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REVIEW OF JUSTICE SYSTEM

ISSUES RELEVANT TO NUNAVUT

PART ONE

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The views expressed herein are solely those of the author and do
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EXECUTIVE SUMMARY

This report on Justice Issues in Nunavut was commissioned by the Department of Justice and had the mandate of "providing an annotated review of all relevant literature and an issues framework" through "a comprehensive review" of all relevant documents. The documents specified included (a) all available documents identifying justice system issues in the Canadian North, and in other countries, relevant to the Nunavut territory, (b) documents outlining the reciprocal impact of Inuit culture and justice system processes, (c) literature dealing with pertinent community mobilization to achieve community-based Aboriginal justice programs, and the dynamics between community justice and mainstream justice, and (d) evaluations of community-based Aboriginal justice programs. The comprehensive review was expected to deal with "as many governmental, academic and private sector -produced reports as possible within the last ten years". No fieldwork or first-hand research (i.e., surveys or in-depth interviews) was envisaged.

The author found that there was indeed a copious literature and much documentation on the general Inuit cultural background and on socio-economic conditions in the Nunavut territory. There was, however, much less on justice issues, and especially much less available information - written descriptions, analyses or documentary statistics - that would enable one to make intra-

regional comparisons on, or discuss in-depth, the diversity of viewpoints and experiences among subgroups in the area (e.g., men / women, Inuit / non-Inuit, elders / youth, traditionally engaged / public sector employees) regarding justice problems and solutions. It was possible to obtain some pertinent comparative materials dealing with Inuit populations and justice issues elsewhere in Canada and in Greenland, and to supplement this information further by drawing on the large amount of information available on justice issues among Canada's First Nations. In addition, there was a considerable amount of material accessible on relevant justice issues in the larger society, especially a large and growing literature on restorative justice. Despite these latter supplements to the Inuit and Nunavut materials, the author considered that the shortfalls and gaps necessitated direct contact with persons who might provide access to valuable unpublished statistics and other documents, and also have an informed, general view of the justice issues in the Nunavut area. To that end, some twenty-three persons were contacted in person or by telephone. These persons included leaders of Inuit organizations, Nunavut officials, and federal and territorial government bureaucrats. The information obtained through these modest direct contacts was quite helpful in identifying accessible documents and in providing an overview of Nunavut justice issues. Such information contributed substantially to this writer's confidence in developing the overview of issues presented in Part 1 of this report but did not overcome the lack of in-depth information on subgroup and community diversity with respect to values, beliefs and experiences concerning social problems, crime and justice.

The report is divided into two main sections. The annotated bibliographies are presented in Part 2. Written materials, whether books, papers, articles or other documents, relevant to the tasks mandated, are concisely reported upon there. A distinction was drawn between academic and scholarly materials on the one hand, and government documents, reports and position papers on the other. The former are presented in Part A and the latter in Part B. While the distinction is at times somewhat artificial, it is essentially meaningful since the academic materials focus on describing and explaining patterns of behaviour and institutional activity while the governmental reports and organizational position papers largely present basic data, manuals, program evaluations and articulated social policy. Part C of Part 2 is a brief guide to other sources of relevant information, including videos, newsletters and the like. Part 2 was completed prior to the writer's developing the overview of Nunavut justice issues presented in Part 1. The latter then may be seen as inductively derived from digesting and analysing the information presented in Part 2, supplemented by the brief interviews with informants, and of course by the writer's sociological and criminological research background, and personal experience in the Arctic several decades earlier.

In Part 1 there is an overview of justice issues in Nunavut. This section sets out the macro political and economic context for examination of social problems, crime and justice system responses, and possible transformations in, and alternatives to, these responses. It is noted that despite considerable economic uncertainty, there is a pervasive, optimistic view among Inuit leaders, government officials and academic and other commentators, that Nunavut represents a great

opportunity for the Inuit, and Canada as a whole, to push aside the vestiges of colonialism and develop an effective justice system that can reflect Inuit identity, Nunavut realities and deal with the serious social problems and crime in the territory.

The economic and socio-demographic characteristics of Nunavut are seen as posing both constraints and opportunities. The small, widely-scattered population, high levels of underemployment, and questionable resource base present challenges to dealing with the area's social and justice problems. On the other hand, these conditions make appropriate, and even necessary, a kind of justice system that Inuit leaders and local justice officials have called for and one that is congruent with Inuit traditions and contemporary Nunavut realities; that is, a justice system featuring community control of justice, dependent upon community mobilization and civic culture, and rooted in a restorative justice philosophy. An evaluative framework is advanced, based on five criteria, to facilitate monitoring and policy formation in order to assess the extent to which an appropriate, distinctive Nunavut justice system is successfully implemented. Later in the Part 1 overview, the writer outlines other measures that can be developed to keep the justice system in perspective, assess its incremental and comparative efficiency and effectiveness, and avoid having it, a largely reactive institution, soak up too much of Nunavut's scarce resources.

In the Part 1 subsection, Crime, Social Problems and Justice Issues, there is a description and analysis of the very serious crime and justice problems that plague the Nunavut area. The rates of serious crime, especially serious personal assault,

and imprisonment are shown to exceed, by a wide margin, comparable rates elsewhere in Canada. Occurring in the unlikely setting of small, homogeneous communities featuring dense kinship ties, these levels of major crime and public order offences clearly reflect serious underlying criminogenic conditions, a considerable breakdown in community and family controls, and an extreme dependence on the formal criminal justice system. The high levels of imprisonment and overcrowded correctional institutions exist despite a widely-acknowledged, lenient sentencing policy and a major justice system effort to reduce incarceration. Three major, macro-level causes of this crime and justice situation are advanced in the documents examined, namely colonialism, patterns and policies of concentrated settlement, and alcohol and substance abuse. The argument is proffered by this writer that the major, ultimate explanatory factor is colonialism which set in train other destabilizing causes and interacts in complex ways with alcohol and drug abuse, as well as augmenting the kinds of social problems and wrongdoing found in traditional Inuit society.

Contemporary crime and justice problems have been in place for several decades and have been quite resistant to a complex, multi-dimensional social policy of education, decentralization, indigenization (i.e., Inuit officials) and Inuit-sensitive rehabilitative strategies. It remains to be seen whether these remedies and social policies can become more effective in the Nunavut era with its new symbolism and manifest local and Inuit control. Dealing more effectively with sexual assault and spousal and family violence is particularly imperative. This appears to require a reconceptualization of justice strategies and rehabilitative approaches; that is, allocating major

resources to women's organizations and support groups, examining promising holistic therapies as found in some First Nations, and instituting meaningful and demanding restorative justice practices. But attention must be given also to the economic and socio-cultural roots of the problems and that requires macro-level policies targeted at the young adult Inuit males.

The evidence is clear that young male Inuit adults account for virtually all the serious crime in Nunavut. They also account for the great majority of suicides. Their rates of crime, suicide and imprisonment are startling, and exceed, by far, rates for their counterparts in First Nations and elsewhere in Canada. They are, in very significant numbers, reportedly angry, confused, ill-educated and underemployed compared to their female Inuit peers, striking out at themselves and others, and locked in anti-social alcohol and drug abuse adaptations. There appears to be no effective justice system response to their behaviour and very few therapeutic resources have been targeted at this status group. There is clearly something about that particular status group that makes it the lightning rod for the negatives of colonialism, decline of family and community controls and ineffective justice system response. Their behavioural patterns have been occurring for decades and are also reproduced apparently among Greenland's Inuit young men. The writer examines the causes and impact of these status-specific problems and suggests some possible ways to deal with them. Clearly, though, it is hard to imagine the creation of any effective Nunavut justice system unless this central causal problem is taken into account thoroughly. Unfortunately, the writer could find virtually no report or academic writing on this status group which even described, let alone explained,

their behaviour, social supports, hopes, dreams and frustrations in any depth.

A major section of the Part 1 overview focuses upon the three principal sectors of the justice system, namely policing, courts and case processing, and corrections. For each sector the writer followed a three-fold format: describing the existing themes and patterns, considering the possible changes and their anticipated impacts, and discussing the strategies for achieving desired changes.

Policing is carried out in the Nunavut area by the RCMP as it has been for decades. The RCMP has been making an effort to adapt better to Nunavut realities and local wishes and expectations by conducting surveys in the communities to determine residents' views and needs, engaging in forms of restorative justice, espousing a policy of "keeping people out of jail" while providing for safe communities, and recruiting Inuit members. Clearly, there are limitations and difficulties associated with the officers being, usually, 'outsiders temporarily in the region', unable to speak Inuktitut, and having the mixed legacy of symbolizing colonialism; in addition, the RCMP force, while large on a police per population basis compared to other parts of Canada, is scattered in micro-size detachments over a large area and may find proactive, community-based policing difficult to implement. A number of strategies are advanced whereby the RCMP as an organization can position itself to be more responsive to Inuit concerns. The key for a policing service which is effective while responding to the imperative of community control and cultural sensitivity, will be the extent to which the local community plays a central role, not only in monitoring and contributing to what police do but in

taking direct responsibility for policing. That kind of police-community partnership has not been characteristic of policing in the pre-Nunavut era.

Criticisms of the case processing and court sector in the pre-Nunavut era have run the gamut from its characterization as being too remote and difficult to comprehend, to its presumably constituting an outside, 'foreign' system which has been ineffective in protecting communities or dealing with serious offenders. There have been many changes in policy and personnel in an effort to deal with these and other criticisms and shortfalls, including having Inuit justices of the peace, establishing legal service centres, reorganizing the circuit court system, and emphasizing Inuit-sensitivity. Still, the serious social problems and macro-level roots of crime and public disorder have not lent themselves to effective solution by such changes. There is a significant consensus among justice officials and Inuit leaders that the communities have to become more committed partners and that the Nunavut justice system should have a structure appropriate to that end (e.g., a unified, single-tier court) and be more facilitative of problem-solving and macro-level change outside its professional/technical context. Thus far there has been limited development of new strategies such as restorative justice, apart from the area of youth crime. In the Nunavut region the courts also have had a quite minimal caseload in areas of civil and family matters. There are risks associated with a more community-based and less formal case processing system, such as equity and political bias. Still, if the justice system is to have the characteristics championed above (e.g., community responsiveness), and is to deal with the serious crimes while

reducing the high incarceration rates, the risks will have to be taken.

The correctional sector in Nunavut is probably the justice sector facing the most serious challenges. Incarceration levels are high and there is widespread overcrowding. At the same time rehabilitative programming has been relatively ineffective in preventing recidivism and reducing crime. Recent reports have concluded that the correctional system in the region is simply overwhelmed. And in the community at large there is considerable ambivalence concerning any movement to reduce incarceration and impose what might be seen as more lenient policies, even while there is also dissatisfaction with the 'warehousing' of offenders. Community-based corrections, an apparent goal of Nunavut and Canadian Justice, and often advanced as the key to getting out of the current crisis, would require much resources, training and 'community conversations'. A widespread view in the literature is that in the absence of proven rehabilitative strategies and given the unclear implications of more community involvement, the emphasis has to be placed on prevention.

Restorative Justice, as a philosophy and a set of specific programs (e.g., family group conferencing, circle sentencing, victim-offender mediation), has been emphasized in recent government documents and in the writings of Inuit leaders and academic commentators. There appears to be substantial consensus that Nunavut justice should feature a restorative justice style. Certainly there are critics and sceptics, particularly women groups who point to a large gap between restorative justice rhetoric, which emphasizes the victim and the community, and its practice which tends to focus on the offender and yields lenient sentences. Beyond the youth sector, restorative justice

initiatives have been almost non-existent to date in the Nunavut region. There is much debate concerning whether restorative justice philosophy and practices fit well with the traditional Inuit mode of dealing with wrongdoing and disputes. The evidence appears to favour the conclusion that there are no profound barriers to the development of a restorative justice ethos among the Nunavut Inuit population. It is clear, though, that there will have to be much community discussion on the issue, and that the extensive commitment associated with well-implemented restorative justice practices would require significant resources and training, and ultimately depend upon a strong sense of civic culture in the communities. The literature on implementation of restorative justice is discussed and some implications for Nunavut are drawn (e.g., introduce it at all entry points or stages in the justice system). It is also noted that if restorative justice is limited to dealing with minor offences by first time offenders it would seem to offer little immediate value for Nunavut's justice problems.

Part 1 ends with a discussion of effecting community initiatives. The community is clearly the focal point for the delivery of justice services, for the substance of the programs and, in restorative justice, for the philosophy underlining the services and programs. If there is to be significant community control and ownership in Justice there will have to be many community initiatives. The decentralized structure of Nunavut government and the commitment to community empowerment would suggest the need to develop strategies for community mobilization, and in that regard, to appreciate lessons drawn from others' community initiatives, whether successful or not. Nunavut also lends itself to experimenting with different models

of justice service delivery in the different communities. There is an assessment of manuals and reports dealing with mobilizing the community in support of new justice initiatives. Most publications, and there are many of them, spell out the various sequential phases and what to do and watch for at each phase. This writer highlights the implementation stage and the need for a general operational strategy which would include a communications plan, a networking strategy, a case management plan and an information gathering plan. There is also some discussion of monitoring and evaluation feedback.

The overview concludes with the observation that the creation of Nunavut provides a great opportunity to build upon Inuit traditions, to revitalize the civic culture in the small communities, and to achieve a more locally-responsive justice system. There is the prospect of solving some serious Nunavut social problems and trail-blazing for Canadian justice issues as well. From a justice perspective Nunavut is certainly going to be an interesting place to live as the twenty-first century arrives.

NUNAVUT JUSTICE ISSUES:

A REVIEW

PART I:

TAKING CONTROL OF JUSTICE

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NUNAVUT JUSTICE ISSUES: FINAL REPORT

TAKING CONTROL: JUSTICE IN NUNAVUT

“The historical evolution of a self-destructive culture of dependency and powerlessness that is killing our people and destroying our communities ... we must have the courage to break the culture of dependency and to reassert control and responsibility over our lives and our communities”. (Alaskan Inuk, 7th General Assembly, Inuit Circumpolar Conference, Nome, Alaska July 1995)

Presumably much of what Nunavut is about is precisely taking up the challenge delivered at the ICC meeting in Alaska. It is a matter of the Inuit there, in collaboration with their fellow non-Inuit residents, exercising as much self-government and autonomy as possible and desired within the Canadian nation and its systems of statutes and laws. Justice has great symbolic value in this endeavour since it is an area where much initiative can be exercised without having to depend on policies and strategies developed in other capitals or corporate boardrooms (Inuit Justice Task Force, 1993). And it surely is an area where, given the high level of violent and other crime and the minimal participation of locals in the criminal justice system (Finkler, 1976; Pauktuutit, 1993; Griffiths, 1995; Correctional Services Canada, 1996; Wood, 1997), there is an agreed-upon need for local control, local solutions and creative change in all respects. There are great expectations about Nunavut (see Canada, RCAP, 1992, 1996; Jull, 1993; Qitsualik, 1995; Nunavut Bar Association, 1996) and the area of justice will be a focal point since it can be seen as an area where Nunavut leaders and residents can indeed exercise significant change (Correctional Services Canada, 1996; Office of Interim Commissioner, 1997). More than this however, many commentators are of the view that Nunavut will have such beneficial effects that it will reduce significantly the pressures on the justice system. While it is not surprising that optimistic Inuit leaders and commentators have characterized Nunavut in such positive terms and as a great opportunity for Inuit to develop a justice system on their terms (Inuit Tapirisat, 1995; Nunavut Tunngavik, 1997), it can be noted that scholars also anticipate profound justice implications since presumably it will effect "a pride in Inuit identity, a feeling of responsibility and self-esteem" (Finkler, 1982), "a sense of control over their lives" (Condon, 1990), and "an

opportunity to deal with stressors on their own terms" (Goehring & Stager (1991). Not all scholars share that optimism; Mitchell (1996) expresses scepticism that Nunavut will have such a positive impact and sees many Inuit as "caught up in the Nunavut euphoria".

