



A Critical Analysis of Memorial University's Draft Indigenous Verification Policy

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To the families of the next communities that will be publicly ridiculed, attacked, and dismembered: Stand together. Stand together whether you are bill C-31, Métis or Inuit or non-Status. When our ancestry is attached to the land upon which we live we should not bear the onus of proof of belonging. That is not our fight.

—Marilyn Poitras, LLM¹

¹ M. Poitras, L. Chartrand, S. Wilton and D. Miner, [“National Definition of Métis: A Review of Communities in Ontario.”](#) (2024), at 198. [Poitras, Chartrand, Wilton & Miner 2024]





Executive Summary

Overview

This document provides a critical analysis (the “Analysis”) of Memorial University of Newfoundland and Labrador’s draft Indigenous Verification Policy (the “Draft Policy”).² The Analysis exhibits procedural issues at the Draft Policy’s development stage, resulting in a policy that is restrictive, inflexible and unable to accommodate the changing legal landscape of Indigenous rights and self-determination in Canada. Internal contradictions in the Draft Policy between the principles it references and the mechanisms it enacts, creates an inconsistency between the various policies and frameworks of Memorial University. The consequences of adopting the policy would exclude several Indigenous peoples who have a credible claim to Aboriginal rights in Canada, notably the community to which the authors belong: NunatuKavut.

There is no clear “standard” for creating a policy such as this, and, given its unique history with Indigenous Peoples in the province of Newfoundland and Labrador, Memorial is in a position to craft a truly transformative policy built upon the principles and evidence that it has compiled over its decades-long relationships with the Indigenous Peoples of this province. Instead, the current Draft Policy is confusing and does not withstand legal scrutiny. **In its current form, the policy is discriminatory, and its adoption is likely to expose Memorial to legal risk.**

Core Problems Identified

A Flawed Process: Consultation and Feedback were Mishandled

There are several issues related to the development of the Draft Policy, which raise serious questions of procedural fairness: i) the external consultant’s understanding of the unique historical,

² Memorial University of Newfoundland, [“Draft Policy for Consultation, Indigenous Verification Policy”](#) (2025). [Draft Policy 2025]



colonial, social, and political history of Indigenous peoples in Newfoundland and Labrador; ii) the impartiality of key decision-makers; iii) whether policy design meaningfully incorporated the perspectives of the group most affected by the policy; and iv) the university's responsiveness to public feedback.

This Analysis supports a reasonable conclusion that the policy process was shaped in ways that excluded perspectives of NunatuKavut Inuit rather than evaluated their contributions on their merits, an omission which could not possibly result in a fair and just policy. Public feedback that was submitted to the University in 2025 also raised important issues with the policy that have not been addressed. Of 117 letters evaluated, less than 42% supported the Draft Policy while over 50% expressed opposition (and an additional 8% offered feedback with no clear support or opposition), and both letters supporting and opposing the Draft Policy provide constructive feedback that has not been integrated into the Draft Policy. As a public institution, Memorial University has an obligation to acknowledge public feedback and address the concerns raised in finalizing the Draft Policy.

Addressing these issues requires acknowledging the breadth and substance of the contributions of NunatuKavut Inuit to the consultation process and committing to a plan to integrate feedback from community members and experienced legal professionals.

A Flawed Outcome: The Draft Policy is Substantively Unsound

Core Issues with Pathway A: "Recognized Indigenous Collective"

- a) The Draft Policy mischaracterizes Section 35 of the Constitution by treating it as a mechanism that “defines who is Indigenous.” Rather, Section 35 protects the collective rights that Indigenous peoples already had prior to Canada’s founding. The scope of Aboriginal rights recognition is ever-changing; inviting these complex constitutional questions into the University’s verification process may lead to Memorial making decisions that diverge from interpretations by Aboriginal law specialists. Using Section 35 as an institutional gatekeeping tool risks excluding collectives with credible but not yet formally recognized claims.



- b) The Draft Policy creates an artificially narrow definition of "federally recognized" Indigenous collectives that contradicts respected scholarship and common understanding of what constitutes legal recognition. The definition excludes communities engaged in ongoing rights processes, failing to account for Newfoundland and Labrador's unique legal history, which has delayed formal recognition of Indigenous peoples. Despite NunatuKavut Community Council's (NCC) multiple forms of Crown recognition—including recognition by federally-appointed judges of their credible claims to Aboriginal rights, various agreements signed with the federal government, and evidence of a historic treaty—members of the NCC would not be verifiable under the Draft Policy.
- c) The Draft Policy results in the university becoming an arbiter of live constitutional issues by leaving its administrators to adjudicate complex questions of Section 35 recognition. Although the Draft Policy attempts to sidestep this reality by narrowly restricting acceptable applicant supporting documentation, the university and its decision-makers cannot avoid the risks it assumes through de facto adjudication of issues belonging to courts, treaty tables, and political processes.

Core Issues with Pathway B: The "Neighbour Clause"

- a) The Draft Policy and its *Verification Procedure* conflict. The stated intent of Pathway B is to confirm a collective's recognition by its federally recognized neighbours, while the *Verification Procedure* imposes the vetting of individual applicants by a neighbouring community. This results in policy confusion, administrative burden on Indigenous governments, and psychological/spiritual strain on applicants.
- b) The Draft Policy introduces an unprecedented and legally unfounded mechanism requiring Indigenous collectives to be "accepted" by their "federally recognized neighbours". This approach has no basis in Canadian law, Indigenous governance in Canada, or international law, and effectively outsources legitimacy determinations to potentially hostile third parties.
- c) The "neighbour clause"'s application is dependent on the mutability of regional politics, which may result in inconsistencies over time. There are many examples across Canada where Indigenous collectives dispute over access to financial resources and control of



territory. In Newfoundland and Labrador, relationships between Indigenous collectives have had periods of collaboration and conflict. The “neighbour clause” cannot be reasonably or fairly applied because it ties verification to variable political climates and incentives rather than to a durable and principled standard.

Central Issue: Self-Determination is Undermined by the Draft Policy

- a) The Draft Policy conflicts with the United Declaration on the Rights of Indigenous Peoples (UNDRIP). The Draft Policy prioritizes a narrow, Crown-centric recognition model which privileges communities further along in their recognition processes. In contrast, the principle of self-determination emphasizes consultation and cooperation through Indigenous peoples’ own representative institutions. By declaring to uphold self-determination while enacting a policy that contradicts it, the principle becomes merely decorative while reproducing the same structures of power that reconciliation is meant to undo. Aligning with UNDRIP should involve creating a recognition schema that can adapt to the unique circumstances of communities because under-recognized groups must not be conflated with false claims to Indigeneity.
- b) The Draft Policy applies different metrics to what constitutes a "recognized" Indigenous Collective domestically and internationally. Domestically, it relies on narrow metrics of state recognition; internationally, it adopts a far more generous approach that centers Indigenous legal orders. The authors suggest reconciling this issue by extending the standards the Draft Policy affords international Indigenous groups to domestic Indigenous collectives by adopting a broader definition of “Indigenous collective”. Other Canadian universities have set precedent for this.

Risks

The Draft Policy poses significant legal, reputational, and human risks for Memorial University. Legally, its restrictive definition of “Recognized Indigenous Collective” and the novel “neighbour clause” are likely to produce exclusionary outcomes affecting NunatuKavut Inuit and others with credible Section 35 claims. These consequences could trigger human rights complaints, judicial review, civil claims for discriminatory treatment, and constitutional challenges. Procedural



fairness concerns—such as inconsistent consultation practices, non-delivery of promised materials, a reasonable apprehension of bias, and an absence of transparent integration of feedback contrary to the University’s policy development framework—raise administrative law concerns.

Reputationally, the policy may be perceived as under-inclusive and politically influenced. The Draft Policy is at odds with peer-reviewed scholarship, much of which is produced by Memorial's own research community. Memorial contradicts its stated values by continuing to support the Draft Policy. All this is likely to erode trust with Indigenous communities, partners, donors, and governments.

The psychological and social impacts on those not verified by the policy whose community holds credible claims to Section 35 rights include: loss of access to supports, exacerbated campus discrimination, self-censorship, and lateral violence. The broader consequences that are already being felt involve a chilling effect on Indigenous education and research, especially at the Labrador campus. Cumulatively, adopting the Draft Policy as currently written carries high legal and reputational risk for the University, and has devastating consequences for Indigenous people at Memorial and beyond.

Key Recommendations

The authors recommend that Memorial University adopt several substantive shifts in policy direction before finalization to balance protection against fraud with accessible pathways for individuals who belong to legitimate Indigenous communities.

Memorial University should:

1. **Include NunatuKavut Inuit by name in Pathway A of the Draft Policy** by amending Pathway A to list proof of membership with the NunatuKavut Community Council as accepted primary documentation in section 2.1 of the Draft Policy’s *Verification Procedure for Applicants*.
2. **Replace the Draft Policy’s defined term “Recognized Indigenous Collective”** with an alternative that centers self-determination over federal recognition. Doing so would follow



the recommendations of preeminent Indigenous legal scholars implementing this approach at their universities.

3. **Expand the scope of “federal recognition” if it remains a criterion in the Draft Policy.** If federal recognition continues to be used in the Draft Policy, its scope should be broadened to encompass Indigenous collectives with credible Section 35 rights-holder claims supported by specified evidence. The *Verification Procedure* should also describe how credibility and relevance will be assessed by the verification committee.
4. **Publish a clear mechanism for responding to the feedback received in the 2025 public consultation of the Draft Policy.** To satisfy Step 8 of Memorial’s Policy Framework Process requiring "integrat[ion] and considerat[ion] [of] the needs of users," and to ensure the integrity of the policy, Memorial University should establish and publicly communicate a transparent mechanism to evaluate and respond to feedback on the Draft Policy.
5. **Ground the Draft Policy in peer-reviewed scholarship and community knowledge.** The Draft Policy should be explicitly informed by peer-reviewed scholarship and community knowledge to align with the University’s vision, mission, and values.
6. Tangibly support independent academic research on the climate of politically-motivated conflict between Indigenous communities in Labrador. This recommendation aligns with the Analysis’ emphasis on grounding policy and practice in peer-reviewed scholarship and community knowledge, transparency in process, and respectful engagement with Indigenous governance.

1. Purpose and Rationale for Analysis

The purpose of this Analysis is to offer a clear and evidence-based assessment of Memorial University’s draft Indigenous verification policy (referred to as the “Draft Policy”). This Analysis is not intended to serve as a comprehensive legal analysis. Instead, we aim to balance accessibility with rigor to highlight key issues that warrant Memorial’s attention.

This Analysis aims to (1) facilitate critical thinking about and deepen understanding of the inherent issues in Memorial’s Draft Policy, and (2) ensure that currently under-recognized



Indigenous peoples,³ such as NunatuKavut Inuit, are appropriately included in policy design and implementation.

The impetus for Memorial University of Newfoundland and Labrador’s Draft Indigenous Verification Policy was to identify and prevent fraudulent claims of self-declared Indigenous identity, particularly when individuals obtain material benefits or resources designated for Indigenous peoples. The authors agree that Indigenous identity fraud in academic institutions has generated a need for dialogue and due process to address individual fraudulent claims. However, the Draft Policy goes well beyond addressing individual fraudulent claims to Indigenous identity.

The Draft Policy also purports to address the “growing number of Indigenous collectives across Canada claiming to be Indigenous.” However, it does not offer a reasonable process to distinguish between false claims and legitimate Indigenous collectives who are in the process of rights recognition. Instead, it excludes Indigenous groups who have not yet been afforded formal recognition,⁴ but have credible claim to recognition, replicating persistent colonial efforts to deny the presence of Indigenous peoples in Canada and Newfoundland and Labrador. Furthermore, excluding an Indigenous collective with demonstrated Indigenous legal traditions, an abundance of scholarly research that verifies its existence, and a citizenship law that maintains values and principles consistent with nationhood, undermines the very principle of self-determination asserted by Indigenous collectives globally, and by Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples.

It is evident to the authors that, if adopted, the Draft Policy will have a detrimental impact on the Indigenous people living in and belonging to NunatuKavut territory in south and central

³ “Under-recognized” refers to Indigenous groups, communities, or nations that hold inherent rights grounded in their histories, cultures, and traditional land use but lack formal political recognition by Canadian or provincial governments. For this Analysis, “under-recognized” Indigenous peoples are those that do not fall within the Draft Policy’s narrow definition of a “Recognized Indigenous Collective.”

⁴ For the purposes of this Analysis, “formal recognition” is confined to three categories: (i) registration under the Indian Act; (ii) membership in a finalized Inuit land claims region; and (iii) membership in one of the five provincial Métis organizations identified in the Draft Policy.



Labrador. By excluding NunatuKavut Inuit, the Draft Policy ignores vital lived experiences, oral histories, and substantial peer-reviewed scholarly evidence. The Draft Policy also neglects relationships between Memorial faculty, staff and students that have been built over decades with Indigenous peoples within south and central Labrador, and compromises the University's academic reputation by contradicting decades of scholarship about NunatuKavut Inuit to which it is affiliated.

Importantly, the Draft Policy also ignores the geopolitical context amongst Indigenous collectives in Labrador. Colonial land-claim frameworks and funding constraints for health care, education, justice, policing, and infrastructure have contributed to competition for limited resources, intensifying tensions among the Innu Nation, Nunatsiavut Government, and the NunatuKavut Community Council (NCC). While these tensions have long existed and have evolved when communities' interests are at odds, there have also been periods of partnership and collaboration. In recent years, conflict has escalated, as evidenced by legal challenges and public relations campaigns. This geopolitical context is exceedingly important because it illustrates that colonial political priorities often heavily influence the direction and decisions available to Indigenous collectives. Memorial does not explicitly refer to these well-known, publicly discussed geopolitical disputes in the Draft Policy. Nevertheless, when Memorial creates policy that holds up select Indigenous collectives in Labrador while invalidating the Indigeneity of others, it is implicitly taking sides in these contested political matters.

This team of academic and legal professionals collaborated to apply their individual and collective knowledge to this Analysis. While the NCC has been supportive of this undertaking, the NCC did not participate in the drafting of this document, nor were they provided any form of editorial control or approval. The authors adhere to the principles of honesty and academic rigour in what follows.



2. Relationships at Risk: Memorial University's History with NunatuKavut Inuit

Memorial University has cultivated a decades-long positive relationship with Inuit of south and central Labrador. This is reflected in generations of community members who have chosen Memorial as their university, and continue to participate in the university community well beyond their years of study. There have been extensive collaborative research initiatives between Memorial and NunatuKavut Inuit, which have contributed millions of dollars toward direct and indirect funding at Memorial,⁵ thereby supporting and advancing the education and careers of many faculty and graduate students.

