

# Multilevel Governance in Theory and in Practice: The Case of Nunatsiavut<sup>1</sup>

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## Introduction

One of the most important series of developments in Arctic governance and politics over the last 50 years has been the emergence of self-governing Inuit regions. This process of political change began in the late 1960s and early 1970s, as Inuit peoples began to mobilize and demand greater autonomy and control over their lives and their lands. Since the 1970s, the signing of land claims agreements and self-government agreements in the Inuit regions of Alaska, Canada and Greenland, coupled with the creation of national and international organizations representing Inuit peoples across the Arctic, has created a robust and interconnected governance architecture that is unparalleled among indigenous peoples around the world.

Canadian Inuit have been at the forefront of these developments. Together with the Cree, the Nunavimmiut of Nunavik in northern Québec signed the first land claims agreement (modern treaty), the James Bay and Northern Québec Agreement (JBNQA), with the Québec and Canadian governments in 1975. This was followed by the signing of the Inuvialuit Final Agreement (IFA) in 1984, by the Inuvialuit of the Northwest Territories, and the Nunavut Land Claims Agreement in 1993, the latter which paved the way for the creation of Nunavut, Canada's newest territory in 1999. The most recent land claims agreement, the Labrador Inuit Land Claims Agreement (LILCA) was signed by the representatives of the Nunatsiavutmiut, the Inuit of Nunatsiavut in Labrador, and the federal and Newfoundland and Labrador governments in 2005.

Like Nunavik and the Inuvialuit Settlement Region, Nunatsiavut is nested within an existing constituent unit in the Canadian federation, a political status which differentiates it from the Territory of Nunavut. Unlike these regions, however, Nunatsiavut has a self-government chapter embedded within its land claims agreement that provides the legal basis for regional self-government. Consequently, although Nunavik and the ISR have regional government institutions that are embedded in their respective land claims, only Nunatsiavut has an amalgamated and unified regional government structure.

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Political developments in the Inuit regions of the Canadian Arctic have prompted some scholars to speculate about the emergence of a new system of Aboriginal multilevel governance (Rodon, 2014; Wilson, Alcantara and Rodon, forthcoming). Using a multilevel governance framework developed by Alcantara, Broschek and Nelles (forthcoming), this paper will examine the political evolution of Nunatsiavut over the past decade, with a particular focus on the Nunatsiavut Government's relations with other levels of government (provincial and federal) in key policy areas such as education, housing and resource development, and the challenges of strengthening its political autonomy in the future.

### **Aboriginal Multilevel Governance and Nested Federalism**

The emergence of self-governing Aboriginal regions in Canada over the last several decades has captured the attention of scholars in many different disciplines, including political science and public policy. In large part, scholarly research on Aboriginal self-government has tended to be descriptive and normative, focusing mainly on developments to date and the moral and legal arguments why this form of government *should* be supported and expanded (or not), or on the challenges and problems of building self-governing Aboriginal regions in an enduring colonial context (Alfred, 2005). While such research has an important place in the scholarship about contemporary Aboriginal studies, other scholars, mainly in the fields of political science and public policy studies have taken a more theoretical approach to explaining why and how Aboriginal self-government is transforming Canadian politics. By applying and adapt existing theories to explain, compare and analyze different forms of self-government, this emerging literature attempts to predict how self-governing and regional institutions will develop in the future and the nature of their impact on the Canadian political landscape. This line of enquiry is particularly relevant for students of federalism and multilevel governance who are seeking to situate Aboriginal self-government within a broader political and intergovernmental context.

On one level, the vast literature on federalism and intergovernmental relations provides a solid theoretical foundation on which to study Aboriginal self-government. At its heart, the concept of federalism recognizes both self-rule and shared rule (Elazar, 1987). Indeed, federal systems around the world have successfully accommodated demands for greater political autonomy from territorially-based minorities. At the same time, it is clear that federal systems can be quite rigid in terms of which regions and groups they recognize. In many cases, new and unrecognized groups and regions find it difficult to obtain the necessary constitutional and legal status as constituent units within a federation. Quite often this is because existing constituent units are

unwilling to relinquish control over the territory and political authority that would allow such new units to come into being.<sup>2</sup>

This research project addresses this issue of rigidity through two theoretical innovations. First, the research uses the concept of multilevel governance to capture the diversity of governance forms and relationships that occur when Aboriginal self-governing regions are incorporated into an existing federal system of government. Compared to federalism, a concept that has a long pedigree in the study of politics and government, multilevel governance is a recent conceptual innovation that responds to the expansion of governance, both vertically and horizontally, in liberal democracies in the late 20<sup>th</sup> and early 21<sup>st</sup> centuries. In this sense, it acknowledges the emergence of new *governments* (such as Aboriginal self-governments) within an existing vertical continuum from the national to local levels. It also recognizes new *governance actors* (such as non-governmental organizations and private sector or corporate actors) along a horizontal continuum and the roles they play in governance.