As will be developed below, the thesis here is that effective control and responsibility in Justice will first and foremost require, to paraphrase the words of an aboriginal elder (Hazlehurst, 1997), "reconstructing the threads that bind"; the elder's lament, that "the threads no longer bind", points to the need to revitalize community and communitarianism such that taking control becomes a reality in all aspects of the justice system. Developing or revitalizing the civic culture may be a requisite, not an option, in 'taking control'. Nunavut residents have clearly indicated that they wanted their own institutional systems and not be part of the GNWT, and they have consistently indicated such a preference whether it be their own legal services board, their own appeal court and so forth. There will be significant interim resources required to enable Nunavut residents to seize the opportunities provided by territorial status, and to effect such responsabilization. Clearly, too, there will be some limits on the federal funding available so sustainability will depend on local community residents rising to the challenges presented by their preferences.

APPROACH

The main thrust of this report has been to prepare an extensive annotated bibliography and provide a brief overview of Nunavut justice issues. Available, relevant and recent, printed materials, whether academic papers, government documents, policy papers prepared by interest groups, or conference papers, were reviewed. The mandate of the contracted undertaking was specified as providing a comprehensive review of pertinent documents and evaluations. In general, there is a paucity of in-depth research or evaluative studies on justice issues regarding the Inuit and the Nunavut region. Additionally, some important recent studies or project evaluations were either released to the author well after a draft final report was prepared (e.g., Evans et al, Crime and Corrections in the NWT, carried out on behalf of the GNWT), or have yet to become available (i.e., reports or proposal information on four community justice initiatives in

Nunavut being carried out on behalf of the Aboriginal Justice Directorate). Moreover, the project's mandate, as well as time and budget constraints, made fieldwork in the Nunavut area impossible. To make up, at least somewhat, for these shortfalls the literature review was supplemented by interviews with twenty-three informed persons, either in person in Ottawa or via the telephone to the NWT (Yellowknife, Iqaluit and Rankin Inlet). These informants were knowledgeable about Nunavut justice issues and included both Justice officials and Inuit organizational leaders (see appendix D). The interviews were quite brief and given in confidence. They focused on the interviewee's knowledge of any available relevant literature and also on their sense of the major justice issues in Nunavut and their ideas about possible solutions. A major limitation of this report is that only sparse information could be obtained on variations within and between Nunavut regions and communities, and among different community groups (e.g., men, women, Inuit, non-Inuit). That kind of in-depth information will have to be secured through field studies and surveys. In the search for literature which might shed light on Nunavut justice issues, materials were examined from two other major perspectives, namely (a) relevant information from other Inuit regions such as Greenland, and writings on general aboriginal justice issues in Canada; (b) information dealing with restorative justice culled from both Canadian and International sources.

In this overview there is a brief discussion of the context and larger socio-political issues for Nunavut justice, an assessment of crimes and social problems and their implications for justice policies, an overview of developments in major sectors of the Nunavut justice system (especially policing), a review of the restorative justice potential in Nunavut, an assessment of strategies for initiating community justice, and, in conclusion, suggestions for 'putting justice in perspective' from a policy point-of-view. In discussing these issues there is an attempt to provide where possible a three-fold format, namely what are the extant themes and patterns; what is the anticipated impact of possible changes?; and what are the strategies for achieving desired changes? Such a format appears especially useful in assessments pertaining to the different justice sectors - policing, courts and case processing, and corrections.

In general this overview, from a policy perspective, emphasizes three major underlying themes, namely community control of justice, community mobilization and civic culture, and

restorative justice. Nunavut, as articulated and formally planned for, entails the two fundamental principles of territorial government for the Inuit and other citizens, and community empowerment (i.e., the decentralization of government and an enhanced role for communities is officially a feature of Nunavut's charter). This model is congruent with Inuit customary socio-political organization and in line with aboriginal self-government models and issues advanced by academics and aboriginal spokespersons, where diversity and decentralization has been emphasized within a broad nation context (Franks, 1987; Fort Good Hope, 1989; Hunt, 1991; Hall, 1992; Canada, RCAP, 1996; Robert, 1997). It represents a commitment to bring the justice system as close as possible to the community level within the formal territorial and federal justice systems. And that is a significant challenge for the consensus position of both the Government of Canada and the Royal Commission on Aboriginal Peoples that "significant change can occur within the existing constitutional framework" (Research Directorate, RCAP, 1993). The new phase of justice policy development and processing / administration is emerging out of an historical context of welfare colonialism (Paine, 1977; Brody, 1991) where the relevance of community input and community values was ignored if not disparaged (Tester, 1994; Crowe, 1997). As LaPrairie (1993) and others have noted, there are many obstacles to civic culture and 'just communities' in Canada's aboriginal communities as a consequence of the legacy of colonialism, and successful development will require support from the larger society and its institutions, not only in terms of resources but also in terms of accommodation and respect (Turpel, 1993). A commonly advanced contention as well is that Inuit people would want a justice system characterized by a restorative justice ethos, though, as discussed below, in implementation perhaps different from current restorative justice models (Crnkovich, 1995; personal interviews).

NUNAVUT JUSTICE: CONTEXT AND LARGER ISSUES

"For the first time in decades, we have begun to see positive things. Our children's education is improving. Our people are involved in training programs to prepare for jobs in Nunavut's public service. Our young people are taking pride in their identity and Inuit leaders are becoming sober" (Amagoalik, Chair, Nunavut Implementation Commission, Toronto, Globe and Mail, 1998)

The general socio-economic and socio-demographic patterns of Nunavut are laid out quite comprehensively in documents such as the NIC's Footprints in New Snow (1995) and Footprints 2 (1996) where, additionally, recommendations are advanced for all aspects of forthcoming Nunavut government, including the Nunavut justice system. In recent months these same patterns have been highlighted in Canada's newspapers and magazines (e.g., Toronto Globe and Mail, MacLean's) leading to much editorial comment and a lively exchange of opinions via letters to the editors. Nunavut clearly is a vast area (about one fifth of the total Canadian land mass) and contains within it vast tracts of Inuit-owned land as per the land claims agreement between the Tungavik Federation of Nunavut and the Government of Canada. Its small population of roughly 25,000 people is scattered over 27 communities, fourteen of which are in the Baffin region and seven and six in the Keewatin and Kitikmeot regions respectively. The largest community Iqaluit, has the population of a small town (circa 4500). The Nunavut population is quite ethnically homogeneous and over half of the circa 15% non-Inuit population resides in Iqaluit. Half of Canada's 40,000 Inuit population (and about one-sixth of all 125,000 Inuit represented in Inuit Circumpolar Conference) lives in the Nunavut territory. The population, while small, is growing rapidly and is largely immobile; according to a recent government document, more than 80% of the Inuit population stay in the area ("Native Employment: Future Shock", Northern Issues, Ottawa: DIAND, 1998). The communities are essentially 'fly-in' communities, distant and somewhat isolated from each other for the most part. The Footprints reports indicate that, compared to Canada as a whole, there is a much higher level of unemployment, or better, underemployment, that average household income is significantly less, that formal educational attainment is much less, and that the high school dropout rate much higher. Costs for food, transportation, and government administration, indeed for virtually all goods and services, are much higher than in the Canadian South. The economic development prospects, subsequent to the transitional period in which the infrastructure for territorial government will be put in place, are uncertain. Some informants were optimistic that new agencies set up with land claims funds can be effective catalysts for economic development and provide employment additional to the public sector and to the extensive, if frequently casual, craft employment in the region. Recently, for example, Qikiqtaaluk, an Inuit agency, has set up a

business where it will purchase a modest number (24,000) of ringed seals from Inuit hunters and locally process the seal into health and food products for sale in China. Still, most informants and literature sources indicated that the region does not appear to be rich in marketable resources. At the same time there are many serious social problems in the area. Nunavut justice problems are rooted in the fact that the Nunavut has the highest rate of serious crime against the person in Canada, higher than in the rest of NWT and higher than in virtually all First Nations reserves (Praxis, 1995; Kowalski, 1998).

In the above context the development of a new Nunavut justice system, one that is Inuit-sensitive in its laws and processes and provides for a community-oriented justice system, is taken by leaders and ordinary residents as a major objective (Canada, RCAP, 1992; personal interviews). The larger socio-economic context appears daunting and indeed there is much scepticism, at least outside Nunavut, that the combination of those socio-economic conditions, along with residents' high expectations and changing value-orientations and standards, will permit the elaboration of an efficient and effective justice system that Nunavut and Canada can advance as a paragon of justice delivery. The quotation by Amogalik that opens this section offers a different, more optimistic perspective. The Nunavut Tunngavik Inc., a corporate body representing Nunavut Inuit in the management of land claim funds for social and economic development, also is optimistic that, in addition to the benefits that Nunavut will bring for all Canadians (e.g., sovereignty of the High Arctic, national parks, environmental protection), its creation can also jump-start significant social and economic change in the region. Clearly the task is immense as the region is still reeling from stagnation in the now traditional co-operative sector, augmented by the devastation caused by anti-sealing movement (Wenzel, 1991). Policies such as securing new fishing quotas, undoing the 1970s' fur ban that has wreaked havoc in the small communities, spawning resource development projects, and wisely investing land claims funds are all crucial but apparently just as important is the self-control, autonomy and pride that may come with Nunavut when Inuit can take control of government. It was quite clear from the position papers of the major Inuit organizations (Inuit Tapirisat of Canada, 1994 and 1995; Pauktuutit, 1995; Nunavut Tunngavik Inc., 1997), from the community level participation in the RCAP hearings (Canada, RCAP, 1992; Department of Justice, Inuit Visions 1997), and

interviews carried out for this project, that political and ideological imperatives for self-government were at the heart of the Inuit push for Nunavut. And central to that push, in turn, has been the desire for "a justice that they can call their own" (Office of Interim Commissioner, 1997).

Inuit in the Nunavut area chose the creation of this territory rather than staying in the NWT and working out a new governmental arrangement with residents in the western NWT. There is little doubt that they opted for the most costly alternative, at least in the short and mid-term (Dacks, 1986), with some commentators suggesting that the division would increase the regular funding to the North from the Government of Canada by one hundred million dollars (Maclean's, August 3, 1998). Recent federal government reports indicate that that figure might be closer to ninety million dollars, supplemented by roughly one hundred and fifty million in transition funding over the years 1996 to 1999 (Globe and Mail, October 21, 1998). Nunavut leaders and Inuit advocacy organizations have also insisted upon their own legal services board and their own appeal court judges and, in general, have sought a fairly autonomous and institutionally complete governmental system across the conventional bureaucratic and services subsystems. Since territorial fiscal resources are limited and external federal funding unlikely to rise significantly beyond projected levels (Footprints 2, 1996), this quest for relative autonomy in all areas including justice, would seem to entail, for 'sustainability', much 'downloading' to the communities. This would require a significant increase in local community management activity and individual participation in areas such as justice administration and processing; in other words, a requisite would be the development of a strong 'civic culture' orientation to effect this increased 'responsibilization'. This evolution appears congruent with the desire for a more community-based justice system and seems quite realizable (Inuit Tapirisat, 1995), though more initial special resources may be required to offset the diminution of communitarianism and civic culture associated with colonialism (Cowan, 1976; Paine, 1977), and the pervasive influences of modernity (Giddens, 1990). Interestingly, and analogously, though on a much smaller scale, in the larger urban Canadian society, recent years have seen the transition from social housing to co-op housing with its requirement that occupants share in the management and planning for the housing complexes; despite negative stereotypes about tenants' skills and civic culture, the

change has been successfully implemented.

Realizing an appropriate Nunavut justice system, given Nunavut realities and the objectives referred to above, can be assisted with an evaluative framework that facilitates monitoring and policy formation. It would appear that at least five criteria would be integral to such a framework for assessing justice alternatives (Clairmont, 1996), namely efficiency, effectiveness, equity, degree of self-management or control, and extent to which the system is Inuit-sensitive (i.e., takes into account Inuit culture and realities). Efficiency (i.e., cost effectiveness) and effectiveness (i.e., how well does the system accomplish its substantive objectives) can be complex in the Nunavut case due to the multiplicity of goals beyond 'treating' individuals, such as community development (i.e., advancing communitarianism and civic culture) and cultural uniqueness. Equity is always a concern in any justice system and especially in restorative or popular justice systems (LaPrairie, 1993; Depew, 1996), partly because in this alternative justice there is a tailoring of the justice response to the specific situation of the offender and sometimes the victim. For some time Inuit women have been challenging the equity of the existing justice system and its misuse of Inuit tradition, and clearly they have concerns about the equity implications of restorative justice (Pauktuutit, 1991; 1993; 1995; Nahanee, 1993; Crnkovich, 1995). Also, social class and other socio-economic bases for treating people differently than those in one's own close circle (and thereby having potentially negative implications for equity in justice) are increasingly emerging in Northern small communities (Griffiths, 1995; Mitchell, 1996). The fourth criterion of how much control over justice can be attained at the territorial and community level is problematic given constitutional and resource restrictions, not to mention the preferences of Nunavut residents for a blended system of justice (Department of Justice, Inuit Visions, 1996). Cultural uniqueness, the fifth criterion, is also problematic, given the wide generational gap among Inuit people and the increasing similarity of southern and northern Canadian values and orientations (Uviluq, 1990; Ivanitz, 1990; Peryouan, 1997). It may be noted that the homogenizing and rationalizing forces of modernity have moved the Greenland justice system slowly but steadily from a community-based, and somewhat cultural distinctive system further and further toward the Danish model (Schechter, 1983; Jensen, 1992). Clearly, then, to put in place and maintain a special and somewhat alternative Nunavut

justice system will require significant monitoring and formative evaluation.

In a GNWT 1991 report it was noted that "local control of justice-related matters is often perceived by national and community leaders as the jewel in the self-determination crown" (Corrections Services, GNWT, 1991). A major concern might well be that the justice system, especially the criminal justice system, does not soak up too many Nunavut resources since it is largely deemed to be reactive rather than proactive and getting to the roots of the social problems. Nunavut Justice officials (judges, prosecutors and others) themselves acknowledge that the solution to crime and social problems must be sought outside the criminal justice system (Northern Justice Society, 1989). In fact the justice system expenditures are often given a negative weighting in indexes of social progress (GPI, Atlantic, 1998). Two ways to limit the possibility of over-investment in reactive justice strategies are first to utilize appropriate indicators to assess how well the justice system is performing in relation to workload and socio-environmental conditions, and, secondly, to develop an overall framework for policy analyses that locates justice as one of the many measured and evaluated subsystems. Also, short term and long term strategies and resource needs should be developed and monitored as part of the overall policy deliberations.

CRIME, SOCIAL PROBLEMS AND JUSTICE ISSUES

“Many women and children are at great risk. Some offenders have been running amok for years” (Griffiths, Crime, Law and Justice Among Inuit in the Baffin Region, NWT, Canada, 1995)

Problems and Causes

Without question Nunavut has a major serious crime problem and both residents and Justice officials acknowledge that it has not been dealt with effectively by the criminal justice system (Northern Justice Society, 1989; Praxis, 1995; Office of the Interim Commissioner, 1997). The area has the highest rate of major violent crime of all regions in Canada (Griffiths, 1995; Wood, 1997). Interpersonal assault, whether family violence or sexual assault, is rampant, roughly five times the level of Canada as a whole. And even while the overall crime rate has been declining in the last few years in the eastern Arctic, as throughout all of North America, violent crime in the Nunavut region has increased as a proportion of all Nunavut crime, and some violent crimes have continued to increase in absolute terms (Evans et al, 1998). The primary locus of the crime is the young male adult and especially the young adult male repeat offender. Correctional Services Canada reports that the number of Inuit offenders, especially from the eastern Arctic, has increased steadily over the past decade and that the typical Inuit offender is a young adult male, with less than grade nine education and with a substance abuse problem, who has committed domestic violence or sexual assault (Correctional Services Canada, 1996). One of the most significant implications of the crime patterns is that while Justice officials in the area strive to reduce incarceration levels, and, according to most sources, have used imprisonment "with a great deal of restraint" (Evans et al, 1998), the seriousness of the offence and the recidivist status of the offender have generated longer and longer sentences, with the result that correctional facilities are crammed and regional facilities have had to be 'upgraded' to medium security to accommodate the serious offenders (Correctional Services Canada, 1996). It can be noted, too, that this pattern of high levels of violent crime committed by young Inuit

adult males has been a feature of Arctic society for several decades (Clairmont, 1963; Finkler, 1976; Irwin, 1988) and the problem has grown rather than diminished.