Until recently, Memorial's engagements with Indigenous communities and organizations in the province have without reservation included NunatuKavut. Departure from this norm occurred first in April 2023, when NCC was excluded from an Indigenous roundtable convened to inform the University's Indigenous Verification Policy.⁶ Before the draft policy, Memorial worked

⁵ While not a comprehensive list of all funded research partnered with NCC, the following collaborative research initiatives funded by SSHRC and CIHR have contributed a total of \$2,284,350; From Social Sciences and Humanities Research Council of Canada (SSHRC): *Educational materials for HERD: Inuit Voices on Caribou* (2022, \$49,250); *The Inuit of Snooks Cove: an analysis of changing lifeways in Groswater Bay* (2016, \$17,500); *Micromorphological investigations at an 18th century Inuit summer camp at Huntingdon Island 5 (FkBg-5), Southern Labrador* (2013, \$17,500); *Inuit Metis oral histories and archaeology* (2010, \$17,500); *A matter of timing and adaptation: an analysis of the Inuit in Indian Harbour, Southern Labrador* (2010, \$17,500); *Understanding the Past to Build the Future* (2009-2014, \$1M); *The Inuit occupation of Southern Labrador and their relationship with Europeans* (2004, \$17,500). From Canadian Institutes of Health Research (CIHR): *Aging well in southern coastal Labrador: Identifying ways community and culture can promote age-friendliness and healthy aging in Sandwich Bay* (2024, \$210,000); *Understanding People, Place, & Culture: A NunatuKavut Inuit Mental Wellness Initiative* (2019, \$642,600); *Enhancing Mental Health Services for Southern Inuit Communities: A Community-Based Approach* (2018, \$100,000); *Sowing the seeds of change - building on community strengths to achieve Indigenous food sovereignty in three northern communities* (2018, \$15,000); *The Labrador Inuit-Métis Research Ethics Project: An experiment in Aboriginal governance of health research in complex communities* (2010, \$180,000);

⁶ T. Russell, "[Latest report from Memorial University tramples on human and Indigenous rights of NunatuKavut Inuit; continues political pandering](#)" (23 May 2024)(accessed 3 Feb. 2026).



to strengthen relationships across Labrador, in part by launching a Task Force for the Labrador Campus, which united university leaders and three Indigenous political organizations—NCC, Innu Nation, and the Nunatsiavut Government—to establish the campus. Author Hudson served on the Task Force, collaborated with other Indigenous communities, and later became faculty at the campus. After the launch of the campus, the three Indigenous political organizations continued collaborating on education initiatives, culminating in the **jointly developed Labrador Campus Constitution, approved by the University’s Senate and Board of Regents in 2020.**⁷ **The Constitution recognizes Labrador as the homeland of “the Innu (Nitassinan) and Inuit (Nunatsiavut and NunatuKavut), and their ancestors; and...the Innu and Inuit of Nitassinan, Nunatsiavut, and NunatuKavut hold inherent rights to self-determination and self-governance.”**⁸ This partnership produced co-designed programs and curricula inclusive of all Indigenous peoples of Labrador, and reflected Memorial’s commitment to relationships in south and central Labrador and its recognition of NunatuKavut Community Council as one of the region’s three Indigenous organizations.

For decades, Memorial researchers have conducted historical, archaeological, political, anthropological, health, and other studies with NunatuKavut Inuit. Appendix A reviews 61 peer-reviewed academic articles published since 2010; 83% are authored by Memorial-affiliated scholars. This research overwhelmingly demonstrates historical and contemporary Inuit presence in southern Labrador. It identifies no peer-reviewed evidence supporting the Draft Policy’s implication that claims of Inuit presence there are false or fraudulent. Quite the opposite—many studies critique the colonial origins and exclusionary effects of dividing recognition between northern and southern Labrador Inuit. Accordingly, **the Draft Policy conflicts with the conclusions of extensive contemporary literature and theses—largely produced by Memorial’s own researchers.** Ignoring this scholarship undermines academic values and disavows Memorial’s research community.

⁷ Memorial University of Newfoundland, [“History”](#) (2 Feb. 2022), at Fig.1.

⁸ Academic Council of the School of Arctic and Subarctic Studies, [“Labrador Campus of Memorial University Constitution of the Academic Council of the School of Arctic and Subarctic Studies”](#) (4 May 2021), at “preamble.”



The university's abrupt reversal of its prior position has caused substantial harm to NunatuKavut Inuit. Current students who are members of NCC may be denied resources and supports available to other Indigenous students, and both students and alumni may experience emotional and mental distress as Memorial questions their identity. Rather than advancing reconciliation, the university is perpetuating shifting, politically motivated conflicts among Indigenous governments.

3. A Flawed Process: Consultation and Feedback Were Mishandled

This section examines how Memorial University's draft Indigenous Verification Policy was developed, whose perspectives were engaged, and where perceived deficiencies in the process lie. **The events point to several procedural concerns: the external consultant's understanding of the unique historical, colonial, social, and political history of Indigenous peoples in Newfoundland and Labrador; whether key decision-makers remained impartial; whether policy design meaningfully incorporated the perspectives of the group most affected by the policy; and the university's responsiveness to public feedback.**

The cumulative effect of these issues raises serious questions of procedural fairness.⁹ It supports a reasonable conclusion that the policy process was shaped in ways that excluded NCC perspectives rather than evaluated them on their merits, which could not possibly result in a fair and just policy. Addressing these issues requires acknowledging the breadth and substance of

⁹ While a fulsome legal analysis is required to clarify its application in this case, a lack of procedural fairness is considered grounds for judicial review in Newfoundland and Labrador courts despite a high level of deference given to universities to manage their affairs (*Dunne v Memorial University of Newfoundland*, [2012 CanLII 11574 \(NL SC\)](#) at para 7). This suggests the need for the University to comply with the legal framework for procedural fairness in *Baker v Canada (Minister of Citizenship and Immigration)*, [1999 2 SCR 817](#) [*Baker v Canada*].



NunatuKavut citizens' contributions and committing to a plan to integrate feedback from all affected communities.

a) Consultant Competency Concerns

Memorial University initiated the policy development process by contracting First Peoples Group (FPG), an Indigenous advisory firm based in Ottawa in Fall 2023. FPG's mandate was to conduct consultations with Indigenous faculty, staff, students, alumni, and Indigenous nations in the region and to provide guidance for an Indigenous identity policy. Consultations concluded in March 2024 and included multiple formats and participants: 14 group consultation sessions, 12 one-on-one interviews, 3 email submissions and 45 survey responses were received from faculty, staff, students and alumni of Memorial. An additional 16 engagement sessions with Indigenous Nations, communities, and organizations were held, and these sessions included NCC.¹⁰

The consultation process was presented as broad and community-oriented, intended to solicit and reflect diverse perspectives relevant to a policy of this nature. At the time, concerns were raised by the NCC about the capacity of FPG to interpret issues central to the Indigenous verification of NunatuKavut Inuit, as there was no indication that the firm's staff had an understanding of the unique historical, colonial, social, and political history of Indigenous peoples in Newfoundland and Labrador.

Furthermore, after review by Author Snow and consulted lawyers, both the statements and omissions in the FPG report raise the same legal and natural justice concerns that are detailed in this Analysis. Neither the FPG report nor the Draft Policy addresses these issues, prompting the authors to question the consultant's capacity to handle recognition matters responsibly.

¹⁰ First Peoples Group, [“Who Are You Responsible To? What We Heard: Consultation on Indigenous Verification at Memorial University, Executive Summary and Final Report”](#) (April 2024), at p. 15. [First Peoples Group 2024]



b) Potential Bias in Consultation Process

The experience of NunatuKavut Inuit and NCC members during the consultations illustrates deeper concerns about fairness and inclusion. In the alumni consultations, NCC members were separated from other Indigenous participants without explanation, while other consultation groups comprised individuals from various Indigenous backgrounds. In a social media post, one participant publicly described feeling “ghettoized,” reflecting the alienating effect of differential treatment and reinforcing the perception that NCC participants were being handled differently from the outset. Discussions in the sessions attended by some authors covered sensitive and relevant topics, including important context regarding the term “Labrador Metis” and the renaming to NunatuKavut; personal lineage and connections to land and kin, and personal accounts of harm arising from exclusionary verification policies at other institutions.

In one of the alumni consultation sessions, a concern was raised about a potential conflict of interest of the then Vice-President Indigenous whose close relatives have taken a public position opposing recognition of Inuit in south and central Labrador. Despite this concern, Author Hudson was informed by FPG that the Office of the Vice-President Indigenous would have editorial oversight over the consultation report before its internal circulation within Memorial, a disclosure that magnified existing concerns about impartiality and editorial control in a process meant to faithfully present what was heard. The circumstances create a reasonable apprehension of bias by suggesting that input could have been filtered to align with predetermined outcomes.¹¹

c) Lack of Meaningful Participation in Policy Development

In April 2024, FPG released its report, “Who are you responsible to? What we heard: Consultation on Indigenous Verification at Memorial University: Executive Summary and Final

¹¹ The test of reasonable apprehension of bias is “what would an [...] informed person, viewing the matter realistically and practically—and having thought the matter through—conclude”? See *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369, at p. 394 and *Baker v. Canada*, at para 48. Would a person informed of the facts provided in this Analysis conclude that the University decision-maker approached the development of this draft policy with impartiality?



Report.”¹² The report does not include information drawn from the constructive contributions of NCC’s leadership or from NunatuKavut Inuit faculty, students, or alumni, and instead charted a path that justified excluding NCC citizens from Indigenous verification at Memorial. One year later, in April 2025, Memorial issued a draft Indigenous verification policy that followed this trajectory.

The Draft Policy neglects to account for NunatuKavut Inuit history and context and adopts a verification approach that effectively excludes Indigenous collectives whose “neighbours” do not recognize them. The continuity between the FPG report and the Draft Policy signals a significant disconnect: detailed and directly relevant input from NCC participants appears to have been omitted from the consultation report and the Draft Policy, rather than being incorporated or addressed. This raises concerns about whether the consultation constituted *meaningful* participation in the policy development process, essential for a community that stands to be most affected by the policy’s application.¹³ While NCC was invited to participate, the authors question whether the community’s contributions and expressed concerns were used to inform the development of the policy.

d) Inconsistent University Response to Feedback

Public feedback on the Draft Policy was collected from early April to late May 2025. A graduate of Memorial submitted an access to information request seeking all feedback received. The initial release consisted of heavily redacted materials, prompting a complaint to the Office of the Information and Privacy Commissioner. A subsequent release included fewer redactions and added a previously omitted 197-page submission from Innu Nation.¹⁴

¹² [First Peoples Group 2024].

¹³ See *Baker v Canada*, at para 33: A meaningful opportunity to participate in the policy development process for those whose interests are affected by the Policy is an essential component of the duty of fairness.

¹⁴ [Barter 2025].



Our team reviewed the released files and analysed the feedback submitted. In total, **117 feedback letters were received**. We calculate the Innu Nation’s submission as six submissions, since their submission includes their own letter, plus individual letters from five people.

Only 41.9% of respondents (49 letters) were supportive of the Draft Policy. Seventeen (14.5%) of these letters supported the policy on the premise that it excluded NCC citizens, including submissions from three Indigenous political organizations: Innu Nation, Nunatsiavut Government and Inuit Tapiriit Kanatami, as well as an additional five letters submitted under the auspices of the Innu Nation. Each of these organizations have dedicated considerable political,¹⁵ legal¹⁶ and public relations¹⁷ resources over the past number of years to target and undermine NCC and would likely support any policy designed to exclude NunatuKavut citizens.¹⁸ On this analysis, removing the letters that show explicit prejudice against NCC yields roughly **27% (32 letters) supporting the Draft Policy’s content. It is important to note that many of the letters in favour of the policy still offered substantial feedback.**

Over half, 50.4% of respondents were unsupportive of the policy (59 letters). 41% of the total number of letters received (48 letters) were from concerned NCC members and allies, and almost 10% (11 letters) raised other concerns unrelated to NunatuKavut, such as the treatment of some Métis organizations, the composition of the verification committee, and the concentration of decision-making authority in the Office of the Vice-President Indigenous.

The remaining 7.7% (9 letters) were neutral, expressed no clear position, or information was redacted to the point where we were unable to make an assessment. Most raised legitimate questions about the policy but did not articulate clear support or opposition.

¹⁵ Obed, N. [“Letter to Prime Minister Justin Trudeau Regarding NunatuKavut”](#) (2021).

¹⁶ *Innu Nation Inc. v. Canada (Crown-Indigenous Relations)*, [2024 FC 896](#). [*Innu Nation Inc. v. Canada*]

¹⁷ Nunatsiavut Government, <https://www.inuitknow.ca/>.

¹⁸ Responding to Memorial’s request for feedback on the draft policy, for instance, the Innu Nation submitted a 197-page filing that has a sole focus on dismissing and undermining the existence of NunatuKavut Inuit, see [Barter 2025], at Files 4-5.



This analysis concludes that overall support for the policy was limited and that many substantial concerns were raised. Despite this, the information available suggests that Memorial has not yet meaningfully integrated the feedback from NunatuKavut Inuit into revisions, nor did it provide a transparent plan to address the issues raised. This appears inconsistent with Step 8 of Memorial’s Policy Framework Process, which requires policy refinements to "integrate and consider the needs of users."¹⁹ The described omissions and limited incorporation of NCC input suggest non-compliance with its own internal standard and a breakdown in good-faith engagement.

In a meeting with NCC President on January 21, 2026, Memorial President Janet Morrison indicated that the request for feedback on the Draft Policy overwhelmingly yielded support for the existing policy. As this Analysis shows, the vast majority of feedback included both editorial, procedural and substantive questions about the Draft Policy.

The overall lack of public support for the policy and the clear concerns raised indicate that the policy requires further review. Considerable concerns raised by members of the public should not be ignored. At a minimum, there needs to be an acknowledgement of the considerable amount of feedback received and a transparent process that will indicate how the very legitimate concerns raised within the feedback letters will be addressed.

4. A Flawed Outcome: The Draft Policy Is Substantively Unsound

Since 2022, a select number of universities across Canada have drafted and/or implemented Indigenous verification policies that attempt to go beyond self-identification. **The range of policies that have been developed varies significantly.**

¹⁹ Memorial University of Newfoundland, [“Policy Framework Process”](#) (21 Aug. 2024). [Memorial University 2024]



For instance, some universities, like Dalhousie, have been heavily critiqued for narrowly interpreting Indigeneity, with two Dalhousie legal scholars having penned a human rights and legal analysis outlining significant concerns with that policy.²⁰ Dalhousie’s Draft Policy has not been implemented to date. Other universities such as the University of Victoria have crafted policies seemingly more reliant on Indigenous legal principles that seem to offer more expansive understandings of Indigenous citizenship and recognition.²¹ And then, other institutions have decided *not* to participate in Indigenous verification processes, either because they are awaiting implementation by other universities, or because they acknowledge the challenges associated with weighing in on issues that affect Indigenous sovereignty.

Importantly, there is no clear “standard” for creating a policy such as this, and, given its unique history with Indigenous Peoples in the province of Newfoundland and Labrador, Memorial is in a position to craft a truly transformative policy built upon the principles and evidence that it has compiled over its decades-long relationships with the Indigenous Peoples of this province. Instead, the current Draft Policy is confusing, does not withstand legal scrutiny, and, as currently written, opens the university up to considerable legal challenges.

Currently, the Draft Policy states that Indigenous students, faculty, and staff who wish to be considered for opportunities that offer material or reputational benefits at Memorial University must verify their membership in a “Recognized Indigenous Collective.” The Draft Policy introduces different standards for what constitutes “recognition” within and outside of Canada. To qualify as an Indigenous collective within Canada, a community must be validated through one of two approaches.²² These approaches correspond to the individual applicant being validated through **one of two Pathways**.

²⁰ N. Metallic and C. Simon, [“A Human Rights and Legal Analysis of the *Understanding Our Roots Report*”](#) (12 Dec. 2023). [Metallic & Simon 2023]

²¹ University of Victoria, [“Indigenous Citizenship Declaration \(ICD\) Policy”](#) (1 Nov. 2025). [University of Victoria 2025]

²² [Draft Policy], at s 2.1.