The theoretical framework for multilevel governance in this project has already been extensively outlined by Alcantara (2015: 5), who distinguishes between two *instances* of multilevel politics: intergovernmental relations and multilevel governance. He argues that:

Intergovernmental relations ... generally involve governments as the *sole producers* of public policy decisions and goods. Non-governmental actors are either completely absent or are involved simply as stakeholders or observers. In contrast, multilevel governance involves a much more inclusive decision-making process that transcends formal lines of constitutional authority and structures.

While I agree with this distinction, for the purposes of this paper, I would just point out that the actors involved in intergovernmental relations and multilevel governance are not mutually exclusive. Whereas intergovernmental relations (a concept that is directly connected to federalism) tends to be quite rigid and exclusively focused on decision-making by constitutionally-recognized governments, a multilevel governance policy and decision-making arena can involve an array of actors, ranging from constitutionally-recognized governments and new governments that do not necessarily fall into the formal constitutional division of power, as well as non-governmental actors. It is in this sense that multilevel governance embodies both the vertical and horizontal dimensions of governance that are prevalent in contemporary liberal democracies.

Another concept that is related to the discussion of multilevel governance and that is critical to understanding the political status of Inuit regions is nested federalism. This concept was borrowed from the literature on Russian and Soviet federalism where it was used to describe the

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<sup>2</sup> A recent exception to this rule in Canada that is particularly relevant to this study is the Territory of Nunavut, which was created by the partition of an existing constituent unit in the Canadian federation, the Northwest Territories, in 1999.

unique relationship between autonomous *okrugs* (districts), sparsely-populated and remote regions that were established during the Soviet period to recognize the limited autonomy of some of the Soviet Union's Aboriginal minorities, and their *host regions*, the larger constituent units in which they geographically located (Wilson, 2001; 2003). In the Canadian context, nested federalism has been used to characterize the relationship between Inuit regions, such as Nunatsiavut, Nunavik and the ISR, that are located within existing constituent units (provinces and territories) of the federation (Wilson, 2008).

Nested federalism is also connected with the concept of multilevel governance in the sense that it recognizes the autonomy and position of regions that do not have formal, constitutional status within the federal system of government. Embedded within the existing and emerging governance structures of these regions are examples of both vertical and horizontal multilevel governance. The question that drives this particular research project is what roles do these regions and their governance institutions (governmental and non-governmental) actually play in the policy development and decision-making processes and, in doing so, how do they interact with other, established (and constitutionally-recognized) governments.

### **The Evolution of Self-Government in Nunatsiavut**

The region of Nunatsiavut (*Our Beautiful Land* in Inuktitut) is located in northern Labrador, in the province of Newfoundland and Labrador. It is the southernmost Inuit region in Canada and home to 2617 inhabitants, approximately 88% of which are Inuit (Government of Canada, 2011). A large number of Labrador Inuit live outside Nunatsiavut in communities such as Happy Valley-Goose Bay and the provincial capital, St. John's (Government of Canada, 2011). There are 5 communities in Nunatsiavut: Nain, Hopeville, Makkovik, Postville and Rigolet. Nain is the largest community and the administrative centre for the region.

Nunatsiavut's long road to self-government began in the late 1970s, when the Labrador Inuit's land claim application was accepted by the federal government (Rodon and Grey, 2009). Negotiations with the federal and provincial governments proceeded very slowly for the next decade until a framework agreement was ratified in 1990. The discovery of vast nickel deposits at Voisey's Bay, south of Nain, accelerated the negotiation process, as the province did not want unresolved land claims to delay the development of this valuable resource (Alcantara, 2007).<sup>3</sup> An Agreement in Principle (AIP) between the Labrador Inuit Association (LIA), representing the interests Labrador Inuit, and the governments of Newfoundland and Labrador and Canada in was finalized in 1999 and ratified in 2001. This was followed by the ratification of a final agreement, Labrador Inuit Land Claims Agreement (LILCA), in 2005 (Rodon and Grey, 2009).

