

June 29, 1998

# Indigenous Autonomy in Nunavut: Canada's Present & Australia's Possibilities

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A Discussion Paper for the Centre for Democracy,  
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(Presented in Public Seminar, May 27, 1998)

## PART I – BACKGROUND

### Introduction

This paper reports on the emergence of Nunavut, Canada's new 'northern territory'.<sup>2</sup> Many implicit and some explicit parallels to Australia are shown.

North America has seen major recent indigenous innovations, from Alaska self-government and development corporations to Greenland home rule. In Canada the so-called *native movement* has transformed national identity and political culture, while transforming 'native' Canada more slowly and uncertainly.<sup>3</sup> (Jull 1992f) Australia has much to gain by studying such overseas 'first world' experience (as Russians are now doing). The recent federal Parliamentary report on Torres Strait autonomy noted Nunavut as an interesting model (Lieberman *et al* 1997), while others have denounced it.<sup>4</sup>

There are obvious parallels between Canadian Inuit and Torres Strait Islanders. Both are much less known, numerous, or visible than another indigenous people in the same country (i.e., 'Indians' and 'Aborigines'). Both resent and resist policies and institutional frameworks which include them with that indigenous majority.<sup>5</sup> Both inhabit areas remote from the population centres of the country, places few Canadians or Australians expect ever to see. Both are cultures so different from the traditions of the country's majority that little real national understanding or appreciation of them exists. Both draw strength and inspiration from ethnic kin across international borders, some of whom are self-governing. Both are politically marginal, even in comparison with other indigenous people in the country. Both are maritime peoples who controversially hunt sea mammals and are situated along environmentally and politically sensitive international straits. Both insist that rights and powers of coastal and marine management are central issues for their survival, let alone well-being. Both feel threatened by growing resource extraction and related pollution and shipment in

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<sup>1</sup> See note on author at end.

<sup>2</sup> This paper and topic were requested by Geoff Stokes, Director, Centre for Democracy, University of Queensland. He asked me to draw on my own personal background with Nunavut, and I have done so. Because most reports and discussion in Australia on Northern Canada lack context or sense of political evolution, I have perhaps gone too far in loading this paper with circumstances at the expense of full narrative. Persons interested may prefer my earlier booklet, *Jull 1992h*. I have also concentrated on trying to communicate the politics and 'feel' of events rather than all the politico-administrative detail. I hope the overall result is satisfactory.

<sup>3</sup> The extreme problems in some indigenous communities are powerfully presented as chapters 3 and 4 of *Boldt 1992*. Chapters 1 and 2 of the same book are not recommended, however.

<sup>4</sup> These have included a serving Northern Territory chief minister, a former Australian High Court chief justice, and Pauline Hanson, MP, none of whom appeared to know much about Nunavut's realities.

<sup>5</sup> However, outside their homelands, especially in cities, these peoples socialise and cooperate more easily, and exchange cultural and political notions.

or near their home area. Both are flexible and pragmatic in contemporary political relations with governments and the national public. Both have often been ignored, or sometimes benefited, because their political demands seem quiet or understated in comparison with those of Indians or Aborigines. Both make up overwhelming population majorities in their traditional territories.

There are important differences, too. Although Inuit live in two Canadian provinces, Newfoundland (i.e., northern Labrador on the Canadian mainland) and Quebec, Nunavut lies within the present Northwest Territories. There is no provincial/state government. Also, in Nunavut from the 1950s there has been a strong welfare state commitment to Inuit health, education, social conditions, economic and employment programs, housing, local government, and cultural strengthening and expression. While this has created many problems for its intended beneficiaries, nobody would deny that the federal government has made a strong commitment to the region, first on its own and, from the end of the 1960s, through programs and administration of the Government of the Northwest Territories (GNWT). A tradition and expectation of public services and facilities of quality is established. Nunavut has no large diaspora of Inuit like Torres Strait Islanders in Queensland cities and elsewhere, although a small and growing community of Inuit in Ottawa has a distinct character and provides the national capital with ready interpreters, translators, sources of opinion, and cultural expertise. Finally, the use of apparently cheerful Inuit art and motifs by Canadian official and other bodies as national iconography constitutes a facile familiarity. Carvings on city mantles often represent shamanistic, fabulous, or painful personal meanings from quite another world about which other Canadians know and understand little. Yet this most self-contained culture is usually easy-going towards those who come into contact on its home ground, the Arctic. In 1996 figures Nunavut's total population is c. 21,000 scattered over a huge area, 85% of whom are Inuit; Torres Strait's is c. 6000 Islanders, 564 mixed Islander-Aborigines, and 2500 others who do not identify primarily as Islanders or Aborigines.

### **The Nunavut Setting**

Nunavut's land area is somewhat larger than Queensland, made up of treeless tundras, coasts, and islands. Caribou<sup>6</sup> are an important food source in many areas, especially on the south-west mainland area of Nunavut where great herds migrate from south to north and back annually from their winter range. No less important is the land-fast sea ice on which Inuit hunt, travel, and camp for much of the year, and the floe edge rich in food species. The seas of Nunavut include a large portion of Hudson Bay, together with many straits, gulfs, channels, and a large bite of the north-west Atlantic. The Elizabethan notion of a Northwest Passage creates problems: the American navy has taken the US government over the brink in relations with Canada several times to insist on rights of passage. (*Griffiths 1987*) The only ships which actually pass right through are submerged US nuclear submarines, something the Canadian government has seemed willing to facilitate while Inuit and the majority of Canadians react with sufficient rage to require official bafflegab.

The Cold War heightened other absurdities. 'Two solitudes' existed until 1986. One was the world of Northern or Arctic policy, great fanciful stuff about futurism in technology (especially the extraction and transport of natural resources), economics, international law, military systems and strategies, and, utopian flourishes about cities with trees thriving under glass. This drew some chaps in blazers, drink in hand, to messes, or even a military fly-around to bases far from the madding crowd of indigenous people. The other was the plodding daily north of inadequate housing, alcohol problems, social welfare, racial discrimination, and, later, indigenous self-

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<sup>6</sup> *Caribou*, from an Algonquian word, is the North American term for reindeer, *rangifer turandus*.

government and land/sea rights movements – a north of angry and semi-literate youths in torn T-shirts, the sort kept out of mess halls. One is tempted to say the first was fantasy, though beloved of big thinkers in Ottawa, while the other was real, albeit with scant chance of catching high level attention.

There were other divisions and distinctions. Some are relevant here. One was the split between 'native' and non-native in the Northwest Territories (NWT). Whether Inuit in Nunavut, or Dene or Métis in the Western NWT (i.e., the Mackenzie Valley with its associated great lakes and rivers), or the Inuvialuit Inuit of the Arctic coasts west of Nunavut, non-whites were second-class citizens in every sense but one: they had general hunting rights denied to others. As hunting peoples this was no small item. Another key was the dual economy: world mining and hydrocarbon economics vs. subsistence hunting, gathering, and fishing. The furs traded by all indigenous peoples and seal-skins hunted by Inuit have been prey to world markets, too. Whenever one signs petitions to ban white Canadians' seal-hunting, remember that the ban also wipes out the only paying livelihood of most Inuit communities.<sup>7</sup> (*Keith & Saunders 1989; Lynge 1992; Mulrennan 1998*) Under-estimated till recently was a third surging northern economy: services, notably in the public sector.

Finally came the division between those who wished *to administer* the north in someone or other's best interests, and those who wished *to practise politics* to determine the northern future. This seems the knife-edge on which Australia rests today: white officials want to call their policy 'self-determination' or 'self-empowerment' in Geneva, while refusing to let go at home.

Nunavut has been for decades a world of modern-looking villages of a few hundred or a thousand people unconnected by road with anywhere else. They are supplied by sea with essentials in the brief ice-free weeks of late summer – if lucky! – and otherwise rely on aircraft for urgent needs. All villages now have what an Australian would recognise as a small supermarket, or two, and many have a modest snack bar or two. Modern suburban bungalows are surrounded by snow most of the year, and mud or rock the rest. Like most else, houses come in by sea. Houses have a happy clutter of scooters and skidoos around them, but the telltale items are animal skins stretched and drying, and remains of land and sea mammals. There are modern well-equipped schools and offices, and art and craft co-operatives, as well as other co-op work sites and government offices. The Mounties are present in working brown or blue. A substantial nursing station or small hospital is where the real story of the north is known. However, nurses are too discreet to speak, even if they weren't working virtually 24 hours per day, 7 day each week. A treat is a medivac where they can fly south with a patient and decompress for a few hours.

This Nunavut came into being largely in the 1960s and early 1970s. Before that there were seasonal gatherings around Anglican or Catholic missions, and the Hudson's Bay Company trading posts. Housing and schooling brought permanence to a seasonal hunting camp society, and brought the contemporary world with a rush. There is a very long journey from the Nunavut of the 1920s described by Knud Rasmussen (1927) to the late 1960s of Hugh Brody (1975) and that now reflected weekly in *Nunatsiaq News*, surely the most responsible and effective newspaper that any new 'state'<sup>8</sup> could have.

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<sup>7</sup> Inuit live far to the north of the controversial seal clubbing and hunt different species by rifle.

<sup>8</sup> I.e., *quasi-province* in Canadian terms.