The first (**Pathway A**), will only verify individuals who are citizens of a community that is “federally recognized and hold[s] Constitutional rights under Section 35.”²³ The concept of federal recognition is not expressly defined within the Draft Policy. Instead, the Draft Policy provides a selective list of supporting documentation that may be provided to qualify as belonging to an Indigenous collective that is “federally recognized.” The documentation listed in section 2.1 of the *Verification Procedure for Applicants* (the “Verification Procedure”) allows verification of a limited list of “federally recognized” Indigenous collectives. Any person who does **not** hold membership with one of the following collectives will **not** be verified by Memorial University via Pathway A:

- First Nations registered under the Indian Act;
- Inuit territories that are covered by a Land Claims Agreement (specifically Nunatsiavut, Nunavik, Nunavut, and the Inuvialuit Settlement Region);
- The following Métis organizations: Manitoba Métis Federation, Métis Nation of Saskatchewan, Métis Nation of Alberta, Métis Nation of Ontario, and Métis Nation of British Columbia.

The criteria underpinning a “Recognized Indigenous Collective” have been drawn solely around the above list of Indigenous organizations. Using these measures does not appear to align with Memorial's professed aim of allowing for the self-determination of Indigenous communities, nor its efforts at reconciliation. Further, the list is curiously selective and underinclusive. Finally, there are questions of university overreach in deciding on live issues of constitutional recognition.

The second means of verification (**Pathway B**) is through the introduction of an unprecedented mechanism that we refer to as the ‘neighbour clause,’ which legitimates an Indigenous collective through the acceptance/approval by a “federally recognized neighbour.”²⁴ This ‘neighbour clause’ is distinct from other Indigenous verification policies in Canada, and appears designed to

²³ [Draft Policy], at s 3.1.1 and p. 3, Definition of “Recognized Indigenous Collective.”

²⁴ [Draft Policy], at s 2.1.



institutionalize specific geopolitical conflicts between Indigenous political organizations in Labrador.

While Draft Policy section 2.1 frames neighbour recognition as a collective-to-collective relationship, Pathway B does not involve a mechanism of nation-to-nation recognition. Instead, it is operationalized as the individual applicant's responsibility.²⁵ In practice, applicants must personally seek acknowledgement from a neighbouring Recognized Indigenous Collective (RIC), shifting the burden from inter-collective recognition to individual proof of connection. In Part 4.2 below, we elaborate on concerns related to the structural contradictions in the Draft Policy and the potential for inconsistent application of the policy long-term.

To be clear, while the discussion below suggests ways in which the University could more realistically and flexibly interpret questions about Section 35 rights, the authors do not support centring federal recognition of Indigenous peoples. We are committed to the principle of Indigenous self-determination as described in 4.3. Nevertheless, if Memorial continues to build their Draft Policy on the basis of federal recognition, we recommend a more inclusive approach that expands, but also goes beyond, assessing credible claims to Section 35 rights.

4.1 Core Issues with Pathway A: "Recognized Indigenous Collective"

a) *Mischaracterization of Section 35*

The Draft Policy defines Section 35 of the *Constitution Act, 1982* as "the part of the Constitution Act that recognizes and affirms Indigenous/Aboriginal rights. This 1982 amendment to the Canadian Constitution was led by Indigenous Peoples for Indigenous Peoples, and is the basis on which the criteria for Recognized Indigenous Collectives in this Draft Policy is founded"

²⁵ [Draft Policy], at p. 6, s 3.1.2; [Draft Policy], at pp. 11-12, s 2.2



(emphasis added).²⁶ At section 2.0, the Draft Policy states that Section 35 “establishes, within Canada, legal definitions that define who is Indigenous.”²⁷

While it is correct to indicate that Section 35 recognizes and affirms Aboriginal and treaty rights that predate Crown sovereignty, the Draft Policy’s definition and use of the provision are incomplete and sometimes inaccurate.

Section 35 functions as a constitutional protection of *inherent* rights. It does not create rights that did not previously exist, nor is it a membership code or registry. **Treating Section 35 as establishing definitive legal categories that “define who is Indigenous” misreads its purpose as a constitutional rights-affirming provision and wrongly recasts it as a gatekeeping device for institutions like Memorial University.** This distinction matters. By limiting verification to select forms of Section 35 recognition (e.g., settled land claims agreements), the Draft Policy risks excluding collectives with credible Section 35 claims that have not yet been recognized through those narrow avenues. Adopting this approach may expose Memorial to legal risk.²⁸

The jurisprudence and practice around Section 35 are dynamic and context dependent, evolving through case law, historic and modern treaties, self-government agreements, and political processes. Moreover, the revisionist narrative put forward by the Draft Policy characterizing Section 35 as having been “led by Indigenous Peoples for Indigenous Peoples” overstates its authorship and may imply consensus on the provision’s interpretation and sufficiency.²⁹ The

²⁶ [Draft Policy], at p. 3.

²⁷ [Draft Policy], at p. 5

²⁸ See Part 5.1a) below.

²⁹ While Indigenous peoples played an important role in constitutional advocacy during the late 1970s and early 1980s which was pivotal to its entrenchment in the *Constitution Act, 1982*, Section 35 was drafted and enacted through Crown constitutional processes. Indigenous leaders’ perspectives on Section 35 varied between regions as communities sought to protect their interest. Indigenous peoples’ lack of trust of the government meant that some could not consistently champion the outcome of section 35 negotiations back home in their communities. This demonstrates that, even during discussions of constitutional reform, there was diversity of opinion and reaction among Indigenous communities in Canada, reflecting the interests of these communities themselves. See J. Borrows, *Freedom and Indigenous Constitutionalism* (University of Toronto Press, 2016) at p. 141 [Borrows 2016]. See also G. Renard Painter, “Sex Discrimination, Assimilation, and Austerity: The Untold Story of Canada’s Indian Act,



provision does not identify which collectives are “in” or “out,” nor does it provide a bright-line test for non-specialized institutions to determine recognition.

Using Section 35 as a basis for institutional verification imports contested constitutional questions into an academic administrative setting. As a result, university administrators may misinterpret Section 35 when implementing the Draft Policy, leading to decisions that diverge from interpretations by Aboriginal law specialists. Simply put, it is beyond the scope of Memorial’s role and capacities to employ and interpret constitutional issues. In a Canadian context, these are often legislated through court proceedings and political processes.

b) Restrictive Definition of “Recognized Indigenous Collective”

Pathway A appears to verify only members of First Nations registered under the Indian Act, Inuit territories with modern land claim agreements (Nunatsiavut, Nunavik, Nunavut, and the Inuvialuit Settlement Region), and five provincial Métis organizations (Manitoba Métis Federation, Métis Nation of Saskatchewan, Métis Nation of Alberta, Métis Nation of Ontario, and Métis Nation of British Columbia).³⁰ This approach is underinclusive and conflates the finality of negotiation processes with the recognition of constitutional rights.

Leading scholars and judges affirm that recognition of Aboriginal peoples in Canada can arise through many legal and political avenues including historic treaties; modern treaties and land claims agreements; self-government agreements; judicial determinations and procedural findings, such as duty-to-consult triggers; negotiation frameworks and memoranda of understanding;

1975-1985” (2025) 62:1 *Osgoode Hall Law Journal*, at p. 270: “When the ink dried on the new Constitution, many Indigenous advocates were dismayed that the final text of section 35 did not recognize inherent Indigenous sovereignty nor give guarantees regarding self-governance.⁵⁵ It merely affirmed “existing Aboriginal and treaty rights.”

³⁰ [Draft Policy] at p. 6, s 3.1.1; [Draft Policy], at p. 3, Definition in “Recognized Indigenous Collective.”



international law frameworks; and Indigenous legal orders expressed in community constitutions, citizenship codes, and governance law.³¹

These processes are neither linear nor exhaustive; different communities are at different stages of formal recognition for reasons unrelated to the legitimacy of their asserted rights. Newfoundland and Labrador has a unique legal history that is responsible for the delayed recognition of Indigenous communities in the province: the Terms of Union signed between Newfoundland and Canada in 1949 contained no mention of Indigenous peoples, effectively erasing them from formal recognition in Canada.³² It has taken well into the 21st century for the province's Indigenous communities to achieve state recognition,³³ and many processes are still incomplete and ongoing. Memorial's Draft Policy seems to fail to acknowledge and accept this reality:

- **Only one modern land claim** is settled between Indigenous peoples in the province and the Crown, occurring in 2005 (Nunatsiavut).³⁴
- **Modern treaty processes have been opened but not yet finalized** between the Crown and the Innu Nation and NunatuKavut Community Council, respectively.
- **Historic treaty assertions exist:** the British–Inuit treaty of 1765, entered into at Chateau Bay (southeast Labrador), is claimed by NCC without contestation by other communities,

³¹ See e.g. S. Grammond, “Equally Recognized? The Indigenous Peoples of Newfoundland and Labrador” (2014) 70 *Osgoode Legal Studies Research Paper Series* Osgoode Hall LJ 51:2 2014 469 at 470 [Grammond 2014]: Aboriginal law scholar and federal court justice Sébastien Grammond defines recognition in this context to mean “means the ascription of a separate legal status based on ethnic identity by a branch of the state (i.e., Parliament, the executive, or the judiciary), usually triggering specific rights applicable only to the members of the group so recognized” and in that same paragraph names recognition of the NunatuKavut Community Council (formerly Labrador Métis Nation) by the courts. See also [Metallic and Simon 2023], at p. 52-59 and p. 69-70, row 7.

³² *British North America Act, 1949* ([UK](#)), [12, 13 & 14 Geo VI, c 22](#); see also *Heritage Newfoundland and Labrador*, “[Indigenous Peoples and Confederation](#)” (2009).

³³ The Miawpukek First Nation obtained band status and established its reserve in 1987. The modern treaty between the Crown and the Labrador Inuit Association (now Nunatsiavut Government) was finalized in 2005, recognizing Inuit rights and self-government in northern Labrador. Mushuau Innu First Nation and Sheshatshiu Innu First Nation obtained band status and established reserves in Labrador in 2002. The Qalipu Mi'kmaw band was established in 2011.

³⁴ *Labrador Inuit Land Claims Agreement Act*, [S.C. 2005, c. 27](#).



is well documented, and continues to be the subject of research. Current research suggests that this treaty is similar to the Peace and Friendship Treaties that were negotiated between Indigenous peoples and the Crown during the 1700s in Atlantic Canada. Further research is ongoing on the island of Newfoundland regarding historic treaties between the Mi'kmaq and colonial representatives.

- Courts have recognized NCC has credible assertions of Aboriginal rights even in the absence of a settled modern treaty:
 - The Newfoundland and Labrador Court of Appeal confirmed that the group now represented by the NCC has a credible claim sufficient to trigger the duty to consult,³⁵ and has declined to grant an injunction against NCC members exercising Aboriginal and treaty rights or their Charter rights to protest activities related to the Muskrat Falls project.³⁶
 - The Federal Court has upheld the validity of an NCC memorandum of understanding with Canada.³⁷
- Despite not having a settled treaty agreement with NCC, the provincial government (and its affiliates) have recognized NCC in less formal ways:
 - The Muskrat Falls Commission of Inquiry found deficiencies in fairness in consultation practices affecting Indigenous peoples, including NCC.³⁸
 - NCC members are included as parties to the Newfoundland and Labrador settlement agreement for residential school survivors in Labrador³⁹ and they were

³⁵ *Newfoundland and Labrador v. Labrador Metis Nation*, [2007 NLCA 75](#).

³⁶ *NunatuKavut Community Council v. Nalcor Energy*, [2014 NLCA 46](#).

³⁷ [*Innu Nation Inc. v. Canada*].

³⁸ The Commission of Inquiry Respecting the Muskrat Falls Project found that “GNL failed to ensure that it and Nalcor acted fairly in its consultations related to Indigenous Peoples and environmental matters. And that “GNL did not act appropriately from a fairness perspective with [...] the NunatuKavut Community Council.” See R.D. LeBlanc, [“Commission of Inquiry Respecting The Muskrat Falls Project”](#) (5 Mar. 2020), at p. 39.

³⁹ Government of Canada, [“Newfoundland and Labrador residential schools healing and commemoration”](#) (15 Feb. 2019).



the first Indigenous collective in the province to receive a public apology from the Premier of Newfoundland and Labrador.

- In 2021 the NCC was added as an Indigenous collective under the Government of Newfoundland and Labrador’s Children, Youth and Families Act.⁴⁰

Against this background, the Draft Policy’s undefined and extremely narrow interpretation of “federal recognition” is opaque and is misaligned with a mountain of evidence to support NCC’s credible claim as a Section 35 rights-holder. For these reasons, it is inappropriate for Memorial to conclusively exclude NCC from its Draft Policy.

c) University Overreach into Constitutional Adjudication

Universities have responsibilities to advance reconciliation, support Indigenous scholarship, and promote rights literacy, but they are not constitutional adjudicators of Section 35 issues.⁴¹ Employing Section 35 as the Draft Policy’s threshold for institutional recognition asks the university to resolve contested, fact-specific, evolving questions that are jurisdictionally inappropriate for academic policy and belong to courts, treaty tables, historic treaty holders, and political processes. Section 35 interpretation is progressive and context-dependent, and university administrators lack both the mandate and expertise to adjudicate complex questions of Indigeneity.

⁴⁰ *Children, Youth and Families Act Schedule Amendment Order*, NLR 20/21.

⁴¹ The Supreme Court of Canada has confirmed that administrative decision-makers can adjudicate constitutional issues (including Section 35 rights) **if they have the authority to decide questions of law** (see *Paul v British Columbia (Forest Appeals Commission)*, [2003 SCC 55](#); *Kebaowek First Nation v. Canadian Nuclear Laboratories*, [2025 FC 319](#)). Courts generally defer to such authorized bodies because of their expertise and their capacity to assess the facts and socio-legal context of the cases before them. In the *Doré* case, the Supreme Court of Canada affirmed that administrative bodies adjudicating constitutional issues **must proportionately balance statutory objectives with constitutional rights** (*Doré v. Barreau du Québec*, [2012 SCC 12](#)). We share this context to demonstrate **the care required when administrators undertake decision-making that involves adjudicating Section 35 rights**. However, the Verification Committee contemplated in the Draft Policy appears not to be granted authority to decide questions of law and therefore would lack the jurisdiction to adjudicate questions impacting the constitutional rights of university applicants.



A policy that requires Memorial to track and assess ongoing negotiations, litigation, and procedural determinations across Canada and then apply this ever-shifting context to make decisions regarding the many and continually-arising cases of hiring, promotion, tenure, and research and administrative eligibility for faculty and staff as well as the acceptance/rejection and eligibility for scholarships, awards, entry into programs, and ongoing availability of Indigenous supports and services for students is untenable.

An expectation of such invites inconsistency and error. Inevitably, mistakes will be made, which can have a deep and lasting impact on students, faculty and staff who hold legitimate claims to Indigeneity. Although the Draft Policy attempts to sidestep this reality by narrowly restricting acceptable supporting documentation, this approach does not reflect the changing circumstances and lived realities of Indigenous Peoples within NunatuKavut, nor elsewhere in Canada.

The University's approach risks falling below the standards that bind the Crown, which require diligence, consultation, and accommodation when rights are credibly asserted but not yet proven. Any academic policy governing the University's treatment of Indigenous Peoples should, at minimum, meet those standards. Moreover, given the University's commitment to advancing reconciliation and the Truth and Reconciliation Commission's education-related Calls to Action, an institution of higher learning should strive to exceed the Crown's baseline obligations.

d) An Alternative Approach to Section 35 Rights Recognition

We understand Memorial's concern that there may be people or groups that falsely claim to be Indigenous. However, this possibility must be balanced by awareness that there are also legitimate Indigenous communities whose presence has been deliberately under-recognized and erased and who are actively asserting their rights to self-government and self-determination. Naomi Metallic and Cheryl Simon, both Indigenous lawyers and law professors with extensive expertise in Aboriginal law, Indigenous law, and human rights law, have proposed a careful and nuanced approach to distinguishing between false claims and legitimate rights assertions. Their approach draws on Section 35, but recognizes that Section 35 rights recognition is an evolving and incomplete process.