The same reports and studies cited above also indicate that levels of non-violent crimes, such as property crime, are quite significant. Also at high levels are offences against the court or the justice system itself, such as "failure to appear" and "failure to comply" which, in these small Arctic communities, may indicate estrangement from the justice system and/or indifference to its sanctions. Perhaps the most significant findings about non-violent crimes are the very high levels of 'other criminal code' offences, such as disturbing the peace, which are fourteen times the rate for Canada as a whole (Correctional Services Canada, 1996). Seen in conjunction with family violence and sexual assault, such levels of public disorder suggest a considerable breakdown in community and family social controls and an extreme dependence on the formal criminal justice system (Praxis, 1995). Interestingly, these same patterns have long characterized First Nation communities, albeit on a lesser scale for the most part (Clairmont, 1992). It seems likely that at the root of the problem has been the power of 'white' euro-colonialism to erode community and family social controls and to effect low self-esteem and estrangement, particularly among young adult males.

Surveys of Nunavut residents (NWT Bureau of Statistics, 1998), the RCAP hearings (Canada, RCAP, 1992), and reports of Inuit advocacy organizations (Pauktuutit, 1996), point to a wide range of social problems which together create a social context characterized by strong, criminogenic conditions. Pauktuutit leaders (1991) refer to unemployment among males, substance abuse and inadequate housing; on the latter they note in their 1995/6 annual report that "the housing crisis increases the vulnerability of Inuit women to violence and any strategy to end violence must include a comprehensive, safe and affordable housing plan". A recent report of the Office of Interim Commissioner for Nunavut specifically uses the concept 'criminogenic conditions' when referring to the interrelated patterns of a high proportion of young single males in the population, high levels of underemployment, low educational attainment and much substance abuse (Office of the Interim Commissioner, 1997). Both the Irwin report (Canadian Arctic Resources Committee, 1989) and a study by Welsman (1976) almost a generation earlier, have highlighted these same criminogenic conditions and the larger context of colonialism in

relation the latter's negative impact on the young Inuit male adults.

Three specific causal factors have received much attention in accounting for the above crime patterns. Colonialism, as noted, has affected family and gender relations, eroded community controls, and informal social controls in general, as well as impacting negatively on self-esteem and status opportunities (economic and social). A case can be argued that in the first instance the negative implications are evidenced in the "unresolved anger and chronic unemployment" (Evans, 1998) found among the young adult males, but, of course, women, children and whole communities may bear the brunt of the negative implications. As colonialist attitudes and political-economic forces have receded, and as Nunavut emerges, presumably this causal factor will largely take the status of a legacy effect. Legacy effects in modern society are typically dealt with through programs such as affirmative action, special learning and rehabilitative programs emphasizing holistic approaches, socio-historical contextualization (demystifying the negatively and introducing new, positive myths for guiding behaviour), and community development. Clearly the second causal factor of concentrated settlement, wherein disorganization and instability producing criminogenic conditions (Wood, 1997) followed Inuit relocation from small camps to larger towns for employment, educational and health services, also represents a legacy effect. The relocations for the most part took place in the 1950s' and the 1960s' and involved small groups of people moving into small villages. It is difficult to see these relocations as having a profound effect on crime apart from a colonialist context although it might be argued that traditional social controls were effective only at the camp level of social organization.

A third causal factor much cited in discussions of crime and social problems in Nunavut is alcohol and substance abuse. Alcohol and substance abuse, as noted, is typical among incarcerated Inuit offenders and is reported to be commonly associated with domestic violence and sexual assaults. A recent survey by the GNWT showed that Inuit do not drink as frequently as other Canadians but when they do drink they, all ages and sexes, drink a lot (e.g., a higher proportion, than Canadians in general, drink five or more drinks when they drink) and frequently get intoxicated (NWT Bureau of Statistics, 1998). One informed Nunavut Justice official observed that he has known only a handful of Inuit alcoholics over more than a decade living in

Iqaluit but that the style of consuming much, fast -a pattern called 'power drinking'- is commonplace. It may be noted that a 1959 court ruling provided equal access to alcohol for aboriginal people and that while there is community variation with respect to access to alcohol, such variation does not appear related to diverse levels of alcohol-related offences found among Nunavut communities (Wood, 1997). The same above-mentioned GNWT survey also found that Nunavut residents at all ages between 15 and 45 used soft (e.g., hash) and hard (e.g., cocaine) drugs much more than Canadians in general and, less surprisingly, that a vastly larger percentage have sniffed solvents or aerosols.

There appears to be little disagreement among Nunavut residents, Justice officials and informed others that community controls over alcohol availability have been ineffective in solving alcohol abuse and that alcohol abuse is a serious social problem in Nunavut. There are however quite different social constructions of how alcohol abuse is related to crime. Some Nunavut residents, writers and organizational spokespersons (e.g., Pauktuutit; Uviluq 1990; personal interviews) note that much sexual assault, and especially incest, occurs outside an alcohol context, and also that alcohol intoxication may be a convenient rationale that has been used by offenders in large part because, in the colonialist context, it has been a basis for Justice officials to discount the culpability of the offender. There is, too, the issue of whether alcohol is a generic phenomenon, a symptom of an underlying problem, which if unavailable would be substituted for by other harmful coping strategies, or whether it is primary problem whose diminution would be accompanied by the development of pro-social strategies or behaviours. As will be noted below, how one constructs the alcohol issue will have significant implications for social policy (Whitehead et al, 1998).

Overall, causal analyses of crime patterns appear to indicate that colonialism is the major explanatory factor. It sets in train other destabilizing causes such as settlement relocation, decline of informal social controls, and major status and self-esteem problems. It interacts in complex ways with alcohol and substance abuse, both causing people to resort to these destructive anti-social strategies and facilitating their rationalizations of conduct as a result of the power of such substances over their "inadequate selves". Perhaps, too, the colonialism factor enhances the social problems and wrongdoings that were found in traditional society by weakening the

informal social controls that wrestled with similar deviant behaviour. Certainly Hoebel (1964) and others identified conflicts over sex as a trouble spot in traditional Inuit society and other ethnographers such as Balicki (1970) wrote about extensive violence, ridicule and suicide. It is important that any useful causal analysis apply especially to the grouping at the centre of the crime and social problems. In this case the focal point clearly is the young adult males, and the connection between the impact of colonialism and their criminal behaviour will be elaborated upon below.

Dealing With The Problems

In considering how to deal with crime and social problems it is useful to take as a baseline the studies a generation ago in the region by Finkler (1976; 1982). He found essentially the same patterns described above and suggested that they may be transitional, a function of the profound upheaval caused by colonialism, and hopefully to diminish as Inuit became more familiar with the modern society including its justice system, and more successful in a more Inuit-sensitive, liberal-welfare, inclusive society. Given these presumptions, he recommended more regional correctional facilities staffed by Inuit persons and with Inuit-sensitive, rehabilitative programs (e.g., a land-oriented program, elder counselling), a more accommodating justice system with a clear Inuit presence at the community level (e.g., Inuit justices of the peace), programs of public legal education and awareness of court processes (e.g., courtworker programs) and so forth. Virtually all of the recommendations, it could be argued, have been realized but it is clear that the patterns of crime and social problems have not been attenuated at any satisfactory level. It may be that with Nunavut the persistent vestiges of a destructive colonialism will finally be eliminated and that these kinds of recommendations, and others along similar lines, will now proceed to make a difference. It may well also be that more radical change in the Justice system will be required, namely significant local control and community participation, and a pervasive restorative justice approach in the case of significant crime beyond youths, first offenders and summary offences. It is not clear that Nunavut will be able to sustain the present euphoria and avoid economic and other dependency and stagnation

nor is it clear that a consensus can be reached among Nunavut residents as to ways to deal with serious offenders apart from current strategies of punishment and incarceration.

Dealing with sexual assault and spousal violence more effectively is imperative. Their impact on the community can be major and long-lasting (Glancy, 1991) and the impact on the victim often devastating (Kemuksigak, 1992). There is a major problem of lack of services for the victims as well as of adequate rehabilitation for offenders (Task Force on Spousal Violence, 1985; Northern Justice Society, 1990; Pauktuutit, 1995; Status of Women, NWT, 1997; personal interviews) throughout Nunavut. Some interesting and promising programs, such as BASH which operated under the Tuvvik umbrella social agency in Iqaluit and was oriented primarily, though not exclusively, to male abusers, most of whom combined household violence with substance abuse, (see details in Northern Justice Society, 1990), have been aborted and, overall, the lack of funding sustainability for projects has meant that Pauktuutit-sponsored manuals and workshops have been usually 'the only game in town', apart from a few women shelters in the region. The strategies that have been published for women for dealing with spousal assault have been quite conventional, drawn from southern sources and, accordingly, lacking a distinctive Nunavut thrust (Pauktuutit, 1990).

There has been a number of interesting developments in confronting and dealing with this crime and problem in First Nations communities (Ross, 1993, 1996; Aboriginal Corrections, Hollow Water, 1997) which in turn has led to a number of relevant manuals for community actions (Oates, 1988; Williams-Louttit, 1996; Bopp, 1997, 1998). Indeed there a pervasive social construction developing there suggesting that the communities can deal better with these problems than the justice system can and that accordingly they should focus their effort on these serious problems rather than get bogged down in processing minor crimes that clog up the courts (Ross, 1993; Bopp 1997, 1998). While these First Nations programs have not yet demonstrated convincing success in dealing with offenders or reducing incidence, there is little doubt that in some instances they have galvanized the community, educated many residents on the problem and brought the issues of family violence and sexual abuse into public scrutiny. There has been considerable symbolic gain (i.e., the feeling "we can solve our major problems drawing upon our own resources and traditions") and a growing literature is available on strategies and techniques

(Bopp, 1997, 1998). At the same time there is much scepticism and valid criticism concerning their programs, such as whether the focus of such initiatives in reality is more on the offender, and perhaps the community, but usually not the victim, whether these programs should be seen as alternatives or supplements to justice system sanctions, and so forth (Crnkovich, 1995; Goundry, 1997). One female informant contended that "women have been silenced because in the communities there is such a strong political agenda to support this kind of initiative that women are not permitted to speak up ... coerced into these processes ... they're in a worse position than they were with their cases in the criminal justice system". The issues are many and complex (Burford, 1996) but it would appear, as leaders in the aboriginal women's movement have argued, there is a need to emphasize prevention first and foremost and that means emphasizing the larger political struggle for gender equality, changing accepted 'traditional' values or reinterpreting tradition, and doing something about the criminogenic conditions that produce such a large number of abusers (Pauktuutit, 1991; Nahanee, 1993; Canada, RCAP, 1993; Pauktuutit, 1995).

While one finds much similarity in the literature and manuals on these problems across northern and southern Canadian women's advocacy groups, a major difference is the emphasis on community and the restoration of the 'caring community' in the case of First Nations and Inuit groups (Krawl, 1994; Status of Women, NWT, 1997). There is a social construction centred on colonialism as throwing family values and gender relations out of balance (Pauktuutit, 1995) or at least an emphasis on changing values and gender relations in a general sense, rather than on individuals' pathologies (Task Force on Spousal Assault, 1985). There is some mention but not a detailed and analytical focus on the abuser, again typically the young adult male. Recent research in Canada has found that spouses are most at risk when the female is working for pay and the male is not, and is found least when both are employed outside the home (MacMillan and Gartner, 1996). This finding may be generalized to posit a high risk situation, under existing cultural beliefs and norms, where the female has the financial resources, whether pay or government support, and the male is at best a minor provider. It suggests that abuse may have much to do with great tension in gender and family relations, a function of colonialism and subsequent socio-economic patterns which have profoundly affected male social status, identity

and self-esteem.

As noted there is some consensus that current ways of dealing with alcohol and substance abuse in Nunavut are not satisfactory. Community controls for alcohol purchase are in place outside Iqaluit but apparently of limited value in reducing abuse (Wood, 1997). There are centres in many communities providing at least some service, educational if not rehabilitative, for alcohol and other substance abuse (Health Canada, 1995) but without impugning their value it may be noted that no specific program appears to have been celebrated for its achievement or even its promise (Whitehead et al, 1998). If alcohol abuse and other substance abuse is seen as a primary problem and not merely as a symptom of underlying ill-health, it would be good policy to give it priority and to develop a concerted preventative approach at the individual, community, marketing and justice levels (Whitehead et al, 1998). From this perspective dealing with substance abuse is a prerequisite for community development and the creation of an appropriate justice system. There is some support for this model in the experience of aboriginal communities such as among the Nisga'a and in Grassy Narrows (Northern Justice Society, 1990). Also, there has been among First Nations in recent years a number of acclaimed rehabilitative programs emphasizing an holistic and 'traditional' spirituality approach (Nechi Institute, 1995; Hazlehurst, 1997). It is not yet clear how effective and efficient such programs are -evaluations have been few and inadequate - though it seems they have transformed some persons not reached by conventional programs such as A.A. In Greenland where the Inuit experience similar scale crime and social problems as well as alcohol abuse, some researchers have suggested the solutions to be creating new attitudes and norms about drinking, and assisting people to cope better with the pressures causing alcohol abuse by teaching target populations other ways of resolving conflicts (Larsen, 1992).

Dealing with alcohol and substance abuse via holistic therapy, and developing cognitive and empathy skills may be effective reactive strategies, and could perhaps create role models and set the stage for structural and cultural change that would impact on the social and economic conditions underlying such abuse. A case can also be made for dealing as well with the social, cultural and economic conditions that are associated with the substance abuse. From this perspective it would be important to identify the major grouping responsible for the behaviour,

understand the factors predisposing them to behave in that fashion, and attempt to change these conditions. In the Nunavut instance a strong case can be made that the chief problem group (though certainly not the only people who drink to excess) is the young adult males and that social policy should focus on the overwhelming problems that they have to cope with.

Young Adult Males

The adult rate of violent crime in the Nunavut area, as noted above, is greater than in First Nations communities which in turn is much higher than in Canadian society as a whole. Interestingly, it appears that when only adult males are considered, the First Nations' and Canadian rates of violent crime are more similar to each other even while the former remains higher (Kowalski, 1998). Clearly, then, it is the comparatively huge differential among females that accounts for much of their difference. In the case of the Inuit and Nunavut, indirect evidence from Nunavik (Inuit Justice Task Force, 1994) suggests that few adult females are charged with violent crimes. Unfortunately data are not available on precise gender and age rates of either criminal charges, convictions or imprisonment for Nunavut area residents; however, informants and one publication (Office of the Interim Commissioner, 1997) report that few young offenders are now being processed in the Nunavut courts and no report or informant referred to adult female Inuit criminality there as a major issue. Evans et al (1998) indicate that there are less than fifty young offenders in all three NWT correctional institutions and, combing through their figures, it appears that in 1995 there may have been four or five Nunavut area Inuit female inmates out of an area inmate population of one hundred and seventy-two. These authors virtually always refer to male prisoners and their figures suggest a rate of incarceration for young male Inuit adults of a huge 3000 per 100,000. Given that the overall Inuit rate of violent crime is much higher than among First Nations and given that Inuit women are infrequent offenders, it may be concluded that the rate of violent crime among Inuit adult males is, in comparison to First Nations and Canada as a whole, so phenomenally high as to compel analysts to focus on their social conditions. A similar set of patterns exists among Greenland Inuit and the rate of violent crime there has been characterized as "rivalling notorious cities such as Detroit" (Larsen, 1994).

