



**Submission to the Senate Standing Committee on Energy, the Environment and Natural Resources on Bill S-14, An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations**

**NunatuKavut Community Council  
November 30, 2023**

## Honourable Senators:

This brief is submitted on behalf of the NunatuKavut Community Council (NCC), the representative body for NunatuKavut Inuit, who reside primarily in our territory of NunatuKavut, in south and central Labrador. Translated from Inuttitut, NunatuKavut means “**Our Ancient Land.**”

NCC is in support of Bill S-14 as tabled, and in particular the language relating to Akami-Uapishk<sup>u</sup>-KakKasuak-Mealy Mountains National Park Reserve. Amendments to this language risk putting Canada in breach of the honour of the crown, and its obligations under our Shared Understanding Agreement (SUA) with Parks Canada, the British-Inuit Treaty of 1765, and the UN Declaration on the Rights of Indigenous Peoples Act, for the reasons we outline below.

## Our History

We are Inuit who belong to NunatuKavut, our territory in south and central Labrador. We have always been here. Our ancestors have had a close and deep relationship with the lands, ice and waters of NunatuKavut since time immemorial. Long before European contact. Cultural history research conducted in partnership with Parks Canada confirms that the Labrador Inuit are descended from the Thule Inuit, who arrived in Labrador by 1400 CE at the latest.



Figure 1: 'Esquimaux Hut' (sod house) at Pitts Arm (Chateau Bay), 1891, near the 1765 British-Inuit Treaty site (Rupert Baxter) (courtesy of Labrador Institute, Memorial University)

We were always self-governing. We had our own kinship networks and our own rules around fishing, hunting and trapping. We made our own observations about change happening in the environment around us.

The first Europeans to visit our territory recorded an Inuit presence. Early colonial accounts of our ancestors' interactions with Europeans along the Labrador coast illustrate that we were active agents and persistent in our resistance of European whalers, fishers and traders who attempted to exploit the rich marine resources in the region. While some Europeans married into our communities, we continued to pass down our Inuit stories, culture, and way of life.

In 1765, after many attempts to settle conflicts and war that had resulted in much loss of life, a treaty of peace and friendship was entered into between the ancestors of present day NunatuKavut Inuit and the British. It was entered into on the south coast of Labrador, at Chateau Bay, in the heart of our territory. The Treaty reflected our continued self-governance and self-determination as Inuit. NunatuKavut Inuit are rightful beneficiaries of this Treaty, the only known historic Treaty in Canada with the Inuit.



Research undertaken in partnership with Parks Canada confirms that NunatuKavut Inuit and Nunatsiavut Inuit share strong genealogical, geographical economic, cultural, and social ties. The political division between the two groups is rooted in colonialism. Starting in the 1760s, Moravian missionaries and British authorities attempted to draw Inuit away from Labrador's south coast, in order to allow for British exploitation of the fishery. The British sought to contain the Inuit north of Chateau Bay in order to keep them from trading with the French. The Moravians built trading posts and mission stations on Labrador's north coast.



Figure 2: Lockwood Boarding School dormitory

Many Inuit remained on the South Coast, but over the next 150 years the Moravians created a narrative that the only true Inuit in Labrador were Moravian Inuit who lived within the Moravian “territory” on the North Coast. Moravian and other colonial authorities called non-Moravian Inuit “Southlanders” and argued that they were no longer Inuit. These colonial and racist attempts to deny Inuit presence in central and southern Labrador served to justify settler colonial resource exploitation, and for years obscured the continued existence of Inuit families in Hamilton Inlet, Sandwich Bay, and along the southeast coast.

NunatuKavut Inuit have survived and persisted, despite attempts by outsiders to destroy, deny, and repress our culture. These attempts included sending our children to residential schools, such as the Lockwood Boarding School in Cartwright, a NunatuKavut Inuit community. This school was included in the residential school claim and settlement for Newfoundland and Labrador. The Premier of Newfoundland and Labrador apologized for the treatment of residential school students from NunatuKavut on September 29, 2023.

**WE REMAIN HERE, IN OUR TERRITORY, AS WE ALWAYS  
HAVE BEEN, RESILIENT.**

## NunatuKavut Community Council

The rights of NunatuKavut Inuit are represented by NCC. NCC is led by a Governing Council elected by our membership. The Governing Council is comprised of members representing each of the six regions of our territory and one representing those living outside of NunatuKavut. It is led by a President and Vice-President. We first organized in 1981, and incorporated in 1986 as the Labrador Metis Association.