In their 2023 report to Dalhousie, Metallic and Simon recommend that their University adopt the standard of recognizing individuals who are members of a community that has a **credible claim** to be Section 35 Aboriginal rightsholders. They list a wide range of kinds of evidence of credibility, including court findings, negotiations with settler governments for Indigenous rights, historic treaties, being targeted by assimilative policies, and others.⁴² They conclude: “**Two regional groups that already appear to meet these criteria are the NunatuKavut Community Council and the Peskotomuhkati Nation at Skutik,**” and note that there are also “likely some non-recognized Mi’kmaq communities in Newfoundland that meet the criteria.”⁴³ They also warn that opposition by other Indigenous groups must be carefully considered and contextualized in light of regional history, a warning that Memorial does not seem to have heeded in the development of the “neighbour clause.”⁴⁴

Assessing the credibility of a community’s claim to Section 35 rights involves consideration of complex legal and academic evidence and requires a high level of specialized expertise in “history and policy, Canadian law, the Constitution, Indigenous law and domestic and international human rights”⁴⁵ as well as extensive knowledge of the specific community under consideration. Memorial has not given any indication that, in developing its Draft Policy, it has sought out or seriously considered such expertise on the Inuit of south and central Labrador. As such it is risking violating the very inherent rights that Section 35 was intended to protect.

4.2 Core Issues with Pathway B: The “Neighbour Clause”

Pathway B introduces a mechanism under which an Indigenous collective may be “accepted as an Indigenous collective by their federally recognized neighbours.”⁴⁶ This clause

⁴² [Metallic & Simon 2023], at pp. 69-70.

⁴³ [Metallic & Simon 2023], at p. 70.

⁴⁴ [Draft Policy], at p. 5, s 2.1.

⁴⁵ [Metallic & Simon 2023], at p. 15.

⁴⁶ [Draft Policy], at p. 5, s 2.1.



outsources questions of legitimacy to neighbouring Indigenous collectives (i.e., third parties), authorizing them as gatekeepers when no such precedent exists.

The novelty of this mechanism, and its purposeful ignorance towards the very public geopolitical conflicts among Indigenous organizations in Labrador, is concerning. Institutional policies should not be designed to entrench inter-community disputes by delegating authority to one party in those disputes. Doing so undermines concepts of Indigenous citizenship, Indigenous forms of governance and legal traditions, while simultaneously delegating the interpretation of Section 35 to select groups. All of these risk entrenching power imbalances, incentivizing political pressure campaigns, and undermining the university's responsibilities to treat Indigenous collectives with fairness, respect, and neutrality.

To be clear, Inuit represented by NCC and NG are neighbours but are not the same. While Inuit in Labrador were historically interconnected along the entire coast, colonial efforts over centuries have effectively resulted in two Inuit collectives who have kinship ties to one another but are now culturally and politically distinct. Given this history and current political reality, these separate collectives cannot reasonably hold authority over one another's claims.

a) Contradictions in the Drafting of Pathway B

Read together, the Draft Policy's "neighbour Clause" in section 2.1 and the *Verification Procedure* section 2.2 pull in opposite directions, creating confusion about the policy's purpose, inconsistent expectations for applicants, and foreseeable harm.

Section 2.1 frames recognition as collective-to-collective: an Indigenous collective obtains verification by its federally recognized neighbours, suggesting for example that if Collective X is acknowledged by Collective Y, Collective X as a whole meets the policy's threshold. By contrast, section 3.1.2 and *Verification Procedure* section 2.2 shift the locus from collective recognition to individual vetting: under Pathway B each applicant must "claim connection" to a Recognized Indigenous Collective and submit both a detailed "statement of relationality" and a letter from an official of that other collective confirming the applicant's acceptance. Functionally, this means Collective X members must seek individualized validation from Collective Y—regardless of



whether the neighboring collective currently recognizes Collective X—collapsing a collective recognition mechanism into a person-by-person gatekeeping process.

The result is:

- a policy aim that is unclear (is the neighbour’s role to validate collectives, individuals, or both?),
- expectations that are inconsistent (collective recognition in section 2.1 versus individual proof in *Verification Procedure* section 2.2), and
- a design that risks logistical gridlock: aside from the massive administrative burden it would ask of Indigenous governments, these governments are unable to adjudicate non-member identities in the first place because they do not possess the necessary information or mandate to do so.
- avoidable harm: the policy subjects applicants to potential psychological and spiritual strain by requiring them to seek personal confirmation from neighbouring governments with whom relations may be complex or strained.

The authors understand this mechanic likely targets non-status individuals under the *Indian Act* who have family ties to a band, or individuals who have lost beneficiary status in an Inuit land claim area; however, it overlooks the awkward application of this Pathway in Newfoundland and Labrador’s unique context.

b) Absence of Legal or Scholarly Support

While verification, introducing one’s kinship relations, and witnessing are recognized protocols in many Indigenous legal orders, converting these practices into this “neighbour clause” mechanism is misguided. The authors are not aware of Indigenous legal sources that support applying these legal processes in this manner, nor does Canadian law provide any constitutional, statutory, or jurisprudential basis for a clause that empowers one Indigenous collective to validate the legitimacy of another.

An inter-community verification mechanic like the “neighbour clause” is not appropriate for verifying an individual’s connection to a separate Indigenous community. Decisions about



individual citizenship or membership rest with the community or collective itself.⁴⁷ For example, those responsible for making decisions about enrollment status in Nunavut or Inuvialuit, would not have the authority to validate the status of Inuit from Nunatsiavut or Nunavik. Accordingly, suggesting that the Nunatsiavut Government has a role in determining the status of NunatuKavut Inuit applies a standard that does not exist among other regional Inuit political organizations or, more broadly, among Indigenous communities in Canada. Such an approach undermines Indigenous rights to self-determination, misappropriates internally governed notions of belonging and citizenship, and entrenches a power dynamic in which some Indigenous peoples are positioned as having authority over others.

Indigenous citizenship and belonging—both in theory and practice—are determined by each community’s own legal orders and governance practices, not by external endorsement from neighbouring groups. Scholarship on Indigenous citizenship highlights that there exists a diversity of Indigenous laws and legal traditions across nations and communities,⁴⁸ in which internally-constituted laws guide communities in determining relations. It does not recognize any authority for one community to assess or determine the laws and protocols of another.

Because the Draft Policy’s definition of a "Recognized Indigenous Collective" is grounded in Section 35 of *the Constitution Act, 1982*, it is worth noting that Section 35 does not create or contemplate a third-party veto or endorsement by neighbouring communities. Its interpretation has evolved through case law, treaties, and political processes, none of which support delegating recognition to another collective without legal authority or governance arrangements internal to the communities.

Canada’s commitments under the UNDRIP emphasize self-determination, participation through Indigenous peoples’ own representative institutions, and the exercise of distinct legal

⁴⁷ See also: NunatuKavut Community Council, [“NunatuKavut Inuit Citizenship Law”](#) (12 Feb. 2024); V. Napoleon, [“Indigenous Citizenship and Civil Society: An Intervention”](#) (2024) 1 *Perspectives Journal*.

⁴⁸ J. Green, [“The complexity of Indigenous identity formation and politics in Canada: Self-determination and decolonisation.”](#) (2009) 2:2 *International Journal of Critical Indigenous Studies*, at pp. 36–46; [Borrows 2016], at ch. 3.



traditions and governance.⁴⁹ UNDRIP does not confine rights to groups with existing state agreements and offers no explicit or implicit support for a neighbour-acceptance requirement.

c) Application of “Neighbour Clause” Contingent Upon Political Climate

The Draft Policy’s “neighbour clause” may be inconsistently applied over time due to changes in the political climate. An important principle of lawmaking is that laws be foreseeably and consistently applied. Relationships between Indigenous collectives may become strained due to issues around lands, natural resources, and decisions related to governance created or exacerbated by the colonial context.⁵⁰ These same disputes may be resolved. There is no shortage of examples across Canada, where different Indigenous collectives navigate overlapping land claims.⁵¹

In Newfoundland and Labrador, historical and recent examples show both periods of collaboration and conflict among the same Indigenous political organizations.⁵² Recently, misinformation campaigns launched by the Innu Nation and Nunatsiavut Government actively target NCC, but have clearly been aimed at concerns related to overlapping territory, as well as concerns about potentially sharing limited programming and service dollars. This contrasts sharply with the political climate of less than a decade ago, when such concerns were not at issue. For instance, there are multiple examples when these same Indigenous groups, namely Nunatsiavut Government, Innu Nation and NCC, demonstrated solidarity with respect to protesting the Muskrat Falls Hydroelectric Development, collaborated on university research, negotiated food-sharing and bartering agreements (such as trading cod and char), and united in the development of Memorial University’s Labrador Campus.

⁴⁹ United Nations Declaration on the Rights of Indigenous Peoples Act, [SC 2021, c 14](#).

⁵⁰ M. Hanrahan, [“The Lasting Breach: The Omission of Aboriginal People From the Terms of Union Between Newfoundland and Canada and its Ongoing Impacts”](#) (2003); Royal Commission on Renewing and Strengthening Our Place in Canada, [“Our Place in Canada”](#) (2003); [Poitras, Chartrand, Wilton & Miner 2024], at p. 44.

⁵¹ *J.D. Irving et al v. Wolastoqey Nation*, [2025 NBCA 129](#); Memorandum of Argument of the Appellants (24 January 2025) *Skii km Lax Ha et al. v. Malii*, [file no 41644 \(SCC\)](#); M. Urquhart, [“Mi’kmaw First Nations Expand Aboriginal Title Claim to Include Almost All of NB”](#) (15 Feb. 2023).

⁵² See Part 2 above.



A neighbour acceptance mechanism cannot be reasonably or fairly applied in such a context because it ties verification to variable political climates and incentives rather than to consistent legal or institutional standards.

Within such an unreliable political context, reliance on a ‘neighbour clause’ creates a moving target for university administrators. Determinations may change with leadership cycles or strategic alliances, forcing continuous reassessment without any principled anchor. This invites administrative uncertainty and the potential for abrupt reversals that harm students, researchers, and community relationships. **Policies governing Indigenous verification should be durable and principled, not dependent on the vicissitudes of regional politics.**

4.3 Central Issue: Self-Determination is Undermined by the Draft Policy

The Draft Policy states, “the University recognizes the right to self-determination of Indigenous communities.”⁵³ The University’s commitment to self-determination is conceptually powerful, but the Draft Policy’s verification mechanisms hollow out that commitment, effectively denying Indigenous peoples the authority the right is meant to protect.

The declaration to uphold self-determination becomes merely decorative if Memorial enacts a policy to contradict it. When an institution claims to uphold self-determination but then designs processes that rely on state and third-party verification, it reproduces the same structures of power that reconciliation is meant to undo. The harm is insidious because the performance wraps it in language of relationality and respect.

a) Inconsistency with the object of UNDRIP Article 3

Indigenous peoples’ right to self-determination gained prominence globally at the United Nations in response to discrimination, assimilation, and other colonial impacts.⁵⁴ Article 3 of the

⁵³ [Draft Policy], at p. 1.

⁵⁴ [United Nations Declaration on the Rights of Indigenous Peoples](#) (2007), at p. 8. [United Nations 2007]



United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) codifies this right,⁵⁵ and self-determination is widely regarded as one of the declaration’s most important elements.⁵⁶ Memorial’s treatment of self-determination in the Draft Policy, however, is inconsistent with UNDRIP. Its reliance on selective forms of federal recognition and third-party approvals to decide whether a community and its members are Indigenous (see Parts 4.1 and 4.2 above) contradicts the intent of Article 3.⁵⁷

Indigenous self-determination is “asserted and acted upon, not negotiated or offered freely by the state.”⁵⁸ Because recognition is state-derived, any policy that conditions Indigenous verification on state recognition undermines the inherent right to self-determination.

b) Different Standards of Recognition Domestically and Internationally

The Draft Policy applies different metrics to what constitutes a "recognized" Indigenous Collective domestically and internationally. Domestically, it relies on narrow metrics of Canadian recognition; internationally, it adopts a far more generous approach, stating that the University will give “appropriate consideration of the rich diversity of global Indigenous groups and their unique protocols, practices, and traditions concerning citizenship/membership, which may vary from region to region.”⁵⁹

In Newfoundland and Labrador, Indigenous peoples were positioned as a global Indigenous people relative to Canada until NL became a Canadian province in 1949. Indigenous collectives in the province continue to negotiate their relationship with Canada—the Nunatsiavut

⁵⁵ D. Cambou, [“The UNDRIP and the legal significance of the right of indigenous peoples to self-determination: a human rights approach with a multidimensional perspective.”](#) (2018) 23:1-2 *The International Journal of Human Rights*. [Cambou 2018]

⁵⁶ [Cambou 2018].

⁵⁷ [United Nations 2007].

⁵⁸ J. Cornthassel and C. Bryce, [“Practicing Sustainable Self-Determination: Indigenous Approaches to Cultural Restoration and Revitalization”](#) (2012) XVIII:II *The Brown Journal of World Affairs*, at p. 152.

⁵⁹ [Memorial University of Newfoundland 2025], at p. 13, s 2.5.



Government, Innu Nation, Qalipu First Nation, and NunatuKavut Community Council achieving federal recognition only since the late 1980s, with several processes ongoing.⁶⁰ As the province's sole university, **Memorial should champion Newfoundland and Labrador's distinct history and diversity rather than deferring to politically-motivated, narrow forms of Indigenous verification.**

The authors strongly suggest reconciling the Draft Policy with the rights it claims to uphold by extending to domestic Indigenous collectives the same standards the Draft Policy affords international Indigenous groups by adopting a broader definition of "Indigenous collective". Other Canadian universities have set precedent for this.⁶¹

5. Conclusion and Recommendations

Our collective analysis of this Draft Policy highlights the unfairness, injustice, lack of foundation, and harmful impacts this Draft Policy may impose on NunatuKavut Inuit and other Indigenous communities.

Our intention here is not to escalate political tensions or create divisions. Rather, we seek to promote constructive dialogue, supported by evidence and reason, to challenge Memorial's Draft Policy. Our focus is on social justice, specifically advocating for the rights of all Indigenous people in Newfoundland and Labrador who are being excluded from the university's policy due to uncritical, unfounded, and misleading interpretations of scholarly evidence, constitutional principles, Canadian Aboriginal law, and Indigenous legal traditions. The individuals affected by this policy include not only those represented by the NunatuKavut Community Council (of which we are members) but other Indigenous peoples in Newfoundland and Labrador and across Canada who are systematically excluded by this Draft Policy for similar reasons.

⁶⁰ See footnote 29.

⁶¹ See e.g. [University of Victoria 2025].



Memorial's approach to addressing fraudulent claims of Indigeneity in this Draft Policy is overshadowed by Memorial's restrictive, underinclusive, and flawed criteria. These criteria do not constitute a reasonable, logical, or evidence-based pathway to combat "pretendianism" because we believe the University faces significant legal and exposure and reputational risk for the reasons below.

