



DRAFT

Constitution of the NunatuKavut Inuit

*maligatsaujuk NunatuKavutiup
Inunginnut*

Approved by the Governing Council on October 29, 2023.
Approved by the citizenship at the Annual General Assembly on XX

We Have Always Been Here. This is Our Home.

tamānenginavugut, angiKagijavut

We are Inuit. Our identity is shaped by the lands to which we belong, our kinship relations, and our ancestral places where we continue to live. Throughout history, our lives have always been shaped by our relationships with all parts of our lands, waters, and ice and it has enabled our survival since time immemorial. Our stories, values, and knowledge of place, family, and home ground us as they connect us to where we come from, to who we are as a people, and to where we are going. Our stories and sense of belonging continue to guide us and they keep our culture alive. As a people, we enjoy both rights and responsibilities to our ancestral lands. We are the modern-day descendants of pre-contact Inuit, and the beneficiaries of the only known historic treaty with Inuit, entered with the British in 1765. Today, like those who came before us, we continue to assert and exercise our rights to self-government and self-determination.

We, NunatuKavut Inuit, collectively put into writing and enact our Constitution to uphold our own legal traditions and values within our system of governance, with a goal of protecting, maintaining, and sustaining our traditional territory, laws, way-of-life, culture, customs, ceremonies, and language as follows:

Identity and Territory of NunatuKavut Inuit

1. We, NunatuKavut Inuit, are the Inuit of Southeast, Southern and Central Labrador, the territory we know today as NunatuKavut (“Our Ancient Land” in Inuttitut).
2. NunatuKavut is made up of the lands, waters, and ice, that have sustained our survival since time immemorial, including our communal traplines, fishing, harvesting, and hunting grounds, as shown on the map attached as **Schedule A**.
3. The lands, waters, and ice of NunatuKavut are essential and central to the physical, mental, emotional, and spiritual well-being of NunatuKavut Inuit.
4. The central relationship between NunatuKavut Inuit and NunatuKavut is part of the nature of being NunatuKavut Inuit.
5. As a people, NunatuKavut Inuit collectively define and assert our identities in relation to our ancestors and to NunatuKavut.

Recognized and Pre-Existing Rights of NunatuKavut Inuit

6. As a distinct Indigenous people, we are one of the first peoples of Labrador, with inherent rights to govern and manage our territory and affairs that pre-exist the assertion of Crown sovereignty.
7. We, NunatuKavut Inuit, have occupied NunatuKavut since time immemorial, exercising our inherent rights and obligation to self-govern our territory and act as the stewards and custodians of our land, waters, ice, fauna, and flora.
8. We, NunatuKavut Inuit, hold Aboriginal title to NunatuKavut, and have Aboriginal and Treaty rights to harvest, including fishing, hunting, and trapping, over parts of Southeastern, South, Western and Central Labrador, as shown on the map attached as **Schedule A**.
9. As treaty people, many of the rights of NunatuKavut Inuit are also recognized under the *British-Inuit Treaty of 1765* and protected under section 35 of the *Constitution Act, 1982*. A brief history of the treaty is attached as **Schedule B**.
10. The inherent right of self-government of NunatuKavut Inuit is recognized under both section 35 of the *Constitution Act, 1982* and the *United Nation Declaration on the Rights of Indigenous Peoples* and includes the right to uphold Inuit legal traditions and ways of governing within NunatuKavut Inuit communities and across NunatuKavut.
11. The inherent rights of self-determination, including self-governance, of NunatuKavut Inuit include the rights to: adopt and implement our own laws; control, manage, and administer our rights, interests and lands; and determine our own citizenship and identity.
12. Development projects proposed to be located within NunatuKavut, or that could impact upon the rights of NunatuKavut Inuit, require our free, prior, and informed consent to be provided by our Council in consultation with impacted families, Citizens, and communities.

Legal Order of NunatuKavut Inuit

13. We, NunatuKavut Inuit, have our own legal order or *maligatsak kavamakutinni* (mali/hut/su/k ga/van/muck/goo/din/nee), which includes our laws and legal traditions, ways of governing, values, identity, spirituality, practices, culture, and way of life, and which endures and guides us despite centuries of colonization.
14. Our *maligatsak kavamakutinni* must guide our NunatuKavut Community Council, our governing institutions, and how we live together in NunatuKavut.
15. Our *maligatsak kavamakutinni* are not fixed principles but evolve and adapt to a

changing world and new realities.

16. We, NunatuKavut Inuit, have a right and responsibility to articulate and uphold our *maligatsak kavamakutinni* in a modern context, using our own forms of knowledge.

