Australian National University
NORTH AUSTRALIA RESEARCH UNIT

DISCUSSION PAPER

POLITICAL DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT IN NORTHERN CANADA: THE CASE OF THE NUNAVUT AGREEMENT

Terry Fenge

No. 20 October 1993

NORTH AUSTRALIA RESEARCH UNIT

DISCUSSION PAPER

POLITICAL DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT IN NORTHERN CANADA: THE CASE OF THE NUNAVUT AGREEMENT

Terry Fenge

No. 20 October 1993

ISSN 1037 5112
ISBN 0 7315 1840 3

First published in Australia in 1993 by the North Australia Research Unit, Australian National University.

The views expressed in this publication are those of the author and not necessarily those of the North Australia Research Unit, Australian National University.

Inquiries should be directed to the publisher, North Australia Research Unit, PO Box 41321, Casuarina, (Darwin), Northern Territory 0811, Australia. Telephone: 089-275688 and facsimile: 089-450752.

National Library of Australia
Cataloguing-in-Publication entry:

Fenge, Terry.

Political development and environmental management in northern Canada: the case of the Nunavut Agreement.

Bibliography.
ISBN 0 7315 1840 3

1. Eskimos – Northwest Territories – Nunavut – Land tenure. 2. Eskimos – Northwest Territories – Nunavut – Claims. 3. Eskimos – Northwest Territories – Nunavut – Government relations. 4. Environmental protection – Northwest Territories – Nunavut. 5. Nunavut (N.W.T.). I. Australian National University. North Australia Research Unit. II. Title. (Series: Discussion paper (Australian National University. North Australia Research Unit); No. 20).
333.2097192

Printed in Darwin by NTU Printing/Publishing Services and cover designed by M Aye.

NORTH AUSTRALIA RESEARCH UNIT

In 1973 the Australian National University created the North Australia Research Unit for two purposes: to carry out a research program of its own and to provide a base and logistic support for research workers, from ANU and from other Australian or overseas research institutions. The Unit is part of the Research School of Pacific Studies.

The Unit's activities range well beyond its base in Darwin in the Northern Territory to research localities in central Australia and the north and west of Queensland and north Western Australia.

The Unit's academic work is interdisciplinary and principally in the social sciences. An overall aim is to initiate research on problems of development in the north, little studied by other institutions. At present, emphasis is being given to four main research areas:

- Environmental management and planning
- Governance and policymaking structures
- Economic development and social equity
- Quality of community life

The future prospects and present needs of the Aboriginal and Islander communities remain a major theme in our work as are ecological and economic sustainability.

NARU Discussion Papers are intended to invite comment and to stimulate debate. Interested parties and others are encouraged to respond to any paper in whatever way is appropriate. This could be by offering comments, entering into debate or correspondence with the author, or by responding in public fora or even by offering a manuscript for another discussion paper.

Each paper will be short (see guidelines below). They will often deal with controversial topics. While the Unit takes pride in, and legal responsibility for, its publications, these papers reflect views of authors and not those of the Australian National University or the North Australia Research Unit.

The Unit is willing to publish discussion papers written by authors who are not members of ANU or NARU. However, NARU retains the right to use referees or to reject manuscripts. Non-NARU contributors may be expected to make some financial contribution towards publication.

We hope that this series will open up discussion about some issues of northern development and the inevitable conflicts that arise from change, culture contacts and diversity of values.

Information about the Unit's activities and publications can be obtained from:

The Publications Officer
North Australia Research Unit
PO Box 41321
Casuarina NT 0811

Telephone: (089) 220 066
Facsimile: (089) 220 055
EMail: NARU_ANU@vax1.ntu.edu.au

Guidelines for contributors:

Papers should not exceed eleven thousand words. The Harvard system of referencing is used. Authors are asked to follow the styling used in this paper. Originals of illustrative material should be supplied. Authors are requested to submit their papers on floppy disk and as hard copy. Papers will be accepted in MS Word in IBM or Mac format and in WordPerfect. Papers may be refereed before publication. An abstract of about three hundred words and a short resumé about the author(s) should also be supplied with the manuscript.

