

## **Summary of NunatuKavut Community Council's Position concerning the Commission of Inquiry Respecting the Muskrat Falls Project**

The position of NunatuKavut Community Council ("NCC") at the Commission of Inquiry will focus on the Aboriginal rights and title that the Inuit of NunatuKavut have held since time immemorial, and how their rights and title were asserted and known by the government of Newfoundland and Labrador and Nalcor long before the sanctioning of the Muskrat Falls Project ("MFP"). NCC's position will be that insufficient consultation and accommodation was provided to NCC as an Indigenous group and that at times there was a complete lack of consultation.

Canada has engaged with NCC, as the Inuit of NunatuKavut, on a nation-to-nation basis; with one of the aims being to facilitate NunatuKavut's land claim. This is demonstrative of the strength of the Aboriginal rights and title held by NCC and as was found in the 2007 Court of Appeal decision in *Labrador Métis Nation v Newfoundland & Labrador (Minister of Transportation & Works)*, 2007 NLCA 75.

The MFP is located in NunatuKavut; land in which members of NCC harvest country-foods, fish, trap, and utilize for other cultural purposes. The traditional lands of NunatuKavut flooded by the MFP have, and will, result in great losses to the Inuit of NunatuKavut.

At all stages of the MFP, Nalcor and the government were obliged to consult with NCC in a good faith manner, and accommodate their Aboriginal rights where necessary. Adequate consultation with respect to the Aboriginal rights and title of the Inuit of NunatuKavut was not sufficient; especially given the magnitude of the MFP's adverse impacts on NunatuKavut.

It was not until very recently that Nalcor and the Provincial government in the context of the MFP took their relationship with NCC seriously; which has manifested in the form of a Community Development Agreement ("CDA") between NCC and Nalcor. It was not until very recently that NCC was provided the opportunity, through the CDA, to participate meaningfully in the monitoring and mitigation of the MFP.

Because much of the assessments, reports and mitigation measures that have occurred to date have failed to be fully inclusive of NCC Indigenous Knowledge, there has been a lack of appropriate measures to mitigate the adverse effects on NunatuKavut.

Further, NCC's position at the Inquiry will be that some of the adverse effects on the lands and resources in NunatuKavut could have been reduced, perhaps even avoided, if Nalcor had proceeded with an alternative energy project, such as a wind energy project instead of the MFP; as was proposed by NCC.