## PART II – THE STORY

### Moves Towards Autonomy and Self-Government

At the beginning of the 1960s both government and opposition in Ottawa were agreed on one thing. The ‘backward’ Inuit east of the NWT should become a new territory so as not to hold back ‘the Mackenzie’ growing faster to the west. Nunassiaq, or Nunatsiaq, even had its heraldic symbols drawn up when manoeuvrings around a minority government in the House of Commons brought consensus unstuck. Division was dropped and the NWT remained as before. However, that ‘before’ was misleading. The NWT was divided in fact between the Inuit east administered directly from Ottawa, and the west administered from Fort Smith, the putative future NWT capital on the Alberta border.<sup>9</sup>

In 1966 a step was taken with the creation of three electoral districts for Nunavut, the first time the people there would be represented in the NWT Council.<sup>10</sup> Two seats were won by acclamation by whites, albeit whites who were fluent in Inuktitut and were long-time residents. The third was won by Simonie Michael of Frobisher Bay (now Iqaluit). Immediately the three new members had a huge impact on Council proceedings with their detailed and determined presentations of Inuit problems and needs. In those days, however, it was up to the federal government whether it acted upon demands made by Council. Many of Simonie’s requests were simply thrown out because with his limited English he had not mastered the enthusiastically medieval protocol of the NWT Council.

Meanwhile, a commission was set up to advise Ottawa on ‘the Development of Government in the Northwest Territories’. (*Carrothers et al. 1966*) Advising against division of the NWT, its main outcomes were the naming of Yellowknife as NWT capital,<sup>11</sup> a rush to create a full provincial-type administration in the new capital, and a major effort to provide all NWT indigenous communities, however small, with the trappings and opportunities of local government. This last was intended to acculturate northern peoples to organised Canadian political life, the necessary step the Carrothers Commission saw to saving them from the segregation and marginalisation which the Indian reserve system had created in Southern Canada. The massive financial and organisational commitment with which this was carried out was superb. However, it had unexpected results. In Nunavut, especially, people had no interest in being able to hold elaborate meetings only to discuss streetlights or some other few topics and funds allowed them. They had no streets, and had not, in their millennia of Arctic living, ever consciously lacked for streetlights.<sup>12</sup> They became more and more frustrated at being ostentatiously assimilated to forms of political life without clout at local or territory level. The things they wanted to talk about – marine mammals, migrating caribou, the content and role of teaching, health service delivery, management of lands and seas, paternalism and assimilation, etc. – were not within the power of the elected bodies of which they were part. Meanwhile, they had all too much experience of the power of government bodies to affect their lives. They also saw how high-paid white officials lived in excellent housing with special outside sources of goods, while Inuit were given usually much inferior housing, much less pay, and no

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<sup>9</sup> Graham Rowley, the long-time government research adviser, is useful on the abiding division between east and west in Northern Canada, *Rowley 1987*.

<sup>10</sup> The author was special coordinator for the NWT government in these three by-elections and in the general NWT elections the following year. He learned quickly that the Canada Elections Act was not written with Arctic conditions in mind.

<sup>11</sup> Yellowknife had many obvious advantages over Fort Smith in size, facilities, location, etc., but one appeal was that it was a busy booming ‘free enterprise’ town with strong private service sector, e.g., gold mines.

<sup>12</sup> Of course, streetlights have their uses in Arctic winter and blizzards.

special goods. In short, the Carrothers policy did lead to indigenous political development, but not in the channelled way foreseen.

The next years were ones of continued quiet building by generous welfare-state government programs – both in physical infrastructure and housing and ever-more elaborate social services – and ones of continually growing indigenous alienation. Then, across the NWT the 1970s became very heated. The last federal NWT head of government, Commissioner Hodgson, refused to recognise the indigenous movement and even tried to undermine it.<sup>13</sup> He would insist, ‘We are all northerners!’, but this became inverted by increasingly educated and politically aware indigenous youth as an ironic battle cry. The three main peoples – Inuit, Indians, and Europeans – were very different in that the third group had all the good housing, paying jobs above menial station, and control of every recognised organ of influence or power. The Commissioner’s intransigence fuelled the indigenous rights movement. There were even wild accusations linked to official circles that Dene were arming for revolution and led by Left-wing white advisers, views dismissed with derision years later by a federal Royal Commission into RCMP dirty tricks.<sup>14</sup>

Racial tensions rose, with the NWT Legislative Assembly<sup>15</sup> fighting furiously like the Darwin equivalent to deny imperatives of indigenous rights and indigenous cultures. The Canadian government, however, having wished that the NWT evolve peacefully into multi-racial harmony and prosperity was not prepared to let white settlers do to Indian, Métis, and Inuit what had been done in Canada’s ten provinces. It refused transfer of lands and held back various powers sought by the NWT government. The Berger inquiry into a proposed gas pipeline from the Beaufort Sea to the south then turned into a national *cause célèbre* – an education of Canadians as a whole in the truths of white rule and indigenous disadvantage in the north. The hard-hitting Berger report, a ‘political football’ in Canada, became an internationally admired document on indigenous rights and hinterland development projects. (*Berger 1977*) Ottawa and economic factors saw to its acceptance. Then Ottawa appointed a senior federal minister to look into division of the NWT and the NWT political situation. The Drury report was powerful. (*Drury 1980*) It damned the failures of the NWT government and (implicitly) its policies *vis-à-vis* indigenous peoples. On Nunavut, it frowned and fretted and returned to the issue inconclusively. The inquiry had been boycotted by indigenous groups as too limited and conservative, but the actual outcome was useful. 1979 was a year of ferment and change in the NWT. Commissioner Hodgson retired, a new Commissioner embraced indigenous groups, indigenous leaders ended their boycott of NWT elections, and a new legislature was elected.<sup>16</sup> The new legislature saw a majority of indigenous organisation leaders elected including several Nunavut leaders, some becoming ministers, and the old white hard-liners replaced by young whites ready and willing to work with indigenous people. This was certainly the most significant time in 20<sup>th</sup> century NWT history – the end of indigenous exclusion from power.

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<sup>13</sup> Stuart Hodgson, an energetic former union man, was appointed in early 1967 after serving as Deputy Commissioner and was probably the only person who could have torn the NWT administration loose from Ottawa paternalism and set it up in Yellowknife, a genuinely independent government, against the wiles of DIAND, i.e., the federal Department of Indian Affairs and Northern Development.

<sup>14</sup> The McDonald Commission, or Royal Commission of Inquiry into Certain Activities of the Royal Canadian Mounted Police [i.e., the Mounties], which reported in 1981. The upshot was creation of a civilian security and intelligence service and the end of the RCMP’s security-intelligence role.

<sup>15</sup> The NWT Council had renamed itself Legislative Assembly, optimistically.

<sup>16</sup> This author played an unwitting part when a report he had written in March 1978 in a special studies unit of the Prime Minister’s department was leaked to a Yellowknife newspaper in two successive weekend issues of September 1979, *Jull 1979b*. The leak was perhaps made by a disgruntled member of the Drury inquiry team or a hostile colleague, but far from causing the mischief expected for its criticism of the NWT *status quo* – was welcomed as a sign of growing realism in Ottawa by the rising new NWT élite.

The new legislature met in extraordinary, early, and brief session. It repudiated the indigenous rights and constitutional positions of its predecessors, openly supporting land rights and constitutional reform. It also appointed a badly named Unity Committee to report on the state of the NWT. The Committee found

unequivocally: the Northwest Territories as a geo-political jurisdiction simply does not inspire a natural sense of identity amongst many of its indigenous peoples; its government does not enjoy in the most fundamental sense the uncompromising loyalty and commitment of significant numbers of those who are now subject to it. (*MacQuarrie 1980, 1*)

It noted that if the 'native associations' lacked the power to achieve their ends, they had the power to negate the efforts of government. It recommended that

this Assembly formally express what has been implied in its previous motions dealing with aboriginal rights and constitutional development, namely that it regards the present geo-political structure of the Northwest Territories, including the institutions and practices of government, to be an interim arrangement, subject to such change as may be negotiated by the leaders of the Northwest Territories' people, and subsequently affirmed by the peoples themselves. (*MacQuarrie 1980, 6*)<sup>17</sup>

The stage was set for a plebiscite on creation of Nunavut, the most fundamental dissident agenda in the NWT.

### **Building Nunavut: The Shaping Phase**

A document approved and released at Igloolik (now Iglulik) in 1979 during the annual national Inuit assembly was the basic policy paper for Nunavut.<sup>18</sup> (*ITC 1979*) It called for an essentially familiar Canadian and northern territorial model with a few special features to meet Inuit needs. The very small non-Inuit population percentage in Nunavut and the familiarity of Inuit with Canadian meeting formats thanks to the Co-op movement and Carrothers local government practice – and if there is one thing which Inuit do more than hunt and bring up their children it is to attend meetings – allowed for a fairly conventional model. However, the approach was also strategic. Inuit had seen how Canadian governments and public whipped themselves into a hostile (and shameful) frenzy in 1975 over the newly named 'Dene Nation', formerly NWT Indian Brotherhood, and over Dene talk of 'nationhood',<sup>19</sup> despite full accounts of the Dene assembly's discussion in *The Native Press*.<sup>20</sup> Inuit wanted to avoid unnecessary conflicts, and if their basic

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<sup>17</sup> Perhaps such frankness about unjust race relations was why a Northern Territory chief minister launched a rambling attack on Nunavut on June 17, 1992, saying it was unacceptable to him and his circle. *Nunatsiaq News* carried the story in Nunavut on June 26, likening the NT to the bad old NWT.

