



Office of the President

May 2, 2025

VIA EMAIL: Policy@mun.ca

Memorial University
St. John's, NL A1C 5S7
P.O. Box 4200

Re: Public Consultation on draft Indigenous Verification Policy

I am writing to you on behalf of NunatuKavut Community Council (“NCC”), the representative governing body for approximately 6,000 Inuit of south and central Labrador, in response to the draft Indigenous Verification Policy (“Policy”) that has been released for public consultation and feedback.

This letter is in addition to, and relies upon, the many letters and comments NCC has already shared with Memorial University with respect to this matter to date. NunatuKavut Inuit are a Treaty people having entered into a Treaty with the British in 1765. Our modern representative government has been in place for over 40 years, and we are guided in our work by our Constitution, Governance Law and Citizenship Law (which are enclosed for your reference). NCC has forged relationships with all levels of government, and many peoples, institutions, and organizations, including Memorial University.

In short, NCC is appalled that Memorial University has prepared and released this Policy despite the numerous and grievous concerns raised by NCC, our members and allies through the engagement and consultation processes. As you are no doubt aware, there is no pathway under the Policy for NunatuKavut Inuit to become verified as Indigenous. This is because the Policy prioritizes assimilationist definitions of Indigeneity which flow from certain forms of recognition from the colonial state, flowed from a procedurally unfair process, and is tainted by bias and conflict of interest particularly within the office of Vice President Indigenous.

It is abundantly clear that the Policy was crafted in a manner designed to preclude verification of NunatuKavut Inuit as Indigenous. NCC has since its inception been recognized as an Indigenous organization representing Indigenous people. The NCC is federally recognized as being *capable of holding section 35 rights* pursuant to our Memorandum of Understanding (“MOU”) with Canada and is currently in discussions with Canada regarding the scope and beneficiaries of those rights under the current Recognition of Indigenous Rights and Self-Determination (“RIRSD”)



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process. Conveniently, meeting the Policy definition of “Recognized Indigenous Collective” is more onerous and requires determinative recognition with respect to rights by the federal government.

The Policy provides for an exception. Those who do not yet have federally recognized section 35 rights can meet the definition of “Recognized Indigenous Collective” by demonstrating recognition by one’s “federally recognized neighbours.”

The Policy defines what is meant by “federally recognized neighbours,” stating:

Neighbours include those with whom a Recognized Indigenous Collective has historical relationships, with particular attention being paid to relationship within the three Indigenous groups under Section 35, specifically: First Nations to First Nations relations; Inuit to Inuit relations; and Métis to Métis relations.

This definition does not appear to have any basis in western law nor Indigenous tradition. Further, accepting that recognition by ones “federally recognized neighbours” as a valid framework for verification would rely on a deeply flawed premise. Recognition by the colonial-state in the nature contemplated by the Policy is very recent (particularly in the history of Newfoundland and Labrador) and occurred in a manner expressly designed to assimilate Indigenous peoples.

Further, decades of colonial-Indigenous relations illustrate that conflicts over land and resources are widespread. This reality should be well understood by those maintaining self-delegated authority over the verification of Indigenous identity. In fact, we see examples across the country where land disputes create conflict between Indigenous groups, including here in Labrador. Yet, this Policy sees fit to disregard these issues and suggest that those in conflict over lands and resources ought to have authority to validate or reject the Indigenous identity of their “neighbours.”

Again, the intention to exclude NunatuKavut Inuit from verification by design is transparent. The Policy makes clear that “particular intention” will be paid to “Inuit to Inuit relations.” It is no secret that Inuit Tapiriit Kanatami (“ITK”) has engaged in a public campaign against NunatuKavut Inuit and encourages others to reject the validity of our Inuit identity. As a result, while our people have familial and kinship ties to Nunatsiavut, Nunatsiavut Government (“NG”) has, and continues, to engage in similar acts of lateral violence against us. This Policy is gaslighting and is stoking more violence against NunatuKavut Inuit in an already volatile and violent context.

The Policy tells us that Memorial University will look to the opinions of NG, and other Inuit represented by ITK, when assessing verification of NunatuKavut Inuit identity. The result of that process will yield the outcome intended by those who drafted the Policy – rejection of NunatuKavut Inuit.

Ironically, the following statement is attributed to Catharyn Andersen, Vice President Indigenous (who also sat on the ITK Education Committee) on Memorial University’s website:

“Memorial will not decide or determine who is Indigenous. This policy is designed to enable the university to be accountable to and work with Indigenous communities and the existing processes they have in place to determine their own membership.”