5.1 Risks

a) Legal Risks

In its current form, the Draft Policy exposes Memorial University to potential human rights complaints, judicial review, civil liability and constitutional challenges. This Part 5.1a) is meant to point out potential risks of adopting the Draft Policy without making certain claims about their application. For a more detailed analysis of the potential legal and human rights liabilities associated with policy provisions like those in the Draft Policy, see Naiomi Metallic and Cheryl Simon's "A Human Rights and Legal Analysis of the Understanding Our Roots Report."⁶²

At the core of the legal risk is the policy's restrictive definition of a "Recognized Indigenous Collective" and the novel "neighbour clause." These design choices are likely to produce exclusionary outcomes that adversely affect NunatuKavut Inuit and others with credible Section 35 claims, while inviting challenges to both the fairness of the policy development process and the legitimacy of decisions made under it.

The policy's Pathway A limits "federal recognition" to a short list of qualifications—registration under the Indian Act, modern Inuit land claims regions, and five named provincial Métis organizations. Treating this list as exhaustive jeopardizes the protection of Aboriginal and treaty rights and ignores the many legitimate avenues through which Section 35 claims are advanced or recognized. By excluding communities whose recognition is evolving or incomplete—despite robust evidence of credible claims—those denied access because their

⁶² [Metallic & Simon 2023], at pp. 60-65.



community does not fit the Draft Policy's narrow criteria may seek remedies under provincial human rights legislation and through civil claims alleging discriminatory treatment and related harms.

Furthermore, applicants rejected under a narrow interpretation of "federal recognition" might challenge the reasonableness or correctness of those determinations and the legality of delegating constitutional gatekeeping to a university verification committee.

Process issues exacerbate these substantive concerns. The experience of NCC alumni during consultations- differential treatment in sessions, and concerns about potential conflicts of interest—undermines confidence that their input was fairly considered. The continuity between the consultation report and the Draft Policy, alongside the omission of detailed NCC contributions, supports a reasonable apprehension that the process was shaped to exclude or discount NCC as an affected community. Public feedback demonstrates limited overall support and substantial concerns, however there has been no transparent account of whether and how those concerns were integrated, contrary to the University's own policy development framework which requires refinements to the policy that "reflect user needs." These procedural shortcomings raise questions about the decision-makers' compliance with Canadian administrative law that require further consideration.

In sum, unverified students, staff and faculty who are members of credible Indigenous collectives may bring human rights complaints, internal grievances, and court applications challenging the decisions rendered under the Draft Policy. Successful challenges could require the University to revisit prior decisions, issue apologies, or provide compensation. The cumulative effect is a high level of assumed risk for a policy that entertains questions beyond the University's institutional role.

b) Reputational Risks

Adopting a policy that is perceived as under-inclusive and inattentive to Labrador's history risks reputational harm among Indigenous communities, students, faculty, alumni, and peer institutions. The Draft Policy signals that Memorial either privileges certain relationships or fears repercussion over the breadth of evidence that informs credible Section 35 claims, despite the



University's stated commitments to reconciliation, renewed relationships, and Indigenous self-determination. In Newfoundland and Labrador's context, where formal recognition processes have been delayed and remain active, the exclusion of NunatuKavut Inuit will be read as an institutional choice that replicates erasure rather than corrects it.

The reputational risk is exacerbated by the concerns with the policy development process. When a university invites consultation, receives substantial detailed feedback—including from the excluded community—and appears not to integrate that feedback or to transparently explain its revisions, it erodes trust in the integrity of its decision-making. The experience of NCC's differential treatment during the consultation phase and the later assertion by the University president that feedback supported the draft Policy, despite evidence to the contrary, fuel perceptions that the outcome was predetermined. For an institution that relies on credibility, openness, and respect for evidence, these perceptions can be more damaging than a policy disagreement: they suggest a misalignment between institutional values and actions.

There is also a scholarly reputation dimension. The Draft Policy's design choices are at odds with peer-reviewed scholarship and Indigenous legal thought emphasizing the plurality of recognition pathways and the centering of self-determination. By relying on neighbour approval, the Draft Policy appears to entrench regional political disputes rather than maintain institutional neutrality. This creates a perception that Memorial is taking sides in inter-community conflicts, which can alienate partners, deter prospective students and faculty, and complicate research collaborations—particularly at the Labrador campus and in areas where collaborations with community are vital.

The inconsistency between domestic and international standards further undermines Memorial's reputation. Granting "appropriate consideration" to the diversity of international Indigenous communities while applying narrow thresholds to Indigenous collectives domestically invites criticism that the University is more generous to distant communities than to those on whose lands it operates. For a provincial university with a mandate to serve Newfoundland and Labrador, stakeholders will question why local context and evidence are not afforded the same respect. Over time, these perceptions could affect donor confidence, government relations, and the



willingness of Indigenous communities to partner with the University on education, research, and other initiatives.

c) Human Consequences (Risks to People and Relationships)

The Draft Policy’s human impacts may cause substantial harm to a segment of Memorial’s students, faculty, and staff, as well as Elders, and communities across Newfoundland and Labrador. Indigenous peoples in this province have all been subject to a colonial history of assimilation, denial, and erasure. Yet the Draft Policy, if implemented, will reproduce such harm toward the Inuit of south and central Labrador. We are particularly concerned for the Inuit of south and central Labrador who are or will be students at Memorial. Memorial commits to “recognizing students as a first priority and providing the environment and support to ensure their academic and personal success,”⁶³ and yet Memorial risks failing in this commitment for NunatuKavut students.

The potential harms of this Draft Policy, if enacted, can be viewed in two ways. Firstly, Inuit students from south and central Labrador will lose access to Indigenous-designated programs, supports, funding and community space. These are not mere “opportunities of advantage”;⁶⁴ they are mechanisms that help Indigenous students overcome barriers associated with being far from home, historical marginalization, and ongoing discrimination. Denying access while the student continues to experience anti-Indigenous racism on campus compounds harm by reinforcing a message that the person doesn’t belong precisely where support is most needed. As one visibly Inuk Memorial student from south Labrador said to one of the authors, “I get all of the racism and none of the supports to help me deal with it.”

Secondly, the policy risks reshaping the campus climate in damaging ways. Students who are members of NCC may fear self-identifying on campus, and may experience the shame and self-hiding that so many Indigenous people have felt in the past. They may not feel free to pursue the

⁶³ Memorial University of Newfoundland, [“Vision, Mission and Values”](#) (2013). [Memorial University of Newfoundland 2013]

⁶⁴ [Draft Policy], at p. 1.



study of their community and culture, and so not be able to access important and self-actualizing aspects of their education. They may experience harassment and aggression from those who feel that the policy gives them permission to openly deny the identity of NunatuKavut Inuit.

As part of this broader impact of alienating NunatuKavut students at Memorial, there is a concern that the implementation of this Draft Policy would have an overall chilling effect on advancing important Indigenous education, research, programming and policy efforts that involve NunatuKavut Inuit students. The result may be less capacity to undertake these important efforts to advance the priorities of NunatuKavut Inuit more generally. This has negative implications for the overall vision of the Labrador campus, for the ability to build on decades of community-engaged research, and, most importantly, for the ability of NunatuKavut Inuit to navigate challenges of climate change, lack of basic services, under-recognition, and other issues.

These kinds of harms are not just imagined but have been experienced by the authors at Memorial and at other universities that have proposed or implemented restrictive Indigenous verification policies. A campus atmosphere of surveillance and judgement towards many Indigenous people, including those who are or could be verified, arises from such policies. Caroline Tait, a Red River Métis health researcher, has argued that current university Indigenous verification policies place an unacceptable burden on Indigenous people: “All of us will be under surveillance and suspicion despite being Indigenous.”⁶⁵

In its current form, the Draft Policy risks inciting lateral violence, harming a significant portion of the Indigenous population on whose territory the university itself is responsible to, and damaging relations between the university and diverse Indigenous communities. Memorial’s Draft Policy gives no indication that it has a plan to deal with the serious risks that the implementation of the Draft Policy will bring to NCC members who are or will be members of Memorial’s community.

⁶⁵ R. Henry and C. Tait, [“Indigenous Identity Fraud: An Interview with Caroline Tait”](#) (2023) 10:2 *Aboriginal Policy Studies*, at p. 87.



5.2 Recommendations

Memorial University should:

1. **Include NunatuKavut Inuit by name in Pathway A of the Draft Policy.** This change would be implemented by amending Pathway A to list proof of membership with the NunatuKavut Community Council as accepted primary documentation in section 2.1 of the Draft Policy’s *Verification Procedure for Applicants*. This recommendation is supported by Parts 4.1 and 4.2 of the Analysis.
2. **Replace the Draft Policy’s defined term “Recognized Indigenous Collective” with an alternative that centers self-determination over federal recognition.** Implementation would involve inserting a revised definition in the Definitions section that does not condition inclusion on federal recognition and replacing all references to “Recognized Indigenous Collective” with “Indigenous Collective” throughout the Draft Policy and related procedures to ensure consistent usage grounded in self-determination. Doing so would follow the recommendations of preeminent Indigenous legal scholars implementing this approach at their universities.⁶⁶ This recommendation is supported by Parts 4.1 and 4.3 of the Analysis.
3. **Expand the scope of “federal recognition” if it remains a criterion in the Draft Policy.** If federal recognition continues to be used in the Draft Policy, its scope should be broadened to encompass Indigenous collectives with credible Section 35 rights-holder claims supported by specified evidence. Practically, the policy should add a clause that, for its purposes, “federal recognition” includes collectives with credible Section 35 claims. In addition to the accepted documentation outlined in the Draft Policy’s *Verification*

⁶⁶ For example, University of Victoria’s Indigenous Citizenship Declaration defines “Indigenous Nation(s), People(s) and Community(/ies)” as follows: “refers to distinct societies that hold ancestral and kinship ties and, through their Nation’s histories and laws, collectively share relationships to the lands where they still live, or from which they have been displaced. For example, within the Canadian context, there are three distinct (and internally diverse) groups of Indigenous Peoples with unique histories, laws, languages, cultural practices and spiritual beliefs, that is: First Nations, Inuit and Métis.” The development of this policy was led by Dr. Val Napoleon, Professor and Law Foundation Chair of Indigenous Justice and Governance. See [University of Victoria 2025].



Procedure for Applicants, the following documentation would also be accepted: court rulings recognizing Aboriginal or treaty rights; recognition by human rights or international bodies; evidence of being targeted by assimilative policies such as residential schools; evidence of historical treaties (oral or written) with colonial governments; or evidence of ongoing negotiations with settler governments regarding Section 35 rights. The *Verification Procedure* should also describe how credibility and relevance will be assessed by the verification committee, to ensure consistent application. This recommendation is supported by Parts 4.1(b) and 4.3(b) of the Analysis.

4. **Publish a clear mechanism for responding to the feedback received in the 2025 public consultation of the Draft Policy.** Memorial University should establish and publicly communicate a transparent mechanism to evaluate and respond to feedback on the Draft Policy before it is considered for approval by the Board of Regents. To satisfy Step 8 of Memorial's Policy Framework Process requiring "integrat[ion] and consider[ation of] the needs of users,"⁶⁷ implementation of this recommendation should include publishing a responses-to-feedback summary that maps issues raised in the 117 public letters to the University's action. This recommendation is supported by Part 3(d) of the Analysis.
5. **Ground the Draft Policy in peer-reviewed scholarship and community knowledge.** The Draft Policy should be explicitly informed by peer-reviewed scholarship and community knowledge to align with the University's vision, mission, and values.⁶⁸ This would be implemented by directing the Policy Sponsor (or delegate)⁶⁹ to use the scholarship identified in Appendix A to inform revisions to the Draft Policy. This recommendation is supported by Part 2 of the Analysis and Appendix A.

⁶⁷ [Memorial University of Newfoundland 2024]

⁶⁸ Accepting evidence-based scholarship in the development of the University's policies upholds Memorial's values of excellence (rigour), integrity (honesty, highest ethical standards of research and public engagement), inclusiveness, recognition (acknowledging research and scholarship), and responsibility to place (valuing and fulfilling its special obligation to Inuit of south and central Labrador). [Memorial University of Newfoundland 2013]

⁶⁹ The Policy Sponsor (or delegate) is the party responsible for integrating feedback and modifying the Draft Policy, and ensuring the policy remains consistent with the University's mission, vision and values. See [Memorial University of Newfoundland 2024].



6. **Tangibly support academic research on the climate of politically-motivated conflict between Indigenous communities in Labrador.** Such research can foster a better understanding of how Memorial University can navigate this context without exacerbating conflict and harms. Research should be community-based, community-driven and trauma-informed. This recommendation aligns with the Analysis’ emphasis on grounding policy and practice in peer-reviewed scholarship and community knowledge, transparency in process, and respectful engagement with Indigenous governance, and is supported by Analysis as a whole.

6. Authors

With a commitment to advocacy for the rights of Indigenous peoples in Canada, and to fulfilling our kinship responsibilities to our families and community as citizens of NunatuKavut, we have come together to conduct this Analysis of Memorial University’s draft Indigenous Verification Policy.

Because of the implications of the Draft Policy for Inuit in southern and central Labrador, this Analysis has been shared directly with the NunatuKavut Community Council. All research, writing, and analysis were conducted solely by the four authors. We have made every effort to avoid mistakes or inaccuracies; however, any errors or omissions are our own.

Amy Hudson comes from Inuit and European ancestry. She was born and raised on the lands, waters, and ice of her Inuit ancestors in Black Tickle, NL, Canada. Black Tickle is a remote community on the Island of Ponds, off the southeast coast of Labrador. The Inuttitut word for the region is Kikkertet, meaning “place of many islands”. Her Inuit ancestry is through her mother (on her mother’s paternal side) and her father (on her father’s maternal side). Amy’s Inuit ancestral relations in Kikkertet are from Black Tickle, Porcupine Bay, Reeds Pond, Spotted Island, Seal Island, Batteau, and the Hamilton Inlet area. She now resides in Happy Valley-Goose Bay, but she continues the tradition of moving with the seasons by travelling to the Island of Ponds by snowmobile in the winter and spring, and by speedboat in the summer and fall. Amy holds a PhD in interdisciplinary studies, specializing in Indigenous governance and sustainability. Much of her



work has focused on advancing her community's Aboriginal rights and aspirations through Indigenous governance, land claim negotiations, and research.

Shannon Snow belongs to the Inuit-Scottish Campbell family of south and central Labrador and is a member of the NunatuKavut Community Council. She was raised in St. John's, Ktaqmkuk (Newfoundland). Her Labrador roots span from Mulligan to Hamilton Inlet and the Labrador coast (Sandwich Bay, St. Michael's Bay), where her maternal family moved seasonally between Campbell's Cove and Triangle until settling full-time in what is now Charlottetown in the 1950s. Shannon returns to NunatuKavut as often as she can. Shannon holds a Hons. BA from University of Toronto (Political Science, History) and common law (J.D.) and civil law (B.C.L) degrees from McGill University, where she focused on indigenous legal traditions and methodologies. Shannon is a lawyer and a Researcher at the Indigenous Law Research Unit (ILRU) housed at the University of Victoria Faculty of Law. Prior to ILRU, she worked at a national law firm in Tiohtià:ke (Montréal). Since 2024, she has lived as a guest in lək^wəŋən territory.