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<sup>3</sup> A second factor hastening the negotiations was the election of Brian Tobin, a former federal cabinet minister, as Premier of Newfoundland and Labrador in 1996. According to Alcantara (2007: 192): "Tobin brought his federal level experience to the table and made settling the claims a priority for his government."

Like other land claims agreements, the LILCA outlines the rights and responsibilities of the various parties to the agreement in a diverse range of areas, including land and non-renewable resources, economic development, national parks and protected areas, land-use planning and fiscal financing. What is different about the LILCA, compared to other, earlier land claims agreements in Nunavik and the ISR, however, is that it includes a chapter on self-government. This chapter provided the legal foundation for the development of the Nunatsiavut regional government (LILCA, 2005). It is also an example of how changes in the broader institutional context affect the development of Aboriginal self-government in Canada; the land claims agreements in Nunavik and ISR were negotiated before the federal government allowed the inclusion of chapters on self-government (Alcantara and Wilson, 2013).

Prior to the ratification of the LILCA, the Labrador Inuit ratified the Labrador Inuit Constitution, a document that outlines the basic structure of the Nunatsiavut Government (Labrador Inuit Constitution, 2002). The structure consists of two levels of government: regional and community. The regional government is comprised of a President, and Executive Council and an Assembly. The President serves as the head of the Executive Council, a body comprised of elected Ministers that are appointed by the President and approved by the Assembly. The Assembly is made up of elected members from the various communities of Nunatsiavut and Upper Lake Melville (outside Nunatsiavut), a member representing Inuit living elsewhere in Canada, the Chairperson of the Upper Lake Melville Inuit Community Corporation and the AngajukKât (mayor) of each community in the region. Only Labrador Inuit are allowed to vote in regional elections.

The community governments exist in all five communities in Nunatsiavut and resemble municipal governments (although they do not fall under the control of the provincial Ministry of Municipal Affairs, as is the case with other municipal governments in Canada. Depending on the size of the community, a council can have between five and seven elected members, who are elected by all the eligible residents of a community, regardless of ethnicity. Only Labrador Inuit, however, are eligible to elect the AngajukKât.

Two features distinguish the Nunatsiavut Government from other Inuit governments in Canada. First, unlike Nunavik and the ISR, Nunatsiavut has an amalgamated government structure where the government departments fall under the jurisdiction of a single entity. Second, unlike Nunavut, the only other Inuit region with an amalgamated government structure, Nunatsiavut has an ethnic rather than a public form of government. Whereas Nunavut's public government model allows all eligible residents of the territory to vote in territorial elections, participation in regional elections in Nunatsiavut is limited to Labrador Inuit. For this reason, Nunatsiavut also does not have a separate regional development corporation that represents the interests of Inuit beneficiaries to the land claim. Those interests are represented by the Nunatsiavut Government.

## Multilevel Governance in Nunatsiavut

As the legitimate representative of a nested region within an existing constituent unit of the Canadian federation, the Nunatsiavut Government is embedded within a complex and multilayered governance framework that involves not only the interests of the region and its communities, but also the interests of the provincial and federal governments. Depending on the policy area or issue in question, discussions and decisions are carried out in a trilateral (federal-provincial-regional) or bilateral (provincial-regional or federal-regional) context. That said, however, it is important to note that the dominant intergovernmental relationship in the case of all three nested regions is that between the regional government and/or institutions and the provincial government. Although the federal government had a strong connection to Aboriginal peoples in Canada, through its fiduciary responsibilities as outlined in the Constitution, and through other pieces of legislation such as the Indian Act, over the course of post-war period, provincial and territorial governments have played an increasingly important role in the day to day affairs of Aboriginal communities and regions. In large part, this is because institutional features of the Canadian federation, such as the constitutional division of powers in the case of the provinces and devolution in the case of the territories, coupled with the growth of the state (and state provision of basic services), have given the constituent units control over policy areas that affect Aboriginal peoples most directly (resource development, education, healthcare). Consequently, while the land claims agreements are negotiated and ratified in a trilateral setting, regional authorities such as the Nunatsiavut Government connect most directly with the governments of their host province.