Principles of Inuit Governance

17. In undertaking all decisions and actions, the NunatuKavut Community Council, staff, and related entities shall:
- a) make decisions in a manner that is holistic, gender-balanced, and is accountable to past, present, and future generations;
 - b) be guided by, promote, and implement our *maligatsak kavamakutinni*, inclusive of our traditions, customs, practices, values, and aspirations as a people;
 - c) pursue and maintain the spiritual, cultural, physical, and social well-being and balance of all Citizens;
 - d) protect and reclaim our Inuttitut language;
 - e) honour and respect the dignity, beliefs, opinions, and rights of all Citizens;
 - f) build and sustain healthy, successful communities in which all Citizens have the means to safely live, work, learn, and play;
 - g) protect, sustain, and properly manage NunatuKavut for future generations;
 - h) create and promote economic development opportunities that embed Inuit values, honour sustainability for our lands and resources, and nurture the unique relationship between NunatuKavut Inuit and our environment;
 - i) mentor and educate our young people according to our values and traditions;
 - j) provide quality as well as values- and strength-based governance with fair representation for all Citizens;
 - k) support the involvement of all community members who desire to participate in advancing our communities;
 - l) operate in a fair and honest manner; and
 - m) respect and promote accountability and transparency.

Duties of the Council of the NunatuKavut Community Council

18. The roles and duties of the Council include:

- a) representing NunatuKavut Inuit regarding all collectively held rights, including those protected under the *Constitution Act, 1982* and the *United Nations Declaration on the Rights of Indigenous Peoples*, and exercise related jurisdiction;
- b) negotiating on behalf of NunatuKavut Inuit and representing NunatuKavut Inuit with all other levels of government;
- c) promoting and preserving our *maligatsak kavamakutinni*, culture, values, traditions, and language of NunatuKavut Inuit;
- d) being aware and proactive in regard to proposed developments that could impact NunatuKavut or the rights of NunatuKavut Inuit;
- e) promoting the well-being of Citizens and other community members in collaboration or cooperation with local municipal governments and organizations;
- f) exercising its jurisdiction and authority, and carrying out its responsibilities as stewards of NunatuKavut;
- g) promoting and carrying out community development in NunatuKavut communities;
- h) establishing and administering services, programs, and projects for the Citizens;
- i) using, managing, and administering the assets of NunatuKavut Inuit;
- j) ensuring accountability of the Council, President, and individual Councillors to the citizenship;
- k) exercising the powers and carry out any other duties as may be permissible or required by law or through agreement;
- l) carrying out other duties or responsibilities as required by our *maligatsak kavamakutinni*, including customs and practices; and
- m) upholding this Constitution.

NunatuKavut Citizens

19. In the exercise of our right to determine our own identity and citizenship, NunatuKavut Inuit recognize the right of citizenship of each individual who:
- a) is a citizen or permanent resident of Canada;
 - b) is an Inuit descendant;
 - c) is an Inuk according to NunatuKavut Inuit customs and traditions;
 - d) identifies themselves as an Inuk;
 - e) has a familial, residential, historical, cultural, and social connection with NunatuKavut Inuit and our traditional territory; and
 - f) was raised in NunatuKavut or whose parent or grandparent was raised in our traditional territory.

Individual and Collective Rights

20. Each Citizen has individual rights, including:
- a) the right to vote in all Council elections, subject to the Election Law;
 - b) the right to run in all Council elections, subject to the provisions of the Election Law;
 - c) the right to participate in community and general assemblies, including all related votes and referendums, subject to the provisions of the Governance Law; and
 - d) the right to benefit from all civil rights, human rights, and other rights that any Canadian citizen or resident of the province of Newfoundland and Labrador possess.
21. As part of the collectivity of NunatuKavut Inuit, each Citizen also benefits from collectively held rights, including:
- a) the right to a clean, safe, and healthy environment;
 - b) the right to preserve, enjoy, and practice NunatuKavut culture, history, heritage, and language; and
 - c) the Indigenous, Aboriginal, and Treaty rights of NunatuKavut Inuit protected under section 35 of the *Constitution Act, 1982* and the *United Nations Declaration on the Rights of Indigenous Peoples*.

Citizens' Responsibilities

22. In line with our traditional Inuit teachings and *maligatsak kavamakutinni*, Citizens do not only have rights, but also responsibilities to each other, our families, our communities, our territory, and NunatuKavut Inuit as a whole.
23. To the extent that each Citizen is able, the responsibilities of Citizens include:
 - a) passing on our culture and traditions to future generations of NunatuKavut Inuit;
 - b) promoting the protection of our territory and the sustainable development of our territory, so it may remain healthy and support us for generations to come;
 - c) supporting our youth, elders, and all members of our community, so we may all live and work in health and harmony and according to our cultural values;
 - d) learning and engaging in cultural practices;
 - e) learning or speaking Inuttitut;
 - f) engaging with the activities and work of the NunatuKavut Community Council, such as by voting, attending meetings, and participating in engagement sessions; and
 - g) upholding of NunatuKavut Community Council Laws, including hunting and harvesting guidelines.

Final Provisions

24. This Constitution is the foundational written law of NunatuKavut Inuit and its provisions shall prevail over other laws, by-laws, or policies of the NunatuKavut Community Council to the extent of any inconsistency or conflict.
25. The *maligatsak kavamakutinni* of NunatuKavut Inuit conveyed by oral tradition shall continue to apply and be exercised by NunatuKavut Inuit.
26. Nothing in this Constitution is intended to deprive NunatuKavut Inuit of any advantage from any developments in the rule of law, whether seen from the perspective of NunatuKavut Inuit, customary, international, constitutional, common, civil or any statutory legal traditions, or any combination of these traditions.
27. This Constitution is approved by the Council of NunatuKavut Inuit and will come into force once ratified by the voting Citizens at an Annual General Assembly. All applicable governing laws and policies will be amended to reflect the Constitution of the NunatuKavut Inuit.

