



NUNATSIAVUT
kavamanga Government

STATEMENT

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For Immediate Release

Nunatsiavut Government welcomes independent report recommending ending parks agreement with NCC

The Nunatsiavut Government has received a copy of an independent report that examines the Government of Canada's engagement and partnership processes related to the establishment and management of Akami-Uapishk^u-KakKasuak–Mealy Mountains National Park Reserve. Commissioned by Parks Canada in 2024, the report was authored by Montreal lawyer and political advisor Eric Maldoff.

As the only Inuit Treaty Organization in Atlantic Canada, the Nunatsiavut Government affirms that programs, rights, resources, and opportunities intended for Inuit must benefit Inuit and should not be diverted to unrecognized groups. Unfounded claims of Indigeneity undermine Inuit self-determination, create confusion about Inuit rights and governance, and cause tangible harm to Inuit communities and institutions.

The "Maldoff Report" echoes long-standing Inuit concerns, emphasizing "the importance of presenting authentic Indigenous histories and narratives, and (the) concern that current practices dilute Inuit representation and perpetuate harm." It further concludes that the existing Shared Understanding Agreement (SUA) "is predicated on an obligation to consult NCC at the same level and with the same breath as applicable to (the Nunatsiavut Government and the Innu Nation) under their respective agreements, which is a misunderstanding."

The Nunatsiavut Government supports the report's recommendations to terminate the SUA using its notice provisions, to issue clear directives consistent with Federal Court findings that NCC members are not capable of holding section 35 rights, and to discontinue the use of NCC-provided information as Indigenous knowledge.

The Nunatsiavut Government also calls on the federal government to address broader concerns identified in the report, including unclear engagement mandates with NCC, and to take this opportunity to end federal funding, programs and services provided to NCC.

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Backgrounder: Who is the Nunatukavut Community Council?

Overview

The Nunatukavut Community Council (NCC) originated as the Labrador Métis Association (LMA) in 1981 and incorporated in 1985 to represent, primarily, residents of southeastern and central Labrador claiming to be of Indigenous descent, or mixed-ancestry. The LMA reorganized and was rebranded the Labrador Metis Nation in 1993 before rebranding again in 2010 as the NCC – claiming to represent “southern Labrador Inuit” in southeastern and central Labrador.

The NCC's claims to Inuit identity and rights are not recognized by Inuit or by the Innu Nation. The organization is not an Inuit collective capable of holding section 35 Constitutional rights. The only recognized Inuit Treaty Organization in Atlantic Canada is the Nunatsiavut Government (NG). Unrecognized claims of Indigenous identity undermine Inuit self-determination and cause real harm to Inuit communities and governments.

Negotiations with Canada

In 2018, Canada established a Recognition of Indigenous Rights and Self-Determination discussion table with the NCC. This led to the signing of a Memorandum of Understanding (MOU) in 2019, intended to establish a framework for future discussions rather than to recognize Indigenous rights or conclude a land claim.

The Nunatsiavut Government opposed Canada's decision to negotiate with the NCC from the outset, arguing that it is wrong for the government to undertake a process that risks legitimizing an organization whose Inuit claims remain unrecognized.

Negotiations at this table are currently paused.

Federal Court Decision

In 2024, in *Innu Nation Inc. v. Canada*, the Federal Court dismissed the application seeking to quash the 2019 MOU between Canada and the NCC. The Court found that the MOU was procedural in nature and did not, in itself, recognize the NCC as an Aboriginal people under Section 35 of the *Constitution Act, 1982*, nor did it establish Indigenous rights or title. The decision allowed Canada and the NCC to continue negotiations under the MOU.

This ruling was significant not for what it granted, but for what it withheld: the Court expressly did not determine that the NCC possesses Section 35 rights, nor that its claims to Inuit identity had been legally established.

Agreement on the Akami-Uapishk^u-KakKasuak–Mealy Mountains National Park Reserve

The Shared Understanding Agreement (SUA) between Parks Canada and the Nunatukavut Community Council was signed in 2015 as part of the package of agreements that accompanied the establishment of the Akami-Uapishk^u-KakKasuak–Mealy Mountains National Park Reserve. Unlike the agreements with the Innu Nation and, later, the Nunatsiavut Government, the SUA was not a Park Impacts and Benefits Agreement (PIBA); instead, it established a framework for consultation. Both the Nunatsiavut Government and the Innu Nation protested the agreement with the NCC and have refused to participate in joint governance with the NCC.

The “Maldoff report”

In response to the rejection by the Nunatsiavut Government and Innu Nation to the inclusion of a non-recognized Indigenous group and bolstered by the Court decision, Parks Canada commissioned lawyer and constitutional rights expert Eric Maldoff to provide an external review of the engagement and partnership landscape associated with the establishment and management of Akami-Uapishk^U-KakKasuak–Mealy Mountains National Park Reserve.

What does the Maldoff Report say?

The Maldoff Report concluded that the agreement between Parks Canada and the NCC has caused conflict and friction with the Indigenous nations of Labrador. The report recommended that Parks Canada terminate the SUA with the NCC, using its notice provisions to do so.

The report further recommended that Parks Canada clarify and distinguish the different levels of consultation or engagement appropriate for rightsholders versus claimants and stakeholders. Indigenous governments should be engaged through existing co-management and advisory bodies established under land claim and related agreements, in recognition of their treaty and Aboriginal rights. Stakeholders and other non-recognized groups, like NCC, should only be engaged (not consulted) through fit-for-purpose structures and activity-based engagement.

Key quotes from the Maldoff Report

“Within this broader context, the review observes that some existing engagement mechanisms, while established in good faith, are not functioning as intended or are being asked to carry responsibilities beyond their original design. One such mechanism is the Shared Understanding Agreement (SUA) with the NunatuKavut Community Council (NCC), which was established as a pragmatic accommodation of asserted rights but has evolved in practice in ways that blur the distinction between consultation, collaboration, and governance.” (page 1)

“[The SUA] has contributed to confusion, duplication, and friction with Innu Nation and Nunatsiavut Government, and has not reliably supported Parks Canada’s ability to move forward on operational priorities.” (page 1)

“Unfortunately, the SUA has contributed to discord and frustration among the parties because it has not achieved NCC’s expectations and has contributed to impeding progress for all. Moreover, as drafted, it seems to be modeled on and tracks the substance of an IBA, but without the same grounding in the Land Transfer Agreement of the IBAs of NG and Innu Nation and without being as precise and rigorous. Nonetheless, it seems to have created the impression that the SUA is predicated on an obligation to consult NCC at the same level and with the same breath as applicable to NG and Innu under their respective agreements, which is a misunderstanding.” (Page 10)

“I recommend the SUA should be terminated in accordance with its section 11.5. since at this time there does not appear to be any realistic possibility of the three groups working together.” (Page 11)
“Parks Canada should clearly define and communicate the differences between established rights holders and claimants.” (Page 12)