<sup>18</sup> It was principally drafted for the Inuit leaders by two relatively new staff members, political science PHD Simon McInnes and lawyer John Merritt, both of whom continued for years to work for Inuit, with Merritt still doing so, most recently having joined the federal government's office to complete creation of Nunavut for its April 1, 1999 launch.

<sup>19</sup> Canadians inevitably confused the sense of *nation* as cultural community or people with nation as *nation-state*. While Dene hoped for policies and structures to maintain their cultural 'nation' in the face of white settlement and development, they did not seek separate national sovereignty. Their then leader, Georges Erasmus, has become one of Canada's most important national voices for indigenous people and political 'reconciliation', and co-chaired the recent Royal Commission on Aboriginal Peoples.

<sup>20</sup> A first-class northern indigenous newspaper based in Yellowknife, eventually scuttled by funding cutbacks. Even the federal DIAND minister tried to make of the Dene a target to beat up very publicly, presumably in order to curry favour with Prime Minister Trudeau who was famously disdainful of ethno-

needs were met – i.e., Inuit self-government and maximum achievable control of land and sea territory – they were flexible on details.<sup>21</sup>

Crucial background to the whole Nunavut project was Canada's continuing – some would say obsessive – attempt to modify the Constitution in letter and spirit to accommodate an independence-minded Francophone Quebec and confident aggressive Anglophone Western Canada.<sup>22</sup> This made change difficult, with Canadians seeing any claim by any groups as 'separatism', a threat to the country's survival.<sup>23</sup> At least one weak indigenous affairs minister attacked Nunavut very publicly. However, the Inuit generally presented their demands in a positive way, and used unthreatening language. They would gently tell carping parliamentarians and other sceptics, 'We are trying to join Canada, not separate.' They were astute enough to think of national audiences and elites, and explain themselves.<sup>24</sup> Eventually they were on national television, sitting around with prime minister and premiers for televised multi-day national constitutional conferences along with Indian and Métis leaders.<sup>25</sup> Articulate, witty, and charming Inuit spokespersons Mark R. Gordon, John Amagoalik (the recognised 'father of Nunavut'), Zebedee Nungak, and Rosemarie Kuptana made a very good impression.<sup>26</sup> Prime Minister Trudeau had told Inuit leaders there was no point discussing Nunavut in such forums,<sup>27</sup> but it would not go away and soon Trudeau himself was talking about it at First Ministers Conferences.<sup>28</sup>

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nationalism. In Canada the worst indigenous affairs ministers have been weak men who talk movingly of their great compassion and quickly turn sneaky and manipulative when unable to cope with the pressure of their job, prime ministerial expectations, and indigenous ethno-political tides, ending up as nasty little men quite justifiably despised by indigenous and whites alike. Has this been Australian experience too? As for the Dene, today the several Dene 'nations', e.g., Dogribs, Deh Cho, *et al.* are negotiating their regional and tribal 'constitutions' within the NWT.

<sup>21</sup> They were impatient with several Indian leaders who talked endlessly about symbols of equality and status, things which had been patently empty in practice, and when they heard talk of Indians' 'special relationship with Her Majesty' they made lewd jokes. Likewise, I heard one well-educated Treaty Indian notable say disdainfully at a meeting that Inuit were 'pitiful, not even having any treaties' with the Crown. That was in 1981 or 1982. The Nunavut claims settlement has been the best 'treaty' yet in Canada.

<sup>22</sup> Western Canada consists of British Columbia, Alberta, Saskatchewan, and Manitoba, although north-western Ontario is often similarly minded and disaffected with the real and perceived power of 'Central Canada', the Windsor-Quebec City band of population and development along the north side of the St Lawrence River system and associated Lakes Erie and Ontario.

<sup>23</sup> I.e., the fear of 'Quebec separatism' gripped the country.

<sup>24</sup> Whereas Indians are numerous and important voters in many areas, Inuit are not. Until they secured the Nunatsiaq riding, now renamed 'Nunavut', they had no great importance electorally in any House of Commons seat. They knew they had to use smart politics, not just loud politics; well-targeted politics, not just blunt politics. See *Jull 1991f*.

<sup>25</sup> Inuit prominently helped to rescue indigenous rights from feared downgrading in national constitutional change and then to make indigenous constitutional demands less intimidating to provincial governments and some sceptical federal officials in the 1980-83 period. They also played a large role in securing the amendments to the Constitution recognising indigenous rights and setting up a schedule of national conferences with prime minister and premiers to pursue their concerns. See *Jull 1980; 1981a; 1982a; Schwartz 1986*

<sup>26</sup> See 'Remembering Mark Gordon' on that young leader lost in his prime, *Jull 1992e*. Many other Inuit notables played as big a role behind the scenes as those named, most notably Charlie Watt, Mary Simon, Peter Ittinuar, Eric Tagoona, Tagak Curley, et al.

<sup>27</sup> I.e., when he met with them privately in June 1982, and Métis and Indians the same day, preparatory to launching the indigenous constitutional conference process. His advice was accepted initially.

<sup>28</sup> First Ministers Conferences have become the characteristic Canadian high political forum, i.e., Prime Minister and Premiers meeting together. When indigenous leaders were included for talks, however, it helped the Yukon and NWT get seats in their own right, too, for the duration. That is, if the north's indigenous leaders were prominent at such conferences, as they were, especially Inuit and Dene leaders, the governments of their large home jurisdictions needed to attend. The GNWT played a constructive role, not least when represented by its Aboriginal Rights and Constitutional Development minister, Dennis

There was some excitement in Canada about ‘patriation’ of the Constitution in 1982, the televised committee hearings having catalysed national demands for rights recognition with indigenous peoples as prominent players.<sup>29</sup> In those early months of 1982, too, the NWT plebiscite on Nunavut was held. (*Jull 1982b*) A low turnout in the Western NWT, but with Dene and Métis communities supporting Nunavut, plus the massive 4-1 ‘yes’ vote and high turnout in Nunavut, won the day. The federal governments had not wanted to recognise the vote but such a clear result could not be ignored. Now creation of Nunavut became policy in Ottawa and Yellowknife. A Nunavut Constitutional Forum (NCF) made up of elected leaders from both the Legislative Assembly and the Inuit political organisations was set up.<sup>30</sup> It hired full-time staff and was supported helpfully by the NWT government and rather less so by Ottawa (who nevertheless set up staff to keep an eye on it).<sup>31</sup> The usually unstated operating principles of NCF were to show: responsible stewardship of Arctic Canada;<sup>32</sup> positive arguments only;<sup>33</sup> ostentatious openness in consensus-building;<sup>34</sup> passionate commitment to Canadian unity;<sup>35</sup> and modest pride in conducting the first popular (i.e., ‘of the people’) constitution-making in Canada’s European political history.<sup>36</sup> In other words, our team wanted to show that Inuit and their friends were better Canadians than most, and were showing national leadership in citizenship. Not only would this disarm many non-indigenous fears, but it would undermine an unstated one: the quiet anxiety of many European-descended Canadians confident of their own cultural superiority about handing over part of the country to an exotic or ‘primitive’ people who might harbour dangerous or ‘savage’ notions.

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Patterson. He was also chair of the Nunavut Constitutional Forum, a lawyer and the only non-Inuk on that body, his presence a visible reply to charges of Nunavut’s ethnic exclusivity.

<sup>29</sup> The most prominent players were the Japanese-Canadians who suffered confiscation of property and internment in prison camps in World War II. Their story sparked national outrage and demands that such things never happen again. (A fine account of their experience in novel form is Joy Kogawa’s *Obasan*, four copies of which are in UQ library.)

<sup>30</sup> A Western Constitutional Forum was also set up and took on valuable study functions, but the lack of consensus for change or any form it might take in their region, hobbled it. However, it managed to make life difficult for Nunavut, demanding that Inuit hold up all progress till the West got its act together, a view supported by some federal officials, and regularly accusing the Nunavut crowd of bad faith. The reality was simpler: the Inuit didn’t give a damn or a thought for the Western NWT!

<sup>31</sup> It particularly incensed me as NCF fulltime staff head that Ottawa would give us no funds for important research but would pay for people to follow us around and mind our business. I wondered if we might take a long break and force these federal people out of work.

<sup>32</sup> This was easy. In-house Inuit studies showed that the sympathetic public regarded Inuit as responsible guardians of the northern environment, the view Inuit had of themselves. This happy coincidence of interests made public relations easier, but was a reputation acquired over time, notably through Inuit fights over resource extraction and shipment projects such as offshore oil drilling and tanker traffic.

<sup>33</sup> E.g., one NCF member leaned towards arguing for Inuktitut as an official language on grounds that ‘if the French can do it...’, just the sort of argument designed to lose Ottawa ministers (and Prime Minister Trudeau). It was important that we always make such arguments in positive terms, i.e., the vigour and daily use of Inuktitut, its importance for maintaining Inuit culture and identity, etc., and we did.

<sup>34</sup> On one occasion our chairman gave a major policy draft page to everyone in the meeting room, press included, and as we could not be frank about knocking down its contents in public, we were stuck with it, despite its logical flaws. Of course we managed to drain its meaning away discreetly over months and work around the problem.

<sup>35</sup> E.g., by not making claims of Inuit ‘sovereignty’ and by urging stronger federal programs and law in respect of Arctic marine protection from pollution, shipping, etc.

<sup>36</sup> Canada had traditionally left constitutional change to a few men in suits dependent on the expert advice of a few more men in suits, i.e., constitutional lawyers. (Canada itself was assembled in the 1860s thanks to lots of Scottish-born politicians and Scotch whisky.)