ABSTRACT

In 1973, the Supreme Court of Canada issued its decision as to the land rights of Nisga'a Indians in British Columbia. In response, the federal government announced that it would negotiate land claim agreements — modern treaties — with aboriginal peoples who had not signed treaties of land cession, or whose title to land had not been superceded by law. Inuit in the Northwest Territories (NWT) were one of the first aboriginal peoples to begin such negotiations. The federal government insisted that Inuit cede to the Crown their aboriginal or native title to land and natural resources. In return, Inuit insisted that the land claim agreement provide them with comprehensive wildlife harvesting, land ownership and natural resource management rights, sizeable financial compensation, and also provide for division of the Northwest Territories to create an Inuit homeland — Nunavut. Inuit form about 80 per cent of the population of Nunavut. As such, they did not seek an ethnic-based form of government. Negotiations were long, arduous, and at times very acrimonious, but in the end successful. An agreement-in-principle was signed in Igloolik in April 1990, followed by a final agreement signed in Iqaluit in May 1993. Bills to ratify the land claim agreement and to create Nunavut were passed by Parliament in Summer 1993.

The rights and benefits that accrue to Inuit through the land claim agreement came into effect upon the ratification of the agreement, but a six year grace period is in effect before the Nunavut government assumes responsibilities in the eastern Arctic. The lessons of the Nunavut Agreement — both positive and negative — are legion. The agreement indicates tha the federal government and aboriginal peoples are capable of concluding far-reaching agreements to alter the country's constitutional and political landscape. The Nunavut story is one of renewal and optimism in the face of harsh social and economic realities in northern Canada. Nevertheless, the Nunavut example may have limited applicability in southern Canada where aboriginal peoles are outnumbered by non-aboriginals.

Notes on contributor

Terry Fenge is Executive Director of the Canadian Arctic Resources Committee (CARC) a national public interest organisation that deals with environmental, economic, constitutional, and other issues in the Canadian North and Arctic circumpolar world. Having taken his degree in the United Kingdom, he undertook graduate work in British Columbia and Ontario, completing PhD in regional planning at the University of Waterloo. Following this he taught at the Institute of Urban and Environmental Studies at Brock University. He was Research Director for CARC in the early to mid 1980s, and from 1986 to 1992 was Research Director for the Tungavik Federation of Nunavut (TFN), the Inuit organisation that negotiated the recently completed Nunavut Agreement.

Acknowledgments

This paper is dedicated to Bob Kadlun.

POLITICAL DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT IN NORTHERN CANADA: THE CASE OF THE NUNAVUT AGREEMENT

Terry Fenge

Introduction

This paper deals with the Nunavut Agreement — a comprehensive land claim agreement concluded in April 1992 (DIAND & TFN 1992) by the federal government of Canada and Inuit of the central, eastern, and high Arctic of the Northwest Territories (NWT). This agreement was approved by Inuit in a Nunavut-wide ratification vote in November 1992, and now awaits approval by the federal Cabinet and ratification by the Crown through statute. Before examining the agreement, the paper outlines reforms of the federal government's comprehensive land claim policy that were announced in 1986 (DIAND 1986). This is an important 'plot within a plot', for in the absence of these reforms, it is highly unlikely that Inuit and the federal government would have concluded the Nunavut Agreement.

Of the modern day treaties negotiated between the Crown and aboriginal peoples, the Nunavut Agreement is the most far-reaching and comprehensive. Of necessity, this paper can not deal with all provisions of the agreement. Much of the paper deals with plans to divide the NWT to create a new territory — Nunavut — with its own legislature and government. Discussion then focuses on management of wildlife, land, freshwater and oceans to be conducted by institutions established pursuant to the agreement. The objectives adopted by Inuit in land ownership negotiations in 1990 and 1991, and the outcome of these negotiations, is then outlined, followed by a summary of the fiscal and

economic development provisions of the agreement. A final section of the paper presents the author's personal observations, as a long-time employee of the Inuit organisation that negotiated the agreement, on how it proved possible for Inuit to overcome various barriers to conclude the agreement.