There also seems to be a very extensive pattern of young male Inuit adults harming themselves as well as others. Among First Nations, it may be noted that Indian males have much higher suicide rates than either Indian females or Canadians as a whole (see Whitehead et al, 1998). For Indian males, the premier age for suicide, in terms of five year intervals, is, by far, the twenty to twenty-four category, whereas for females no particular age category stands out, while for Canadians as a whole the premier age categories for suicide are seventy to seventy-four and seventy-five to seventy-nine. It appears that the high rate of suicide among Inuit is especially due to the high rate among young adult males. Data were obtained for the period January 1997 to August 1998, and in less detail for 1994-95, from a justice official in Iqaluit. In 1997 there were twenty-six suicides (mostly by hanging) in the Nunavut area, of which twenty were males and virtually all these were young adult Inuit males between eighteen and thirty-four years of age. In the first seven months of 1998 there were eighteen suicides (mostly by hanging) in the NWT and seventeen of these were in Nunavut. Fifteen of these eighteen suicides were males, and, with one exception, the ages ranged from eighteen to early thirties. The median age for suicide in both years was twenty three. In both 1997 and 1998 the suicides took place across the Nunavut communities and were not disproportionately located in the regional centre of Iqaluit. If one calculated the annual, age-specific suicide rate for young male Inuit adults over this period, it would be, in conservative estimates, about 500 per 100,000, which compares with a rate of roughly 35 per 100,000 for Canadian males aged twenty to twenty-nine, and 165 per 100,000 for First Nations males aged twenty to twenty-four. The data for 1994-95 is consistent with these patterns. Again the pattern is also similar for Inuit in Greenland where Thorslund (1992) argues that suicide may be seen as a culturally valid response to overwhelming problems and is particularly high among young males who, as a social category, have weak occupational position and low status prospects. In sum, then, the evidence suggests that young adult Inuit males in the Nunavut area, to an exceptional degree, commit violent acts either against other persons or against themselves (i.e., suicide).

These patterns of serious violence on the part of young Inuit adult males have clearly proved to be persistent rather than transitional, and have been quite resistant to the ameliorative strategies that have occurred in the justice system serving the Nunavut region over the past

twenty years (Finkler, 1982; Condon, 1990). What are the "overwhelming problems" in Thorslund's words (1992) with which they have had to cope? In a general sense the argument has been, to use a Pauktuutit (1993) expression, that colonialism has thrown values and relationships out of balance. Researchers here and in Greenland have emphasized deep personal crises for young adult males whose family, work and provider roles have become problematic (Brody, 1991; Larsen, 1994). As Welsman (1976) indicated a generation ago and has been reiterated by others since (Irwin, 1988), young adult males, in significant number, have become neither successful in traditional roles (i.e., hunter / provider) nor in modern roles (i.e, educated / wage earner). They lag badly behind their female counterparts in educational attainment; for example at a recent 1998 graduation at the post-secondary Arctic College at Iqaluit only six of the seventy-four graduates were males (personal interview). Employment in more traditional economic activities has virtually dried up with the collapse of the fur and seal economy (Wenzel, 1991). Indeed, apparently there has been only modest employment of any kind (Condon, 1990; Office of the Interim Commissioner, 1997). Wiley (1991) has argued that stress is associated with inadequate performance of behaviours that confirm salient identities, and for young men, across social strata, work is the salient identity. She argues that insofar as the male is unemployed vis-a-vis a spouse, high stress would be expected, and stress would be even greater if the male was both unemployed and had no family identity. The complex interplay among work, gender and sexuality has been described by Guemple (1986) for traditional Inuit society and clearly there is a complex interplay taking place in contemporary Inuit life. The young Inuit male adult's dilemmas have had major negative implications for gender relations, internalized expectations and self-esteem.

The liberal welfare, capitalist society channels its family support through the female and disparages the unemployed male whether in the Arctic or in the inner city. The focus of social policy and the progressive rehabilitative thrusts of the justice system in such societies are usually on youth and this is true also in the Nunavut area where few young offender cases reach the courtroom and youth have a comparatively low rate of violent crime (Office of the Interim Commissioner, 1997). Solutions to the dilemmas and pressures of youth are rarely cast in terms of major macro-level social and cultural change but rather in terms of socialization processes,

mentoring, identity and role models, and the like. The conditions facing young adults are different from those facing youth. They involve family and work and social standing in a different way and thus a problem-free youth is no guarantee of a problem- and stress-free young adulthood. Apparently, there remains among Inuit a strong male role model who provides a basis of identity and pride against all the disparagement of colonialism and modernity, namely the 'Inumarit', the Inuit hunter and competent man of the land (Brody, 1991). Testimony to its appeal is the comment made by one Inuit leader at an ICC conference, that "the Inuk is the hunter-man par excellence" (Editors, Arctic Policy, 1985). It is not clear how salient this role model is for young Inuit adults but one senses that it would be difficult to attain in contemporary conditions. Just as Inuit women are not going to retreat into the home and assume traditional roles, so too, the young adult males are not going back to the land. The opportunities provided in a revitalized seal industry, as noted early, seem quite limited, and the growing population strains the apparently limited Arctic resources. The Inumarit role model has to be reconfigured in the light of the different economic imperatives and the discounting of the survival challenge to which it represented such an appropriate response. Focusing on the young Inuit male adult from a policy view in order to reduce their "overwhelming problems" would seem to involve, among many other things, developing new, valued and realizable conceptions of male work and family roles appropriate to current socio-economic conditions, perhaps re-inventing tradition to emphasize valued male roles in communal problem-solving, mentoring to the youth, voluntary work and the like. Clearly there has to be a lot more understanding of, and social policy directed at, the young Inuit male adult.

The above comments should not be interpreted as slighting, in any way, whatever social policy attention and resources are directed at women and children. As noted earlier, there is scant resources and rehabilitative programming available for these persons who are the victims of male assault. At the same time, it is important to locate the source and site of the crime and suicide problems and to get to its roots in order to deal more effectively with prevention in the first instance. In contemporary China it is the young female adults who commit suicide in disproportionate numbers and that directs us to cultural and socio-economic factors that oppress women. In the case of Nunavut it is the young adult Inuit males, many of whom are married

(Evans et al, in their 1998 report, note that there is a much higher proportion of married men among NWT inmates than there is among inmates in other Canadian jurisdictions, namely forty-three to twenty-four percent). Many of these males, by all accounts, are striking out in all directions, are underemployed, have considerable unresolved anger, and have developed anti-social coping strategies. Solutions, as suggested above, will not come easily but, perhaps with Nunavut, new symbolism and opportunities will emerge. And within the criminal justice system, it will be argued below, new strategies, such as restorative justice, will depend on leadership and collaboration by the females and other community members victimized by these same young adult males.

There is an extensive academic literature that may provide insight into the problems of the young Inuit men. Research by Hanson and associates (1997) have identified the major correlates of abusive behaviour as, on the abuser's part, anger and subjective distress, deep dissatisfaction with oneself and one's intimate relationships, and concern that one's partner is interested in other men. Other studies have accounted for male violence in the inner cities in terms of strategies developed to compensate for low social status prospects and inability to support families (Newburn, 1994). Sociobiologists would argue that young adult males are at their peak capacity for violence, and when they are unable to attract female attention because of status disadvantages in the gender relations or because of their low status prospects, they become frustrated and violent towards others and themselves. Most sociological or anthropological writing purporting to explain crime and social deviance in the Arctic have emphasized either a theory of structural strain (creating status and self-esteem problems) or cultural transformation (e.g. disparagement and weakening of traditional social control), both associated with colonialism and its transformation of power relations. Unfortunately one searches in vain for any research on the situation of contemporary young Inuit men, their economic activity, social supports, gender relations, hopes, dreams and frustrations.

Conclusion

In conclusion it can be argued that dealing effectively with crime and social problems in

Nunavut means, in particular but of course not exclusively, focusing upon the problems of young adult males and the criminogenic conditions that generate those problems. As noted in numerous conference reports, simply putting more police in the community, elaborating upon current rehabilitative strategies, and reclassifying correctional institutions will be insufficient (Northern Justice Society, 1989). The RCAP hearings heard time and time again from grassroots leaders and residents in the region that problem-solving rather than reaction and punishment are required, and that the agent of change should be the community (Canada, RCAP, 1992). Inuit organizational spokespersons, representing Pauktuutit and the ITC, have emphasized the need to get at the socio-economic roots of crime and social problems (Canada, RCAP, Fourth Round, 1994) and the research directorate of RCAP has emphasized the community as the vehicle for healing (Canada, RCAP, 1993). In emphasizing community and civic culture it should be noted that a major social problem that emerged from the hearings, academic research, and Inuit writings has been the wide generational gap and conflict in Nunavut. Some members of the older generation have described the younger one as "out of control" (Peryouar, 1997) and observers report that elders frequently have attempted to use the police to exert their own authority in the family (see below). There appears to be significant frustration caused by the combination of different generational values and traditional patterns of communication and of non-interference especially with others' family members (Ivanitz, 1990; Uviluq, 1990; Department of Justice, Inuit Visions, 1997; Nunavut Tunngavik, 1997). Both research (Griffiths, 1995) and RCAP hearing (Canada, RCAP, 1992) depict the elders as quite marginalized in contemporary Nunavut society. Much effort and what MacDonnell (1995) refers to as "community conversations" will be required to overcome divisions and meld divergent viewpoints if these small Arctic communities are going to be the vehicles for effecting a new Nunavut justice system.

JUSTICE SYSTEM SECTORS

In this section current patterns, emerging developments and possibilities for change are briefly discussed, with most attention being on the policing sector since materials on the courts and corrections were sparse. In Footprints 2, the Nunavut Implementation Commission laid out a series of recommendations for Nunavut's justice system. These recommendations have subsequently been seconded with very modest modification by the Nunavut Tunngavik Inc (1997). The desired system calls for a community-based model, diversion for less serious offences, developing alternatives to incarceration, greater use of Inuit tradition and customary practices, a unified court system with a resident judiciary, an Inuit-sensitive RCMP policing and, ultimately, a largely Inuit-staffed police service, and imaginative efforts to close the generational gap and create a strong community consensus on procedural if not substantive grounds of justice.

Policing

“The problem is too big and complex for the police alone to deal with; nonetheless, they must become part of the solution” (Griffiths, 1995)

Policing in Nunavut is carried out by the RCMP as it has been for decades. Until the late fifties, and even later in some Arctic communities, the RCMP had a very broad policing role, providing many essential services to the Inuit, maintaining a registry, responding to diverse needs and so forth, in addition to enforcing the law and fighting crime (Clairmont, 1963; Jenness, 1964; Finkler, 1976; Wood and Griffiths, 1998). As the federal government's role expanded in the Arctic and social agencies got established in the area, there was a truncation of this police role to that character typical in the rest of the country. Nowadays there is a more restricted RCMP policing role in place - basically law enforcement and crime fighting in the conventional, incident-driven mode but with additional regulatory responsibilities with respect to matters such as firearm licences and drivers' licences (Wood and Trostle, 1997). Conventional RCMP policing

has been criticized even while residents have exhibited a high level of dependency on police for basic community peace and order (Praxis, 1995). A recent assessment of police-citizen relations, sponsored by the RCMP, found that residents in the Nunavut area wanted a new relationship with the police, a new pattern of police-resident interaction and a more proactive style of policing. The RCMP, with many celebrated exceptions (see also the examples referred to in Pauktuutit, 1995; Wood and Griffiths, 1998), were characterized as aloof, looking down on the residents, uninvolved in the community, and not sensitive to Inuit concerns to have a more family-oriented policing rather than one oriented to individuals and legal rights, which is the RCMP and indeed the mainstream policing style. The fact that very few RCMP officers could communicate in Inuktitut was also seen as a shortcoming (Qitsualik, 1995). It is interesting that the Nunavut area residents also wanted faster response to their calls for service and round-the-clock service. Clearly their demands and expectations in the area of policing are very extensive. There would appear to be a high dependence on formal controls embodied in external agencies for maintaining peace and order in these small Nunavut communities (Peryouar, 1997), perhaps the legacy of colonialism, or better, the combination of traditionally weak constraints and the impact of colonialism (Graburn, 1969/70).

As a police service the RCMP is committed, formally, to community-based policing and to restorative justice in the guise of family group conferencing or community justice committees. A leading RCMP spokesperson recently commented at an Iqaluit conference that "keeping people out of jail" is the basic RCMP philosophy in Nunavut (Office of Interim Commissioner, 1997). Interestingly, this formal mandate is much broader than the RCMP had more than a half century ago, but, in practice, it could be argued that the actual mandate or behaviour of RCMP was more like community-based policing in those earlier times (Head, 1989; McLaughlin, 1997). In any event, these two hallmarks of today's progressive police organizations, community-based policing and restorative justice, could have significant impact for two major objectives of Nunavut, namely empowering the local communities and facilitating Inuit impact on the philosophy and practice of the justice system. They could go a long way, it would seem, to meeting the criticisms outlined in the Qitsualik report and reiterated elsewhere (Crime Panel on Violence Against Women, 1993). At the same time it must be acknowledged that the

community-based policing philosophy in modern Canadian policing has become more an official morality than a pervasive actual practice (Clairmont, 1991). And numerous inquiries into policing have established clearly that culturally sensitive policing is difficult to achieve given police subculture, organizational characteristics (e.g., hierarchy), and institutional linkages (Sunahara, 1992).

Nunavut can be characterized as a comparatively high crime area with a significant problem of social disorder, which suggest both ineffective community controls and a largely reactive criminal justice system. In particular it features serious violent crime committed by young male adults for whom there appears to be little effective deterrence in place (Clairmont, 1998). The high level of crime, its serious nature, and the small and widely dispersed RCMP detachments in the Nunavut area make the commitment to progressive policing an especially formidable challenge. Both community policing and diversion (i.e., as embodied in community justice committees) are often quite time-consuming and require skills and training additional to what is provided in the conventional police academies. Currently in the Iqaluit RCMP sub-division, which has responsibility for Nunavut's most populous region (Baffin Island and a few other areas), there are typically only one or two officer detachments for the communities outside Iqaluit (Seagraves and Associates, 1996).

Apparently, in many if not most Nunavut area communities, community justice committees have been funded and organized by GNWT's Community Justice Division with some collaboration with the RCMP. There has been much diversion of youth offenses (Office of Interim Commissioner, 1997); as well, in some communities, crime prevention projects have been launched by local community committees. It appears that the community justice committees have operated largely on a 'panel model' wherein several community residents meet with the offender and determine the appropriate disposition or sentence. Although some of the training provided by the RCMP has emphasized the use of the family group conferencing approach (see Bazemore and Griffiths, 1997) there have been few if any community justice committees that have used that model for diversion. Unfortunately there are no reports or evaluations available so neither the frequency of the types of diversion nor their effectiveness can be specified. There is little programming directed at the major offender grouping, namely the

young adult males. There is some information from published reports and interviews that there is a heavy dependency upon the local RCMP to maintain peace and order and that it has been difficult to get Inuit residents involved in committees and police partnering (Griffiths, 1995); indeed it has been reported that in some communities residents fear when the local RCMP member leaves for a short time for vacations and the like. And RCMP members in the area have indicated that they do not have the resources to meet the many diverse, high expectations, expectations that in their view, significantly exceed those "in the South" (Qitsualik, 1995). The relatively high police to population ratio (one officer per 280 residents in the Iqaluit sub-division) would seem to preclude any significant increase in officer complement.