NCF and the broader Nunavut group were a mixed team, about half Inuit and half non-Inuit.<sup>37</sup> Of the Inuit, about half were young with at least some high school or higher education; of non-Inuit, I was the oldest, most others being c. 10 years younger, and all of us had a long-time association with Inuit and in Inuit organisational or community work. We had able lawyers, and other skills.<sup>38</sup> Three elements crucial to our success were that our team was well grounded in Inuit local opinion, and could communicate effectively with both the Canadian public and government. Another crucial element was that despite federal insistence that Nunavut claims and Nunavut government processes were separate, neither Inuit nor their white staff acknowledged such distinctions. The Nunavut team was one, even if dealing at two different tables.

The major vehicles of NCF were constant appearances at formal and informal forums to put the Nunavut Inuit point of view on any subject which might remotely concern them, and, regular well-publicised working meetings open to press and public. While Canadians were talking about a new constitutional culture, Inuit in Nunavut, then the least-educated regional population in Canada, had full reports and even live or taped radio and TV segments on a constitution-in-progress. Nunavut was inevitably potent within its homeland: the word means simply ‘our land’ and was in use daily without capital letters, as it were.

There were also studies and discussion documents prepared, leading to the most important, *Building Nunavut*. One was on human rights, not because of any worries we had but in order to reassure whites that the white minority in Nunavut would be fully safeguarded. Two prepared by a federalism documentary researcher dealt with fiscal mechanisms and the division of constitutional powers between Canadian governments.<sup>39</sup> If we had had the money we would have had a fancy economic study done to show that Nunavut was a winner, no small thing for a region of hunter-gathering and small-scale services. There were others – an elegant argument for Inuit official language rights<sup>40</sup> – but one small item was instructive. I wanted a preamble to a Nunavut constitution, despite the likelihood that Department of Justice lawyers would sniff at anything they had not devised. An elegant preamble, like posters we had done for different audiences, could be printed and distributed widely for public relations, to help focus attention outside Nunavut and pride within it. The Inuk head of the Inuit language association was recruited. She consulted Inuit elders, looked at preambles of various types around the world, and presented a neat draft preamble. There was uproar. Everyone around NCF seemed upset. Despite prior approval of the idea, there had been no discussion of precise expectations. Everyone had different ideas for a preamble’s style, purpose, and tone.<sup>41</sup> The draft was set aside. On the other hand, when I fretted nervously about a draft ‘history’ of Nunavut read by NCF members as our Twin Otter bumped around in the

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<sup>37</sup> At the time Canadian Inuit had only one or two university graduates, and have not very many more today. Fortunately Inuit are a confident and open people, and unlike some Indian groups did not try to isolate or confine their white advisers, thereby rendering them ineffectual. Of course, unlike most Indian leaders, Inuit leaders and public in Nunavut are fluent in their own language, a private sanctuary into which discussions can withdraw at any time, often in the midst of meetings with others present. Few non-Inuit know the language beyond the most simple terms, and fewer still are encouraged to learn it. The rich and Joycean Inuit linguistic culture is one of the few things they have that has not been taken over or invaded by the white man.

<sup>38</sup> As some observers have noted, e.g., Professor Ken Wiltshire, UQ (*personal communication*), Canadian indigenous work has relied far too much on lawyers and too little on various social science skills. Our team had a range of skills and contributions, none easily replaceable. I hoped that coming as I did from cabinet and prime minister’s department advisory work in constitutional and national policy, and having earlier been involved in the setting-up phase of NWT government, I had skills. Best of all we worked well as a team.

<sup>39</sup> *Malone 1983a; 1983b*.

<sup>40</sup> Details mislaid, but by Ottawa lawyer Peter Burnet.

<sup>41</sup> It gave me small comfort that the Canadian Cabinet of the times had twice failed to work out any agreeable Constitutional preamble in English and French among themselves.

sky en route Tuktoyaktuk on the Beaufort Sea in January 1983, nobody had a word of advice.<sup>42</sup> However, much energy went into deciding which photos should illustrate the book.<sup>43</sup> Later we had another mess. A poster keyed to the book was in the hands of a new printer. Eager to please, he filled in the multi-period historical scene with extra vikings.<sup>44</sup> And only an intuition and last-minute phone call from the airport prevented the dread sea goddess, Takannaaluk,<sup>45</sup> from being a long-haired blonde bombshell.<sup>46</sup>

The critical point was tabling *Building Nunavut: A working document with a proposal for an Arctic Constitution* in the NWT legislature on May 17, 1983. In a very brief covering memo to the Minister and NCF chair, Dennis Patterson, I warned that a new phase would open. People having had a mystical notion of what a constitution might be would be disappointed and say, 'Is that all it is?' and start picking it apart. But, I assured him, like a prism taking invisible light and making many lovely colours, our document would change the outlook and direction permanently. When we had a fine 4-language version printed we took it around to all communities for discussion. Views elicited were various. One hunter in Coral Harbour wanted a guaranteed right to hunt one bowhead whale as a price for supporting Nunavut, an item I thought odd, but now the hunt of a single whale is imminent and Australia and other countries are protesting vigorously. One community wanted a constitutional right to visit family in hospital, hospital separations, like residential school experiences, being the most bitter of Inuit grievances with the white man's rule. One woman wanted her daughter constitutionally forbidden from having an extra-marital affair. Many people in all communities wanted maximum Inuit control and protection of the marine environment and marine mammals, while the other overwhelming issue was worry about lack of training of Inuit to run the new government. (*Jull 1984b*)

What was lacking was real negotiation with the federal government. Things could have been worse. In October 1982 the Prime Minister savaged Nunavut publicly in some off-hand remarks at a Liberal convention, although DIAND<sup>47</sup> minister John Munro argued back good-naturedly and tried to defuse the situation. It was hard to refrain from counter-attack, but the Nunavut crowd were kept cool and hoped for better times. To fight Trudeau on his hallowed constitutional ground could be fatal, especially if it saw some of 'our side' lose their cool and make injudicious remarks. Soon, however, on November 26, 1982, the one Inuit MP crossed the floor to become a Liberal as part of a deal for federal support for Nunavut *in principle*. Officials attached several irksome conditions to this, the worst being that Nunavut must retain northern consensus – *consensus!* on

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<sup>42</sup> I.e., a history of an as yet non-existent and territorially undefined entity. When pressed, several members said they found it interesting, and appeared to mean it.

<sup>43</sup> I.e., the tri-lingual heavily illustrated glossy softback, *Jull 1983*.

<sup>44</sup> Because I was known to be interested in viking history. Little is known about Nunavut's Inuit-Viking contact although there must have been plenty over the centuries, 1000-1500 AD. See *McGhee 1991*.

<sup>45</sup> Pronounced with stress on 3<sup>rd</sup> syllable. This and most of her other names, e.g., Sedna, simply mean 'the one down there'. Like the 'Eumenides' ('kindly ones'), the Furies of Graeco-Roman tradition, it is best not to risk naming such powerful deities except by euphemism. For the sea goddess, see *Arima 1969*.

<sup>46</sup> When the Inuit language president tracked me down by phone in the High Arctic on the crucial community tour to complain about all the vikings milling about or seated, I proposed that she think of them as 'white advisers'. She accepted, laughing, but had bad news about Takannaaluk: we had got the hair back to black, the hair colour of Inuit, but the goddess' bare breasts on the poster, though discreet, had upset some fundamentalist Christians. Our team had not seen the final design until the finished poster caught up with us in the Arctic as air freight. Thenceforward small boys fought sword-fights with them rolled up around the Arctic's community halls while their parents attended Nunavut information sessions and infant siblings in mothers' parka baby pouches sucked meditatively on a question-and-answer leaflet we had also prepared.

<sup>47</sup> Department of Indian Affairs and Northern Development, the ministry responsible for Indians and Inuit, the northern territories, northern resource development, northern lands and resources, and the northern environment, enough conflicts of interest to ensure never a dull moment.

*separation!?* – but in a joint meeting with justice and DIAND ministers we got nods and winks sufficient to convince us that if we got most things right, the rest would follow. From then on we lived in a strange world whereby we acted as if we had federal support, but didn't really, confident before the world and hoping that, if blocked, we could somehow bulldoze our way through.