Background

The policy of the Crown in the opening period of the British colonisation of North America was to remove any doubt as to the land rights of aboriginal inhabitants by securing formal land cessions from their political leaders prior to the issuance of Crown land grants (Wildsmith 1991). Customarily, these cessions were obtained in exchange for 'reserves', rights to hunt, fish and trap, and other benefits in the form of munitions, supplies and agricultural implements (Dickerson 1992). Earlier treaties stressed political amity and military cooperation between the parties. Later treaties stressed schools for and education of aboriginal peoples as well as the creation of reserves. The Crown continued this long-established policy in its remaining North American colonies after the American Revolution. This policy was also maintained following confederation, and endured into the 1920s with the signing of the last of the numbered treaties covering the Mackenzie valley (Zlotkin 1991).

At the close of this period, the Crown had still not concluded treaties with aboriginal peoples in Yukon, most of the NWT and British Columbia, Labrador and Quebec. For the next fifty years the Crown did not attempt to negotiate treaties, and even introduced criminal penalties to prevent aboriginal peoples from advocating further treaty making. Nevertheless, many aboriginal peoples, particularly those in British Columbia, continued to press for recognition of their land rights and to demand treaties (Raunet 1984). Other aboriginal peoples, for example, the Dene of the Mackenzie valley, complained about the misinterpretation of their treaties by the federal government (Fumoleau 1973). Yet others noted many instances of treaty maladministration (Ponting 1986).

In the 1960s and 1970s aboriginal peoples engaged in political and legal action to assert their land-based rights and interests. The most important of these actions was launched in September 1967 by the Nisga'a Indians of the west coast (Tennant 1991). In their statement of claim, the Nisga'a asked the Supreme Court of British Columbia to issue 'a declaration that the aboriginal title (also known as Indian title) of the Plaintiffs to their ancient tribal territory has never been lawfully extinguished'. Speaking for the Court, Judge Gould concluded that the Nisga'a aboriginal title had been superseded by law, and was thus 'firmly and totally extinguished'. Rebuffed at this level, and also by the British Columbia Court of Appeal, the Nisga'a took their case to the Supreme Court of Canada.

The January 1973 judgment on this case by the Supreme Court of Canada shook the federal government's assumption that aboriginal peoples in British Columbia, and other parts of Canada not covered by land cession treaties, would not be able to assert enforceable territorial rights based on aboriginal title in competition with the rights of the Crown. Six of the seven justices involved acknowledged the existence of aboriginal title in Canadian law, and three supported the continued existence of this title in British Columbia. This judgment could not be ignored, for it raised the possibility that aboriginal peoples who had not signed treaties retained a legal and enforceable interest in land they traditionally occupied. Largely in response to this judgment, the federal government announced in August 1973 that it would negotiate to settle the land claims of aboriginal peoples whose title to land had been neither extinguished by treaty nor superseded by law (DIAND 1981, 1986).

The Inuit of Nunavut were one of the first aboriginal peoples in Canada to commence comprehensive land claim negotiations with the federal government following the August 1973 policy announcement (MacLachan 1992). The Inuit of Nunavut have the largest comprehensive land claim in Canada. Based on a land use and occupancy study, contemporary hunting, fishing, and trapping extends to approximately 700,000 square miles of land and 800,000 square miles of ocean (Freeman 1976). The current Inuit population in Nunavut of about 17,500

is growing rapidly. Inuit form an overwhelming majority of the population of Nunavut, and are likely to remain so for the foreseeable future.