Historically speaking, the province of Newfoundland and Labrador has had a difficult relationship with Aboriginal peoples living within its boundaries. The province only joined the Canadian Confederation in 1949; prior to this it was a colony of Great Britain. The wholesale genocide of the Beothuk people, one of the indigenous peoples living on the island of Newfoundland in the 18<sup>th</sup> and 19<sup>th</sup> centuries, is well-documented (Pastore, 1993). Other interactions between settler populations and their governments, and Aboriginal peoples were not as devastating, but they still had a profound impact on socio-economic sustainability of Aboriginal communities. The Labrador Inuit, for example, have had a long history of interaction with outsiders: with settlers, many of whom integrated into Inuit society; with religious organizations such as the Moravian Church, which established settlements in northern Labrador; and later with the provincial government of Newfoundland and Labrador. While such interactions were often peaceful, they also had a negative effect on the traditional socio-cultural fabric of Inuit society. In the case of interactions between the colonial government it has been noted by Rodon and Grey (2009: 324) that:

Nunatsiavutmiut inhabit a province that for a long time did not recognize the existence of Aboriginal people in its territory. In 1948, when Newfoundland negotiated its terms of union with Canada, it was agreed that no mention of the province's Aboriginal people would be made.

Since 1949, Aboriginal-state relations in Newfoundland and Labrador have evolved, with the conclusion of the Labrador Inuit Land Claims Agreement and the establishment of the Nunatsiavut Government in 2005 being the key successes. As noted above, negotiations on the land claim agreement and self-government in Nunatsiavut proceeded slowly, over almost three decades. This is not necessarily unique; land claims negotiations in other jurisdictions in Canada have proceeded just as slowly and even slower in some cases. However, during the three decades between the initiation of the land claims process and the final ratification, intergovernmental relationships developed, on both a formal and informal level, with different individuals and different departments of government. Capacity was also built, especially at the regional level, as regional officials built up a reservoir of political and administrative experience.<sup>4</sup> Compared to Nunavut, which came into being fairly quickly and whose government had to assume the responsibilities and authority of a territorial government, the nested Inuit regions have developed on a more gradual basis, with an opportunity to balance capacity of the regional government with the level authority it is able and willing to assume.

It is also important to remember that nested regions face a different institutional context than a territory like Nunavut. Not only do the capacity limitations of the regional government limit the powers that it can “draw down” (an issue that is somewhat familiar in Nunavut), but regions like Nunatsiavut also face a certain degree of institutional inertia at the provincial level from provincial governments that consider themselves to be responsible for all the citizens of the province in areas of jurisdiction which fall under its control. This speaks to the earlier point about rigidity of federal systems of government. Provinces are often loath to give up control over territory or authority and this inertia can create problems for other governments, such as Aboriginal self-governments or local governments, which find themselves without defined constitutional powers and locked within a federal institutional framework that does not easily allow for subsidiarity or the further devolution of power beyond the provincial level.

In an effort to illustrate the dynamics of intergovernmental relations and multilevel governance in Nunatsiavut, the following three sections will examine in more detail the policy context and decision-making processes in some key policy areas. These sections draw heavily on comparative research conducted by Wilson, Alcantara and Rodon (forthcoming) on multilevel governance in the Inuit regions of the territorial and provincial north. They are supplemented by more recently conducted interviews with regional and provincial officials.

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<sup>4</sup> Although it has been noted by many observers how difficult it is for small organizations, with individuals that wear many different hats, to cope with the stresses and challenges of negotiating with much larger (and well-resourced by comparison) negotiators from the federal and provincial governments. Such negotiations are extremely stressful for representatives of Aboriginal communities and their families, especially when they drag out over many years. See: Irlbacher-Fox, 2009.