Unfortunately our friends in the Western NWT, unable to agree on anything for their own region, agreed all too eagerly that Nunavut must not get too far ahead of them and that we must not include Western Arctic Inuit, the Inuvialuit, within Nunavut. Indigenous leaders who had long championed ethno-regionalism suddenly began talking like Peter the Great wanting a window on the sea. This issue nearly brought Nunavut unstuck, and delayed it for years. Dealing with the whites, Dene (Indians), and Métis was no problem, except that our artfulness and flair made some of their white contingent neurotic and paranoid. A couple of Inuvialuit leaders were a problem.<sup>48</sup> They had no desire to be part of Nunavut, while saying they did, but wanted to use the threat of joining Nunavut to strengthen their hand in talks with the Western NWT and Ottawa to secure strong regional government or even a territorial government of their own. Ottawa, for its part, would not countenance one pan-Inuit territory stretching from Alaska to Greenland (for the usual Canadian reason, i.e., a precedent for ethnic boundaries and Quebec separation), but would not say so directly. Nunavut is perhaps the most traditional Inuit region, and is certainly viewed that way by Alaskan Inuit and Greenlanders. The cultural values of non-confrontation and of welcoming one's Inuit brothers and sisters were no match for the steely pragmatism of Inuvialuit leaders. Inuit in the Eastern NWT, the Nunavut heartland, often regarded the Inuvialuit as too 'different' and lacking in traditional culture, notably Inuktitut. But while the revamped Inuvialuit leadership insisted very publicly that they wanted Nunavut – even if, in private, they and their lawyers were sometimes disdainful of Nunavut leaders – the Nunavut leadership felt culturally and morally obliged to trust their word. From February 1985 until early 1987 this fakery bedevilled Nunavut, and then the Nunavut leaders had enough, signing a second political accord for an agreed east-west boundary. (*NCF-WCF 1987*)<sup>49</sup>

But then a few ambitious Dene leaders decided that they might be able to lever up the territory quantum they could take from Nunavut by playing tough on the boundary. Even when Inuit and Dene hunters could agree on where their traditional hunting areas were and could trust each other, new young leaders sought glory in a very old white imperial sort of way. When the Chipewyan Dene of Northern Manitoba entered the fray with legitimate concerns about traditional areas used, they were doomed. The NWT Dene were eager to use them against Inuit and Inuit dismissed them as merely more Dene trying to block Nunavut. The issue was unnecessarily stalemated. Inuit in the Keewatin, west of Hudson Bay, the Dene of the east end of Great Slave Lake, and Dene in northern Manitoba and Saskatchewan, had all used the hunting lands in that part of the NWT at various times. (*Riewe 1992*) Nature is no help – the tree-line which traditionally separates Indian and Inuit cultures is itself migrating north with global warming, just as it has shifted northwards or southwards through prehistory.<sup>50</sup> For years the Dene leaders refused to yield on the boundary while the Inuit in the NWT legislature refused to yield on Nunavut. Finally, years too late, Ottawa stirred itself and had the boundary resolved. (Now that BHP and other international companies are finding diamonds along the Nunavut border with the Dene, it is of some interest.)

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<sup>48</sup> Inuvialuit in traditional livelihoods and the northernmost communities were most supportive of joining Nunavut.

<sup>49</sup> Achieving the first boundary agreement in January 1985 had seemed a triumph and paved the way for public endorsement by the Mulroney Conservative government's DIAND minister, David Crombie. For those turbulent events see Jull 1985a; 1985b.

<sup>50</sup> For current state, see under NASA site:  
[http://observe.ivv.nasa.gov/nasa/ootw/1997/ootw\\_970528/ob970528.html](http://observe.ivv.nasa.gov/nasa/ootw/1997/ootw_970528/ob970528.html)

The Nunavut claims negotiations continued, at last virtually completed in 1991 and a final settlement signed in 1993 (having begun in 1976). Although Ottawa tried to deny or delay the Nunavut territory and government, Inuit held firm. A Conservative government which had earlier found the idea of accommodating indigenous power unacceptable, now negotiated with the Nunavut team, clause by clause, the contents of the *Nunavut Act*, the constitution for the new Nunavut territory and government. In June 1993 both the *Nunavut Act* and *Nunavut Land Claims Agreement Act* proceeded in lock-step through Parliament and received Royal Assent. On April 1, 1999, Nunavut will come into being.

## **Crucial Innovations**

Perhaps only in 1982-85, and again now in the lead-up to April 1, 1999, has the new government been the most prominent Nunavut issue. (The leader of Canada's Reform Party, the federal Opposition, has in 1998 publicly endorsed it, despite his party's high-profile rejection of key aspects of indigenous regional agreements elsewhere.) Otherwise the Nunavut claims have dominated official and other attention, and always they have provided the core of Inuit hopes. Indeed, after the fiasco of February 1985<sup>51</sup> it was the claims process and the need of governments and industry for land title certainty that kept Nunavut going. Governments were never very enthusiastic about a Nunavut territory, although they grudgingly accepted that Inuit would not sign an accommodation on land title without it. Some also saw that Nunavut had appeal as a Canadian statement to the world of goodwill towards indigenous peoples.<sup>52</sup>

The story of the Nunavut claims is full of drama, reversals, upheavals, and determined progress. It deserves to be written. It gives to Nunavut most of its special political character. Indeed, Nunavut has a dual constitution, the Inuit-only claims settlement co-existing with the relatively conventional government framework, with much of the land, resources, marine, environment, and planning functions vested in the former. The claims settlement draws power from Canada's *Constitution Act, 1982*, overriding other national and territorial legislation, or equal rights claims by non-Inuit. For instance, no white could contest Inuit fishing rights on grounds that he was denied the same. The claims settlement is immune to population or electoral change; its provisions are for all Inuit now or yet to be born. Some of us believe that the Nunavut system as a whole has many other safeguards for Inuit, too. Indeed, small Arctic and Sub Arctic societies such as Greenland, Iceland, Faroes, and Shetland all have special provisions in fact as much as in law to protect their social and cultural character from political change imposed by transient workers.<sup>53</sup>

Two critical battles won along the way were the Inuit demand that marine areas be included in 'land' claims and fall under Inuit management rights (yielded by Ottawa after the Coolican task force report of 1985<sup>54</sup>) and Inuit insistence that management boards (see next paragraph) have *decision-making*, not merely advisory, power. These Inuit victories now benefit all other indigenous groups seeking regional agreements, of course. The settlement, like other northern 'regional agreements', provides for mostly local decision-making and control of lands within the broader Nunavut-wide framework. The full agreement is on the Internet.<sup>55</sup>

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<sup>51</sup> Jull 1985b.

<sup>52</sup> That is, some of us made sure that such considerations were on people's minds in Ottawa.

<sup>53</sup> Unlike Australia's Northern Territory where an ever-changing non-Aboriginal population has denied the permanent residents, i.e., Aborigines, power in their own homeland.

<sup>54</sup> Coolican et al. 1984.

<sup>55</sup> See <http://www.tunngavik.com/site-eng/nlca/nlca.htm>

The main feature of Nunavut is misunderstood in virtually all Australian reports. That is, although there are land selections for exclusive permanent Inuit ownership – including many chosen for their mineral potential – it is the power to manage the entire territory with Ottawa’s environmental experts and make the decisions with only very narrow purview for federal cabinet interference in very special circumstances which is the key innovation. Inuit saw that they could gain *in fact* the power to manage what happened in their vast territory by yielding apparently *in law* on some points. Unlike some other groups Inuit have turned their backs on the language of full ownership and sovereignty, and while such groups have nothing except the usual right to beg for grants from government offices, Inuit have gained the benefits of ownership and sovereign political jurisdiction. When Nunavut is in full operation from April 1999 and the attack on Inuit by some Indian groups subsides, many peoples will find the model of very great interest.<sup>56</sup>

### **Three Accompanying Contexts**

Three background contexts in addition to the Canadian constitutional debate were relevant to the historical narrative. The first of these was post-war anti-racism feeling in Canada and support for United Nations ideals – the sense of breaking with an old world of ultra-nationalism and racist or cultural triumphalism.<sup>57</sup> This became particularly manifest as Canadians watched the long retreat of Empire and the lowering of the Union Jack as country after country was handed over to its non-European population. Then the American civil rights movement, and the disastrous outcomes of racial discrimination and social disparity in American cities, were all too evident to Canadians. So was the Vietnam war which was widely seen in Canada as morally outrageous and practically foolish. Having survived Depression and War, Canadians were humiliated that non-European populations in Canada should continue to live segregated by race and poverty amid white affluence. National intentions ran first to assimilation – pumping in funds and schools and clinics and housing to brown-skinned communities – until northern peoples first and southern ones later showed us all that this was not the answer. The Alaska indigenous claims settlement of 1971 weakened Canadian resistance with its apparently huge compensation payout, transfer of millions of acres of land, and creation of strong and funded regional corporations with governmental powers for Inuit, Dene, and Aleut. Later, Greenland’s home rule provided even more inspiration for many of us. (*Jull 1979a*)

The second and least tangible context was a growing anxiety and ultimate crisis in Canadian white society. Among Francophones this took one form as a sometimes simplistic, sometimes mature desire to break up the federation and set up a new country, together with the rush to secularism, education, and urbanisation from church-dominated old Quebec. Indeed, many *québécois* believe themselves to be, metaphorically, the Indians oppressed by nasty redcoat Anglophones!<sup>58</sup> Among

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<sup>56</sup> In Canada it is obligatory for indigenous groups who have not settled claims or self-government to attack bitterly all those who are trying to do so as ‘sell-outs’ or ‘Uncle Tomahawks’. This is, of course, a crude attempt to lever up the benefits. It has not worked; rather, it turns negotiating groups inwards. In Nunavut we feared for lack of opposition lest we be unable to get a high voter turnout in the several referenda, but happily some Indian groups obliged by attacking Inuit and old animosities proved a most useful reminder to vote Yes.

<sup>57</sup> For a simple backwoods Canadian it has been a surprise to find in Australia a lack of consensus across the political spectrum on racism and, especially back in the 1980s when there were frequent attacks here on tolerance as ‘self-hatred’ and letting down the cause of one’s culture. Such views in North America are confined to the unacceptable fringe of politics.

<sup>58</sup> However amusing or anachronistic this view may be to Anglophones today, it is uncomfortably real all the same, see *Baines 1996*. It also creates problems by squeezing out the *real* Indians and Inuit in Quebec, providing the most dangerous flash point in the Quebec separation scenario. For one approach to a solution, see *Russell & Ryder 1997*.