This statement misrepresents the inner workings of the Policy as presently drafted. NunatuKavut Inuit have the right to self-determination with respect to our membership. This is a right recognized by the Courts, international law

such as UNDRIP and our own legal traditions. The NunatuKavut Inuit Citizenship Law provides a robust process by which the Indigeneity of our citizens may be assessed.

Yet, evidence of citizenship in NunatuKavut will not result in verification of any student, staff member, or faculty member as Indigenous. Memorial University is poised to enact a policy which expressly rejects our right to self-determine, placing reliance on the recognition or views of those who have sought to colonize, assimilate, or cause harm by denying our existence. In contrast, upholding the right to self-determine would involve understanding and respecting diverse concepts of citizens, family and belonging that are unique to diverse Indigenous nations and communities.

It is either with gross lack of understanding, or intentional design, that this protocol has been included in the Policy. This is blatant discrimination, and it cannot stand. In stark terms, the Policy will allow for Indigenous people from outside this Province and indeed outside Canada to be “verified” as Indigenous, but not NunatuKavut Inuit.

We are further troubled by the outcomes which will flow from the Policy if it is enacted as presently drafted as the rejection of NunatuKavut Inuit as Indigenous would abrogate from Memorial University’s existing recognition of our people, culture, and history. Any such abrogation would trigger a significant duty of procedural fairness which has not been discharged in these circumstances.

For example, Memorial University passed the [*Constitution of the Academic Council of the School of Arctic and Subarctic Studies*](#) (the “Labrador Campus Constitution”) for the Labrador Campus which expressly acknowledges our people, our homelands, culture, and inherent rights to self-determine and self-govern. Memorial University rightly states that the development of the Labrador Campus Constitution was “[*ground-breaking*](#),” noting that it was done in partnership with Innu Nation, Nunatsiavut Government, NunatuKavut Community Council, and Elders.

Memorial University further describes how the Labrador Campus Constitution allows for representatives from “the three Indigenous Governments to be active, voting members of the academic council” (as they should be).

As you can see, the outcomes contemplated by the Policy exist in direct contravention of the spirit of the Labrador Campus Constitution, and Memorial University’s relationship and recognition of NunatuKavut Inuit to date.

There are simple solutions to correct the serious and offensive injustice that the Policy as currently drafted stands to perpetuate. For example, the definition of “Recognized Indigenous Collectives” adopted by Memorial University in the Draft Policy is misaligned with and disregards the Federal Government’s Tri-Council Policy Statement on Indigenous collectives, citizenship and membership (the “Tri-Council Policy”).

The Tri-Council Policy defines “Recognized Indigenous Collective” to include those in the process of rights recognition through RIRSD instruments, including Memoranda of Understanding. NunatuKavut Inuit clearly meet the requirements for Indigenous verification under the Tri-Council Policy.

Memorial University can incorporate the Tri-Council Policy provisions or otherwise amend the Policy in a manner that corrects the discriminatory effect as it pertains to NunatuKavut Inuit and thousands of other Indigenous people from this Province.

Should Memorial University fail to amend the Policy in a manner which recognizes proof of citizenship from NunatuKavut Inuit as a source of verification of Indigeneity the only conclusion is that Memorial University intends for this discrimination to occur. Given the very deep and fundamental flaws in both the process and in the Policy, it is hard to fathom how Memorial would precede with the Policy as written. This Policy is an insult to all those,

including NunatuKavut Inuit, who contributed and helped build Memorial University. It is an insult to those for whom Memorial is named. It would set back the relationship between NunatuKavut Inuit and Memorial University decades and perhaps irreparably.

While we have been repeatedly disappointed by the process and another massive failure in leadership, governance and administration at Memorial, it is not too late to course correct. We remain hopeful that you are listening and that you will act in a manner that is free from bias, conflict of interest and any intent to discriminate against our people.

That said, we will continue our campaign, [NunatuKavut – Stand with NunatuKavut](#), to raise awareness of the discrimination this Policy will perpetuate, and remain at the ready to take any further steps that may be necessary to stop the enactment of the Policy should the necessary changes not be made.

Nakummek,

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Russell". The signature is fluid and cursive, with a long horizontal stroke at the end.

Todd Russell, President
NunatuKavut Community Council