There are a number of ways that the RCMP as an organization can position itself to be more responsive to Inuit concerns (see Head 1989). There would appear to be several specific strategies that can be considered in order to facilitate the kind of policing, represented by community-based policing and community justice committees, which is desired by residents and which would go some way towards achieving local influence in the justice system. Serious thought might be given to extending the apparently successful Community Constable Pilot Project (CCPP) which has been implemented in Coral Harbour (Seagraves et al. 1996) and in other NWT communities. This program entails hiring local residents on a part-time basis to back up the RCMP in one or two member detachment and to liaise with the community residents in their own language. A similar and apparently successful program in the NWT (the CCTP) has been spawned with a focus on local ordinances or by-laws. In Greenland the system of regular and special officers, most all of whom are Greenlanders, appears to work quite well and the police there exercise a very broad policing mandate relating to expansive policing and security concerns (Northern Justice Society, 1992). There has been a minor problem of officer turnover in Greenland and this problem may well occur in Nunavut. However, it is important to note that RCMP officers turnover too in the sense of getting regularly re-posted after a few years; as one Inuit commented "policing policy changes when personnel changes, as the new officer will bring in a different policy" (Interview, 1998). Moreover, as community residents take responsibility more, and policing and security become defined as intrinsic to community civic culture, it might well be that the pressures causing turnover among Inuit will decrease. There are, in sum, a range

of police organizational options that could be considered (see also Dube, 1995) especially in the short-run where the prospects are poor of hiring Nunavut residents as full-time regular officers. Of course the latter should be considered a long-term strategy as many Inuit organizations have demanded (Nunavut Tunngavik, 1997), and, in order to realize this long-term goal, the RCMP might have to supplement its existing progressive policies of aboriginal recruitment (e.g., pre-recruit training as in the Inuit Development Program) with programs directed at youth and high school students.

Apart from recruitment and staffing, short-term or long-term, there is the issue of the style of policing that will encourage partnership and community empowerment. Clearly a problem-solving type of policing, and one that interprets its mandate in conjunction with Inuit value emphases, could be such a policing style. As Griffiths et al (Praxis, 1995) have indicated, police may have to exhibit more leadership, inviting community input through regular community accountability sessions, open-line radio (a major communication strategy in the Eastern Arctic) and so forth. Police stewardship with respect to crime and general social disorder must become more transparent if it is ultimately to transfer much responsibility back to where it belongs - the local community.

On a more general level the strategy would seem to be to encourage the growth of a strong civic culture, a higher level of community activism among residents, and a recognition that policing and security are part of the community institutions, and only in limited ways represented by the police with their monopoly on the legitimate use of force, and their skills and authority for dealing with offenses. Presumably a strong civic culture will ensure that the local community "plays a central role, not only in monitoring and contributing to what police do, but in taking direct responsibility for policing" (Brogden and Shearing, 1993). Police-community partnership would imply a active community response. This would not only mean more volunteers to work with police on various committees, but also regular accountability sessions where policing and security concerns are addressed and there is discussion with the police on how they fit in with the overall community approaches. Hopefully there would be less social disorder and public mischief for police to respond to because the community has assumed more responsibility. Clearly, in the short run at least, more resources would have to be allocated for

training and education of residents, as has been necessary in other aboriginal communities that have seized the leadership in policing and security (e.g., Aboriginal Corrections, 1997). There are other strategies too. One way to spawn that civic culture might be to encourage residents to learn about policing at the same time as police are trained to provide a culturally sensitive style of policing; such a dual path model has been successful in other jurisdictions (Clairmont, 1996). It may be argued that civic culture is an assertive style and that Inuit shun confrontation and are culturally predisposed to non-intervention and personal autonomy. While this characterization finds support in the anthropological literature (Hoebel, 1964; Graburn, 1969/70) and in indigenous knowledge, one can also find support in both sources of knowledge for the conception that Inuit traditionally did have public confessionals and confrontation (e.g., song duels) and that they have always exhibited a celebrated pragmatism and experimental perspective (Briggs, 1991; Mitchell, 1996), characteristics that should hold them in good stead as they move from colonial status to self-government.

Courts and Case Processing

The fundamental criticism of courts and case processing that emerges from research and position papers is that courts and the prosecutorial process are still deemed to be too remote and difficult to comprehend or appreciate by Inuit in Nunavut. Remote control by circuit courts and an alien technical / bureaucratic / professional case processing logic, so well depicted by Barger (Barger, 1980) in describing the first full-fledged court trial ever held in Nunavik, are still cited as major problems by Inuit spokespersons and academic researchers (Inuit Tapirisat of Canada, 1994). And this is despite the fact that, additional to extensive educational and media enculturation, over the years there have been significant improvements and major efforts to accommodate these aspects of the justice system to Inuit sensitivities and realities. The circuit court system has responded to criticism by segmenting prosecution and defence teams (e.g., they no longer act as an ensemble in scheduling arrivals and departures), and spending more time in the local communities. Local justices of the peace (JPs) have been appointed for virtually all communities and most of these persons are Inuit (Inuit Justice Task Force, 1993; personal interviews). Some JPs with additional training can be appointed 'level three' which allows them

to conduct trials for summary offences and hold show cause (bail) hearings as well as, like other JPs, issue warrants, searches and so forth (personal interviews). Legal service centres have been in operation for some time, especially in the Baffin region, and these have provided both legal aid and courtworker services. Some judges have exhibited considerable flexibility in court procedure and sentencing dispositions (Northern Justice Society, 1989; personal interviews) thereby following in the paths of the celebrated NWT jurists Sissons and Morrow (Morrow 1984; Morrow, 1995). In more recent years there has been some encouragement of community participation, such as through the use of elder advisors sitting beside the judge hearing a case in communities such as Cape Dorset and Pond Inlet (personal interviews); unfortunately no evaluation has been published assessing the impact of these initiatives. In comparison to their own situation, Nunavik leaders have referred to these segments of the Nunavut justice system in glowing terms for local input, and Inuit-sensitivity and accommodation (Inuit Justice Task Force, 1993). Data indicate, too, that charges are processed expeditiously despite the circuit court structure (in fact more expeditiously than in most provinces) and that the court system has been well administered (Office of The Interim Commissioner, 1997).

Still, despite the above changes, there is little doubt that the court system focuses upon a narrow range of considerations, on justice issues not social issues, and on adjudication not integrative problem-solving. Judicial flexibility and cultural and community sensitivity in procedure and sentencing disposition have been modest and the practices and impact not apparently subjected to any formal evaluation. The idea, articulated most clearly by judge Morrow, of utilizing jury trials as a way of getting Inuit input ran afoul of Inuit traditions of non-interference and especially the fact that jury trials proved to be quite rare. As noted earlier, there is a comparatively high rate of offences against the court in Nunavut which suggests estrangement and/or indifference to its sanctions. Moreover, the high levels of crime, incarceration and recidivism, along with major local controversy over putatively lenient sentencing practices (Pauktuutit, 1991) have led many Justice officials and Inuit leaders to call for a new strategy and a new orientation to justice issues (Office of The Interim Commissioner, 1997). There is a major concern to bring the court and case processing closer to the community which is in line with general governmental policy for aboriginal peoples (Sentencing Team,

1992) and also, perhaps, to have a more effective impact on the underlying problems. Reports indicate that the legal services centres in the Arctic which provide legal aid and courtworkers, while obviously performing valuable services for clients, have had limited impact on the community since they usually have a large caseload, little traditional character and little community participation (Northern Justice Society, 1992).

It may be noted that in Greenland a much more decentralized, community-based model of justice delivery featuring lay judges provided with some training who handle a wide range of criminal cases, and the presence of lay assessors at all levels of the court structure, was set up partly as an explicit alternative to the Canadian circuit court model (Northern Justice, 1990; Jensen, 1992). The Greenland system has emphasized non-incarceral dispositions (or 'night jail' sometimes) even for serious indictable offences. Over the past decade or so, the Greenland court system reportedly has not proven any more effective than the Canadian system in Nunavut in reducing crime and recidivism, and the justice system there also has had to deal with escalating rates of serious violent crime. The Greenland system has been shifting more toward incarceration and legal centralism (Schechter, 1983) but apparently the strong sense of local, community ownership remains.

A number of changes are being proposed for courts and case processing in Nunavut. These include the creation of a single tier (combining territorial and federal courts), unified (combining criminal, family and civil courts) court system. Such a system has certain technical problems such as in the structure of appeals (Department of Justice, 1997) but it has many advantages in terms of costs, efficiency and community comprehension. Its biggest advantage may well lie in the symbolic sphere in bringing justice closer to the people (Office of The Interim Commissioner, 1997). As a Pauktuutit publication observed (1995), justice in Inuktitut is defined as "people who deal with the court", so bringing the court closer to the communities and simplifying its structure may be a very positive change. In October 1998 the federal Minister of Justice introduced legislation to set up a unique one-level court system in Nunavut, to be staffed by the territory's three resident judges; appeals will continue to be handled by the Alberta Court of Appeal. There are other strategies for moving the courts closer to the community and facilitating comprehension and exchange, that might be considered, such as the New Zealand

"talk court' model where, in a less formal atmosphere with relaxed rules, people can talk about an incident and the judge can discuss with them the legal implications and possible case processing scenarios (Van Ness, 1997).

The JP system in the Nunavut area has grown over the years and has provided much opportunity for community input and sentencing flexibility. It is not clear however how it has worked out in practice though it does appear that a good proportion of these part-time and contingently-active appointees (appointed in effect without a termination date) are not active. Apparently very few JPs have involved the community as such in their activity. No evaluative or academic studies could be located and/or accessed, but a few key informants suggested that the JP jurisdiction remains quite limited and that imaginative and community-salient procedures (e.g., circle discussions) and dispositions (e.g., requiring one to hunt for food for elders) have been uncommon (personal interviews). It does appear that in a unified, single tier judicial system there would be significant 'downloading' to the JP level (e.g., preliminary hearings, family and civil cases) so the role of the JP could be much elaborated and could effect a justice delivery closer to the community. In the event of this development, it would appear that there would have to be more training given to JPs and more concern about conflict of interest, perhaps, too, having several JPs handle certain cases as has been done infrequently in the past. In the October 1998 announcement referred to above, it was noted that the new system will provide for additional training for JPs so that they could perform preliminary hearings and hold certain trials for summary offences.

Among other possible changes advanced to effect, at the court and case processing level, an efficient and effective justice system, that Nunavut residents will call their own and which will be oriented to their values and social realities, are changes in the role of the courtworkers, in the delivery of public legal education and in the organization of prosecutorial services. The courtworker role throughout Canada has been quite problematic concerning its scope (e.g., courtworker or justice worker?) training requirements, and funding arrangements (Clairmont, 1992; Campbell, 1995). Similar controversies have reigned about the role in the Nunavut region (Northern Justice Society, 1989, 1992). It would require considerable skill to be a courtworker for persons charged with crimes and at the same time provide public legal education for all.

Centres for legal services would presumably face similar challenges in serving defendants, victims and the communities simultaneously. It is not clear how well that is being done at the present time or whether the arrangement of having all three services together is a wise one.

As justice gets closer to the community and prosecutorial discretion increases, there are clear concerns about equity and political interference, more so it might be expected than in a more 'foreign' system that was indifferent to community social standing and economic clout. Given that situation, and given the increasing stratification within Inuit society (Mitchell, 1996), as well perhaps as the more resident, single tier court system, there appears to be much merit in the strategy of organizing prosecutorial services along the lines of the Nova Scotian Office of the Independent Public Prosecutor (Office of The Interim Commissioner, 1997). That IPP model was developed in Nova Scotia in response to issues of political interference and favouritism in the decision to prosecute cases, that were highlighted in the Royal Commission on the Wrongful Prosecution of Donald Marshall Jr (Hickman, 1989); with respect to those issues, it appears to have worked well in the past decade.

As a result of the establishment of GNWT-funded community youth committees (now often re-named community justice committees), there has been extensive diversion of youth offences from the court processing system in recent years - some judges have indicated that nowadays they see very few youth cases in their Nunavut-area courts (Office of The Interim Commissioner, 1997). Along with these diversion panels (staffed by adults who receive an honorarium for their participation) has been the utilization of outpost camps for young offenders. While on the whole receiving the support of Inuit organizations (Inuit Tapirisat of Canada, 1994), it is not known how well the youth diversion system has worked. Evaluative research by Evans et al (1998) indicates that youth offenders account for only a small number of inmates in the three NWT correctional institutions but they have no data on the effectiveness of youth diversion nor on the outpost camps where the young offenders stay only from one to three weeks and presumably have an experience rather than undertake specific, formal rehabilitative programs. These authors do report mixed reviews on these programs at the community level and it has become commonplace among critics to refer to the outpost camps as "wilderness warehousing". Evidence from Alberta, which pioneered the youth justice committee model, has

been positive at least in terms of community response and preliminary evaluations (Nielsen, 1994). Interviews with informants about the Nunavut youth alternatives yielded a mixed response concerning how well they work and whether they 'rehabilitate' or properly direct youths. Diversion has been much less utilized (see below) for adult offenders and, as noted above, this is the major grouping accounting for serious crimes and high incarceration levels.

Given the policy imperative of reducing the high level of incarceration for Nunavut offenders, it is clear that case processing strategies, other than diversion which is aimed at youth and less serious offences, will be required. In other jurisdictions in Canada and the United States a variety of initiatives have been launched with some success at reducing incarceration. These include deferred prosecution and client-specific planning which allow the prosecution and the court to interpret an offender's commitment to change. While there have been problems of implementation and monitoring and few in-depth assessments (Nuffield, 1997), the initiatives promise to reduce incarceration (Bonta 1997) and are congruent with other non-incarceral strategies such as conditional sentencing. Initiatives such as these do, however, in practice, require more community involvement and community resources (including voluntary resources).

Other case processing strategies such as circle sentencing have yet to be implemented in any significant way in the Nunavut region. Justice officials and others elsewhere have been lauding these strategies not only for more effectively dealing with offenders but also for community development and revitalizing the civic culture (R vs Moses, 1992; Saskatchewan Justice, 1993; Arnot, 1994; Stevens, 1994; Green; Stuart, 1997). There have been sharp criticisms concerning the discounting of legal protections and the like (Edwards, 1992; Roberts et al, 1997; LaPriarie et al, 1997) especially in the light of unproven claims about rehabilitation, possible marginalization of victims, and the general lack of in-depth evaluation or research (LaPriarie, 1994). Strategies such as circle sentencing have also criticised for being alien to Inuit traditions and behavioural norms and inappropriate to incidents such as spousal violence, though one detects some resignation to this development in recent writings by critics (Crnkovich, 1991, 1995).

Overall, then, there are major developments happening with respect to the courts and case processing system in Nunavut and there is some promise of a more community-oriented system and one based on a different set of strategies. However it should be noted that the circuit court

model will still exist on a reduced scale and current flexibility may compare favourably with any new system put in place, as indeed has been found in other instances of such transformation (Feeley, 1983). Moreover, downloading carries some risk in terms of equity and political interference that have to be dealt with. A more community-based system may also require much more from the community and its residents, and may also require interim resources to assist that effort. An important issue too is whether the anticipated changes will better enable the justice system to get at the major problem of offending by the young adult males.

In comparison with the criminal justice system, civil and family courts, and associated case processing, appear under-utilized in Nunavut. There were no more than a handful of maintenance orders throughout the Nunavut area in 1997 and a modest number of child welfare and civil legal disputes (Office of The Interim Commissioner, 1997). In these respects the Nunavut area differed sharply from the Western Arctic; the latter is 50% more populous than Nunavut (and half of its population is non-aboriginal) but in 1997 it had nine times as many child welfare civil court cases and a whopping 137 times as many maintenance cases. It is unclear whether there are profound cultural factors at work or simply that little public legal education has been directed at these areas and no legal aid is available (personal interviews). The data suggest that there is little difference between young and middle-age Nunavut Inuit and Canadians in general in terms of values and orientations to divorce, dividing marital assets, and custody arrangements, though there are significant generational differences among the Inuit themselves (Ivanitz, 1990; Uviluq, 1990). With respect to family issues, the hub of most controversy is the issue of custom adoption. There is a very significant amount of custom adoption taking place in the Nunavut area (Uviluq 1990; Ivanitz, 1990; personal interviews). The courts over time have been accommodative to this practice, more so than professional social workers at least in earlier years (Morrow, 1984; Tester, 1994). Yet, while the courts adapted to this Inuit custom in procedures and rulings, it was not until 1997 that custom adoption was formally incorporated in NWT law (Malone, n.d.; personal interviews). There is disagreement on the implications of the practice for the children, specifically on whether children with this background are more likely to become offenders (Uviluq, 1990). There also appear to be strong generational differences concerning the procedures that should be followed and the conditions under which custom

adoption should be allowed. There is some resentment that family service agencies intrude on the wishes of family leaders and elders (Uviluq, 1990).