28. This Constitution may be amended upon approval by the Council and ratification by the voting Citizens at an Annual General Assembly. The Council must provide notice of the proposed amendment at least twenty-eight (28) days prior to the Annual General Assembly.

IN ACCORDANCE WITH OUR LEGAL TRADITIONS, WE, THE NUNATUKAVUT COMMUNITY COUNCIL, HEREBY APPROVE AND SIGN THIS CONSTITUTION OF NUNATUKAVUT INUIT ON THIS _____ DAY OF _____, 2024.

**Todd Russell
PRESIDENT**

**[NAME]
VICE PRESIDENT**

**[NAME]
COUNCILLOR**

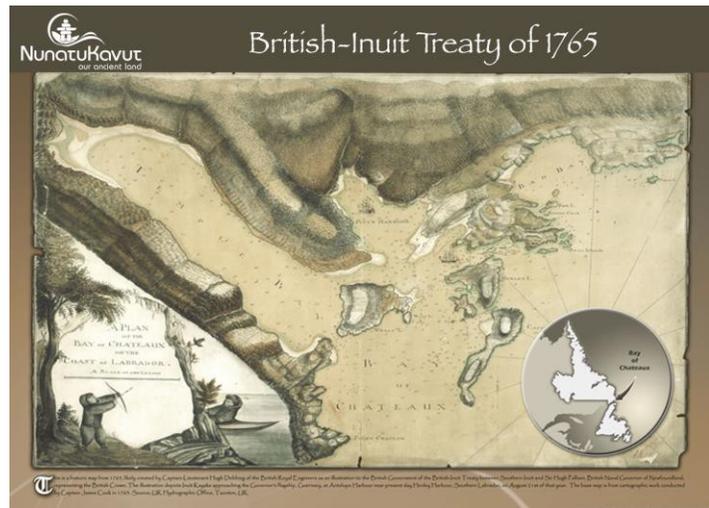
Schedule A: Map of Communities in NunatuKavut



Schedule B: Brief History of the British-Inuit Treaty of 1765

In August of 1765 at Chateau Bay in southern Labrador, 500 Inuit attended a multi-day treaty conference at the request of the Newfoundland Governor, Sir Hugh Palliser.

For most of the 17th century and well into the 18th century, Inuit had violently resisted French efforts to expand a seasonal salt cod fishery north along the Labrador coastline, beyond today's Cape Charles (Ikkiqoqkeatuie), also known iconically to the French as *Cap Detour*. By 1756, Inuit had reached an agreement for trade in a treaty (*Entente*) with the French Captain Jean-Baptiste Galliot.



After the fall of Quebec in 1759 and before the Treaty of Paris in 1763, the English were anxious to become allies with Indigenous peoples previously allied with the French in America. This led to the 'Peace and Friendship' treaties with Mi'kmaq, Wolastoqiyik and Passamaquoddy in Nova Scotia in 1760-61 and with Newfoundland Mi'kmaq at Codroy Island in 1763.

By 1764, Britain was also actively in pursuit of a Peace and Friendship treaty with Labrador Inuit (by this time former French allies) to keep Inuit away from French traders in Newfoundland. These efforts from the British Board of Trade, and discussed with the French Ambassador to the British Crown, led to negotiations with Inuit at Quirpon, Newfoundland, that year. Captain Samuel Thompson, the negotiator with the Mi'kmaq at Codroy the previous year, and Jens Haven, an appointed Inuit interpreter, set the stage for a meeting between Inuit and the British Navy/Government at Chateau Bay in 1765. To the main event the following year Palliser brought three Navy warships, two merchant ships and approximately 770 men.

The British-Inuit Treaty of 1764-1765 have similarities to British treaties with Indigenous peoples elsewhere in the colonizing world; (1) an interpreter/emissary is appointed, (2) the interpreter makes initial attempts at negotiations/preparations, (3) an authority for the King/Queen approaches the Indigenous peoples with written terms for an agreement, (4) a meeting/meetings take place between principals of the colonizing nation and the Indigenous Nation, (5) terms are agreed and gifts are exchanged, (6) a 'trucking place' is set up for trade between the two nations, (7) a protective fort, or forts, are established to implement the terms of the treaty, and (8) gift giving is repeated in future years to consolidate and continue the terms of the treaty making.

All of these elements are present in the British-Inuit Treaty of 1764-65.

The Treaty of 1765 meant that British interests were protected from French and American interferences. It also meant that the Inuit were protected by the British Crown and had Treaty Rights. These rights included: self-government, harvest of wildlife and natural resources, and commercial right of trade. The Treaty was negotiated on August 21, 1765 and formally recorded by the Lords of Trade to the Privy Council of Britain in May of 1769.

The current holders and beneficiaries of the Treaty are the Inuit descendant communities of NunatuKavut. The Treaty is now protected by the Canadian Constitution.