Anglophones a breakdown of faith in post-war material success, its damaging social and environmental effects, and the lack of a clear or 'Canadian' alternative to the failing American industrial society, so long admired, demanded new answers.<sup>59</sup> The discovery of riches in wisdom, culture, environmental know-how, humour, and inclusive social ethics right under our nose, among the abused and despised 'natives', not to mention genuinely distinctive art forms from Inuit carvings and graphics to Iroquois and Pacific coast masks, made the national indigenous rebirth a virtual national enterprise. On some level, too, many of us recognised that in the north we were now reliving the national experience – searching for saleable resources, settling, meeting opposition from tribal peoples, trying to survive hostile climate and isolation, while establishing organised societies and towns, etc. But now we had a better chance of doing it right and negotiating just outcomes with the traditional inhabitants.<sup>60</sup> We could re-write our history, and, indeed, in the early 1980s we re-wrote our Constitution with the Inuit, Indians, and Métis prominently included.<sup>61</sup>

Third was the search, pushing into the northern reaches of Canada's seven largest provinces and the Yukon and NWT, for new sources of hydro-electric power (Canada's main energy source), pulp logs, minerals, and oil and gas. This coincided with and also catalysed a rise of indigenous confidence and assertiveness from the early 1960s, and produced furious environmental conflicts. These were not between urban youth full of ideals and their fathers in company head offices. Rather, they involved poor, often desperate indigenous villagers trying to catch enough fish and small game to get by. Serious environmentalists joined later, but the broad front in Canadian environmental politics was across the mid-north and far north of Canada, between indigenous peoples and white businessmen, the latter backed by governments eager for 'development' and 'progress' at all costs.<sup>62</sup> The federal government was more complicated. The resource industry supporters usually won any policy battle within officialdom, but there was a strong 'conscience' faction concerned about indigenous well-being and saving Northern Canada from the mindless despoliation of the South. However hypocritical, romantic, foolish, or misinformed they were, ordinary Canadians had a large emotional stake in the north, its peoples and polar bears and great caribou herds. Inuit and other northern peoples were seen increasingly as 'the good guys'.

In sum, industry and politicians' attempts to paint Inuit and other indigenous people as ratbags, dreamers, or radicals met a growing public sense that Inuit stood for worthier things, were a sort of lost conscience of the country, and were brave against the odds of time-serving officials and greedy developers.<sup>63</sup> What is more, Canadians indulge a degree of romanticism towards the territorial north which they deny within provincial borders.<sup>64</sup> Nonetheless, the Nunavut case had to be made again and again, year after year, before it succeeded.

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<sup>59</sup> The worst came in early 1998 when Canadian found that their top players could no longer be counted on to beat little foreign countries in ice hockey.

<sup>60</sup> In an essay for the Royal Commission on Aboriginal Peoples on future northern policy for Canada, I used the title, 'Re-Inventing Canada'.

<sup>61</sup> First negotiated on a dirty snowy Friday afternoon in late January 1981, the key clause reads in final form, now part of the *Constitution Act, 1982*: 'The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.' There are several other clauses elaborating indigenous dimensions.

<sup>62</sup> This may be emotive language. It seemed more usually 'at no cost', because surely this huge land, 'good for nothing' as Leif Eriksen deemed it, or 'a few acres of snow' as Voltaire famously dismissed Canada as a whole, would not suffer for a bit of rough stuff to take out the valuables assumed hidden under bog and rock. By documenting ecological niches and inter-relationships, and defining eco-regions, land claims have fuelled a major intellectual revolution in Canadian thinking about territory. See, e.g., *Inglis 1993*.

<sup>63</sup> Happily, the mining and oil barons, and some high officials, went out of their way to provide good targets of themselves, so at times polemics were like shooting ducks at a whiz-bang.

<sup>64</sup> For this reason, the northern regions of the seven provinces which stretch up to 60°N contain the worst social misery and neglect of any areas of Canada, i.e., for their permanent indigenous population, while

## **Implementation**

Since 1993 the agreements, processes and politics of implementing the Nunavut claims settlement and self-government have been a story in themselves. Nunavut has had much more attention paid to follow-up phase-in, training, and structuring than previous agreements. (See *Crnkovich 1993; NIC 1995; 1996*) We had identified such a need in a general way during earlier phases, but had not succeeded in gaining the attention needed for such matters. Indeed, a major reason for this concern had been the experience of other regions. In Northern Quebec, for instance, the Inuit had spent many years and all their claims body's annual income fighting with governments to carry out obligations agreed during the negotiations of the land claims agreement.

Most pressing seemed the issue, raised endlessly by people in the communities across Nunavut, of preparing young Inuit to fill the jobs and take on the roles required of Inuit self-government. There were two basic concerns here:

- that the severe under- and un-employment of the Inuit young would be addressed, and
- that Nunavut not become another fiasco, like federal and NWT governments before it, with white outsiders shaking up an already badly shaken Inuit society.

Some of us knew from experience that the tedious phase of administrative detail could be every bit as important as the grand design and advocacy phase earlier – indeed, it could make or break Nunavut. This new phase, hidden out of sight and of little interest to the media – although the *Nunatsiaq News* commendably maintained its reportage – would be a tougher test of skills and patience. Indeed, many indigenous leaders around Canada have failed to move from advocacy to the sort of executive skills needed to achieve regional agreements or other major breakthroughs, and this is why so many regional agreement attempts have failed.

It is most important that anyone examining Canadian experience or considering political negotiations in general pay the attention to the implementation phase for which I have no time or space here.

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white boomtowns come and go with mineral finds and world markets. Federal attempts to help improve conditions have been sometimes grandiose but never very successful. Prime Minister Trudeau in the late 1970s tried to get the provinces to agree to a constitutional commitment to equalise conditions north-south within their borders, i.e., between natives and whites, in exchange for the national constitutional commitment to equalise well-being east-west among provinces. The provinces furiously rejected his proposal.

## PART III – INTERPRETATION

### Principles of Reconciliation in Practice

Nunavut exemplifies a form of racial and regional reconciliation underway across Canada and in various other countries.

1. Central political authority rescues deteriorating hinterland race relations and environment from settler bloody-mindedness to broker new politico-administrative arrangements.
2. Substantial indigenous-government co-management<sup>65</sup> of environment, renewable resources, development planning, and territory is adopted pragmatically to accommodate traditional livelihoods and lifeways alongside industrial world hunger for commodities and energy.
3. Formal recognition and support for indigenous cultural collectivities are given in place of an ‘equality’ usually understood as uniformity.
4. National capitals recognise that large territories with few people can no longer be deemed too poor to justify decent public services while their resources remain ‘too rich’ to benefit the locals.
5. The long-running failure of outsider-designed public services in areas like health, education, welfare, culture, and community affairs gives way to substantial indigenous operation and control producing more accepted and appropriate outcomes.
6. Ways to compensate indigenous peoples for legal and physical dispossession are found, e.g., transfer of some land and resource rights, resource revenue-sharing, capital funds, etc.
7. Regional agreements are designed to accommodate existing non-indigenous communities and land ownership (although a feature little needed in Nunavut).<sup>66</sup>
8. Hinterland settlers appealing to national majoritarian tradition to maintain dominance over indigenous peoples are overruled and obliged to share power with them.
9. Government if not the general public is shamed into treating indigenous fellow citizens as political and socio-economic equals as official rhetoric says they are.
10. Governments dither about how to square publicly the obvious moral imperatives of marginal peoples and regions with pretensions of national sovereign uniformity, but when they finally make adjustments they find the experience refreshing and worth boasting about abroad.

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<sup>65</sup> I am grateful to Nonie Sharp, LaTrobe University, for pointing out that ‘co-management’ in Australia usually means much less than in Canada, so I use the term apprehensively. It has real content in Canadian regional agreements such as Nunavut.

<sup>66</sup> That is, in Nunavut the only non-Inuit communities are meteorological, military, and mining enclaves with transient work crews. Elsewhere an indigenous regional agreement would exclude non-indigenous towns except, perhaps, to provide health, education, and social services to urbanised indigenous people living there. The very large size and dependence of such non-indigenous towns on the indigenous economy has been too little recognised, but see *Crough 1989 & 1992*.



In practice the main items are a package, not separate items. Whether ethno-political mobilisation of contemporary sorts begins with housing discrimination or oil spills, the other demands come quickly into play. The package is finite and predictable, not whimsical, but if major elements are withheld by governments the fight continues.