Our journey for recognition by the Governments of Canada and Newfoundland and Labrador has been a long one. In the late 1970s and early 1980s, our people, like other Indigenous peoples in Labrador and across Canada, were looking for representativity and a place to give voice to their rights and recognition. This was a dynamic time in Indigenous politics, with many changes in organizational names and membership. The use of terminology was heavily influenced by pressure from the Government of Canada.

Figure 3: NunatuKavut Community Council President Todd Russell



At that time, we were encouraged by both the federal government and national Indigenous organizations, to adopt the word Metis in our name. Many organizations that represented Indigenous peoples that did not yet receive “full” recognition were encouraged to do the same.

As we continued our journey of recognition, we strengthened our governance and, in 2010, the name of our organization was changed to the NunatuKavut Community Council to better reflect our Inuit history. Unlike the early days where our organizational development was influenced by outsiders, this was a change guided by our own people. This was not out of the ordinary. Other Indigenous organizations across Canada had also changed their organizational names to better reflect their own history.

Regardless of the name of the organization, throughout our history, we have been consistent in asserting our Indigenous identity, and in advancing our rights based on our Inuit ancestry and culture.

We first filed our comprehensive claim with the federal government in 1991. After additional submissions, we filed our last major submission, Unveiling NunatuKavut in 2010. Since that time, we have been in discussions with Canada regarding acceptance of our Claim, and have worked diligently to address any and all outstanding questions.

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**While our journey is not yet complete, we have made many significant steps in achieving recognition with the Courts and various commissions, federal and provincial governments, and the United Nations.**

NCC and its predecessor organizations have had a number of agreements in place with Canada since 1987. We have been receiving Indigenous organizational funding since 1996 and Indigenous training and education funding since 1998. We negotiated a federal fishing agreement in 2000, and have had a communal fishing agreement with Canada since 2002.

We have also progressed on our relationship and recognition with the Government of Newfoundland and Labrador. We participate in the Premier’s roundtable with Indigenous Leaders, and signed an MOU on Education with the Province in 2022. We are part of the Child and Family Services legislation wherein we are an Indigenous Governing Body. There is an exhibit on NunatuKavut Inuit at the Provincial Museum, the Rooms. We have also entered into agreements with a variety of industrial proponents who operate in our territory.



*Figure 4: Announcement of the start of negotiations on the recognition of NCC’s Indigenous rights and self-determination by the Government of Canada.*

In 1996, The Royal Commission on Aboriginal Peoples recognized our peoples as Indigenous, stating that our community “exhibits the historical rootedness, social cohesiveness and cultural self-consciousness that are essential to nationhood, and they are developing a political organization that will allow them to engage in effective nation-to-nation negotiation and to exercise self-government.”

In 2007, the Court of Appeal of Newfoundland and Labrador confirmed that we had advanced a credible assertion of Inuit rights and were entitled to be consulted on the Trans-Labrador highway, a project through the heart of our territory.

We had legal standing in the National Inquiry into Missing and Murdered Indigenous Women and Girls. The Supreme Court of Canada accepted NCC as an intervenor in the legal challenge to Canada's Indigenous Child Welfare legislation.

NCC holds special consultative status with the Economic and Social Council of the United Nations (UN) and has participated in and presented at the UN Permanent Forum on Indigenous Issues.

Like other Indigenous peoples, our rights are protected by the UNDRIP, which was brought into force under Canadian Law by the UN Declaration on the Rights of Indigenous Peoples Act ("UNDA"). This includes the right to determine our own identity and membership in accordance with our own customs and traditions (Article 33). NCC's current membership process requires proof of Inuit ancestry, as well as connection to our Inuit communities. Only those who have met these standards are full rights-bearing members of the organization. We stand behind the rigour of our membership process.

## Memorandum of Understanding on Advancing Reconciliation

In 2018, we entered into discussions with Canada regarding recognition of our rights and self-determination. This led to us entering into a Memorandum of Understanding (MOU) on reconciliation with Canada in 2019.

The MOU recognizes us in the recitals as an Indigenous collective capable of holding s. 35 rights. It leaves two questions to be resolved for full Recognition of Indigenous Rights and Self-Determination (RIRSD) negotiations, which are found in clause 2(a) of the agreement: namely the nature of our rights, and the beneficiaries of those rights. Once those issues are resolved, a joint mandate to negotiate can be sent to Cabinet for approval.

The MOU states in paragraph 19 that Canada may have to consult other Indigenous groups regarding products that emerge from our discussions where they have the potential to impact on the s. 35 rights of other Indigenous groups, and may disclose those products to those groups.

The MOU also provides in paragraph 21 that where there is overlap between NCC's asserted rights, and the asserted, or established rights, of other Indigenous groups, that it is desirable that the overlap be addressed directly by discussions between NCC and the affected group.