## *Education*

Education has been identified by Inuit as a critical component of the political, economic and social development of their communities (Inuit Tapiriit Kanatami, 2009). In the past, however, education has been used by governments and their agents as a tool of assimilation and cultural genocide, most prominently through the residential school system that forced Aboriginal children to be separated from their parents and placed in schools operated by the government and religious organizations, where they often suffered horrific physical and emotional abuse. The outcomes of this act of cultural genocide has been documented in the recently published final report of the Truth and Reconciliation Commission of Canada, and can be seen on a daily basis in the social problems that plague Inuit communities (Truth and Reconciliation Commission, 2015). In terms of educational outcomes, although Nunatsiavut has the highest graduation rate among all Inuit regions, graduation rates in the Labrador School District (which covers Nunatsiavut) are below the provincial average (Lane, 2013). Given this history and on-going problems faced by Inuit students, in Nunatsiavut and elsewhere, one can understand why: “Inuit believe that education systems that are designed from the Inuit societal and cultural worldview and delivered in the Inuit language will lead to better educational outcomes for Inuit” (Inuit Tapiriit Kanatami, 2009).

As noted earlier, education is one of the policy areas that falls under the constitutional jurisdiction of the provinces and territories. The federal government plays little or no role in this area. In Newfoundland and Labrador, the provincial Ministry of Education is the primary government department. Primary and secondary education in Nunatsiavut is provided by the Labrador School Board (LSB) which serves the entire region of Labrador and, like other public school boards in the province, falls under the jurisdiction of the Ministry. The LSB operates 6 schools in Nunatsiavut and receives direction and funding from the provincial Department of Education. The Nunatsiavut Government also contributes money to the LSB; in 2012, it provided \$2.5 million of the LSB’s \$14.7 million annual budget (Labrador School Board Annual Report 2012). Currently, three out of 14 members of the LSB’s Board of Trustees are based in Nunatsiavut communities. Although the Nunatsiavut Government has yet to assume the formal responsibilities for primary and secondary education in the region, various government departments, such as Education and Economic Development, Nunatsiavut Affairs, and Health and Social Development, work collaboratively to address several areas of concern in primary and secondary education (Nunatsiavut Government 2014).

Within this institutional context, it is apparent that achieving the goal of designing a new education system that meets the socio-cultural needs and political aspirations of Nunatsiavut and conforms with the values and goals expressed in the abovementioned ITK report requires a high degree of collaboration and negotiation with the provincial government. According to Part 17.12.1 of the LILCA, the Nunatsiavut Government “may make laws in Labrador Inuit Lands and the Inuit Communities in relation to the following matters respecting education of Inuit: early childhood development and education; primary, elementary and secondary education; adult

basic education; vocational and post-secondary education, training and certification” (LILCA 2005). Until now, the Nunatsiavut Department of Education and Economic Development has focused on programs and services in areas such as post-secondary education and labour market training. The regional government, however, is keen to promote new programs in areas that would strengthen the cultural content of the curriculum. As one regional official noted:

We’re working with the Department of Education at a couple of levels. One is in terms of Inuktitut programming, so we have Inuktitut language programming in the schools. But we’re also working on developing a couple of different courses...But we’re involved in working with [the] Department of Education in terms of some of the education piece that we want to see. So we haven’t really made decisions, only because we haven’t taken those programs down, but we’re working with them, to try and influence decision-making.

While education is clearly an area where the Nunatsiavut Government would like to exert more influence, given the importance of education at all levels to socio-cultural health and the future success of self-government, education policy is still largely controlled by the provincial government. Some consultation with the Nunatsiavut Government takes place, either through direct discussions between regional and provincial officials, or indirectly through the influence of regional officials on the Labrador School Board. As one provincial official pointed out, schools in Nunatsiavut can also draw on the resources and support provided by the provincial government, unlike other Aboriginal communities in the province which have chosen to take direct control over their schools. At this point in time, the Nunatsiavut Government has chosen to remain within the provincial system and contribute to that system in the form of the annual funding it provides to the LSB. This approach reflects the patient pragmatism of the regional government, and the very real capacity deficit that prevents it from assuming the powers outlined in the LILCA.

### *Housing*

Housing has been identified by numerous studies as one of the greatest challenges currently facing Inuit communities (Tester, 2009; Minich et al, 2011). Pauktuutit (2015), an organization representing Inuit women in Canada, stated:

Considering that Inuit were at one time completely reliant on a subsistence economy, they did not live in permanent settlements. Pre colonization, they lived in seasonal communities following the seasonal migration of the animals that they depended upon for their survival. Inuit have only lived in fixed communities for two generations (since the 1950s-1960s), and inadequate housing has been a struggle since this time. Add to this the factors of remote communities, the high costs of materials and shipping, and a general

lack of resources and infrastructure, lack of sufficient employment and it is easy to see how housing is a struggle for most Inuit families.

