

Book Review

Nested Federalism and Inuit Governance in the Canadian Arctic. By Gary N. Wilson, Christopher Alcantara, and Thierry Rodon. UBC Press, 2020. 207 pp.

Reviewed by Aaron John Spitzer

Ever since Indigenous Peoples in Canada mobilized against the federal government's 1969 White Paper on "Indian policy," a vast literature has emerged on the subsequent turn toward self-determination, especially addressing the moral, legal, and political grounds for, and difficulties of, achieving land-claim and self-government settlements, or "modern treaties." Much less scholarship, however, has described the Indigenous institutions and processes enacted by the modern treaties, and almost none has sought to assess and explain their efficacy. Into this gap step Wilson, Alcantara, and Rodon, with this efficient, descriptively rich, analytically probing contribution.

In their introduction, the authors pose two research questions: What explains differences in form and function of Indigenous modern-treaty institutions in Canada, and do these institutions achieve powers and policies Indigenous groups otherwise lack? The authors focus on a trio of cases—Nunavik in Quebec, the Inuvialuit Settlement Region in the Northwest Territories, and Nunatsiavut in Newfoundland and Labrador. These regions differ from other modern-treaty cases as they involve not First Nations or Métis but Inuit, who were never subject to Canada's Indian Act or historic treaties. Yet these three cases are representative of other modern treaties, and likely all future such treaties, as they are embedded in the governance architecture of existing provinces and territories. (Hence the authors exclude from the book Canada's other, most familiar Inuit settlement region, Nunavut, which uniquely comprises a purpose-built federal subunit.)

The authors study their cases through three analytical lenses, each discussed in Chapter One. The first lens, nested federalism, imported from Wilson's work on matryoshka federalism in Russia, focuses on the aforementioned embeddedness of Inuit modern treaties—to what degree are they constrained by, and pose

challenges to, the federal subunits engulfing them? The second lens, historical institutionalism, concerns how political trajectories may be set on tracks, or alternately derailed, by historical factors both institutional (policies, players) and non-institutional (e.g., “exogenous shocks”). The third lens, multi-level politics, focuses on relations between Canadian public governments and Indigenous institutions—are these relations fixed and hierarchical, exhibiting classical “intergovernmentalism” carried over from the pre-self-determination era, or are they fluid, interactive, and innovative, allowing Inuit to co-produce policy by way of “multi-level governance”?

In Chapter Two the authors provide a background on the (re-)emergence of self-determination among Indigenous Peoples in Canada and among Inuit across the Circumpolar World. They then give a concise history of their three cases, analyzing them in the light of historical institutionalism. They identify enduring evidence of past institutional factors, foremost being the macro-level effect of “nested federalism,” which constrains each region’s opportunities for autonomy. They also confirm micro-level impacts of path dependency—exemplified by the long-standing competition between siloed administrative bodies in Nunavik—and, conversely, of “critical junctures,” such as the federal government’s proclamation in 1995 that it would stop opposing Indigenous self-government. Finally, the authors note the repercussions of past non-institutional factors, ranging from the *sui generis* influence of key Inuit and public-government leaders to the discovery of valuable resources on Inuit-claimed land, which raised the stakes for all treaty-table parties.

Then, in Chapters Three, Four, and Five, the authors dive into the Nunavik, Inuvialuit, and Nunatsiavut cases respectively, using results of semi-structured interviews to interrogate each region’s modern-treaty history, form, and function. Each chapter underscores the aforementioned salience of historical institutionalism and nested federalism. More significantly, each employs the lens of multi-level politics, studying post-treaty relations between Inuit and public authorities in three seminal policy areas: education, housing, and natural resource development. Differences among policy areas appear: Inuit generally have won little power over education and housing and more power over resource development—not just on Inuit-owned lands but, especially through “claims-based co-management,” on lands ceded to the Crown. Differences among regions also appear: Nunavik, with Canada’s first modern treaty, possesses few formal self-government mechanisms yet has nevertheless leveraged its long experience, along with exogenous opportunities, to shape certain provincial policies. The Inuvialuit, also with little formal power, have employed a “corporate governance” model to become significant economic players in their region. Conversely Nunatsiavut,

though possessing a legally robust, unified government, has lacked financial and human capacity to flex this *de jure* power.

These distinctions, as well as similarities across each case, are highlighted in the sixth, concluding chapter. Here, the authors in effect largely confirm the findings of the few past studies on modern-treaty efficacy in Canada (e.g., Dacks 2004). First, circumstances matter: Federalism and history have both placed distinct constraints and imprints on modern treaties generally and on each treaty separately. Second, whatever their formal powers, Inuit modern-treaty signatories have proceeded cautiously, in part because they are hobbled by a lack of money, personnel, and experience. Third, Canadian public authorities have resisted change, often continuing to relate to Inuit regions in a top-down, pre-treaty manner, with old intergovernmental patterns predominating and Inuit multi-level governance emerging only incrementally in certain policy areas.

However sombre these findings, *Nested Federalism* is an appealing book. Though packed with theoretical concepts, descriptive histories, qualitative findings, and cross-case analyses, it is succinct, cleanly structured, and easy to use. It should prove beneficial to specialists as well as scholars more generally interested in modern treaties in Canada. For specialists, first, it goes wide, making theoretical contributions: affirming the utility of historical institutionalism, extending the (thus far limited) application of the concept of nested federalism, and continuing to feel out the efficacy of the theory of multi-level governance. Also for specialists, it goes deep, concisely packaging rich data on the complex history, structure, and policy-making experiences of the three “nested” Inuit regions. For generalists, it provides evidence that land-claim and self-government settlements, despite generating both enthusiasm and opposition, are unlikely to spark abrupt change. On the long and fraught march of Indigenous/Canadian relations, Wilson, Alcantara, and Rodon show that modern treaties, while a distinctive step forward, still must plod uphill.

References

Dacks, Gurston. 2004. “Implementing First Nations Self-Government in Yukon: Lessons for Canada.” *Canadian Journal of Political Science* 37, no. 3: 671–94. <https://www.jstor.org/stable/i25165687>

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