

The Nunavut Agreement

The Inuit Dream for the Future





The map of Nunavut, with Inuit Owned Land parcels shown in dark orange

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Panipakoocho lives in Pond Inlet, at the north end of Baffin Island. He is a hunter, a provider for his family. In that sense, like his ancestors, he is dependent on the land and the sea around his home, an area which he does not own but on which he has an unquestioned right to hunt.



Panipakoocho, 1989

As a one-year-old, Panipakoocho traversed the Northwest Passage by ship – the name has escaped his memory* – with his father whose knowledge of the ice guided Arctic explorers. His grandmother sewed sealskin boots and caribou-skin clothing for the ship's crew. Family legend says she lived to be 125. In any case, she was probably alive during some of the repeated searches for the lost Franklin expedition. She knew the time when Inuit assistance was essential to white men charting Canada's Arctic. The Inuit of her generation lived on the land and from the land. Their connection to it survives today in hunters like her grandson Panipakoocho. But the link between Inuit and the land has undergone a fundamental change. No longer accessories to white man's process, Inuit have now drawn new lines across the North, this time in their own interest.

The map of Canada was redrawn when Inuit of the eastern Arctic reached a comprehensive land claims agreement with the Government of Canada in 1993. It is the largest and richest Native land claim ever in Canada, perhaps in the world. But it is even more than that, because tied to it was the creation of a new territory, Nunavut, which came into being on April 1, 1999. Now, says Inuit leader James Eetoolook, "Inuit will have a management role in our own land. This agreement gives us self-determination over our lives in the future."

It is also a major occasion for Canada: a change to our political structure and a new relationship with an Aboriginal people. For the first time, a provincial or territorial government speaks largely on behalf of one Indigenous group. While the Government of Nunavut is a public government like all other provincial and territorial governments, Nunavut should, in effect, have Inuit self-government because of the Inuit majority – 85 percent of Nunavut's residents.

* This must refer to the RCMP vessel *St. Roch*, 1940-44.

Larger than any other province or territory, and five times the size of New Brunswick, Nunavut covers about one-fifth of Canada. It has no roads outside its 26 scattered communities. The future of this vast and largely undeveloped territory, stretching from Manitoba to the northernmost island in Canada's Arctic archipelago, now lies largely in Inuit hands. Although actually owning only about 18 percent of Nunavut, Inuit control its government.



"Inuit will have enormous influence on issues that concern them," said John Amagoalik, often called the father of Nunavut. That distills down to a sense of control over their own lives, and the ability to self-determine their future. "We are very much a distinct society. The Nunavut government will have the responsibility of protecting and preserving that distinct society." As a child, Amagoalik was among the Inuit experimentally relocated by the government in 1953 from Inukjuak, in northern Quebec, to the High Arctic. He remains outspoken about the deception which led to his family "volunteering" for relocation. This background may be part of the reason why Amagoalik dedicated almost 20 years to negotiating the Nunavut Agreement on behalf of his people.

Some other Aboriginal peoples in North America – seeking to assert their rights and reclaim their land – have been driven to use the courts, launch international campaigns, hold demonstrations, occupy land, and even take up arms. The Inuit of Nunavut did none of these.

As Tom Suluk, one of the principal Inuit advisors to the land claim process, sees it, that is the Inuit way. "The difference between Inuit negotiators and others is that we state *this* is our goal. We just state it very matter-of-factly, right from the start. This is where we intend to go. It could take a year. It could take ten years. Or our lifetime. But that is what we have decided we will do."

In fact, the negotiations lasted nearly 20 years. "I think people must understand that Inuit are very consistent," explained Amagoalik. "We don't change our mind easily. I think that's what kept us going."

Since the beginning of discussions in the mid-1970s, Inuit leaders maintained that two issues must be negotiated in tandem. The land claim settlement discussion, they insisted, could proceed only if it included the creation of Nunavut as a distinct territory. For a long time, the government resisted this double-barrelled approach. But on July 9, 1993 the Nunavut Agreement was signed, including a commitment to the creation of Nunavut Territory.



The signing of the Nunavut Agreement in 1993.

For most Inuit, one appealing aspect of Nunavut was the shift of government closer to the people. Bringing the government home to Nunavut, and opening the process to community input were recurrent themes during the campaign leading up to acceptance of the settlement. The implications for the Inuit of Nunavut are potentially far-reaching. Beyond government "closer to home," the potential exists for government business to be conducted and services delivered in the Inuit language, and in culturally appropriate ways. There ought to be increased autonomy, and greater control over education, health and social services. The northern political agenda should no longer be controlled by southerners, and Inuit participation in the national (or southern) political agenda should be enhanced.

Today there is still some distance to go in achieving the Inuit dream of self-determination. There are still profound social problems in Nunavut. Schooling is still delivered principally in English by 80% non-Inuit teachers. Partly as a consequence, only 25% of students complete high school. Jobs are scarce, particularly for the undereducated. The suicide rate among young people is alarmingly high. The promise of Nunavut continues to shine through, however, and there are new opportunities for training and employment.

The \$1.15 billion land claim settlement is held in trust, and the interest used for such things as loans to Inuit-owned businesses, a scholarship program for Inuit students seeking post-secondary education, elders pensions, and a support program for hunters.