The quality and quantity of housing are key public policy issues facing Nunatsiavut. According to statistics from 2006-2008, 12% of houses had problems with mould and upwards of 22% required major repairs (Inuit Health Survey 2007-2008). Minich et al (2011) have since observed that Nunatsiavut is the only jurisdiction where the percentage of homes requiring major repairs has not risen. Overcrowding is another important issue, especially in homes with children (Egelund, 2010). Collectively these problems pose significant health, social and safety threats to the population of the region. In response to questions about housing in a recent speech in the Nunatsiavut Assembly, the President of Nunatsiavut, Sarah Leo, commented: “As you may recall in the last spring [2013] budget, we budgeted 2.7 million [dollars] for [a] housing strategy. We’re committed to developing that strategy...as we’ve always said, housing is probably the number one priority of this government” (Nunatsiavut Government 2013a: 115-116)

According to Part 17.19.1 of the LILCA, “the Nunatsiavut Government may make laws with respect to the development of Labrador Inuit Lands for housing purposes and for the construction, maintenance, allocation, control, improvement, renovation and removal of housing in Labrador Inuit Lands and housing owned by an Inuit Government in the Inuit Communities” (LILCA 2005). Such housing, however, must comply with or exceed with the standards established by federal and provincial building codes (LILCA 2005). Housing falls under the jurisdiction of Nunatsiavut Affairs, the department that is also responsible for ensuring the implementation of the LILCA.

Although it has legal jurisdiction over housing, the Nunatsiavut Government has yet to create its own housing corporation or association. As in education, it relies mainly on a broader regional body, the Torngat Regional Housing Association (TRHA), for its housing programs. TRHA is a non-profit organization that is connected to the Newfoundland and Labrador Housing Corporation (NLHC) and has representation from the Nunatsiavut Government and the local housing committees of each of the Nunatsiavut communities. In fact, as recently as January 2013, Sarah Leo publicly stated that “right now, [the] Torngat [Regional] Housing [Association] runs the housing programs within Nunatsiavut and the NLHC has homes for rent within Nunatsiavut. But we, as a government, have no mandate. We have no policy. We have nothing with regards to housing” (Nunatsiavut Government 2013b: 51-52).

In the past, the TRHA and the NLHC have collaborated with community governments in Nunatsiavut: the province builds housing on land provided by the community governments and loan backing provided by the TRHA.<sup>5</sup> In 2000, the provincial government announced funding of \$23 million over three years for infrastructure development in Nunatsiavut. Included within this funding envelope were \$7.7 million specifically ear-marked for work on major repairs and the

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<sup>5</sup> Approximately 60% of residents of Nunatsiavut live in private homes and only 29% rent, the lowest rate among Inuit in Canada.

construction of new housing. This may explain why the percentage of homes requiring major repairs has not risen. In 2008, the Nunatsiavut Government received \$2 million from the provincial government for housing construction in the communities of Nain, Hopedale, Makkovik, Postville and Rigolet (Government of Newfoundland and Labrador, 2008).

As for the involvement of the federal government, there is little evidence that the federal government plays a direct role in terms of decision-making involvement in the area of housing. In a recent sitting of the Nunatsiavut Assembly, Sarah Leo lamented the lack of federal funding for housing outside the territories, commenting that “Nunatsiavut gets actually no money from the federal government” (Nunatsiavut Government 2013a: 8). While this may be true in theory, one regional official mentioned that the Nunatsiavut Government receives between \$2.1 and \$2.3 million a year from Aboriginal Affairs and Northern Development Canada (AANDC), a federal department, which is then transferred to the Torngat Regional Housing Authority.

In 2014, a housing needs assessment was conducted for the region. It is expected that this assessment will form the basis for a new strategy to address the pressing housing needs of the region. However, as one provincial official commented, the Nunatsiavut Government also needs “to determine if they have the political will to exert more control over the Torngat Regional Housing Board of Directors and the objectives of Torngat Regional Housing.” In the opinion of this official, the lack of accountability between the Nunatsiavut Government and TRHA is at the heart of the problem. As this official pointed out, the TRHA is an institutional legacy that predates the formation of the Nunatsiavut Government. It is a regional actor but, unlike other regional bodies which became embedded within the regional government structure, TRHA remained outside, with only a partial connection to the regional government.