Since its acceptance by the government of Canada as a land claim warranting negotiation, the federal Cabinet has defined its negotiating position through a combination of published policy statements governing all comprehensive land claims in Canada, and confidential instructions to its chief negotiator on the Nunavut land claim. Until 1982, the Inuit negotiating team received its instructions from the national Inuit organisation, Inuit Tapirisat of Canada (ITC). Since 1982, the Inuit negotiating team has received its instructions from the Tungavik Federation of Nunavut (TFN), a non-profit corporation established specifically for the purpose of negotiating and concluding with the federal government a land claim agreement on behalf of Inuit of the Baffin, Keewatin and Kitikmeot regions of the NWT.

Since their inception in the 1970s, land claim negotiations have experienced many ups and downs, complicated by various factors such as the Baker Lake court case in the late 1970s, and ongoing efforts to define aboriginal rights through amendments to a patriated Canadian constitution. Negotiations have been more or less continuous since the early 1980s. Protracted negotiations have taken place with respect to the nature and geographic scope of Inuit proprietary rights in relation to land and minerals, and hunting, fishing and trapping of wildlife. Lengthy negotiations have also dealt with political development, administration of land and natural resources, including the offshore, and monetary compensation for unauthorised use of Inuit land by government, and in consideration for the surrender to the Crown by Inuit of their aboriginal title.

Early in 1990, the Board of Directors of TFN, the federal Cabinet, and the Executive Committee of the Government of the Northwest Territories ratified a land claim agreement-in-principle (Merritt & Fenge 1990). This 387 page document was formally signed by the principals in Igloolik on 30 April 1990 (DIAND & TFN 1990). Negotiations to conclude a final agreement were completed in Ottawa in December 1991. The final

agreement was signed by negotiators in April 1992 (DIAND & TFN 1992). A Nunavut Land Claim Implementation Plan is currently under negotiation. A vote by eligible Inuit early in November 1992, resulted in an overwhelming approval of the agreement. The agreement is currently before the federal Cabinet. The principals expect to sign the agreement, probably in Winter or Spring 1993 after which Parliament will be asked to pass a bill to ratify it on behalf of government. Pursuant to Article four of the agreement, an additional bill — to divide the Northwest Territories to create a Nunavut Territory — is to be brought before Parliament at the same time the land claim ratification bill is presented.

The Nunavut Agreement, will form a modern treaty within the meaning of Section 35 of the *Constitution Act 1982*. All rights and benefits Inuit are to receive through the agreement are in exchange for surrender to the Crown of 'all aboriginal claims, rights, title and interests, if any, in and to lands and waters anywhere within Canada and adjacent offshore areas within the sovereignty or jurisdiction of Canada...' (DIAND & TFN 1992).

The federal government's policy on comprehensive land claims

Having accepted in 1973 the need to negotiate land claim agreements with those aboriginal peoples who had not ceded or surrendered their landbased rights and title to the Crown, the federal government sought to articulate a land claim policy outlining the goals, objectives, and parameters of prospective settlements. The 1973 federal government policy statement on comprehensive land claims stated that settlements could include protection of hunting, fishing and trapping activities, title to certain land, money, and other rights and benefits, in exchange for cession to the Crown of Native title. It was not until 1981, however, that the federal land claim policy was articulated in any detail (DIAND 1981).

When available in cold, hard type, the federal land claim policy was subjected to sustained criticism. One commentator noted that the policy was 'chronically ambiguous', and another suggested that it was woefully

inadequate as a means to 'modernise' the relationship between aboriginal peoples and Canadian society (Merritt 1984). In any event, the policy was rapidly overtaken by national constitutional events; specifically the insertion of section 35 into the Canadian Charter of Rights and Freedoms of the Canadian constitution, patriated from Great Britain in 1982. This section of the constitution recognises and affirms existing aboriginal and treaty rights of aboriginal peoples of Canada. In 1983, a further provision was added to the constitution defining 'treaty rights' as including 'rights that now exist by way of land claims agreements or may be so acquired' (Schwartz 1986).

