, Kiera L. "Treaty Federalism: An Indigenous Vision of Canadian Federalisms." In Francois Rocher and Miriam Smith (eds), *New Trends in Canadian Federalism* (Peterborough: Broadview Press, 2003), 167-194.

Lavoie, Josee G. "The Decolonization of Self and the Recolonization of Knowledge: The Politics of Nunavik Health Care." In Colin H. Scott (ed). *Aboriginal Autonomy and Development in Northern Quebec and Labrador* (Vancouver: UBC Press, 2001), 332-356.

Makivik Corporation (www.makivik.org/eng)

Negotiation Framework Agreement on the amalgamation of certain institutions and the creation of a new form of government in Nunavik. June 2003.

Political Accord between the Nunavik party, the government of Quebec and the federal government for the examination of a form of government in Nunavik through the establishment of a Nunavik Commission. Montreal, QC. November 5, 1999.

"School Board Calls Impending Framework Agreement Futile." *Nunatsiaq News*. February 7, 2003.

Simeon, Richard. *Federal-Provincial Diplomacy: The Making of Recent Policy in Canada* (Toronto: University of Toronto Press, 1972)

Vick-Westgate, Ann. *Nunavik. Inuit Controlled Education in Arctic Quebec* (Calgary: University of Calgary Press, 2002)

Watts, Ronald L. *Comparing Federal Systems* (Montreal: McGill-Queen's University Press, 1999)

Wilson, Gary N. "Matryoshka Federalism and the Case of the Khanty Mansiysk Autonomous *Okrug*." *Post-Soviet Affairs*, 17:2, 2001, 167-194.

Wilson, Gary N. "Abandoning the Nest: Regional Mergers and their Impact on the Russian North." *Polar Geography*, 26:3 (2003), 197-210.

Wilson, Gary N. "Nested Federalism and Aboriginal Sovereignty in Russia and Canada." In Peter H. Solomon, Jr. (ed), *Governance in Federations: Law, Regional Development and Aboriginal Communities in Russia and Canada* (Toronto: Centre for Russian and East European Studies, 2005) (forthcoming)