Clearly in effecting satisfactory solutions to these types of disputes it is important to establish a forum for dialogue among the conflicting viewpoints. Heeding tradition, without sacrificing screening and other unquestionably intrusive procedures that safeguard the child's interests, may be achieved through advisory committees which include elders and work closely with Inuit family agency professionals. Alternative dispute resolution in family and civil affairs would seem very appropriate to a community-based justice system but clearly it too will require greater community involvement and the enhanced civic culture referred to, often, above. At the same time as legal scholars have indicated, accommodation between custom and the formal modern legal system is much easier to reach in civil law than in criminal law (Haysom et al, 1987) so in this area of justice there could be more blend between the two systems.

Corrections

It is clear that the system of corrections faces profound challenges in the new Nunavut justice system. There is the widespread view, shared by Justice officials and Inuit spokespersons, that incarceration levels should be reduced, while at the same time there is a major serious crime problem in the area and strong support for less lenient sentencing practices. Data indicate that, as on the larger Canadian correctional scene, more and more pressure on facilities is developing, not so much because more offenders, proportionately, are being incarcerated but, in large part, because serious repeat offenders are, not surprisingly, being given longer sentences (Office of the Interim Commissioner, 1997). Also, even while the high rates of crime and incarceration tax Corrections' resources, there is also the imperative, shared by all parties, that rehabilitative efforts have to be more successful. Offenders return to their small communities, or at best drift to the modestly larger communities like Iqaluit; the serious offender population, like the Nunavut Inuit population in general, is largely immobile. In other words, they are not going away nor lost in the anonymity of a large city. There is some evidence that Nunavut's Inuit residents are quite forgiving. For example, in an incident reported by a surprised judge, an Inuk, convicted of a very serious assault in the community, received warm handshakes from virtually all residents on his

being escorted to the plane; another Inuk interpreted this action to the judge as saying to the offender "we forgive you, this is your community when you come back" (Northern Justice Society, 1992). The issue then is not one of people being unwilling to reintegrate offenders but of the effectiveness of therapy, of the offender's commitment and of the community's skills and capacity (personal interviews). The third major imperative for Corrections appears to be to become more a partnership with the local community (Inuit Tapirisat of Canada, 1994; Nunavut Tunngavik Inc., 1997), something that is congruent with Nunavut's theme of community empowerment, and with general Corrections policy (Schrimi, 1992).

There are a number of policy options that are being considered. One is to expand the recently re-classified medium security Baffin Correctional Centre so that more serious offenders can be incarcerated in the area. This presumably will allow for a wider and more effective level of rehabilitative programming. At present, CSC officials indicate that there are only modest services that they can provide Inuit inmates in the NWT or Alberta (Correctional Services Canada, 1996). Spending more of Nunavut's scarce resources on correctional facilities is obviously an unpleasant option but there may be long-run advantages and cost effectiveness. It would be especially worthwhile if accompanied by successful rehabilitative strategies. Currently, CSC has been exploring, for native inmates, pre-release transfers to 'healing lodges' and the use of 'releasing circles' (where the inmate meets with community members and/or others to discuss how to avoid past actions and future plans) to supplement continuing programs of holistic therapy and elder counselling as well as more generic programs such as anger management (Ingstrup, 1998). It is not clear how successful any of these continuing or new initiatives are nor is it clear whether they would apply similarly to Inuit offenders as supplements to current Inuit-sensitive programming such as the 'land program' at the Baffin Correctional Centre. The latter program has some affinity with the 'outpost camp' program which is being used for young offenders. Some Inuit leaders (personal interviews; Inuit Tapirisat of Canada, 1994) assess the outpost camps as successful and want to extend the program to adults, either in the context of diversion or as a correctional program. The Evans et al (1998) evaluation of corrections suggests that correctional institutions are seriously overcrowded and, given the heavy use of non-incarceral strategies, largely populated by serious, violent offenders. In their view the

correctional system is overwhelmed and unable to provide innovative and effective rehabilitative programming. Their study lacks in-depth data but it conveys well a pervasive critical and pessimistic community assessment of corrections. The evaluation provides no evidence for the effectiveness of any program; for example, the outpost camp, which at operating costs of \$142. per day per offender are only slightly less costly than the comparable custodial institution figure of \$165 per day, provide but a brief stay for offenders and critics refer to the program as “wilderness warehousing”. The authors capture the communities' frustration with alternatives to incarceration, fear of any Correctional downloading to themselves, and awareness that the problems are considerable and do not invite a quick fix. Evans and associates describe the lack of quality programming, the inadequately trained personnel, and the failure of corrections to effect accountability on the part of offenders; they call for major additional resources for facilities and staff training, conventional generic programming (e.g., anger management) and Inuit-sensitive rehabilitative initiatives, although here they provide few specifics.

Bringing corrections closer to the community, making it more community-based and community-partnered, has been defined as an objective of the emerging Nunavut justice system. Striking community panels to review and advise on parole and probation is one aspect of process. Developing alternative community models for reintegrating offenders would be another valuable kind of initiative where a central corrections issue (i.e., reintegrating offenders) could be examined well in the multiple-community Nunavut setting (see Part C, in section two of this report). Initiatives along these lines would seem to require considerable community resources, volunteering and commitment - and much community conversation and dialogue given the diversity of views on how to deal with offenders.

Although there are a number of potentially useful strategies to develop at the Corrections level which may reduce incarceration, improve rehabilitative programming, and bring corrections closer to the community, clearly the emphasis should be on preventative activities that reduce the flow of offenders, especially young, adult male offenders, into the control of the justice system. There does not appear to be any proven rehabilitative strategy and it is unclear what the results of greater community involvement will be, presuming that there is greater participation and taking responsibility at the community level. Bringing correctional facilities

closer to the community and developing culturally-sensitive programs are not new to Nunavut (Finkler, 1976, 1982) and thus far have not had much impact on the correctional imperatives set out above. As Nielsen argues in her discussion of native inmates. "control strategies are multiplying ... [but] only wide-ranging changes in society will have any real impact on native involvement in the criminal justice system" (Nielsen, 1990); an exaggeration perhaps but probably valid at its core and equally applicable to the Nunavut situation.

RESTORATIVE JUSTICE

Restorative justice is a major philosophical movement or social construction in contemporary modern society. Its central premise is that crime is a violation of people and relationships and that the task of the justice system is to repair the harm done to the parties and restore harmony to the community. Some key themes of restorative justice include the idea that the conventional justice system does not meet the needs of the victim, offender or the community, and that all of these parties have to become, as they were in earlier times, more active participants in justice. This type of philosophy or approach is deemed quite compatible with traditional, small societies, given their emphasis on restoration, harmony and community (LaPrairie, 1993; Depew, 1996). It does presume a certain level of communitarianism (Etzioni, 1993; Depew, 1996) since it requires interaction, activity, and collaborative problem-solving and accommodation on the part of community members. In the forefront of the restorative justice approach in Canada have been religious-based groupings such as the Mennonites and prison chaplains, aboriginal persons and groups, and Justice officials (e.g., police, judges, bureaucrats). It could be argued that, while sharing a common core, each of these groupings has a particular central thrust in its advocacy of restorative justice. The religious bodies have emphasized apology and forgiveness on a personal and interpersonal basis (Tavuchis, 1991). Justice officials and academics have emphasized effectiveness in getting to the root of the problem situation and dealing with it by harnessing the support of positive significant 'others' (Braithwaite, 1994, 1996). Aboriginal influences have emphasized more the community and its ownership of justice, both substantively and procedurally (Jackson, 1992). This latter position is understandable since many aboriginals have seen the conventional justice system as controlled by outside persons with different values and traditions, and as both overrepresenting them as offenders and inmates, and not effectively dealing with the crime and social disorder in their communities. For many aboriginal advocates, restorative justice is a way to reassert control over their lives, re-connect with certain values and traditions and rebuild their communities (Stevens, 1994).

Restorative justice ideas and practices were quite popular throughout the western world in the 1960s and 1970s, spurred on by religious bodies and social critics. Particular programs emphasized included community mediation, court-based mediation, and diversion of youths and adults for minor offences. By the 1980s most initiatives had faded and only programs closely connected to the justice system and seen basically as an arm of it, such as court-based mediation, survived (Merry, 1990). While the reasons for failure were many, the chief one was that the programs did not offer a significant and authentic alternative to the conventional Justice practices; offenders did not opt for them and they had little demonstrated impact on recidivism or other key criteria (Feeley, 1983); and they were not authentically community-based (Fitzpatrick, 1992).

Over the past decade or so, for a host of push and pull reasons, the restorative justice movement has been rejuvenated. In this new era a major stimulus has been pressure from the aboriginal communities for greater control over a justice system that would operate on somewhat different principles in their communities (Clairmont, 1996, Linden and Clairmont, 1998). The current restorative justice movement is more international than its earlier version and highlights mediation and diversion programs such as family or community group conferencing and circle sentencing (Saskatoon, 1995; Galaway et al, 1996; Church Council on Justice and Corrections, 1996; Bazemore and Griffiths, 1997). While the restorative justice programming is more institutionally rooted than in the earlier era and has spawned numerous manuals, guidelines and monitoring /evaluation strategies (see appendix C here and Part C: Other Materials in Part 2) it is still not clear whether it will be appropriately implemented and what its impact is for offenders, victims and others (Daly, 1996; also see appendix A). There is reason to believe that restorative justice may be most successful, and especially generate a community impact as well as an impact on offenders, in First Nations and Nunavut communities which are small, relatively homogenous, possibly more communitarian, and could draw on traditions as effective mobilizing myths (Church Council, 1996; Hazlehurst et al, 1997; Inlet, 1997). Nevertheless, restorative justice is a demanding Justice style which flies in the face of the larger societal emphasis on professional, bureaucratic processing of people and incidents, as well as the emphasis on retributive justice and the principle of 'just deserts' (Giddens, 1990).

There appears to be a substantial consensus among Justice officials and Inuit leaders that the Nunavut justice system should feature a restorative justice style. This perspective is indicated in government documents, conference reports and position papers (Nunavut Bar Association, 1996; Office of The Interim Commissioner, 1997). Department of Justice (Ottawa) guidelines and program handbooks for negotiating and funding in relation to aboriginal communities as a whole, explicitly indicate an expectation that community-based, restorative justice programming will be pursued (Aboriginal Justice Directorate, Guidelines, 1996; Aboriginal Justice, Handbook, 1997). There is some ambivalence to restorative justice programming, especially articulated by Inuit women who have been critical of (and formally challenged in Supreme Court) the too lenient sentences allegedly handed down in criminal courts and fear that restorative justice programs might be more of the same or worse. They note that the programs appear to serve offenders more than victims (Crnkovich, 1995; personal interviews). Certainly there is evidence that while restorative justice in principle highlights concern for victims, actual programming focuses more upon the offenders as 'clients' (Clairmont, 1996). At the same as Evans et al (1998) have reported there is considerable anxiety at the community level about any further restraint in sentencing, and a perception that residents may have reached the limits of their tolerance. They also found much worry about whether the community can assume the challenge of a profound restorative justice alternative and a fear that government may be off-loading problems without providing the communities with the resources they would need to meet the challenge. Nevertheless, virtually almost all reports indicate a consensus that the response of the criminal justice system has been ineffective and that something different must be considered. It is a tough request to make of victims that they take up the challenge of restorative justice but it may offer the best hope for reduced victimization. Also, Inuit and others often link restorative justice to other 'positives' such as community-based justice and to holistic solutions (Pauktuutit, 1993; Inuit Tapirisat of Canada; 1994; Nunavut Tunngavik, 1997).

Currently there are modest, though significant, restorative justice developments in the Nunavut region. All communities have community justice committees dealing largely with youth diversion (basically pre-charge diversion from court processing). These committees are funded by the GNWT and generate panels (not specifically 'elder panels') peopled by community

residents who conduct the diversion and who receive a modest honorarium for that task. A significant number of adults have received training related to these tasks though virtually nothing is published on the degree and adequacy of this training (Department of Justice, GNWT, 1997). Relatedly, there are outpost camps where youths diverted from the justice system -and other young offenders- are exposed to what might be characterized as the Inuit equivalent of First Nations' holistic rehabilitative programming since the emphasis has been, not on specific programs, but on providing an experience that can influence a person to re-direct his life or recapture balance and perspective. It is not clear whether there have been healing or sentencing circles in the Nunavut area though both have taken place among Inuit in Nunavik (Crnkovich, 1991; Lapage et al, 1997). As noted earlier, in Nunavut some judges have used lay advisors and at least one justice of the peace has used sentencing advisory circles on several occasions (personal interviews).

Restorative justice initiatives, such as family group conferencing, circle sentencing and victim-offender conferencing, would clearly require more community involvement and a more intensive interaction with offenders, victims and perhaps their supporters than is featured in the current Nunavut community justice committees and their diversion panels. There would undoubtedly have to be more volunteers and more training for community members. There are several issues that arise, such as the fit of such initiatives to Inuit culture and customary behavioural styles, the level of community resources and commitment required, and how that community involvement can be mobilized.

It is possible to find, in the literature annotated in this report, evidence of Inuit styles and customs that would suggest a poor fit to the demands of restorative justice with its interventionist ethos. Such styles and practices would include behavioural styles and norms of personal autonomy, non-confrontation and non-interference with others' children and other adults (Paine, 1977; Brody, 1991; Briggs, 1991; Peryouar, 1997) as well as a tendency developed in response to colonialism, "to leave it to the white man" (Graburn, 1969/70). On the other hand, reference can be made to traditional practices such as public confessionals and the use of ridicule, and dispute resolution customs such as song duels (Balicki, 1970; Hoebel, 1964) which appear quite compatible with the public 'confrontation' and interventionism of some restorative justice

practices. And some scholars (Schechter, 1983) have referred to the "arctic peace model" (emphasizing the restoration of harmony rather than punishment) as characterizing traditional Inuit society. And of course with the arrival of Nunavut "leaving it to the white man" becomes less tenable. Moreover, as Pauktuutit (1995) has argued with respect to some traditional values on gender relations, modern Inuit should not be imprisoned by stifling traditions or social constructions, and some values and customary practices need to be discarded. Also, it can be argued that custom is dynamic and subject to continuing re-configuration where it can serve as mobilizing myth for behaviour appropriate to current conditions. Experimentalism and pragmatism, according to some noted researchers, is characteristic of the Inuit (Briggs, 1991), an approach that fits well with the realization. as Giddens (1990) argues, "that tradition can be justified only in the light of knowledge which is not itself authenticated by tradition [so] tradition receives its identity only from the reflexivity of the modern". On the whole, then, it would not seem that there are profound barriers to the development of a restorative justice ethos among the Nunavut Inuit population even if that ethos entails interventionism and 'confrontation'. Moreover, on the pull side, some Inuit leaders have contended that the Inuit are much less likely to hold the 'crime and punishment equation' which makes a retributive philosophy more popular in Canadian society than a restorative one (Bayda, 1997).