These constitutional reforms made obsolete certain aspects of the comprehensive land claim policy, particularly the requirement that land claim agreements extinguish aboriginal rights. It was clear that the Progressive Conservatives, who came to power federally in 1984, would have to reform the comprehensive land claim policy. David Crombie, the new minister of Indian Affairs and Northern Development appointed a six person task force to review and to recommend changes to the federal government's land claim policy. Aboriginal peoples were represented on the task force, and aboriginal groups in negotiation with the federal government participated actively in the deliberations of the task force (Fenge & Barnaby 1987). The report of the task force was made public in 1986 (Task Force 1985), to the fulsome praise of many aboriginal leaders.

The task force wished government to rethink its land claim policy from first principles. Instead of 'land for cash' deals that extinguished aboriginal rights to clear the way for government to promote development on lands traditionally used and occupied by aboriginal peoples, the task force proposed a marked broadening of the ambit of land claim negotiations and resulting agreements. The task force recommended that settlements should:

- define the relationship between governments and aboriginal peoples in Canada;

- establish a framework of certainty concerning land and natural resources that accommodates the interests of aboriginal peoples and other Canadians;
- provide the opportunity for the development of economically viable aboriginal societies;
- preserve and enhance the cultural and social well-being of aboriginal societies for generations to come; and
- enable aboriginal societies to develop self-governing institutions and to participate effectively in decisions that affect their interests (Task Force to Review Comprehensive Claims Policy 1985).

Instead of 'finalising' the relationship between aboriginal peoples and government, it was suggested that land claims settlements provide a flexible basis to allow aboriginal peoples and governments to talk to each other and to work out problems in the future.

In December 1986, Bill McKnight, the new minister of Indian Affairs and Northern Development, released the long-awaited Cabinet-approved comprehensive land claims policy (DIAND 1986). This policy, under which the Nunavut Agreement has been concluded, is a curious mixture of old and new. It embraces much of the rhetoric and many of the concepts of the task force report, but also retains much of the substance of the earlier policy.

While repeating earlier objectives about the need for settlements to deliver 'clarity' to land and natural resources, and certainty and predictability with respect to disposition of resource use rights, the policy acknowledges that settlements should be more than real estate transactions. Accordingly, the policy states that settlements:

> will encourage self-reliance and economic development as well as cultural and social well-being. Land claims negotiations should look to the future and should provide a means whereby aboriginal groups and the federal government can pursue shared objectives ... (DIAND 1986).

Blanket extinguishment of aboriginal rights and title is no longer demanded. The term 'extinguish' is replaced with the less inflammatory, if

no less legally effective term, 'release'. Removing one point of ambiguity in the old policy, the current policy makes clear that: 'aboriginal rights to be released in the claims process are only those related to the use of and title to land and resources' (DIAND 1986). Financial compensation and ownership of certain lands, including the sub-surface, remain basic features of the policy.

The policy was expanded in three important areas. First, traditionally used offshore areas are admitted into the negotiating arena for purposes of harvesting rights and for participation in environmental management and resource revenue-sharing. This policy change was particularly important to Inuit who, by and large, remain a sea-based people. Second, aboriginal peoples are now able to negotiate resource revenue-sharing arrangements through which they will receive a percentage of federal royalties from the production of natural resources on Crown land in their settlement area, including the offshore. Third, the federal government accepted the proposition that it should share its authority with aboriginal peoples to manage land, water, and wildlife. This potentially significant policy change is stated in the following language (emphasis added):

> Settlements are expected to recognise particular aboriginal interests in relation to environmental concerns particularly as these concerns relate to wildlife management and the use of water and land. Provision for the exercise of such interests may be afforded through membership on advisory committees, boards and similar bodies or through **participation in government bodies that have decision-making powers.** Such arrangements must recognise that the government has an overriding obligation to protect the interests of all users, to ensure resource conservation, to respect international agreements, and to manage renewable resources within its jurisdiction (DIAND 1986).