Debbie Martin's family are from Fox Harbour/St. Lewis area of southeast Labrador. Her mother was born and raised there, and she can trace her Inuit relations through both of her grandparents (Paul and Violet (Brown) Holley) on the maternal side of her family. Dr. Martin is a Full Professor and Tier II Canada Research Chair in Indigenous Peoples' Health and Well-Being in the Faculty of Health at Dalhousie University. She is the Nominated Principal Investigator of the Wabanaki-Labrador Indigenous Health Research Network, a multi-year CIHR-Funded network that supports and advances Indigenous-led health research throughout the Atlantic region. Beginning in 2022 with a rebuttal to a report⁷⁰ released by Nunatsiavut Government, Dr. Martin's research has challenged false narratives related to Inuit of south and central Labrador. Since then, her research has shifted towards understanding the harm being caused by colonial politics of

⁷⁰ D. Martin, "[We Have Always Been Here: Rebuttal to the 2021 Nunatsiavut Government report entitled 'Examining the NunatuKavut Community Council's Land Claim'](#)" (10 May 2022).



recognition – to Indigenous People and communities, particularly as it relates to Inuit of south and central Labrador. Dr. Martin is an alumni of Memorial University.

Kristina Fagan Bidwell is a Full Professor of English and a Tier II Canada Research Chair in Indigenous Storytelling at the University of Saskatchewan as well as an alumna of and Adjunct Professor of English at Memorial University. She is the Principal Investigator of “WISH (We’re Indigenous and Still Here): Amplifying Urban Indigenous Stories in Saskatoon and St. John’s through Indigenous-led Partnerships,” a major collaborative grant that is part of the Truth and Reconciliation Network in Response to Call to Action 65.⁷¹ Her research program focuses on developing ethical, collaborative, and community-engaged methodologies within Indigenous literary studies. Her family come from both Labrador and the island of Newfoundland, and her Inuit ancestry comes from multiple family lines from St. Michael’s Bay, Sandwich Bay, William’s Harbour, and Hamilton Inlet.

⁷¹ Government of Canada. [“Reconciliation Network in Response to Call to Action 65”](#) (6 June 2025).



Appendix, Bibliography & Media Contact



Appendix: A Review of Contemporary Scholarship on Southern Labrador

In its Mission Statement, Memorial University commits to being “an inclusive community that is dedicated to innovation and excellence in teaching and learning, research, scholarship, creative activity, service and public engagement.”⁷² Yet, in creating its Draft Indigenous Verification Policy, which excludes from verification Inuit based in southern Labrador, Memorial appears not to have consulted any published research or scholarship, since it does not cite any sources or refer to any research process. To uphold its own Mission, Memorial has a responsibility to consider the research on communities in southern Labrador when creating a policy that will directly impact on those communities.

Herein, we offer a literature review of 61 published articles and theses about southern Labrador since 2010. In this body of research, the overwhelming weight of evidence shows Inuit presence – both historical and contemporary – in southern Labrador. Furthermore, this review found *no* contemporary peer-reviewed research that supports the view, implied by Memorial’s Draft Policy, that claims of Inuit presence in southern Labrador are false or fraudulent. On the contrary, much of the research critiques the colonial roots and exclusionary results of divisions between and differences in the recognition of Inuit in northern and southern Labrador. **Thus, the Draft Policy is incompatible with the conclusions of a large body of contemporary peer-reviewed literature and expert-examined theses on southern Labrador, most of which has been produced by Memorial’s research community.**

This literature review summarizes the body of contemporary peer-reviewed and expert-examined research on Southern Labrador. It is part of a more comprehensive scoping review in progress which is identifying and examining studies of Inuit presence in southern Labrador from

⁷² Memorial University of Newfoundland, “Vision, Mission and Values,” at S2.



some of the earliest peer-reviewed literature to present-day. This scoping review is being carried out by Drs. Debbie Martin and Kristina Fagan Bidwell, both alumni of Memorial and current Canada Research Chairs. A scoping review uses a transparent and reproducible method of searching for, sorting, and synthesizing a body of research, and does not include or exclude works based on whether the investigators agree with the findings.⁷³ The literature presented here is from a comprehensive search that only includes 2010-2024 with some additional sources added post-2024. A full presentation of the scoping review and its methods are beyond the scope of this critical review and will be presented elsewhere.

The review was limited to peer-reviewed journal articles and peer-reviewed book chapters as well as graduate theses and dissertations (which are reviewed by expert supervisory committees and external examiners) that deal substantially with the history and/or contemporary life of Southern Labrador. While many of these studies are interdisciplinary, for the purposes of this summary, they are divided into the broad categories of archaeology, history, political/legal studies, and contemporary culture and issues. **We have also documented when one or more of the authors are faculty, staff, students, post-doctoral fellows, or alumni of Memorial University, which is the case for 83% of the works in this review.** These have been marked with an asterix within the review. For Memorial to ignore this body of work is to disavow its own research community and their work.

Due to the short timeline required to complete this review, we have focussed on research that has been published or examined from January 2010 to 2025, for a total of 61 works. This decision was made with an attention to concision and with awareness that the methods, available evidence, and conclusions of research communities change and develop over time. In the case of southern Labrador, many of the earlier publications were based on outdated assumptions about Indigenous people or on limited evidence, as explained below. Further, much early research was done by outsiders writing *about* southern Labrador, whereas more recent work has been

⁷³ H. Arksey and L. O'Malley, "Scoping studies: towards a methodological framework" *International journal of social research methodology* (2005). 8:1.



increasingly carried out *by or with* people from the region. We have also imposed two other limitations on this review. First, it does not include full-length academic books on southern Labrador. Second, in cases where the focus of the research is on central Labrador, we exclude these sources - not because they are not valid sources, but because we wanted to ensure that the Inuit being referred to could not be mistaken for Nunatsiavut Inuit, and in some cases, work completed in central Labrador includes both Inuit from Northern Labrador (Nunatsiavut) and Inuit from south and central Labrador (NunatuKavut).

Of course, academic research does not have the authority to verify or decide on the identities of Indigenous peoples; and research can contain errors and has at times caused harm to Indigenous communities. Nevertheless, contemporary published academic research, especially that which is community-engaged, has played an essential role in documenting and advocating for Indigenous peoples across the country. Such research, while imperfect, diverse and evolving, has been held to high standards of ethics, evidence, and argumentation that are widely accepted and upheld by the academic community.

In keeping with these standards, this review does not include within its scope non-peer-reviewed or unpublished work, or work that is not attributed to a named author, as such work has not been subject to any academic review. Therefore, we will not discuss here unpublished reports that have been used to offer politicized critiques of NunatuKavut Community Council, including a report by sociologist Darryl Leroux⁷⁴ and an unattributed report submitted to Memorial by the Innu Nation. However, it is important to note that these reports have been used to make inaccurate claims about the body of research on southern Labrador. Inuit Tapiriit Kanatami, seemingly based on the Leroux report, has stated: “the archaeological and historical evidence suggests that the territory claimed by NCC has never been permanently occupied by Inuit.”⁷⁵ Similarly, the Innu Nation’s submission to Memorial in response to the call for public feedback on the Draft Policy

⁷⁴ D. Leroux, *Examining the NunatuKavut Community Council’s Land Claim* (Nunatsiavut Government, 2021).

⁷⁵ N. Obed, “Letter to Prime Minister Justin Trudeau Regarding NunatuKavut” (2021).



states: “the historical, anthropological, and archaeological evidence does not support NCC's claim that it is an Indigenous group.”⁷⁶ As shown by the review below, these sweeping claims are demonstrably false.

Review of Archaeological Sources:

Prior to 1980, there was very little archaeological research in southern Labrador and “vast areas of southern Labrador and the Quebec North Shore had yet to be archeologically surveyed”⁷⁷ and there was also difficulty, at that time, in distinguishing between the historical dwellings of different ethnic groups in the region. In 1980, in a special issue of *Études/Inuit/Studies*, scholars debated the question of whether there had been historical Inuit settlement in southern Labrador, northern Newfoundland, and the Lower North Shore of Quebec, largely drawing on Moravian records, archival accounts of Inuit presence, and the use of Inuit place names on early maps of the region.⁷⁸ Since then, there has been increased interest in addressing this question through archaeological research, with major archaeological studies carried out in southern Labrador. Phoebe Murphy*, surveying the existing research, concludes: “Southern Labrador was previously considered to be outside the zone of traditional Inuit settlement; however, this issue is seemingly resolved, and parts of southern Labrador are now considered traditional Inuit land-use areas.”⁷⁹ Our review revealed 13 peer-reviewed articles since 2010 that focus on archaeological evidence of Inuit presence in southern Labrador. 10 of these are from Memorial University alumni, graduate students, postdoctoral scholars, or faculty.

⁷⁶ Innu Nation, “Submission of Innu Nation to Memorial University re: Indigenous Verification Policy & Procedures consultation” (2025).

⁷⁷ L.K. Rankin, “Identity Markers: Interpreting Sod-House Occupation in Sandwich Bay, Labrador” (2015) 39:1, at p. 92 [Rankin 2015].

⁷⁸ C.A. Martijn and N. Clermont, “The Inuit of Southern Quebec-Labrador” (1980) 4:1-2 *Études/Inuit/Studies*.

⁷⁹ P. Murphy, *The Southern Component of the Labrador Inuit Communal House Phase: The Analysis of an 18th-Century Inuit House at Huntingdon Island 5 (FkBg-3)* (MA, Memorial University of Newfoundland, 2011)(Library and Archives Canada), at p. 1 [Murphy 2011].



Several of these articles since 2010 emerged from a major collaborative research project, led by archaeologist Dr. Lisa Rankin*, who was recently celebrated as one of Memorial's Centennial 100, a list of Memorial community members who have made a difference in the world. Rankin's million-dollar project, "Understanding the Past to Build the Future" was a multi-year, interdisciplinary (2007-2014) study by 8 scholars in partnership with NunatuKavut Community Council. The team examined the history of what was then called the "Inuit Métis" of southern Labrador, combining archaeological digs with community oral histories focused on 13 sites in Sandwich Bay, surveyed between 2001 and 2013. Rankin has more recently continued her research into the community of Sandwich Bay with Dr. Alison Harris* and others, examining Inuit sled dog bones.⁸⁰ Rankin's work shows that "Inuit settlement in Sandwich Bay followed trends seen elsewhere in Labrador" and that "Sandwich Bay was occupied by Inuit from the early 17th century."⁸¹ Rankin's team also explored the historical dwelling of families of mixed Inuit and European ancestry and showed that, while influenced by European technologies, they showed Inuit cultural continuity in architecture, diet, and technology, and were distinct from the dwellings of local fishermen of European descent. By looking deeply at specific house sites alongside genealogical research and local oral histories, the team also explored the development of a hybridized identity among mixed Inuit families.⁸² Part of Rankin's team, Laura Kelvin* wrote in her MA thesis, which focussed on Sandwich Bay, that "...the ancestors of the present day Inuit-Metis shared a distinct history and ethnic group and that this is represented in the archaeological record."⁸³ While much of the work of Rankin's project explores Inuit continuity, she has also explored how there is an element of forgetting of history involved in identity formation, observing

⁸⁰ A.J.T. Harris, D.A. Elliott, E.J. Guiry, M. Von, L.K. Rankin, P. Whitridge, M. Alexander; G. Eriksson, V. Grimes, "Diversity in Labrador Inuit sled dog diets: Insights from δ 13 C and δ 15 N analysis of dog bone and dentine collagen" (2020) 32 *Journal of Archaeological Science: Reports*.

⁸¹ Rankin 2015 at p. 130; see also Murphy 2011.

⁸² M.A. Beaudoin*, R.L. Josephs and L.K. Rankin, "Attributing Cultural Affiliation to Sod Structures in Labrador: A Labrador Métis Example from North River" (2010) 34:2 *Canadian Journal of Archaeology*; M.A. Beaudoin "A Hybrid Identity in a Pluralistic Nineteenth-Century Colonial Context" (2013) 47:2 *Historical Archaeology*

⁸³ L. Kelvin, *The Inuit-Metis of Sandwich Bay: Oral Histories and Archaeology (MR81827)*(MA, Memorial University of Newfoundland, 2011)(Memorial University Repository), at p. 7.



how Inuit in Labrador have forgotten or denied aspects of their history in relation to changing circumstances, pressures, and politics.⁸⁴

As part of Rankin’s project, Dr. Marianne Stopp* directed the St. Michael’s Bay Archaeology Project in southern Labrador between 2009 and 2012. Looking at this research as well as archaeological evidence from the southern coast more broadly, Stopp argues that examination of archaeological sites in southern Labrador highlight the resilience of Inuit as “retaining and creating identity” in the region.⁸⁵ Stopp writes that the documented archaeological evidence shows “the capacity of Inuit society to absorb disturbance and to reorganize in response to colonial pressures while maintaining ethnicity” and suggests that ongoing Inuit presence among European settlements can be seen as evidence of resistance.⁸⁶ Stopp also worked with archaeologist Dr. Meghan Burchell* to show evidence of Inuit collecting mussels in St. Michael’s Bay over multiple seasons between the 16th and 18th centuries.⁸⁷

Other archaeologists, such as Dr. Brad Loewen, Smithsonian archaeologist Dr. William Fitzhugh, and researcher Greg Mitchell* have explored the historical presence of Inuit around the Strait of Belle Isle, in far southern Labrador and into the Quebec North Shore and northern Newfoundland. Loewen analyzes archaeological and historical evidence of sustained Inuit-Basque relations in that region in the 1600s.⁸⁸ Fitzhugh, based on a decade of research on Quebec’s lower North Shore, shows evidence of Inuit winter houses and concludes that Inuit migrated and settled

⁸⁴ L.K. Rankin and P. Ramsden, “Forgotten Places in Political Spaces” (2021) 50:1 *Northeast Historical Archaeology*.

⁸⁵ M.P. Stopp, “Faceted Inuit-European Contact in Southern Labrador” (2015) 39:1 *Études/Inuit/Studies*, at p. 64 [Stopp 2015].

⁸⁶ [Stopp 2015], at p. 80.

⁸⁷ M. Burchell et al., “Determining Seasonality of Mussel Collection from an Early Historic Inuit Site, Labrador, Canada: Comparing Thin-Sections with High-Resolution Stable Oxygen Isotope Analysis” (2018) 21 *Journal of Archaeological Science Reports*.

⁸⁸ B. Loewen, “The World of Capitena Ioannis: Basques and Inuit in the Seventeenth Century” (2017) 41:2 *Canadian Journal of Archaeology*.



there for extended periods between 1650 and 1730.⁸⁹ Mitchell draws on historical and archaeological records to suggest that Inuit likely travelled to the island of Newfoundland to procure pinewood.⁹⁰

Review of Historical Sources:

Historical views of Labrador were long influenced by the writings of amateur historian, W.G. Gosling, who wrote in 1910 that Inuit came to southern Labrador in the late 1500s and only to obtain European goods.⁹¹ This view became “the received interpretation” and a “working assumption”⁹² until as recently as the 1990s. In 2002, Stopp reconsidered this question of Inuit historical presence in southern Labrador, examining archival evidence alongside traditional Inuit ways of life, and disputing Gosling’s claim, concluded that there is “reasonable evidence of winter and summer presence, of family groups rather than trade parties, of extended habitation rather than short-term trade forays, and of a way of life that incorporated European goods but remained based on traditional seasonal foraging patterns.”⁹³ In 2014, Rankin, Beaudoin, and Brewster wrote that emerging archaeological evidence supported Stopp’s thesis and that “the early Inuit presence in southern Labrador may have been comparable in nature to that further north, and its influence as enduring.”⁹⁴ Our review of 13 peer-reviewed articles and theses focussed on the documented history of southern Labrador that have been published since 2010 together present a view of Inuit inhabiting and defending southern Labrador as their territory since the sixteenth century, as well

⁸⁹ W.W. Fitzhugh, “Paradise Gained, Lost, and Regained: Pulse Migration and the Inuit Archaeology of the Quebec Lower North Shore” (2019) 56:1 *Arctic Anthropology*; W.W. Fitzhugh, “The Inuit Archaeology of the Quebec Lower North Shore.” (2015) 39:1 *Études/Inuit/Studies*.