Clearly the restorative justice practices in vogue, such as family group conferences and sentencing circles, do require considerable community resources. Even more resources and community commitment would be needed if, as seems wise, Nunavut adopts restorative justice as a philosophy to be implemented throughout the justice system and not just at the front-end, pre-charge and post-charge entry points (Department of Justice, Nova Scotia, 1998). As noted, a large number of Nunavut residents have received training in conjunction with the GNWT's program of community justice committees, but many more persons would have to receive more extensive and intensive training across Nunavut's communities if restorative justice programs were to become pervasive. Restorative justice programs would mean more involvement of different types of persons and presumably more serious matters would receive attention, and, as such, it would represent a major challenge for facilitators and other community participants. The much-heralded Hollow Water restorative justice program, focusing on the serious problems of

sexual assault and person violence, has entailed a program of training and education for most community members, a comparatively large paid staff and a much larger body of volunteers, a subset of whom are involved, for each offender, and sometimes the victim, in a number of circles spread over several years (Aboriginal Corrections, 1997). Of course Nunavut programming could be incremental in scope and subject to experimentation in the different communities but there is little doubt that restorative justice requires more of the community.

Mobilizing to implement significant restorative justice practice in Nunavut would seem to require a strategy that facilitates development while not being precipitous. Given the considerable disagreement about how to respond to family violence and sexual assault, many jurisdictions have deferred restorative justice programs in those areas until a greater consensus has been reached, and restorative justice has proven itself. But if restorative justice is a general philosophy and applicable to all parts of the justice system then it could be combined with incarceration (i.e., it could take place at the correctional level). A strong case can be made for not isolating or marginalizing restorative justice in one segment of the justice system but rather implementing it at all major levels namely policing, prosecution, sentencing and corrections. The presence of comparable, small, rather homogenous communities in Nunavut makes the area ideal for exploring alternative restorative justice programs that may be particularly suited to particular community conditions at a given time (e.g., a community consensus, available participants); thus there could be 'model' communities which explore restorative justice policies in different ways, ultimately to the benefit of all Nunavut and Canada. 'Myths' or integrative social constructions that could facilitate the mobilizing of community effort and the development of a special style of justice in Nunavut might well focus on celebrating 'the arctic peace model' (Schechter, 1983) and the Inuit's long-standing involvement in co-operatives (even if in the latter case there has been little internalization of the co-operative ideology according to Mitchell, 1996).

There is much reference to the role of elders in traditional Inuit justice and to the re-establishment of a major role for them in the emerging Nunavut justice system. Whatever the role of elders in dealing with disputes in traditional society (Inlet, 1997), there is little question, as noted above, that nowadays there is a significant generation gap (Uviluq, 1990) and that elders often are, and perceive themselves to be, marginalized (Canada, RCAP, 1992). A

comprehensive research program in Nunavut has recently concluded that it would seem foolhardy or wishful thinking (Praxis, 1995) to envisage a major role for elders in determining the disposition of offenders. Clearly, community conversations will have to sort out the appropriate role for elders. At the same time, as Ross (1993; 1996) has indicated, perhaps the best use of elders, and a role consistent with their traditional role, is as advisors in a variety of formal and informal justice forums rather than as persons who decide on the disposition in a court-like forum.

Significant restorative justice programming in Nunavut's justice system -it is assumed that there will be a blending with the conventional Justice style- will require resources and especially pervasive community commitment. The latter will require much 'community conversation' (MacDonnell, 1995) integrating genders and generations. Public legal education and workshops, as well as monitoring and vigilance, will be required to guarantee equity and sustain initiatives; many restorative justice initiatives among First Nations have collapsed due to a lack of dialogue and conflict over equity (Clairmont, 1996). It might not be possible in the short run to direct restorative justice to the offenders and problems that have been identified as most problematic in Nunavut, namely serious personal assaults, by recidivist young male adults, but in the long run unless restorative justice impacts on these and other serious offences its worth would be questionable. Ultimately, as Carol LaPrairie observes (personal communication), restorative justice approaches must acquire credibility and acceptance as legitimate and 'real' justice if they are to effect change and impact on the policies and guidelines that direct decision-making.

EFFECTING COMMUNITY INITIATIVES

Clearly the local community is pivotal in discussions of the emerging Nunavut justice system. Community is a central theme in Nunavut's political ideology and administrative organization, just as it is in restorative justice philosophy and in the framework for federal justice policy and funding (see Part 2, Part C: Other Materials). As noted, much downloading of initiative and responsibility is suggested in changes being proposed for all segments of the justice system, from policing to corrections. Currently in Nunavut there is significant community focus as reflected in community councils, community justice committees, and community regulatory control in areas such as access to alcohol. But virtually all Justice officials and Inuit leaders indicate that the anticipated Nunavut justice system will require much more community participation, community resources, and policy and program development and administration at the community level (personal interviews). Government officials report much enthusiasm for this enhanced participation. It will be important for federal and territorial governments to encourage community initiatives to 'model' different restorative justice and community-justice possibilities, whether in program conceptualization or in program administration. It will be important for communities to develop initiatives and so seize the opportunity to bring justice closer to the people.

In recent years there has been a considerable outpouring of manuals and reports on mounting successful community initiatives with respect to crime, social problems and other justice matters (Benson, 1986; Northern Justice Society, 1989; Aboriginal Corrections, 1995; Prairie Research Associates, 1996; Department of Justice, GNWT, 1997; Federal-Provincial-Territorial Working Group, 1997; B.C.Coalition on Safer Communities, 1997; Linden and Clairmont, 1998). In such materials one usually finds both a 'how-to-do', step-by-step set of guidelines that reflects closely the classic management cycle of planning, from defining the problem and developing an pre-implementation plan to implementation, monitoring and feedback in a cyclical fashion (Linden and Clairmont, 1998). The latter publication may be especially useful in the Nunavut case since it builds on previous manuals and 'aboriginalizes' all aspects through reference to aboriginal experiences and contexts.

A recent publication of the Department of Justice's National Crime Prevention Centre (1998) lays out the typical four phase format: (a) collecting information to identify, describe and analyse pertinent community problems and needs; (b) developing an action plan which means setting the level of intervention, goals and objectives in concert with community representation; (c) implementing the initiatives with program roles determined and the necessary support obtained; and (d) monitoring and evaluating the program in order to determine its impact and fine-tune the approach. There are some aspects here that merit elaboration. In the initial stage of problem identification it is useful to cast the net widely for information, especially where there are serious generation and gender gaps as reported to exist in Nunavut. It is also important to get information from the victimizers, not only to better appreciate the problem, but also, since in many justice initiatives, because they are voluntary, offenders have to be 'on-side' or the program fails, a common happening in restorative justice programming (Feeley, 1983, Clairmont, 1996). Getting information from victims is also important since restorative justice generally strives to be more victim-responsive; still, victims usually do not have a veto over the proceedings. Even if project leaders have a good sense of what the community needs and what to do, it is valuable to appreciate how others see the situation and what priorities they have.

Perhaps the phase least appreciated in the literature on launching community justice initiatives is the implementation phase (see Lessons, appendix A). While there is general awareness of issues such as 'are the structures and roles of the program in place and functioning like they should', 'are baseline measures and information-retrieval systems in place', and 'are resources allocated appropriate to responsibilities', there is less appreciation of the need for an operational strategy. Such a strategy would include a communications plan (for the organization itself and for relating to the community and to other interests), a networking strategy (communicating with, debugging and problem-solving with Justice officials and agencies and with social services), a case management strategy (obtaining cases and managing their flow through the service), and an information plan (systematically collecting and processing relevant information). Lack of an operational strategy has been the bane of many justice initiatives among First Nations (Obonsawin-Irwin, 1992; Clairmont, 1996).

Perhaps the most controversial phase concerning launching community justice initiatives is the monitoring and evaluation feedback phase. There is often confusion concerning the different modes of evaluation and the roles of outsiders and especially academic research (Aboriginal Corrections, 1995). Monitoring the initiative's implementation and formatively evaluating the whole project are rarely carried out as basic routine activities in most community-based justice initiatives, such that when they are, the project stands out (Moyer, 1993). Evaluation, even evaluation that is more formative (i.e., designed to improve the program) than basic (i.e., academic research), should never be left solely to outsiders. Even formative evaluation and more academic-style research should be negotiated at the community level since there are valid differences in the goals and strategies of the parties concerned. There are also, sometimes, different perspectives and objectives that at the least should be articulated; for example, academic-based research on justice initiatives have usually emphasized the impact on recidivism or the specific crime or problem to which the initiative is directed (Roberts and LaPrairie, 1997) while advocates and project personnel emphasize more process and development criteria (e.g., has the community been mobilized?, has the civic culture been revitalized?).

CONCLUSION: KEEPING JUSTICE IN PERSPECTIVE

Given the limits of using the justice system to reduce crime and social problems, and given the major problems that exist in Nunavut, and given its small scattered population and the limited resources, it would seem imperative to keep Justice in perspective in the territory. That means monitoring justice policies and practices carefully in order to ensure that they do not soak up too much of the scarce resources whether human capital and commitment or financial. As analysed in this report with respect to the 'overwhelming burden' of the young adult males, resolving the crimes and social problems in a satisfactory manner requires attention and resource commitment to primary social, economic and cultural considerations.

Specific community-based justice initiatives, and indeed the Nunavut justice system as a whole, should be regularly assessed in terms of criteria outlined earlier such as efficiency,

effectiveness, equity, extent to which they (it) reflect(s) Inuit sensitivities and Arctic realities, and how they (it) contribute(s) to greater aboriginal autonomy and self-government (Clairmont, 1996). It is useful to utilize indicators to evaluate the justice system and compare its performance over time and with other provinces and territories. Statistics Canada (1997) has developed a set of criminal justice indicators which are heuristic in assessing the state of the criminal justice in Canada; there are multiple indicators of workload, performance and social context. Crime costs and other justice expenses can be calculated (Brantingham, 1996), and a general quantitative overview and accounting (though likely not an integrated single measure) made of the justice system. Currently Statistics Canada and the province of Nova Scotia are exploring what is termed a 'genuine progress index' (GPI, Atlantic, 1998) which measures the quality of life (the objective of the social indicators approach) and locates within it the measured impact of the justice system. The GPI concept and measurement can be a useful policy instrument and perhaps prevent an excessive reliance on the justice system to solve social problems.

Clearly, creating in Nunavut a community-based justice system rooted in the principle of restorative justice faces many challenges from forces operating within the territory and from the relentless influences of modernity (Giddens, 1990). But there is a great opportunity to build upon Inuit traditions, to revitalize the civic culture in the small communities and to achieve a more locally-responsive justice system. There is the promise of solving some Nunavut problems and trail-blazing for Canadian justice issues as well. From a justice perspective Nunavut is certainly going to be an interesting place to live as the twenty-first century arrives.

APPENDICES

Appendix A: Chief Implementation Themes from the Literature

(from Don Clairmont and Rick Linden, Developing and Evaluating
Justice Projects in Aboriginal Communities: A Review of the
Literature.

Solicitor General: Aboriginal Peoples Collection, 1998.)

Appendix B: Evaluation of Family Group Conferencing in Australia

(taken from paper by L. Sherman et al., 1997.)

Appendix C: A Restorative Justice Yardstick
(from Satisfying Justice by Church Council on Justice and
Corrections.)

APPENDIX A:

CHIEF IMPLEMENTATION THEMES FROM THE LITERATURE

1. Need to prepare for the implementation of the project

Developing new justice initiatives requires time, planning, community collaboration and resources. Where there has been little pre-implementation development work aboriginal justice programs have often been less successful than hoped for (e.g., the Shubenacadie Band Diversion Program, South Vancouver Island program, diversion programs in Sandy Lake and Attawapiskat). On the other hand where much effort was expended on activities such as community preparedness, spelling out objectives and procedures and clarifying accountability, the programs have usually fared well (e.g., self-administered First Nations policing services, the Hollow Water Healing Program, the diversion program of Aboriginal Legal Services in Toronto). Unfortunately the funding context often limits necessary preparatory work since funding is usually for a specified time period, for a specific objective entailing a specific hiring. There is then a tendency to rush into a service activity whereas clearly both government funders and community advocates must recognize that developing efficient effective justice initiatives in typically small communities with limited resources usually requires a pre-implementation development phase.

2. Need to select the right staff

Past justice initiatives typically have entailed the hiring of one or two staff

persons to coordinate developments, provide services and the like. With the limited resources made available, the short-term time frame, and the combination often of high expectations and 'lots to do' (either because of little other programming or lack of effective collaboration of community programs), the need to select the right person(s) is very crucial; often the wrong choice is fatal for the project. A selection committee should determine the kind of program/project objectives and processes desired, the kind of person(s) most suitable under those circumstances, and then arrange for a selection process.

3. **Networking with mainstream CJS officials is essential**

Virtually all aboriginal justice initiatives will require collaboration with mainstream justice officials. Whether it be the judge who facilitates sentencing circles, the prosecutor who channels cases to a diversion program, corrections officials sponsoring various parole alternatives, or the provincial police who provide backup and special services to First Nation police services and/or First Nation communities, mainstream justice officials are crucial contact points and regular networking must be done with them in order to ensure a program's success. This is especially the case since there are few on-going funded aboriginal justice programs and little explicit constitutional basis for most aboriginal justice initiative. The evidence from interviews with aboriginal role players appears to be that most mainstream justice officials are fairly positive about the new initiatives but they are often confused about the project's objectives and procedures, and about the role of their front line staff (e.g., community justice workers). The officials often refer to the need for more communication with the projects' staff. Successful aboriginal justice initiatives such as Aboriginal Legal Services, Hollow Water Healing, and Six Nations Police Service all have in common, excellent networks with mainstream justice officials.

4. **Equity in carrying out a program is a key to the legitimation of authority**

While it is expected that all aboriginal justice initiatives will have the formal approval of chief and council, the legitimation of their authority in the community (and certainly the level of respect for the program and its staff) will also depend upon how effective the staff have been in treating cases and persons equitably (i.e., being fair to all participants and treating all persons equally insofar as the case circumstances and community-sanctioned bio-social statuses are similar) and in communicating that accomplishment to the community at large. This accomplishment is always difficult and perhaps especially so in small communities where kinship ties are dense and where formality and distant relations between staff and service users are less likely. Where equity has not been seen to have been achieved (e.g., several diversion projects) the aboriginal justice initiatives have faltered but its achievement can effectively cancel out many other project shortcomings.

5. **Need to buffer the project's operations from political issues whether local or between First Nations and the wider society**

Unless the initiative is buffered from direct local political pressure it may not survive electoral changes in chief and council membership (as has happened in several instances) and/or will not achieve equity, efficiency and effectiveness. In the case of policing services, a well functioning board accomplishes this buffer function whereas for other justice initiatives a representative community justice committee can perform this valuable function. Written guidelines (conflict of interest guidelines and other operating procedures) and program mission statements and service philosophy statements can also be helpful and are the hallmark of some of the best aboriginal justice initiatives. Of course projects can sometimes also become hostages in conflicts between community authorities and outside governments; indeed, a common reason for a project's demise has frequently been this kind of political conflict. It may not be possible or even

desirable to buffer a project from these conflicts since clearly the larger political agendas may well represent more important priorities. Nevertheless a well-managed operation with a good communication system and practised networking can sometimes carry on in the midst of significant larger conflict.

6. Involve the community at large

It is important to involve the community at large and not simply the few persons involved directly in the justice initiative whether as staff or committee members. Reaching out to the larger community facilitates the development of a strong community, and the legitimation of the program; it provides access to further ideas and resources, and helps the organization avoid burn-out; in small communities it is often the case that only a small handful of people serve on all committees. This objective of involving the community at large can be achieved through community information sessions, newsletters, and expanded committees or panels.

7. Assess and communicate

A well-run program is one where the staff is regularly assessing its activities in relation to the program's mission statements, goals and objectives, AND reporting on these assessments to targets groups and the community in general. Preparing regular reports (they need be only a few pages in length) focuses staff on its main tasks and enables it to see the forest as well as the trees. Communicating such reports beyond the organization establishes the willingness of project leaders to be accountable to their constituency.