Notwithstanding the generality of this third policy change, the federal government still opposes the inclusion in land claim agreements of rights enabling aboriginal peoples to participate in sub-surface resource management. As a result, comprehensive land claim agreements, including the Nunavut Agreement, do not provide aboriginal peoples with a role in disposing of rights to explore for or develop oil, gas and mineral resources on federal Crown land. Instead, the land claim policy opens the

way for aboriginal peoples to participate with government in mitigating the environmental, social and economic impacts of sub-surface development.

The 1981 policy allowed for the negotiation of self-government on a local basis. The 1986 policy permits negotiation of a broader range of self-government matters consistent with constitutional principles and government practices, yet makes it clear that self-government within the context of the comprehensive land claims policy must be tied closely to management of land and natural resources. Broader issues of aboriginal self-government are seen as dependent upon the reform of the Canadian Constitution. Early in 1990, the federal Cabinet reconsidered the issue of the relationship of aboriginal self-government and land claims. The Minister of Indian Affairs and Northern Development subsequently informed aboriginal groups that the land claim policy would permit rights identified in land claim agreements to be exercised through aboriginal self-government institutions created by way of self-government legislation. In addition, the federal government is now willing to include agendas for self-government negotiations in land claims agreements (Cadieux P, Minister of Indian Affair's & Northern Development, letter to D Milortuk, President of TFN, 6 February 1990).

It remains to be seen whether the comprehensive land claim policy will undergo further evolution. Certainly many aboriginal peoples object to the cession of their aboriginal title through land claim agreements, and others believe that the range of rights and benefits obtained in exchange are less than generous (Usher *et al* 1992).

The Nunavut Agreement

The Nunavut Agreement concluded under the 1986 land claim policy is detailed and comprehensive (Merritt & Fenge 1990; Crowe 1990, 1991). Briefly, the Inuit of Nunavut will receive a variety of constitutionally protected rights and benefits throughout their settlement area if and when the agreement is ratified. Rights and benefits accruing to Inuit will include: fee simple title to approximately 137,000 square miles of land, of

which 14,000 square miles will include title to the sub-surface (see map on pp 24–25); the right of representation on new institutions to manage land, water, and wildlife, and to evaluate and mitigate the impacts of resource development throughout Nunavut including the offshore; $1.148 billion, paid over 14 years; additional economic rights, including a share of royalties from oil, gas, and mineral development on Crown land, again including the offshore; and the ability to negotiate with would-be developers for the provision of social and economic benefits from freshwater development projects anywhere in Nunavut, from oil, gas, and mineral projects on land to which Inuit hold surface title, and from proposed national and territorial parks and conservation areas. In addition, Inuit will be guaranteed, subject to principles of conservation, the right to harvest marine and terrestrial wildlife throughout Nunavut sufficient to meet their consumption needs, and will be given priority in establishing sport or commercial wildlife ventures. The federal government is to give 'special consideration' to Inuit when allocating commercial fishing licences in Hudson Bay and Davis Strait, adjacent to, but outside the Nunavut Settlement Area.

Article 4 of the agreement, while only a scant three paragraphs, has attracted considerable attention, for it commits the government of Canada to recommend to Parliament legislation to establish a new Nunavut Territory with its own territorial government and legislative assembly. It also commits the federal and territorial governments and TFN to conclude a 'political accord' dealing with the timing of the Nunavut bill, the powers to be assumed by the Nunavut government, and the method of financing this government.

In sum, the Nunavut Agreement stresses political development, land ownership, natural resource conservation and management, wildlife harvesting and management, money, and economic development. The agreement deals hardly at all with social and cultural issues such as education, health, justice, etc. These policy areas will come under the jurisdiction of the Nunavut government. It seems reasonable to predict dramatic change in these and other policy areas when this government takes over the reins of responsibility. While many implementation

problems loom ahead it seems clear that the Nunavut Agreement, if ratified, will alter significantly many facets of life in that part of the Canadian Arctic within the Nunavut Settlement Area.