The Labrador Inuit Land Claims Agreement also allows for the negotiation of overlap agreements between Indigenous groups. Likewise, the Innu Agreement-in-Principle contains a number of provisions that deal with overlapping claims, and contemplates an entire chapter that specifically deals with them.

In other words, the MOU and other agreements already contain the necessary protections and mechanisms where there is a possibility that the recognition of NCC's rights may overlap with, or otherwise impact the rights of, other Indigenous groups. NCC has consistently expressed its willingness to meet with Nunatsiavut and the Innu Nation to discuss any concerns they may have.



Figure 5: NCC president Todd Russell and Indigenous Affairs Minister Carolyn Bennett

# Connection to Akami-Uapishk<sup>U</sup>-KakKasuak- Mealy Mountains National Park Reserve

Our people have a long-standing connection to the lands, waters, and ice in and around the proposed National Park Reserve. Research undertaken in partnership with Parks Canada shows that Inuit have long relied on many species in the park region, including caribou, geese, ducks, partridge, snowshoe hare, porcupine, moose, beaver, muskrat, otter, mink, marten, fox, lynx, cod, salmon, brook trout, seals, shellfish, capelin, smelts, seabirds and their eggs, berries, plants, and wood sources. Some species, like seals and caribou, were used as both food and skins for clothing. Fur-bearing animals, salmon, and cod, were also valuable as trade products.

Indigenous knowledge and land use studies show extensive hunting, trapping and other harvesting activities in and around the proposed National Park Reserve by NunatuKavut Inuit. There are also NunatuKavut Inuit that live in and around the Park Reserve. And, we have communities on the periphery of the Park.

Given our deep connection and rights in this area, NCC has played a central role in the park creation process. As a result, in 2015, the NunatuKavut Community Council and Parks Canada agreed to a framework for consultation and cooperative management under a SUA, which is a precursor to a Parks Impact and Benefit Agreement. The SUA acknowledges that we assert Inuit rights in the park.

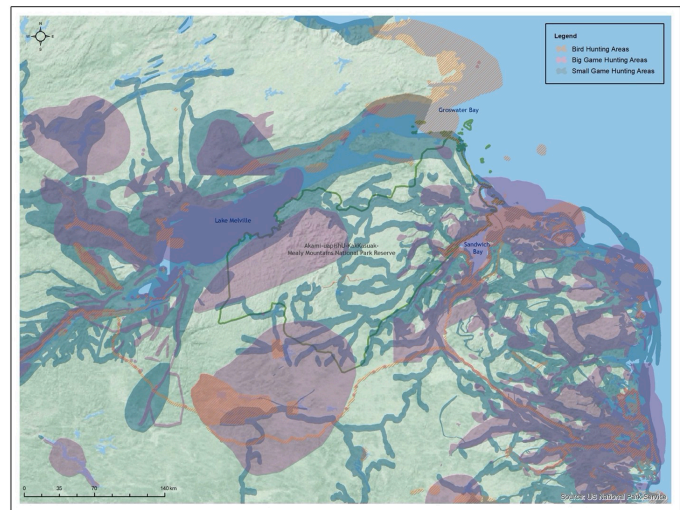
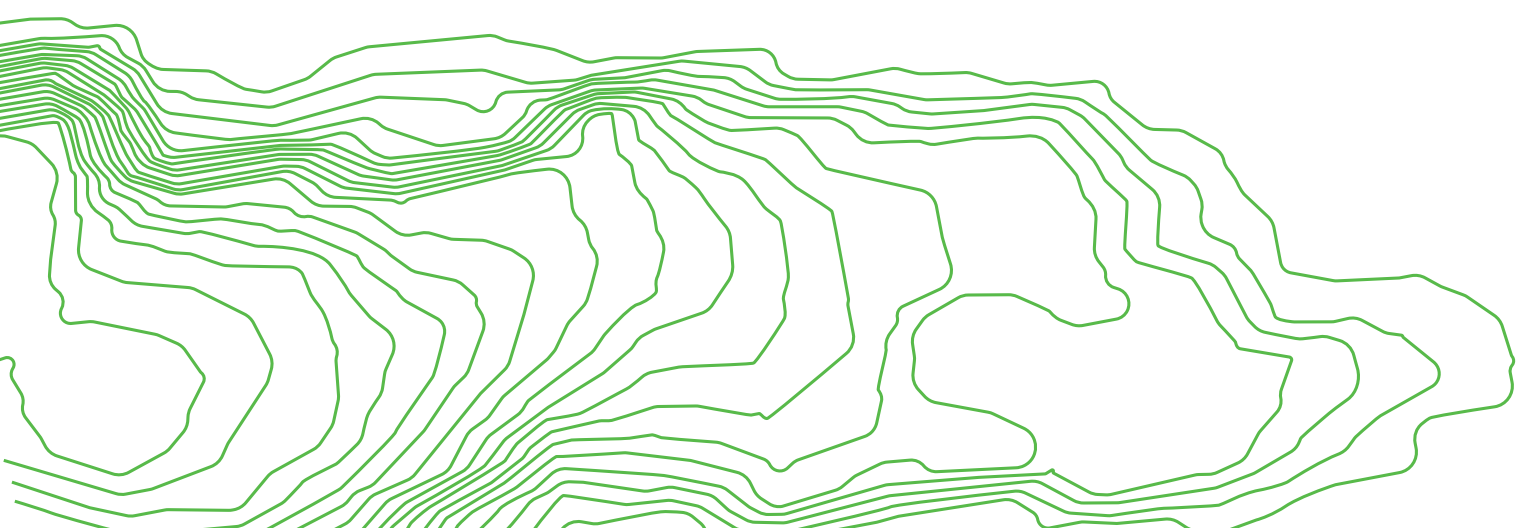