The economic future of Nunavut, some believe, will always depend mainly on resource extraction. Wisely, in determining their sub-surface rights, Inuit selected lands representing 80 percent of Nunavut's known mineral reserves, chiefly copper, lead, zinc, gold and silver. No longer are the decisions about mining and other resources made exclusively down south. Inuit and government jointly make up the Nunavut Planning Commission, the Nunavut Impact Review Board, and the Nunavut Water Board, giving Inuit significant control over mineral development in the north. In theory, development can now proceed as the Inuit would have it, allowing them to balance economic necessity with the importance of conserving the land and its wildlife. Furthermore, Inuit stand to be a major beneficiary of whatever extraction does occur.



An operating gold mine 70km north of Baker Lake in the heart of the barrenlands.

Something fundamental to Inuit culture is changing. The relationship between the Inuit and the land on which they have lived for centuries is complex. The land, historically, was the primary source of life. It is no longer. But it maintains its place at the soul of Inuit culture. It is when "on the land" that the garage mechanic in Kugaaruk becomes a real Inuk, in his own mind. The same could be said of the co-op store assistant-manager in Qikiqtarjuaq or the mayor of Nauyasat. How will that once spiritual relationship change? Inuit, collectively, actually *own* land. They have effective control over its use by external agencies. They derive income from the exploitation of its sub-surface resources. Land, once the source of life, becomes the source of wealth. The spiritual bond becomes a material link.

A process is underway now for the Government of Canada to devolve administrative ownership and control of mineral resources to the Government of Nunavut, similar to what has happened in the other two northern territories, another reality which signals fundamental change in the Inuit relationship to the land of Nunavut.

As the 19th century closed, Inuit in many parts of our north were feeling the first impact of contact with southern Canadian civilization. Many had yet to meet their first white man. Inuit, or their ancestors, had been there a long time, and had evolved a workable form of self-government. As the 20th century closed, the Inuit were enjoying the first year of their newly structured government in the Canadian political territory called Nunavut. Twenty years later, Inuit remain confident that this new form of self-government will work as they hope, and that Inuit will once again – after a century of uneasy transition – have control over their own lives and their own land.



In 2006, Nunavut Tunngavik Inc. the organization representing the Inuit of Nunavut, brought a major lawsuit against the Government of Canada alleging failure to implement the Nunavut Agreement, and in particular Articles 23 and 24. The Government of Canada added the Government of Nunavut to this lawsuit as a second defendant. The lawsuit was settled before trial in May 2015, for, among other things, a payment of \$255 Million from the Government of Canada to the Inuit, \$175 Million of which NTI has agreed to devote to Inuit training. The Government of Canada also agreed to provide an additional \$50 Million for Inuit training over ten years.

NTI continues to challenge the two Governments' ongoing failures to implement these important Articles of the Agreement.

Highlights of the Nunavut Agreement

- The much-debated extinguishment clause: in exchange for the rights and benefits in the Agreement, Inuit surrendered all Aboriginal claims to lands and waters anywhere in Canada.
- Any other existing or future rights that Inuit may have as an Aboriginal people are not affected. For example, Inuit did not surrender self-government rights, or Aboriginal rights related to language and culture.
- The federal government paid \$1.15 billion (\$1,148,123,217 to be precise!) to the Inuit of Nunavut over 14 years. The Nunavut Trust was set up by Inuit to receive this capital (tax-free), and to be responsible for "protecting, managing and investing" it.
- Inuit collectively own 353,610 square kilometres (136,530 square miles) of land, approximately 18% of the entire Nunavut territory.
- On 36,257 square kilometres of their deeded land (above), Inuit own the sub-surface rights to oil, gas and minerals.
- In the event of oil, gas or mineral development on Crown land within Nunavut, the federal government must pay Inuit a share of the royalties: 50% of the first \$2 million and 5% thereafter. The Government of Nunavut will receive a substantially greater share of the royalties from mineral development on Crown lands once devolution negotiations between with the Government of Canada and Nunavut are complete.
- Inuit retain the right to hunt throughout Nunavut, including in parks and conservation areas.
- The Agreement required the establishment of Nunavut as a new territory, which came into being on April 1, 1999.
- Joint Inuit-government institutions of public government (IPGs) were established as follows:
 - Nunavut Wildlife Management – responsible for wildlife management throughout Nunavut.
 - Nunavut Impact Review Board – screens and reviews proposed development projects in Nunavut to determine their potential impacts on the ecosystem and socio-economic conditions.
 - Nunavut Planning Commission – responsible for developing land use plans and for reviewing proposed development projects for conformity with approved land use plans.
 - Nunavut Water Board – responsible to license the use of water and the disposal of waste into water.
- Developers must negotiate Impact and Benefit Agreements with Inuit before major projects (including mines and hydro-electric generation) may proceed. These agreements include requirements for the training and hiring of Inuit, and economic and social benefits for Inuit.
- Government is required to negotiate Impact and Benefit Agreements with Inuit for existing and proposed parks and conservation areas, to provide economic and social benefits to Inuit in connection with these areas.
- Article 23 of the Agreement requires both the Governments of Canada and of Nunavut to develop and implement Inuit Employment Plans and Pre-employment Training Plans. These Plans must contain short and medium term numerical targets and timetables for increasing Inuit employment in government to representative levels (85%) in all occupational groupings and levels. This is an important means through which Inuit can achieve self-determination in governing Nunavut.
- Article 24 of the Agreement requires both the Governments of Canada and of Nunavut to develop and implement Nunavut-specific procurement policies to increase Inuit firms' capacity to compete for and be awarded government contracts for goods and services delivered within Nunavut, and to increase Inuit employment in the Nunavut workforce to representative levels.