8. Avoid being spread too thin

Developing an efficient, effective and equitable aboriginal justice initiative is

usually a demanding task, requiring significant institution building at the local level even while operating in a situation where objectives may be unclear, jurisdiction ambiguous and funding short-term. There is tremendous pressure to pursue other funding leads and to expand the mandate and core activities/services rather than dealing with shortcomings and problems basic to the tasks at hand. Getting involved in too many activities and services has been one of the chief problems in aboriginal justice projects, an understandable, though often fatal, response to the absence of service infrastructure in the community, the funding constraints, and the lack of management expertise.

9. **Youth programming is always popular**

Studies, program evaluations and basic research, generally point to the widespread view in aboriginal communities that justice initiatives of diverse sorts are especially needed for youth. Youth-oriented programs typically receive strong community support. These initiatives might include school programs such as the RCMP's Aboriginal Shield Program, alternative measures for youth (e.,g, sentence advisory groups in Alberta), and family group conferencing. Sentence dispositions can range from wilderness experience to more conventional community service orders. While a strong case can be made for emphasizing youth-oriented initiatives, it is unfortunate that few programs are directed at the chief offenders (according to police and court statistics) namely young male adults; virtually all research on crime and social disorder in aboriginal communities has consistently identified the young male adults as disproportionately involved and a small subset of them as constituting a major recidivist grouping; yet few programs are directed at this subgroup.

10. **Raising the issues and dealing with criticisms**

It is important to remember that criticism does not mean disapproval of the

program. Evaluations of many aboriginal diversion projects for example revealed much victim and community criticisms but the respondents still valued the initiative. Criticisms can be used to develop a better program. Also sometimes it is important to discuss with people to remind people why the initiative is being undertaken and what the alternatives are; for example many persons may say that diversion is only a slap on the wrist but at least the offender does something for the victim and/or the community whereas in the mainstream justice system one cannot even guarantee that kind of action. Raising the issues and dealing with criticisms allow for program clarification, reflects an openness to ideas, a willingness to be accountable, and conveys clearly to community members that “it's their project too”. This collaborative partnering can be accomplished by special discussion sessions with special groups (focus groups), by periodic review of project protocols, and by regularly scheduled community sessions.

11. Need to retain a balanced perspective

Patience is clearly a requirement in the process of developing new justice initiatives. Community expectations may be very demanding, and even unrealistic in the short-run (e.g., a common experience of self-administered First Nation police services). Sometimes there may be much ambiguity about an initiative in the community and also among mainstream justice system collaborators (e.g., a common occurrence in aboriginal adult diversion programs); this is to expected when projects are 'breaking new ground'. As the old saying goes, “Rome was not built in a day”; certainly the Canadian Justice system was not, and a distinctive, well-functioning aboriginal alternative will not be. At the same time complacency must be avoided since resources have to be carefully husbanded (they generally fall short of staff's perceived levels of need) and rarely does project funding carry a long time frame (virtually all previous aboriginal justice projects have received only short-term funding); accordingly, it is necessary for project managers to be 'on top of the situation', able to marshall evidence for implementation and impact,

to make a case for project continuance if desirable, and/or to build on accomplishments and pursue other related possibilities. In other words there is a need for balance, for patience tempered with preparedness and activism.

APPENDIX B:

EVALUATION OF FAMILY GROUP CONFERENCING IN AUSTRALIA (TAKEN FROM THE PAPER BY L. SHERMAN ET AL., 1997)

THE EVENT

At the annual meeting of the American Society of Criminology held in San Diego November 18-22, 1997 a major evaluation of the Australian family group conferencing initiative was discussed. This evaluation began some 29 months ago and represents a powerful experimental test of family group conferencing, one where offenders were randomly assigned to either the conventional court process or to the family group conferencing alternative. Apparently there has not been to-date any other comparable test of this restorative justice program. The evaluation was directed by American researchers (Professor L. Sherman) with the full cooperation of Australian CJS officials.

THEORETICAL PERSPECTIVES

The evaluators indicated that family group conferencing (FGC) draws upon theories such as reintegrative shaming, procedural justice, and restorative justice (this latter they define as victim-oriented). They expressly distinguished these perspectives from victim-offender mediation since they viewed mediation as an inappropriate characterization of the situation where one party is clearly seen as the offender.

ELEMENTS OF FGC

The evaluators identified six key elements of FGC, namely

1. hate the sin but love the sinner
2. the offender admits responsibility
3. the offender is contrite
4. the offender separates the self from the sin
5. the offender repairs with the victim
6. the offender reintegrates with the community

THE PARTICIPANTS AT A FGC

The usual participants at a FGC include the following

1. the victim
2. the offender and co-offenders
3. the victim's support group (family and friends)
4. the offender's support group (family and friends)
5. the facilitator (police)
6. the arresting officer
7. some community representative

THE FORMAT OF THE FGC

There appears to be two phases to the FGCs examined, namely

- A. the offender describes the crime
the victim describes the harm done
the victim's supporters comment
the offender's supporters comment
the group is asked to suggest restitution and reintegrative ideas
by this time an apology is virtually always given and forgiveness frequently

offered

B. According to the evaluators at some point in the process the police leave the room so the remaining parties have to carry the process forward. This seems to be a strategic maneuver aimed at underlining the collective responsibility of participants to reach a solution.

The FGC ends with a signed agreement for victim repair.

TYPE OF CASES CONSIDERED

FGCs were not held for the more serious crimes and not for offences of family violence or sexual assault. They were routinely held for drunk driving offences, youth violence (here youth were in effect anyone under 30 years of age), and juvenile property crimes (where at least one of the offenders was under eighteen years of age).

HYPOTHESES TO BE TESTED

The evaluators were examining five central hypotheses, namely

1. FGC leads to lower levels of recidivism
2. FGC increases the perceived legitimacy of the law
3. FGC increases 'the shame of the act' for the offender
4. FGC increases reintegration
5. FGC decreases the offender's 'shame of self'

WAS THE RANDOM DESIGN PROPERLY IMPLEMENTED?

Of course a tough experimental design is only so when implemented as planned. The evaluators concluded - and presented copious evidence to support this claim - that the FGC and

the COURT individuals were indeed randomly assigned and accordingly were equivalent on all criteria such as gender, age, previous record, previous self-reported offences, and even attitudes towards the police (this latter was examined to ensure that police who assigned the cases did not systematically gate-keep).

RESULTS

The results were presented separately for drunk driving violations and the other offences (youth violence and juvenile property crime). The following line entries for drunk driving are given in full statement in the enclosed sheet; Questions 3 through 7 were asked of offenders.

DRUNK DRIVING

	COURT PROCESS	FGC PROCESS
1. TIME AT HEARING	7 minutes	89 minutes
2. TIME OFFENDER TALKED	20%	25%
3. SUPPORTERS PRESENT	0.5	5.2
4. GET A FAIR DEAL?	51% yes	54% yes
5. CONTROL OVER PROCESS?	50% yes	67% yes
6. FAIR PROCEDURES?	64% yes	77% yes
7. THIS WON'T PREVENT?	12% yes	5% yes

The evaluators concluded that randomization worked, that the treatment was

implemented and that the treatment did yield a 'different mind-set'. UNFORTUNATELY DATA ARE YET TO BE FULLY GATHERED AND ANALYZED ON RECIDIVISM FOR EITHER DRUNK DRIVING OR THE CASES DISCUSSED BELOW.

YOUTH VIOLENCE AND JUVENILE CASES

The full questions can be found in the appended sheet. Questions 1 through 9B dealt with victims and their attitudes.

	COURT PROCESS	FGC PROCESS
1. VICTIM ATTENDANCE	3%	86%
2. RESTITUTION GIVEN	8%	83%
3. APOLOGY RECEIVED	14%	74%
4. SYMPATHY FOR OFFENDER	23%	43%
5. V ANGER TO OFFENDER	NA	60% to 30%
6. VICTIM TRUST UP	37%	65%
7. VICTIM MORE FEARFUL	78%	30%
8. SATISFIED RE OUTCOME	50%	62%
9. SATISFIED RE PROCESS	53%	72%
9B. WILL OFFENDER	67% yes	31% yes

RE-OFFEND

The following questions dealt with the situation and attitudes of the offender. See appended sheet for the full question(s).

10. O'S TIME AT HEARING	17 minutes	70 minutes
11. SUPPORTERS PRESENT	1.7	4.4
12. FINE RECEIVED	\$68	\$52
13. COMM SERVICE HRS	2.4	15.6
14. FEEL ASHAMED	51%	73%
15. WORRIED RE OPINIONS	26%	47%
16. MORE EMBARRASSED	31%	47%
17. MORE HUMILIATED	28%	34%
18. GET BACK AT ACCUSERS	18%	5%
19. UNDERSTAND VICTIM	25%	68%
20. FEEL BAD	40%	70%
21. POSITIVE EXPERIENCE	41%	79%

22. WILL REPAY SOCIETY	37%	79%
23. RESPECT FOR POLICE	20%	47%
24. I DID WRONG	68%	84%
25. RESPECT FOR CJS	24%	48%
26. SENTENCE TOUGH	34%	34%
27. THIS Will PREVENT	22% disagree	4% disagree
28. SUPPORT AFFECTED	67%	86%

CONCLUSIONS

The evaluators concluded that the FGC program was implemented well and generally yielded the differences predicted. While actual recidivism is still to be examined, they concluded that in FGCs

1. the perceived legitimacy of the law increased
2. offender's shame at the act increased
3. offender's shame of self increased (contrary to hypothesis)
4. reintegration increased
5. deterrent perceptions were preserved (a 'mind-set' formed)

The evaluators are continuing to examine recidivism and other effects of conferencing. In a lively discussion following the presentation there were divergent views on the applicability of FGC to cases of domestic violence. There was also discussion as to whether the differences between the COURT and the FGC contexts would diminish sharply if equivalent time was spent in both types of hearings but the evaluators held that even if more time were spent at the court hearings the differences would persist since courts are inherently inflexible and utilize a narrow range of options.

FGC IN AUSTRALIA: THE DIMENSIONS MEASURED

DRUNK DRIVING

1. THE AMOUNT OF TIME SPENT AT THE ACTUAL HEARING
2. THE PROPORTION OF THAT TIME WHEN THE OFFENDER TALKED
3. AVERAGE # SUPPORTERS OF THE OFFENDER PRESENT AT HEARING
4. A SET OF QUESTIONS ASKING WHETHER THE OFFENDER THOUGHT HE RECEIVED A FAIR DEAL AT THE HEARING
5. A SET OF QUESTIONS ASKING WHETHER THE OFFENDER THOUGHT HE HAD SOME 'SAY' IN THE PROCESS
6. A SET OF QUESTIONS ASKING WHETHER THE OFFENDER THOUGHT THE PROCEDURES AT THE HEARING WERE FAIR
7. WHETHER THE OFFENDER AGREED THAT THE HEARING EXPERIENCE WOULD NOT PREVENT HIS FUTURE RE-OFFENDING

YOUTH VIOLENCE AND JUVENILE CASES

1. WHETHER THE VICTIM ATTENDED THE HEARING
2. WHETHER THE VICTIM RECEIVED RESTITUTION FROM THE OFFENDER
3. WHETHER THE VICTIM RECEIVED AN APOLOGY FROM THE OFFENDER
4. WHETHER THE VICTIM, AFTER THE HEARING, EXPRESSED SYMPATHY FOR THE OFFENDER
5. WHETHER THE VICTIM WAS ANGRY WITH THE OFFENDER (BEFORE AND AFTER THE HEARING)
6. WHETHER THE VICTIM, AFTER THE HEARING, SAID HE WAS MORE TRUSTING NOW

7. WHETHER THE VICTIM, AFTER THE SESSION, EXPRESSED A NEED TO BE MORE CAREFUL IN THE FUTURE
8. WHETHER THE VICTIM WAS SATISFIED WITH THE OUTCOME
9. WHETHER THE VICTIM WAS SATISFIED WITH THE PROCESS
- 9B. WHETHER THE VICTIM THOUGHT THE OFFENDER WOULD RE-OFFEND

10. HOW MUCH TIME THE OFFENDER SPENT AT THE HEARING
11. HOW MANY OFFENDER'S SUPPORTERS WERE PRESENT
12. THE AVERAGE FINE RECEIVED BY THE OFFENDER
13. THE AVERAGE # COMMUNITY SERVICE HOURS OFFENDERS RECEIVED
14. WHETHER THE OFFENDER SAID HE FELT ASHAMED RE HIS ACTIONS
15. WHETHER THE OFFENDER WAS WORRIED ABOUT OTHERS' OPINIONS
16. WHETHER THE OFFENDER REPORTED HIMSELF TO BE EMBARRASSED
17. WHETHER THE OFFENDER FELT MORE HUMILIATED AFTER HEARING
18. WHETHER THE OFFENDER WANTED TO GET BACK AT HIS ACCUSERS
19. WHETHER THE OFFENDER THOUGHT HE NOW UNDERSTOOD THE VICTIM
20. WHETHER THE OFFENDER FELT BAD AFTER THE HEARING
21. WHETHER THE OFFENDER THOUGHT THE EXPERIENCE WOULD MAKE HIM BETTER AS A PERSON
22. WHETHER THE OFFENDER THOUGHT HE COULD NOW REPAY SOCIETY
23. WHETHER THE OFFENDER REPORTED RESPECT FOR THE POLICE
24. WHETHER THE OFFENDER AGREED THAT HE DID WRONG
25. WHETHER THE OFFENDER REPORTED RESPECT FOR THE CJS
26. WHETHER THE OFFENDER THOUGHT THE SENTENCE RECEIVED 'TOUGH'
27. WHETHER THE OFFENDER HELD THE HEARING EXPERIENCE WOULD BE A DETERRENT FOR HIM
28. WHETHER THE OFFENDER HELD HIS SUPPORTERS WOULD BE HURT BY ANY SUBSEQUENT RE-OFFENDING ON HIS PART

APPENDIX C:

A RESTORATIVE JUSTICE YARDSTICK

1. Do victims experience justice?

- X Do victims have sufficient opportunities to tell their truth to relevant listeners?
- X Do victims receive needed compensation or restitution?
- X Is the injustice adequately acknowledged?
- X Are victims sufficiently protected against further violation?
- X Does the outcome adequately reflect the severity of the offense?
- X Do victims receive adequate information about the crime, the offender, and the legal process?
- X Do victims have a voice in the legal process?
- X Is the experience of justice adequately public?
- X Do victims receive adequate support from others?
- X Do victims' families receive adequate assistance and support?
- X Are other needs - material, psychological, and spiritual - being addressed?

2. Do offenders experience justice?

- X Are offenders encouraged to understand and take responsibility for what they have done?
- X Are misattributions challenged?
- X Are offenders given encouragement and opportunities to make things right?
- X Are offenders given opportunities to participate in the process?

- X Are offenders encouraged to change their behaviour?
- X Is there a mechanism for monitoring or verifying changes?
- X Are offenders' needs being addressed?
- X Do offenders' families receive support and assistance?

3. Is the victim-offender relationship addressed?

- X Is there an opportunity for victims and offenders to meet, if appropriate?
- X Is there an opportunity for victims and offenders to exchange information about the event and about one another?

4. Are community concerns taken into account?

- X Is the process and the outcome sufficiently public?
- X Is community protection being addressed?
- X Is there a need for restitution or a symbolic action for the community?
- X Is the community represented in some way in the legal process?

5. Is the future addressed?

- X Is there provision for solving the problems that led to this event?
- X Is there provision for solving problems caused by this event?
- X Have future intentions been addressed?
- X Are there provisions for monitoring and verifying outcomes and for problem solving? (Source: Howard Zehr, Changing Lenses, Scottsdale, Pennsylvania: Herald Press, 1990)

APPENDIX D:

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*This listing includes only articles, reports, papers, documents and books not cited in the annotated bibliography.