⁹⁰ G. Mitchell, “Labrador Inuit and Their Arrow Shafts” (2015) 39:1 *Études/Inuit/Studies*.

⁹¹ W.G. Gosling, *Labrador its discovery, exploration, and development* (A. Rivers, 1910), at p. 18.

⁹² M.P. Stopp, “Reconsidering Inuit Presence in Southern Labrador” (2002) 26:2 *Études/Inuit/Studies*, at p. 72 [Stopp 2002]; see also L.K. Rankin, M.A. Beaudoin & N. Brewster, “Southern Exposure: The Inuit of Sandwich Bay, Labrador” in D.C. Natcher & A.H. Procter, eds, *Settlement, Subsistence, and Change Among the Labrador Inuit* (University of Manitoba Press, 2012), at p. 63 [Rankin, Beaudoin & Brewster 2012].

⁹³ [Stopp 2002], at p. 71.

⁹⁴ [Rankin, Beaudoin & Brewster 2012], at p. 64.



as of Inuit ongoing presence in the region up to the present day. Ten of these sources are by faculty, students, or alumni of Memorial.

Historians have documented, from archival sources, Inuit efforts to defend the land and resources of southern Labrador from Europeans, going back to when the seal hunt brought Basque into contact and conflict with Inuit prior to 1640,⁹⁵ well before the presence of representatives of the British Crown in Labrador. This was followed by extensive Inuit conflict with the French in Southern Labrador. Dr. Amanda Crompton* examines a major Inuit armed conflict with the French in Red Bay (southern Labrador) in 1719, arguing that “For the Inuit, the Strait of Belle Isle was part of their country.”⁹⁶ Similarly, Dr. Hans J. Rollmann* examined a conflict between Inuit and British at Cape Charles (southern Labrador) in 1767, arguing that Inuit were acting in self-defence.⁹⁷ Dr. Peter Pope examined Euro-Inuit conflict in the region more broadly, arguing that Inuit engaged in a “guerilla war” against European presence on their lands for almost two centuries, ending in roughly 1763,⁹⁸ and that we must recognize the agency of Inuit in these conflicts.⁹⁹ Stopp has also recently analyzed this long period of conflict, focussing on the Labrador coast south of Sandwich Bay. She argues that the assertion, advanced by Gosling and others for decades – that Inuit went south because they desired European goods – is Eurocentric and cannot explain the Inuit willingness to face violence and death in conflicts with Europeans. Instead, she argues that the Inuit in southern Labrador were engaging in acts of revolution, resistance, and survivance in the face of colonial invasion. Weighing the evidence, Stopp writes that “Inuit came from homelands

⁹⁵ J. Castro, “The Basque Seal Trade with Labrador in the Seventeenth Century” (2018) 33:1 *Newfoundland & Labrador Studies*.

⁹⁶ A. Crompton, “‘They Have Gone Back to Their Country’: French Landscapes and Inuit Encounters in 18th Century Southern Labrador” (2015) 39:1 *Études/Inuit/Studies*. at p. 131.

⁹⁷ H.J. Rollman, “English-Inuit Hostilities at Cape Charles (Labrador) in 1767” (2015) 39:1 *Études/Inuit/Studies* [Rollman 2015].

⁹⁸ P.E. Pope, “Bretons, Basques, and Inuit in Labrador and Northern Newfoundland: The Control of Maritime Resources in the 16th and 17th Centuries” (2015) 39:1 *Études/Inuit/Studies*, at p. 16 [Pope 2015].

⁹⁹ [Pope 2015], at p. 28.



farther north”¹⁰⁰ but that they “developed a strengthened sense of sovereignty of the study area [southern Labrador] following the end of Basque whaling around 1630.”¹⁰¹ She describes Inuit acts of resistance to European presence as showing “their connection to place”¹⁰² and how “they asserted that the [southern] coast was theirs.”¹⁰³ In addition to armed conflict, she also discusses subtler forms of “survivance” including adaptation, persistence, and continuity through genealogical change, leading to “many cross-cultural family lines in Labrador that remain Inuit.”¹⁰⁴ Rankin and Crompton have added to this scholarship on Euro-Inuit conflict by focussing on the role of Inuit women, who, while “frequently absent from the archaeological and documentary histories of southern Labrador Inuit were there at every step. . . . They took risks and put themselves in harm’s way.”¹⁰⁵ Seen together, this scholarship on Inuit conflict with Europeans shows the lengths to which Inuit were willing to go to defend their southern Labrador homeland.

The British response to these centuries of Euro-Inuit conflict was to attempt to remove and eliminate Inuit from southern Labrador. Rollman describes Newfoundland Governor Hugh Palliser’s “attempt to confine or restrict Inuit to the north while the British ship fishery was being developed in the south of Labrador”¹⁰⁶ and how Palliser’s alliance with Moravian missionaries who wished “to keep Inuit apart from European influences while promoting conversion among them”¹⁰⁷ led to a “containment policy” that was also supported by subsequent Governors. Stopp similarly argues that the British-Inuit treaty of 1765 was also an effort at “keeping Inuit in the

¹⁰⁰ M.P. Stopp, “The Spirit of Revolution on a Contested Coast: Sixteenth- to Eighteenth-Century Inuit Resistance and Dispossession in Southeastern Labrador, Canada” (2024) 58:1 *Historical Archaeology*, at p. 548 [Stopp 2024].

¹⁰¹ [Stopp 2024], at p. 550.

¹⁰² [Stopp 2024], at p. 546.

¹⁰³ [Stopp 2024], at p. 554.

¹⁰⁴ [Stopp 2024], at p. 556.

¹⁰⁵ L.K. Rankin and A. Crompton. “Centering Inuit Women in Foreign Encounters: Facets of Life over Four Centuries in Labrador, Canada” (2024) 58:1 *Historical Archaeology*, at p. 578. [Rankin & Crompton 2024]

¹⁰⁶ H.J. Rollman, “Hopedale: Inuit Gateway to the South and Moravian Settlement” (2013) 28:2 *Newfoundland & Labrador Studies*, at pp. 162-163 [Rollman 2013].

¹⁰⁷ [Rollman 2013], at pp. 162-163.



north and away from the southern fishery.”¹⁰⁸ However, Rollman’s work in the Moravian archives reveals that this effort to eliminate the southern Inuit was unsuccessful, documenting substantial and ongoing Inuit movement between the northern and southern coasts as well as Inuit living in southern Labrador, despite British and Moravian efforts.

Other scholars have examined Inuit continuity in southern Labrador into the 19th and 20th centuries. Mitchell and Marguirault, examining the archival records describing southern Labrador, found 641 individual records of Inuit from the pre-1867 time period.¹⁰⁹ They point out the influence of early Basque and French contact in Inuit names, and trace some of these names in Inuit families to the present day. Dr. Stephen Hay describes trader George Cartwright and his employees’ extensive interactions with Inuit in southern Labrador in the 18th century (for more on these interactions see Stopp, “The origin”), including the forming of cross-cultural families that continued to live in the region: “[T]he English and Irish men who partnered with Inuit women in Labrador had children together who became Labrador Métis or Southern Inuit... In these families, Inuit women passed on Inuit culture to new generations.”¹¹⁰ Dr. Rebecca Ralph* has documented the work of Anglican missionaries in southern Labrador in the late nineteenth century, working with a “dynamic mixed [Inuit and European] population that still exists today”¹¹¹ and teaching English to Inuit women and children.¹¹² With Drs. Lisa Sattenspiel and Jessica Dimka, Dr. Svennerik Mamelund has studied the effect of the 1918 Spanish flu in Labrador and concludes that

¹⁰⁸ [Stopp 2024], at p. 552.

¹⁰⁹ G. Mitchell and I. Marguirault, “The Onomastics of Inuit/Iberian Names in Southern Labrador in the Historic Past” (2018) 33:1 *Newfoundland & Labrador Studies*.

¹¹⁰ S. Hay, “How to Win Friends and Trade with People: Southern Inuit, George Cartwright, and Labrador Households, 1763 to 1809” (2017) 46:2 *ACADIENSIS*, at p. 57; see also M.P. Stopp, “The Origin of William Richardson’s 1771 Description of a Labrador Inuit Snow House” (2013) 37:1 *Études/Inuit/Studies*.

¹¹¹ R.F. Ralph, “Travel and Trial: An Examination of the Establishment of an Anglican Community in the First Church of England Missions of Southern Labrador, 1848-1876” (2015) 30:2 *Newfoundland & Labrador Studies*, at p. 189 [Ralph 2015].

¹¹² [Ralph 2015], at p. 203.



mortality was highest in northern Labrador and in Sandwich Bay, where he describes the population as being of mixed Inuit and European descent.¹¹³

There is also research exploring the literary and storytelling history of southern Labrador. Dr. Kristina Fagan* (now Fagan Bidwell) has documented what she coined a “Labrador literary tradition” that connects writers of Inuit ancestry in central and southern Labrador from the 19th century to the present.¹¹⁴ Dr. Vicki Hallett has contributed a significant body of research on one central publication within this tradition, *Them Days* magazine, which has published Labrador oral histories since 1974. *Them Days* was founded and maintained for decades by Doris Saunders, who was born in Cartwright (southern Labrador), identified strongly with her Inuit heritage,¹¹⁵ and was an early member of the Labrador Metis Association (LMA)¹¹⁶ The LMA, Hallett writes, was formed by mixed-ancestry Inuit such as Saunders “living south of ‘Inuit lands,’ who were not recognized by the Labrador Inuit Association but whose northern family members/friends/cultural relatives were recognized due to complex and contradictory rules regarding historical residency.”¹¹⁷ Hallett, drawing on Saunders’ archival documents, has shown that Saunders publicly critiqued the political divisions between northern and southern Inuit, and sought to create a more united Labrador identity through *Them Days*. Hallett reads *Them Days* in the historical context of its formation, arguing that it has long resisted divisions between Indigenous people based on federal recognition, divisions perceived by Saunders and the staff of *Them Days* to be “pitting one group against another in a fight for a limited pool of resources – the worst kind of identity politics.”¹¹⁸ In contrast, “Saunders’s reflexive ruminations on her multi-faceted identity

¹¹³ S.E. Mamelund, L. Sattenspiel and J. Dimka. “Influenza-Associated Mortality during the 1918-1919 Influenza Pandemic in Alaska and Labrador A Comparison” (2013) 37:2 *Social Science History*.

¹¹⁴ K. Fagan, “‘Well Done Old Half Breed Woman’: Lydia Campbell and the Labrador Literary Tradition” (2010) 48:1 *Papers of the Bibliographical Society of Canada / Cahiers de La Société Bibliographique Du Canada*.

¹¹⁵ V.S. Hallett, “Against Prevailing Currents: The History of Them Days Magazine in Labrador” (2019) 48:2 *ACADIENSIS*, at p. 172 [Hallett 2019].

¹¹⁶ [Hallett 2019], at p. 174.

¹¹⁷ [Hallett 2019], at p. 172.

¹¹⁸ [Hallett 2019], at p. 164.



and on the magazine in which she was so deeply invested show that she theorized Indigeneity as cultural ancestry and connection to place through story, not blood quantum, or residency requirements”¹¹⁹ Hallett’s detailed reading of Saunders’ life and work shows a powerful critique of the under-recognition of NunatuKavut Inuit by one of Labrador’s most influential cultural leaders whose legacy, *Them Days*, continues to act as a “tool of decolonization.”¹²⁰

Review of Works of Legal/Political Studies:

Since 2010, a number of academic works have examined how British, Canadian, and provincial governments have variously ignored, erased, contained, and engaged with Indigenous people in Labrador and how contemporary Indigenous political organizations have formed in response. This review has identified 5 articles in this category that engage substantially with southern Labrador, with 4 of these being from Memorial faculty or adjunct faculty. These articles all view Indigeneity, not as a fixed or natural trait, but rather as a fluid and contested category that is, on the one hand, created by settler colonial policies and, on the other, mobilized by Indigenous peoples in political struggles.

Legal scholar and now Federal Court judge Sébastien Grammond describes how all Indigenous peoples in Newfoundland and Labrador were unrecognized as Indigenous at the time of the province’s Confederation with Canada, and documents these peoples’ fights for federal recognition.¹²¹ However, Grammond points out that these struggles have not taken place in a stable and principled way, but rather have been a matter of “non-indigenous perceptions about the degree of authenticity of each group’s indigenous identity, as well as purely contingent factors such as a group’s political bargaining position, timing and sheer luck,”¹²² resulting in a “patchwork” of

¹¹⁹ V.S. Hallett, “Reading (for) Decolonization: Engaging With Life Writing in Labrador’s *Them Days* Magazine” (2018) 18:5 *Cultural Studies–Critical Methodologies*, at p. 334 [Hallett 2018].

¹²⁰ [Hallett 2018], at p. 332.

¹²¹ [Grammond 2014].

¹²² [Grammond 2014], at p. 25.



Indigenous rights recognition in the province.¹²³ As an example, he discusses the fact that Inuit of mixed-ancestry in northern Labrador have very similar ancestry and way of life as Inuit of mixed-ancestry in southern Labrador, and yet only the former are recognized under a land claim agreement. Grammond notes the strong recognition of southern Inuit by the Royal Commission on Aboriginal Peoples and the Provincial Court of NL, and argues that there “does not seem to be any obvious reason why [Inuit of mixed ancestry from NG and NCC] are treated differently.”¹²⁴ (25). Grammond advocates for a more durable, stable, and principled way for the federal government to decide which peoples should be recognized as Indigenous.

While Grammond says that there is no obvious reason for the division between people of mixed-ancestry in Nunatsiavut and NunatuKavut, Dr. Andrea Procter* offers an explanation for this different treatment by looking at the history of settler colonial efforts to contain Inuit presence in order to more easily extract resources from Labrador. Across two articles exploring Indigeneity in relation to resource extraction in Labrador, Procter traces a causal connection between the British efforts to remove Inuit from southern Labrador and contemporary political divisions between Inuit.¹²⁵ Similar to historians above who have documented the colonial efforts to contain Inuit, she explains that to more easily access the southern Labrador fishery, “British officials came to an agreement with Moravian missionaries that they would establish missions for Inuit on large land grants on the north coast of Labrador. From 1771 onwards, the Moravian Mission used both trading and religious strategies in their attempts to draw Inuit to their missions and to prevent them from living in and traveling to southern Labrador.”¹²⁶ This British-Moravian effort was unsuccessful in removing Inuit from southern Labrador, but a division was created and contemporary Nunatsiavut land claim boundaries “generally follow the historical Moravian

¹²³ [Grammond 2014], at p. 3.

¹²⁴ [Grammond 2014], at p. 25.

¹²⁵A. Procter, “Uranium and the Boundaries of Indigeneity in Nunatsiavut, Labrador” (2016) 3:2 *Extractive Industries and Society—An International Journal*, at p. 294; see also A. Procter, “Elsewhere and Otherwise: Indigeneity and the Politics of Exclusion in Labrador’s Extractive Resource Governance” (2020) 7:4 *Extractive Industries and Society—An International Journal* [Procter 2020].