As in other policy areas, another critical issue is capacity, or lack thereof. In response to a question about whether the Nunatsiavut would ever set up its own housing authority, under the direct control of the Nunatsiavut Government, one regional official commented: “You know, right now we’re not set up to run a housing authority. We don’t have the capacity...And N[unatsiavut] G[overnment] hasn’t even made a policy decision as to whether they want to run a housing program, in that manner, in terms of actually administering it all, they haven’t made the decision that “yes we want to do this.””

In terms of multilevel governance, housing in Nunatsiavut provides evidence of the involvement of new horizontal actors such as the TRHA, as well as some limited involvement on the part of governments at the regional and community levels. Like education, the LILCA also contains the legal framework to expand governance at the regional level, once the Nunatsiavut Government has the capacity to take on this area of jurisdiction. For the time being, however, multilevel governance in this policy area is characterized by a lack of clarity about which level of government is responsible for the region’s pressing housing needs, and a lack of capacity on the part of the Nunatsiavut Government to take over responsibility for this important policy area.

### *Resource Development*

Resource development is a critical part of politics and governance in Nunatsiavut and in other Inuit regions in Canada because of the central importance of land and ocean-based resources, and environmental stewardship to Inuit culture. For thousands of years, Inuit have lived in harmony with their natural surroundings, learning to adapt to a harsh environment and changes in that environment. Recently, their traditional lifestyles and health have been challenged and, some might argue, threatened by extensive resource development (mining, oil and gas development) in their traditional territories. At the same time, Inuit governments like the Nunatsiavut Government realize the important role that resource development can play in supporting regional autonomy and providing much needed income and employment opportunities for Inuit communities.

It has been argued that the Voisey's Bay nickel mining development in the mid-1990s precipitated the negotiation and signing of the LILCA (Alcantara, 2007; Rodon and Grey, 2009). Given the overall importance of Voisey's Bay and other resource development in northern Labrador to the both the regional and provincial economies, an examination of this policy area will provide some interesting and relevant examples of the types of interactions that underlie intergovernmental relations and multilevel governance. As with education and, to a certain extent, housing, resource development falls under the constitutional jurisdiction of the provincial government, so the federal government has little or no role to play in this policy field. The exception is off-shore resource development which, according to the constitutional division of powers, falls under the jurisdiction of the federal government. In recent years, however, the federal government has agreed to provide the province with a greater share of the revenues from off-shore development. This has provided a significant boost to the provincial economy (Heritage Newfoundland and Labrador, 2015).

The LILCA established the Labrador Inuit Settlement Area (LISA) which totals about 72,550 square km on land and 48,690 square km of ocean. Labrador Inuit have special land use rights within this area. Within the Settlement Area, Labrador Inuit own approximately 15,800 square km of land; these are referred to as Labrador Inuit Lands (Land Claims Agreements Coalition, 2015). Approximately 3,950 square kilometers of this land "are further defined as Specified Material Land, which means that Inuit have exclusive right to ownership of quarry materials and a 25 percent ownership interest in subsurface resources" (Nunatsiavut Government, 2015).

The key governmental agencies in this policy field are the provincial departments of Natural Resources, and Environment and Conservation, and the Nunatsiavut Government's Department of Lands and Natural Resources (DLNR). Generally speaking, the DLNR:

is responsible for all matters related to the protection, use, and development of renewable and non-renewable resources in Nunatsiavut. The department is organized into four divisions: Lands; Non-Renewable Resources; Renewable Resources; and Environment.

The department's mandate is to ensure the sustainable management of Nunatsiavut land and natural resources while maximizing the benefits from the development of these resources for Inuit (Nunatsiavut Government, 2015)

For the most part, the DLNR oversees the implementation of the provisions related to resource development and environmental stewardship in the LILCA, but it also extends to areas like the co-management of natural resources, the management of Labrador Inuit lands, the implementation of the Voisey's Bay Impacts and Benefits Agreement, and the implementation of the Torngat Mountains National Park Impacts and Benefits Agreement (another area where the federal government has constitutional jurisdiction).