## **Conclusions I – Nunavut and Australia**

Leif Eriksen concluded in 1000 AD that Nunavut was ‘good for nothing’.<sup>67</sup> Although Canadian governments in the late 20<sup>th</sup> century have tried to think of some use, their ideas rarely went past extracting sub-surface resources and a line about ‘Canada, an Arctic nation’ in ministerial speeches for foreign audiences. In the last few decades of the millennium, however, Inuit have redefined Canada, the North, and the Arctic.<sup>68</sup>

In Nunavut, other parts of Northern Canada, Greenland, and Sami areas of Northern Europe, mid-century planners, program managers, and enlightened politicians and policy officials brought good intentions galore to indigenous hinterlands. Something similar was underway among the indigenous peoples of Russia with *perestroika*, although their situation is materially worse, even desperate. (*Pika et al 1996*) What has been called ‘welfare colonialism’ by Robert Paine, Jeremy Beckett, and others was the immediate cause of indigenous political mobilisation in all these cases. (*Paine 1977; Beckett 1987*) Indigenous people were humiliated and angry at having their lives and world re-shaped around them without real power in the process, the imposition on them of a meritocracy of outsiders. They were also shaken by the extent of the ravages on their families and communities brought by inappropriate and overwhelming social change. Then followed tough fights on territorial rights during the search for ‘frontier energy’ sources. Middle East oil politics had no mean role. (*Lauritzen 1983; Klausner & Foulks 1982; Jull 1998a*) If one wants to see those past 30 years in microcosm, the Yamal situation in Russia today replays it all in more intense and urgent form.<sup>69</sup>

Inuit, like many Torres Strait Islanders and Aborigines in Australia’s north, centre, and west, view regional autonomy as both desirable in itself and necessary for participating equally in national

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<sup>67</sup> We will soon be awash in documentaries, books, articles, and conferences ruminating on the Norse voyages and settlements in the north-west Atlantic a thousand years ago. The best book remains *Jones 1986*. Those Vikings visited Nunavut, liked the timber of Labrador, and hyperbolised the northern tip of Newfoundland as Vineland. Their home country was Iceland, whose environment and new society they quickly squandered in greed, impetuosity, and ignorance, losing independence and leaving them a destitute colony of an imperious Norway. The Greenland colony founded and led by Erik the Red flourished for twice as long as white settlement in Australia. In Canada, however, Algonquian Indians and Inuit drove off these early Europeans, and Inuit also harried them in Greenland. Today Greenland has been an Inuit self-governing country for 20 years, Nunavut is being founded as an Inuit government, and the Algonquian Innu and the Inuit are close to land and sea rights settlements and self-government in Labrador. While Australia was transfixed by the Hong Kong handover in 1997, the Queen was in Vineland, a.k.a. Newfoundland, celebrating the 500-year anniversary of the founding of the British Empire – Cabot’s ‘discovery’ which led to the extermination of the island’s indigenes, the Beothuk, the people Britons first called ‘Red Indians’. An all-Canada Indian delegation mourned at the wharfside ceremony and the Newfoundland premier proclaimed a minute’s silence for the ‘disappeared’ Beothuk.

<sup>68</sup> E.g., Canada is now not simply a British or British-French industrial country as was the ideology some decades ago, but a diverse place which includes one third of its whole territory in Inuit and non-industrial hands (Nunavut plus Inuit Labrador, Inuit Northern Quebec, and Inuit Western Arctic). The North is not a deprived place waiting for the good things of Southern Canada to fulfil it but has its own agenda and culture. For the Arctic, see Conclusions II of this paper.

<sup>69</sup> The Smithsonian Institution’s web sites have material on Arctic peoples and good material on Yamal. Also, *Osherenko 1995*.

society. This is not separatism. Many non-indigenous Canadians and Australians realise that their own nationhood cannot be authentic or even legitimate without political accommodation – or *reconciliation* – of indigenous peoples. This is a sign of national maturity.

There is an implicit exchange. The majority European culture convert garrison sovereignty into domesticated and recognised forms of organised society, while those recognised forms are based on the physical occupation, customary rights, and culture of ancient non-European inhabitants.<sup>70</sup>

The major Nunavut hints for other indigenous peoples may be the value of

- making indigenous self-determination a ‘good news story’ for the general public, no less than a private indigenous project;<sup>71</sup>
- retaining the moral high ground of practical, even homely concerns, understandable and understandably fair to any outside observer;<sup>72</sup>
- a clear and consistent storyline and presence for informed publics, media, and élites,<sup>73</sup> and
- placing priority on gaining tangible power ahead of grand appearances or distant hopes.<sup>74</sup>

The corollary is that while angry assemblies and clenched fist salutes are inevitable, they may be pre-political – that is, one must move beyond them in order to achieve serious political goals, or leave them as noisy background on the street while leaders meet quietly indoors to negotiate substance.<sup>75</sup>

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<sup>70</sup> For more on this see pp 27-29, *Jull 1995a*. It is the opposite of Queensland’s traditional indigenous policy approach as documented in *Kidd 1997*.

<sup>71</sup> E.g., saving the Arctic or Torres Strait or Kimberley environment from exploitive outsiders; teaching the white man how to safeguard the environment; showing that white and black or brown can work together peacefully; leading national outrage against irresponsible foreign ships in dangerous Arctic ice-strewn, or Tropical coral reef-strewn, seas; sharing cultures of place with disoriented European immigrant peoples, etc.

<sup>72</sup> E.g., showing the basic practical social and economic and employment motive and content in indigenous demands and needs to the non-indigenous public and governments. To show that Inuit and Torres Strait Islanders need sea rights and marine environment control so they can continue to feed their families, not just to set a legal or jurisdictional precedent. Along the way, of course, *they may well and probably will* set fine legal and jurisdictional precedents, but the emphasis on homely practicality is important.

<sup>73</sup> I.e., the media in particular, and other non-indigenous élites, have very limited attention span, especially where they must step outside their usual frame of reference to understand a different culture’s perceptions. It is important to keep them supplied with good arguments and examples meaningful within the terms of their culture for why indigenous self-government and land/sea rights are needed. E.g., by submitting briefs and visibly showing responsibility and concern for one’s region, a people gain valuable political credibility. Lesser skills must not be ignored, like answering the office phone, keeping accounts straight, and showing responsible readiness to exercise more authority. The endlessly ringing phones of indigenous Canada have undone more fine presentations and public relations exercises than any unhelpful cabinet minister.

<sup>74</sup> E.g., gaining government power and overall management of territory rather than holding out for dreams of internationally-recognised Inuit sovereignty or total outright ownership of Canada’s North, and refusing to accept advisory bodies in lieu of real decision-making roles. Even the most ambitious hard-liners and purists reach a point where they would rather set their own priorities in their own offices than beg small dollops of funding from white authorities every time they want to attend a conference.

<sup>75</sup> Indigenous anger is always understandable and almost always legitimate, but it is not always useful in real political negotiation. The trouble in Australia, as in Canada, has been that most indigenous-government ‘negotiation’ consists of public feints and poses, a sort of stylised theatre as in some East Asian drama, between governments affecting to worry over the national interest or accountability of parliament on the one hand, and peoples refusing to be pushed one more step back. This is public relations of a sort, and may set the stage for real negotiation, or not. Rage is best left outside the door of meeting rooms when two sides meet for most purposes beyond delivering a protest or rejecting a claim. At moments, of course, it can be effective. Mark R Gordon pointed at a roomful of senior Quebec officials on a sweltering summer day in the cabinet ‘bunker’ in Quebec City, shouting furiously that they had starved to death his Quebec Inuit people in preceding decades. (For famine’s key role in Inuit policy, *Tester & Kulchyski 1994*.) I have never seen so

Nunavut was fought for on many levels at once, notably:

- international articles and lectures (like this one!);
- national constitutional and political reform processes (most obviously the First Ministers Conferences on the Constitution);
- national policy reform discussions (such as the Royal Commission on Canada's Future, northern foreign policy discussions, the work of special inquiries on, e.g., visible minorities);
- northern constitutional reform (generally quite separate from the national process, although Nunavut leaders brought both processes together at times);
- the work of the NWT legislature (where the Nunavut caucus was the principal NWT 'party' and used its power);<sup>76</sup>
- regulatory board and environmental panel processes dealing with proposed mega-projects, this being *the principal forum* in which Inuit fought their long battle for land/sea rights and self-government (other than the direct negotiations on Nunavut claims and, later, government, that is, and often for lack of the latter);
- court cases (e.g., the Baker Lake land rights case);
- the animal rights, sealing, and whaling debates in Canada and internationally (remote indigenous livelihood vs. urban non-indigenous sentiment); and
- other opportunities suddenly available, such as American maritime intrusions into Canadian Arctic seas where Inuit could take a lead in outraged Canadian feelings (and give governments some environmental substance to that outrage).

In other words, Nunavut activists were not only highly visible, but visibly responsible for the health and future of their Arctic region. Nunavut was a moral and political fact long before it was a practical jurisdictional one.

Indigenous peoples in Canada remade national political culture while they negotiated the first wave of contemporary regional agreements, an effect unforeseen on both sides. Each agreement further refined the model, and widened non-indigenous understanding and acceptance. After 25 years experience, such agreements or 'treaties' are now proposed for all Canada. (*RCAP 1996*) In Australia, strangely, regional agreement concepts have grown somewhat timid before any are signed. Canadian indigenous leaders would tell Australians, as some have done in person, to keep fighting.<sup>77</sup>

Nunavut relies neither on 'special' indigenous laws nor peculiarly 'Canadian' structural features. Such approaches are possible in Australia. Although it will be a federal 'northern territory', Nunavut interests Canada's provincial governments.<sup>78</sup> After all, the governmental motive in accepting Nunavut and other such indigenous reforms has been to escape the dead end of past

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many grey faces and heart attacks about to happen. This outburst followed a smarmy and condescending little 'Trust us!' talk by the Premier's deputy minister for indigenous issues.

<sup>76</sup> The NWT Legislative Assembly has no formal parties, that development having been deliberately put on hold till Nunavut and the power of its caucus are removed.

<sup>77</sup> Inuit leaders including John Amagoalik, Les Carpenter, Rosemarie Kuptana, and Paul Okalik from Canada; Lars Emil Johansen from Greenland; and Dalee Sambo from Alaska have brought such a message to Australia. See *Amagoalik 1994* for a much-remembered talk to Aboriginal and Torres Strait Islander leaders meeting in Darwin.