Figure 6: Inuit hunting areas for birds, big game, and small game within and adjacent to Mealy Mountains National Park. Image created by Tammy Lambourne from cumulative data sets (Mitchell 2013a, 2014).

Since that time, NCC has been working in good faith with Parks Canada to implement the terms of the SUA. This includes the creation of the NunatuKavut Consensus Board, a cooperative management body that allows NCC and Parks to work together on various shared management issues.

The SUA also allows for our people to carry on certain traditional activities. The categories of traditional activities protected are the same as those protected in the Bill. It is our understanding that the Innu Nation was consulted about the SUA at the time it was entered into. As such, it comes as some surprise to us that the Innu Nation would raise concerns, claiming they were not aware that creation of the Park would ultimately involve protecting NCC's traditional activities, since that is clearly what the SUA provides for.




# Language of Bill S-14

Akami-Uapishk<sup>u</sup>-KakKasuak-Mealy Mountains National Park Reserve is currently land administered by Parks Canada, but does not have the benefit of protection under the Canada National Parks Act. The Act establishes a national park reserve, with the full protection of the Act, subject to outstanding Indigenous claims. The outstanding claims in question are our own claim, which is in the early stages of negotiation, and the Innu Claim, which is at the Agreement-In-Principle stage.

The Bill provides for the ability of traditional land users to carry on certain traditional activities within the Park reserve. The definition of traditional land users includes some Indigenous users, such as Nunatsiavut beneficiaries and NCC members, and non-Indigenous traditional land users, who reside in and around the park reserve. The superintendent must take steps to verify that an individual qualifies as a traditional land user before issuing them a permit to carry on these traditional activities.

NCC was not consulted on this language before the Bill was introduced. However, we understand our inclusion as traditional land users is intended to implement the provisions of the SUA and allow our members to continue to exercise traditional activities within the Park, pending confirmation of the nature of our rights and our beneficiaries under our land claim. Once our land claim is finalized, appropriate amendments to the Act could be made. Parks Canada officials confirmed for the committee that proven rights are already protected through s.40 of the CNPA.

We have already established that we are Indigenous rights holders, to the satisfaction of the Government of Canada and the Courts. The outstanding questions are the nature of those rights, and who the beneficiaries of those rights are. These questions are subject to ongoing discussions with Canada.



Our inclusion as traditional land users allow us to exercise our rights while those discussions continue.

We understand that representatives of the Innu Nation have expressed concerns to some of the committee about the language of the Bill, and in particular the recognition of NCC members as traditional land users. Amendments to the Bill to remove the language recognizing NCC members as traditional land users would be akin to the era of Parks displacing Indigenous peoples from their territory and trying to sever our connection to our land, ice and waters.

The Bill also authorizes the Minister to issue the appropriate leases or licenses for tilts or cabins in the park reserve. We note that this is within the discretion of the Minister, and is obviously subject to the overriding conservation objectives of the park reserve.

The provisions included in Bill S-14 have been arrived at after a decades long process. That process, while not always a smooth or straightforward one, was done in collaboration with all levels of government including Indigenous groups and governments. It has also been done with extensive community input. It would be important that the Senate recognize and honour this significant work and step in the creation of the Akami-Uapishk<sup>u</sup>-KakKasuak-Mealy Mountains National Park Reserve.

## Conclusion

In closing, we submit that the language in Bill S-14 around the Akami-Uapishk<sup>u</sup>-KakKasuak-Mealy Mountains National Park Reserve should be adopted as tabled. We welcome any questions you may have.

**Nakummek.**