Preliminary interviews with regional officials involved resource development and land use planning have revealed a sense of frustration with regards to their relationship with the provincial government. As one official commented, while relations can differ depending on the particular issues and the (provincial) administration in question:

since I've started in this job, we've been in a situation where we felt like the province really thinks of Nunatsiavut as a warehouse for resources in which they still hold a lot of control over the decisions over resource development. And we're sometimes, I feel, an afterthought in the provincial government's decisions on how resources are allocated, which is absolutely insane, because the land claim was established for us to have more control and authority over things like surface resource of course, but also sub-surface resources to make sure that we can cool the decisions coming from resource development.

Such frustrations have been echoed in the context of Muskrat Falls, a hydro-electric development project that takes place outside Inuit lands but that could have environmental and health impacts that affect the Labrador Inuit Settlement Area. As one official commented, "[w]e obviously have major concerns with the approach taken. But, as of right now, I would say we feel we have very little influence on the process at a government to government level." However, this official also noted that:

I think the fact that it's outside LISA is central to that particular situation and why there's that difference of opinion [between the federal/provincial governments and the regional government on the impacts of the project]. I think inside [the] Labrador Inuit Settlement Area, and especially inside Labrador Inuit Lands, there's a lot of control, but outside, there's very little.

With resources such as minerals and hydrocarbons forming a central part of Newfoundland and Labrador's future economic strategy, one can understand why the provincial government is reluctant to give up control over resource development. Compared to the other policy areas examined in this paper, therefore, there is much intergovernmental interaction between the provincial and regional governments, but relatively few "instances" of multilevel governance

where the regional government has been able to exert control. Part of the reason for this is the fact that the lands under direct Inuit control are only a small proportion of the larger settlement area as outlined in the LILCA. Another reason is that a great deal of development, thus far, has taken place in lands or off-shore where the Nunatsiavut Government has little or no control.

## **Conclusions**

This paper has explored the evolution of governance in Nunatsiavut, one of three nested Inuit regions in the Canadian Arctic. The main goal of the paper was to examine the relationship between the Nunatsiavut Government and other levels of government (provincial and federal) in key policy areas in order to identify meaningful “instances” of intergovernmental relations and multilevel governance. Although the Nunatsiavut Government is barely a decade old, it has made some important strides towards autonomy and self-sufficiency. It was the first of Canada’s nested Inuit regions to create an amalgamated regional governance structure. The ethnically-based nature of this governance structure means that it has avoided the hybrid system that exists in other Inuit regions between public governments which represent all inhabitants in the region and land claims organizations which represent Inuit beneficiaries (Wilson and Alcantara, 2012). It also provides fewer opportunities for what I described earlier in the paper as horizontal multilevel governance or the involvement of non-governmental actors in the process of governing. Such actors do still exist in Nunatsiavut, a good example being the Torngat Regional Housing Authority. The TRHA, however, is an institutional legacy that has survived the creation of the Nunatsiavut Government, in large part because the government does not seem to have the capacity or the desire at present to take control over responsibility over housing in the region. That said, the TRHA, like the Labrador School Board, another external organization that oversees policy in the region, is comprised of representatives from Nunatsiavut. Such representation is an important means of channeling concerns and ideas from the regional and community level upwards to the province.

As in all Inuit regions, capacity (or lack thereof) is a critical issue that affects the regional government’s ability to fulfill the responsibilities outlined in the LILCA. Being the youngest (in terms of when the land claim was signed) and smallest (in terms of population), it is not surprising that this is the case. While other Inuit regions such as Nunavik have been developing capacity and experience in regional governance for almost four decades, Nunatsiavut still has a relatively young government. And, as the policy case study of resource development suggests, Nunatsiavut is facing a provincial government that is reluctant to jeopardize its control over an area that is of critical importance to the provincial economy. Like other nested Inuit regions, Nunatsiavut faces a particular institutional context, which affects its ability to exercise control and autonomy within a multilevel governance framework. Despite the signing of the LILCA, there is a certain reluctance on the part of the provincial government to relinquish control over key policy areas or economic development opportunities. In part this is understandable; the

province is supposed to represent and provide services to all its inhabitants, regardless of where they live. At the same time, the success of Aboriginal self-government depends on the gradual transfer of control and authority to self-governing bodies. In the case of Nunatsiavut, the regional government has chosen not to draw down some policy areas which are outlined in the LILCA. As the Nunatsiavut Government builds capacity, however, it will be possible for it to do so, thereby expanding the possibilities for multilevel governance.

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