¹²⁶ [Procter 2020], at p. 1295.



territory”, so that: “Two groups of Inuit thus developed in Labrador, one under Moravian influence, and the other not...But the distinction between the two has never been clearcut.”¹²⁷ Procter explores how contemporary Indigenous organizations in Labrador continue to grapple with ongoing settler colonial efforts to contain Indigenous people and thereby facilitate an extractive relationship to the land.

Dr. John Kennedy places the development of Labrador Indigenous political organizations more broadly within Indigenous political movements in NL, based primarily on his fieldwork in Labrador from the 1970s to the 2010s. Kennedy examines why the Labrador Inuit Association (LIA, now Nunatsiavut) contains mixed-ancestry Inuit who were “often related and similar to people called Inuit-Métis [in southern Labrador], except in where they lived,”¹²⁸ and shows that these decisions were made by the LIA as a form of political expediency in the context of competing Indigenous organizations. He argues that the formation of divisions between Inuit in Labrador was an “attempt to circumscribe what was in fact the seamless tapestry of Labrador’s social history.”¹²⁹ Kennedy points out that, in reality, “Inuit descendant people...lived far south of the LIA’s boundaries.”¹³⁰ He also points out that many people of Inuit ancestry, in both northern and southern Labrador, did not identify as Inuit when he met them in the 1970s, but notes that there have been major changes in how people self-identify in both regions.

Fagan Bidwell has added to the literature on political organizing in Labrador by directly interviewing Elders who were involved in the formation of the then Labrador Metis Association in the 1970s and 1980s. Through oral histories and archival research, Bidwell shows that the Inuit of Southern Labrador came to temporarily identify as “Métis” through a consciously-chosen and strategic political coalition with the Red River Métis to fight for constitutional rights for under-

¹²⁷ [Procter 2020], at p. 1295.

¹²⁸ J.C. Kennedy, “Being and Becoming Inuit in Labrador” (2015) 39:1 *Études Inuit Studies*, at p. 228 [Kennedy 2015].

¹²⁹ [Kennedy 2015], at p. 232.

¹³⁰ [Kennedy 2015], at p. 232.



recognized Indigenous people.¹³¹ She argues that, rather than showing a lack of clear Inuit identity, this historical identification as “Métis” shows relationships to other Indigenous peoples and a determination to fight for their Indigenous rights in a settler colonial context.

This body of work on Labrador Inuit political organizing suggests that the division between members of Nunatsiavut Government and NunatuKavut Community Council is not based on any natural or intrinsic difference in Inuit identity. Rather, this division is based on settler colonial efforts at Indigenous erasure and control, the internalized effects of racism, and political expediency. And yet, within ongoing efforts to remove and erase Inuit presence in southern Labrador, people of Inuit descent in southern Labrador have continued to politically organize and to insist on their rights.

Review of Community-engaged Scholarship on Contemporary Culture and Issues:

There is a large and vibrant body of contemporary research that has been carried out through engagement with the NunatuKavut Inuit community and/or in partnership with NunatuKavut Community Council, thereby enacting current standards for ethical research on, by, and with Indigenous people. Since 2010, this review shows 30 theses and peer-reviewed articles that enact this kind of community-engaged research, of which 25 are by researchers affiliated with Memorial. This shows the strong and current relationships between the Memorial research community and NunatuKavut Inuit, which must not be ignored in making policy decisions that will profoundly affect this relationship.

Unlike the historical, archaeological and political/legal studies cited above, this body of work does not deal directly with questions of Inuit presence in southern Labrador. Rather, these

¹³¹ K. Fagan Bidwell, “Soup Kitchen or Kitchen Table? A Relational Approach to Understanding the Use of “Métis” in Labrador” (2024) 258/259 *Canadian Literature*.



researchers, working closely with and within the community, accept and assert the Indigeneity of the members of NunatuKavut Community Council. Moreover, this body of research reveals that NunatuKavut Inuit communities face many of the same challenges faced by northern Indigenous communities across Canada, including changes to traditional ways of life due to environmental and climate changes and health challenges caused by lack of access to nutritious food, clean water, and sustainable energy.

Much of this work on contemporary issues in NunatuKavut territory was carried out in partnership and collaboration with NCC. These collaborations were made possible, in large part, by a significant effort to establish a NunatuKavut-led research ethics process. Dr. Fern Brunger*, along with Dr. Julie Bull, have led a major research program, also involving other community members and members of the Memorial research community and funded by the Atlantic Aboriginal Health Research Program, to create a community-based research review process in NunatuKavut communities. This work was part of a larger project that included Nunatsiavut Government and Innu Nation.¹³² This research has produced five articles that document NCC's evolving processes of research governance,¹³³ engaging in key questions such as: how community review of research should work,¹³⁴ how to carry it out in a way that does not divide, exclude, and

¹³² J.R. Bull, "Research with Aboriginal Peoples: Authentic Relationships as a Precursor to Ethical Research" (2010) 5:4 *Journal of Empirical Research on Human Research Ethics* [Bull 2010]; F. Brunger & J. Bull, "Whose Agenda Is It? Regulating Health Research Ethics in Labrador" (2011) 35:1/2 *Études/Inuit/Studies* [Brunger & Bull 2011]; F. Brunger & D. Wall, "'What Do They Really Mean by Partnerships?' Questioning the Unquestionable Good in Ethics Guidelines Promoting Community Engagement in Indigenous Health Research" (2016) 26:13 *Qualitative Health Research* [Brunger & Wall 2016]; J. Bull et al., "Shifting Practise: Recognizing Indigenous Rights Holders in Research Ethics Review" (2020) 15:1 *Qualitative Research in Organizations and Management* [Bull et al. 2020]; J. Bull & A. Hudson, "Research Governance in NunatuKavut: Engagement, Expectations and Evolution" (2019) 78:2 *International Journal of Circumpolar Health* [Bull & Hudson 2019]

¹³³ [Bull & Hudson 2019].

¹³⁴ [Brunger & Bull 2011].



exhaust communities,¹³⁵ how to recognize Indigenous peoples’ sovereignty over research,¹³⁶ and how to develop authentic research relationships.¹³⁷

Research carried out under NunatuKavut Inuit community review has addressed three major areas that are of pressing concern to the community: 1) Climate and environmental change and impact on community; 2) The need for healthy and sustainable water and energy supply; and 3) Health disparities.

One major area of research concerns environmental changes and their impacts on Inuit in southern Labrador. One such research program has been the HERD project, which examines Inuit-caribou relationships, and the impact of caribou population declines in Inuit communities. This project was partnered with both NunatuKavut Community Council and Nunatsiavut Government, and involved a collaborative team including Dr. David Borish*, Dr. Ashlee Cunsolo*; Dr. Amy Hudson*; and many community-based researchers and participants. It produced the documentary *HERD: Inuit Voices on Caribou*, as well as four peer-reviewed and community-led articles. These articles explore the use of documentary film as a form of qualitative inquiry,¹³⁸ how “human-caribou relationships are core to Inuit socialization, inter-connection, and shared experience and memory,”¹³⁹ as well as Inuit emotional wellness and identity,¹⁴⁰ and the loss and grief experienced by Inuit at the loss of caribou.¹⁴¹

¹³⁵ [Brunger & Wall 2016].

¹³⁶ [Bull et al. 2020].

¹³⁷ [Bull 2010].

¹³⁸ D. Borish et al., “Moving Images, Moving Methods: Advancing Documentary Film for Qualitative Research” (2021) 20 *International Journal of Qualitative Methods*.

¹³⁹ D. Borish et al., “‘It’s like a Connection between All of Us’: Inuit Social Connections and Caribou Declines in Labrador, Canada” (2022) 27:4 *Ecology and Society*.

¹⁴⁰ HERD Caribou Project Steering Committee et al. “‘Caribou Was the Reason, and Everything Else Happened after’: Effects of Caribou Declines on Inuit in Labrador, Canada” (2021) 68 *Global Environmental Change–Human and Policy Dimensions*.

¹⁴¹ HERD Caribou Project Steering Committee et al. “‘You Can Never Replace the Caribou’: Inuit Experiences of Ecological Grief from Caribou Declines” (2020) 77:1 *American Imago*.



Other researchers have carried out work on bakeapples in NunatuKavut Inuit territory, often with a focus on Indigenous and ecological knowledge of the berries. A team of climate change researchers, including Drs. Darya Anderson, James D. Ford, and Robert Way, has carried out community-engaged research in Cartwright (southern Labrador), using field surveys and community interviews to understand how climate change is impacting berry-picking practices.¹⁴² Researcher Amanda Karst and Dr. Nancy J. Turner worked with the NunatuKavut community of Charlottetown to connect traditional berry customs and use to ecological data.¹⁴³ Other climate change research in the region includes a scientific team working to understand the changes in permafrost in Pinware River (southern Labrador), with the permission of NCC. Johannah Wolf*, Illana Allice*, and Dr. Trevor Bell have explored the consequences of such environmental changes on Inuit communities in Rigolet (northern Labrador) and St. Lewis (southern Labrador), finding that southern Inuit have experienced climate change as causing changes in food security and the safety of their youth.¹⁴⁴

Another major area of community-engaged research in southern Labrador focusses on gaps in basic community services and sustainable solutions. A long-term research program was carried out around water insecurity in Black Tickle-Domino (southern Labrador). Led by Dr. Maura Hanrahan*, Dr. Atanu Sarkar*, Dr. Nicholas Mercer* and Dr. Amy Hudson*, along with other faculty and students of the Memorial research community and in partnership with NCC, this research has led to five peer-reviewed articles. This research has shown how chronic water

¹⁴² D. Anderson, *The Impacts of Permafrost Thaw and Social Changes on Bakeapple Picking (28248640)* (MSc, McGill University, 2018)(McGill Thesis Repository); D. Anderson, J.D. Ford & R.G. Way. “The Impacts of Climate and Social Changes on Cloudberry (Bakeapple) Picking: A Case Study from Southeastern Labrador” (2018) 46:6 *Human Ecology*.

¹⁴³ A.L. Karst and N.J. Turner, “Local Ecological Knowledge and Importance of Bakeapple (*Rubus Chamaemorus* L.) in a Southeast Labrador Metis Community” (2011) 2 *Ethnobiology Letters*; A. Karst, *The Ethnoecology and Reproductive Ecology of Bakeapple (*Rubus Chamaemorus* L., Rosaceae) in Southern Labrador (MR07025)* (MSc, University of Victoria, 2005)(University of Victoria Thesis Repository).

¹⁴⁴ J. Wolf, I. Allice and T. Bell, “Values, Climate Change, and Implications for Adaptation: Evidence from Two Communities in Labrador, Canada” (2013) 23:2 *Global Environmental Change–Human and Policy Dimensions*.



insecurity is associated with multiple aspects of poor community health,¹⁴⁵ particularly impacting Inuit women.¹⁴⁶ The research has also tested the potential of rainwater collection as a solution.¹⁴⁷

A related line of research has explored the involvement of southern Inuit communities in developing sustainable energy solutions for communities in southern Labrador. Dr. Amy Hudson* and Dr. Kelly Vodden* have explored how to decolonize efforts at sustainability through community leadership.¹⁴⁸ A team led by Drs. Nicholas Mercer* and Debbie Martin* has explored Southern Inuit perceptions of off-grid energy¹⁴⁹ and their support for specific sustainable energy options.¹⁵⁰

Finally, community-engaged health research in Southern Labrador has been important in identifying health disparities that impact Southern Inuit communities. Dr. Chelsea Gabel, now Scientific Director of the Institute of Indigenous Peoples' Health, along with Jessica Pace and Chaneesa Ryan, have carried out a program of research examining the use of a photovoice methodology to connect Inuit seniors and youth in St. Lewis (southern Labrador).¹⁵¹ Dr. Debbie

¹⁴⁵ M. Hanrahan and N. Mercer, "Gender and Water Insecurity in a Subarctic Indigenous Community" (2019) 63:2 *Canadian Geographer-Geographe Canadien* [Hanrahan & Mercer 2019]; M. Hanrahan, M., A. Sarkar, & A. Hudson. "Water Insecurity in Indigenous Canada: A Community-Based Inter-Disciplinary Approach" (2016) 51:3 *Water Quality Research Journal of Canada*; M. Hanrahan, A. Sarkar & A. Hudson. "Exploring Water Insecurity in a Northern Indigenous Community in Canada: The 'Never-Ending Job' of the Southern Inuit of Black Tickle, Labrador" (2014) 51:2 *Arctic Anthropology*.

¹⁴⁶ [Hanrahan & Mercer 2019].

¹⁴⁷ N. Mercer and M. Hanrahan. "'Straight from the Heavens into Your Bucket': Domestic Rainwater Harvesting as a Measure to Improve Water Security in a Subarctic Indigenous Community" (2017) 76 *International Journal of Circumpolar Health*.

¹⁴⁸ A. Hudson and K. Vodden, "Decolonizing Pathways to Sustainability: Lessons Learned from Three Inuit Communities in NunatuKavut, Canada" (2020) 12:11 *MDPI*.

¹⁴⁹ N. Mercer et al., "Off-Grid Energy Sustainability in Nunatukavut, Labrador: Centering Inuit Voices on Heat Insecurity in Diesel-Powered Communities" (2020) 62 *Energy Research & Social Science*.

¹⁵⁰ N. Mercer et al., "'That's Our Traditional Way as Indigenous Peoples': Towards a Conceptual Framework for Understanding Community Support of Sustainable Energies in NunatuKavut, Labrador" (2020) 12:15 *Sustainability*.

¹⁵¹ C. Gabel, J. Pace and C. Ryan, "Using Photovoice to Understand Intergenerational Influences on Health and Well-Being in a Southern Labrador Inuit Community" (2016) 11:1 *International Journal of Indigenous Health*; J.



Martin* has investigated Southern Inuit understandings of food as a way of reducing chronic disease¹⁵² as well as oral health status amongst NunatuKavut children.¹⁵³ Dr. James Valour* has led the examination of an HIV education program for youth in southern Inuit communities,¹⁵⁴ while another Memorial team, including Valour, has carried out an examination of Indigenous suicide rates in Labrador, including among southern Inuit.¹⁵⁵

This large body of contemporary and community-engaged research has come to important findings about the challenges faced by Inuit in Southern Labrador and developed potential solutions. Memorial's Draft Policy, in suggesting that the university does not recognize this community as Indigenous, will likely have a chilling effect on such research based at Memorial. This would have a negative impact, not only on researchers, but more importantly on southern Labrador communities that benefit from the findings and solutions that emerge from this research.

Pace, "'Place-Ing' Dementia Prevention and Care in NunatuKavut, Labrador" (2020) 39:2 *Canadian Journal on Aging-Revue Canadienne Du Vieillissement*; J. Pace & C. Gabel, "Using Photovoice to Understand Barriers and Enablers to Southern Labrador Inuit Intergenerational Interaction" (2018) 16:4 *Journal of Intergenerational Relationships*.

¹⁵² D.H. Martin, "'Now We Got Lots to Eat and They're Telling Us Not to Eat It': Understanding Changes to South-East Labrador Inuit Relationships to Food" (2011) 70:4 *International Journal of Circumpolar Health*.

¹⁵³ D.H. Martin et al., "Linking Inuit Knowledge and Public Health for Improved Child and Youth Oral Health in NunatuKavut" (2018) 3:1 *JDR Clinical & Translational Research*.

¹⁵⁴ M. Giles, *Impact of an HIV/AIDS sexual health education program for youth in southern Inuit communities* (MSc, Memorial University of Newfoundland, 2014)(Memorial University Thesis Repository).

¹⁵⁵ N.J. Pollock et al. "Suicide Rates in Aboriginal Communities in Labrador, Canada" (2016) 106:7 *American Journal of Public Health*.



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