<sup>78</sup> *Jull 1984c* and *GNWT 1984* were written to help meet provincial government interest.

social programs. That old approach, now hailed as new in some Australian official quarters, has failed in Canada and elsewhere to break the cycle of indigenous disadvantage.<sup>79</sup>

As the only developed country in the world's Tropics,<sup>80</sup> Australia could gain vast moral authority from expending the small costs and political energy needed to make Torres Strait and various Aboriginal regions in Queensland, Northern Territory, and Western Australia examples of political recognition, social well-being, and regional self-government. Every overseas foreign aid body would be rushing here to learn how it's done. Australia would remove its main international blemish.

However, the real rewards come at home, contrary to the fear-mongering of political xenophobes.<sup>81</sup> **It is worth stating and re-stating that indigenous self-government such as Nunavut or any number of other models contributes to social peace, economic benefit, and regional equity in any contemporary nation-state.** This unexceptional realisation has been accepted by liberal, conservative, very conservative, labour, and other political parties in government around the 'first world', with debate having usually moved on to the practical details of implementing reform.

## **Conclusions II – Nunavut and the Wider Future**

If Australia is stalled or slipping backwards in indigenous policy, Canada and the far Northern Hemisphere are not.<sup>82</sup> One may look ahead with confidence. For instance, western NWT indigenous leaders hoped when they asked their peoples to support Nunavut in the 1982 referendum that Nunavut's departure would force serious constitutional and political reorganisation of all the NWT. That is now happening and the 8-10 ethno-regions in question are negotiating a new federal or confederal NWT constitution whose whole and parts will be rather more innovative than Nunavut.<sup>83</sup> (*Constitutional Working Group 1998*) The first regional agreements in Canada, those of the Cree and Inuit of Quebec (*JBNQA 1975*), will develop further in coming years whether Quebec separates from Canada or not, while the determination of their people to remain in Canada is a strong boost for Canadian identity. Other regions of Quebec and adjacent Labrador are also negotiating land and water rights and self-government over large territories. The British Columbia

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<sup>79</sup> The social justice package developing under Australian indigenous leadership in 1995 was the last best hope. See *Dodson 1995*. For discussion, *Jull 1996*.

<sup>80</sup> Singapore and Hong Kong as city-states are not counted.

<sup>81</sup> The notorious speeches in the Australian federal parliament on October 1, 1997 and June 2, 1998 by Pauline Hanson, MHR, attacking Nunavut appear to play on vague racial anxieties rather than reflect any understanding of how positively such politico-administrative entities nest within the framework of national unity.

<sup>82</sup> For this indigenous renewal in European constitutional philosophy context, and a fine paper extrapolating recent Canadian thinking to current Australian context, see *Tully 1995 & 1997*.

<sup>83</sup> The various indigenous regions and peoples of the NWT are negotiating region by region with the Government of Canada for what is likely to become a confederal new territorial entity within which peoples and regions manage their own affairs, a model which should be especially interesting for the Northern Territory and others parts of Outback Australia. See the new working document, *Constitutional Working Group 1998*, and especially Model 1, the government-to-government model for aboriginal government within a newly constituted NWT. Politico-administrative and constitutional arrangements in the western NWT are likely to be innovative. A practical problem here may be that some of those involved on both sides, proud to have new negotiating mandates and doctrines in the post-RCAP and post-Delgamuukw political environment, may wrongly imagine that their new labels make previous and comparative experience irrelevant. Alas, the socio-politics of interaction between the powerful and the marginal within the political culture of the powerful are an archetypal pattern, endlessly repeated, and nowhere more clearly than when the pattern is ignored or denied.

First Nations, i.e., Indian peoples, are also in the early days of robust regional agreements in a resource-rich and politically volatile province. (E.g., *Canada-BC-NTC 1996; Kunin 1998*<sup>84</sup>)

However, the most exciting development or context is the Circumpolar region as a whole. Despite a sometimes disastrous legacy of environmental and social problems from ill-judged industrial, resource, transport, and other policies (*Pika et al. 1996; Keith et al. 1997*), northern indigenous peoples are determinedly filling in the great empty spaces on nation-state maps. They have provided the energy and purpose in creating a busy multilateral Arctic region where governments previously only imagined ice and snow and hidden mineral or hydrocarbon wealth. Nobody minds governments now taking credit, and indigenous peoples and their new friends and allies in non-indigenous society, including environmentalists, are keeping up the momentum even when governments lose interest. (E.g., *Robertson et al 1988; Calgary Working Group 1997*) What is happening is that a pre- or post- and sometimes anti-industrial Circumpolar world, a patchwork of peoples and regions, is developing a unique approach to governance and society. They are not threatening nation-state sovereignty, although they are threatening the 'gold rush' mentality of those frontier whites who hope to become bigshots as well as revenue-hungry public authorities scavenging amid post-Soviet collapse or globalised and deregulated economies. They have survived by flexibility and pragmatism for millennia, and whatever enthusiasm some of their youth have for this or that ideology, dogmas of all kinds have usually brought disaster. Having experienced vehement missionary Christianity, Stalinism, Nazism, cowboy capitalism, and technophilic fantasy within living memory, northern peoples can do without the white man's '-isms' for a while.

At a major Circumpolar conference this month on sustainable development, very much including social, cultural, and political issues, indigenous leaders, governments, scientists, and others<sup>85</sup> discussed globalised economy and politico-constitutional matters no less than drinking problems and garbage collection.<sup>86</sup> The new president of the Russian association of Arctic and Sub Arctic northern indigenous peoples, Sergei Haruchi, indicated there that he seeks Nunavut-style regional agreements across Russia, perhaps combined with a Sami-style elected indigenous parliament.<sup>87</sup> Indeed, Russian politico-administrative structures have seemed friendly to recognised indigenous territorial entities for some time. (*Jull 1995a 37-43*) The new Sami parliament president in Norway, Sven Roald Nystø, is keenly interested in Northern Canada and in Australia, and their legal and policy precedents of recent years.<sup>88</sup>

Around the Circumpolar world a new sort of civilisation is emerging, driven and designed by peoples who were until recently – and too often even today – dismissed as 'primitive' or 'backward'. This was not a consciously internationalist movement, but many localisms and regionalisms moving in the same direction, with belated awareness that others shared similar

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<sup>84</sup> *Kunin 1998* has a useful new summary of Canadian indigenous law stopping just short of the December 1997 *Delgamuukw* decision, see *Slade and Pearlman 1998*.

<sup>85</sup> The reader/hearer will thank me, I hope, for avoiding the Canadian term, now *de rigueur*, of 'stakeholders'.

<sup>86</sup> The conference, *Sustainable Development in the Arctic: Lessons Learned and the Way Ahead*, was held at Yukon College, Whitehorse, May 12-14, 1998, with various other conferences and meetings taking place around it in order to make good use of the gathering of notables. The conference principals were from the eight Circumpolar countries grouped now in the Arctic Council – Canada, USA, Russia, Finland, Sweden, Norway, Denmark, and Iceland. Proceedings to be available in September 1998.

<sup>87</sup> I owe this information to a reliable conference participant.

<sup>88</sup> He also had the task of replying to Australian Deputy Prime Minister Tim Fischer's recent remarks about Sami rights in Tromsø's newspaper, *Nordlys*, 19-1-98. He said that Northern European failures in recognising indigenous rights were no excuse for Australian governments to do the same, but that Sami were fortunate to have better living standards. The Scandinavian governments have apparently chosen to make no public reply to Mr Fischer.

problems, aspirations, and a rough consensus on solutions in spite of physical and political barriers.<sup>89</sup> In this large region of small-scale societies new patterns of evident interest to Australia and the world at large are appearing. In Northern Canada a recent worry has been that while there, and in the Circumpolar world generally, so much is being achieved, the harried people and leaders of Southern Canada are missing out and that ways have to be found to help them.<sup>90</sup> 'The wheel is come full circle.'

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<sup>89</sup> Indeed, many problems of today and the recent past could have been addressed more effectively if international cooperation had been established early. Each country, however, tended to regard its northern minority and development problems as something of a national embarrassment and was uneasy about letting others see it. Russia was the most extreme case, but all Arctic Council members except Iceland acted similarly in some degree.

<sup>90</sup> This theme runs through *Calgary Working Group 1997*.

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for Indigenous peoples claim that Indigenous peoples do not constitute "peoples" recognised under international law, and therefore the right of self-determination cannot be applied to them, either internationally or domestically in Canada. However, there is no "internationally accepted [definition] of the [term] "peoples"."<sup>30</sup> Australia, Canada, and New Zealand. "permission to reproduce this material has been granted by. To the educational resources information center (eric)".<sup>31</sup> The aboriginal people of Australia, Canada, and New Zealand became minorities in their own countries in the nineteenth century. The expanding British Empire had its own vision for the future of these peoples. They were to become civilized, Christian, and citizens in a word, assimilated.<sup>32</sup> This book is devoted to understanding the policies past and present which have been and are directed towards aboriginal children and families. My search for understanding expanded as I became aware of similar policies in other. xii Preface. This chapter explores how planning theories and methods applied to the creation of regional development plans for remote regions in Australia and Canada reinforce the socio-economic disadvantages of the Indigenous populations in those more. This chapter explores how planning theories and methods applied to the creation of regional development plans for remote regions in Australia and Canada reinforce the socio-economic disadvantages of the Indigenous populations in those regions.<sup>33</sup> The author describes the constitutional and legal recognition of the indigenous right to political autonomy in Mexico.