The Nunavut Territory

The complete story of the Inuit advocacy for a Nunavut Territory has yet to be written. The chronology of political events and policy proposals concerning division of the Northwest Territories from the early 1970s to the mid 1980s is accurately reported by Jull (1990, 1991 & 1992) and Merritt *et al* (1989), and from the mid 1980s to the early 1990s by Purich (1992).

Dividing the NWT into two territorial jurisdictions was first proposed by white interests in the western Arctic and Mackenzie valley during the years of the Diefenbaker administration (Dickerson 1992). Proposed primarily as a means of accelerating the development of the western Arctic to provincehood, a bill to provide for this died on the order paper in 1963 with the government that sponsored it. Following receipt of advice from the Carrothers Commission on the future political path of the NWT, the succeeding Pearson administration decided in 1967 to establish a more autonomous territorial government, based in Yellowknife. As a result of this decision, the question of dividing the NWT moved off the political agenda, to be partially replaced by an ever-growing appetite on the part of the territorial government to assume provincial-type responsibilities and functions exercised in the North by the federal government.

It was not until Inuit organised themselves politically in the early to mid 1970s, and defined the full geographical extent of their land use and articulated their land claim objectives, that dividing the NWT became, once again, a political issue in the North. By the early 1980s creating Nunavut had become the *sine qua non* of Inuit political aspirations. Indeed, Nunavut was and is used by Inuit leaders as a kind of shorthand — a word not only to express their political aspirations and demands for a settlement of their land claim — but a concept that implies

a new and enduring relationship between Inuit and the Canadian state. Above all, Nunavut came to be seen as the means to chart the path to the future — the means of blending the best of the old with the best of the new.

In 1976, ITC forwarded to the federal government the first Inuit proposal to create a new territory (Inuit Tapirisat of Canada 1976). As part of the proposed agreement, Inuit also suggested that they own in fee simple 250,000 square miles of land, excluding oil and gas, and that government put in place a land use planning commission, upon which Inuit and national environmental and conservation associations were to be represented, to advise on the management of residual Crown land. At least 30 per cent of Crown land was proposed for 'national parks, recreation areas and other activities not harmful to the land'. This proposal was subsequently withdrawn by Inuit to allow for further community consultation.

Although this proposal was not subject to negotiation, conceptually it was the parent of much that subsequently was negotiated. At this early date, Inuit defined a public government, incorporating principles of liberal democracy familiar to the southern populace and politicians, as their preferred model for future governance. In light of their overwhelming majority in the Arctic, ethnically-based self-government was not considered necessary or advisable. Importantly, the 1976 proposal tied together political development in the Arctic with settlement of the questions of land ownership and natural resource management.

Support for Nunavut gradually deepened and broadened among Inuit and others in both the North and the South. From the late 1970s to 1992 Inuit leaders insisted repeatedly that the federal government negotiate both the creation of Nunavut and Inuit rights to own land and manage natural resources, at the same time, and in the same forum. Inuit characterised these topics as sides of the same coin. The federal government, on the other hand, characterised northern political development as a matter to be discussed by all residents of the NWT, while land ownership and land management rights, were seen as matters to be resolved privately between

Inuit and government. Federal ministers and civil servants proposed that each issue be dealt with by different organisations with distinct mandates, according to different time horizons.

Inuit leaders realised that if the federal government could not be persuaded to support the creation of Nunavut on its own merits as a matter of good public policy and a means to improve the administration of land and natural resources in the Arctic, then creation of Nunavut would have to be addressed in the adversarial forum of land claim negotiations. Inuit judged that the prospect of them ceding aboriginal title to approximately 25 per cent of Canada would entice the federal government to accept the creation of Nunavut as part of a comprehensive land claim deal, whether or not the stated policy pre-conditions to Nunavut were in place.

Inuit used any and every forum at their disposal through the 1980s to press for the creation of Nunavut (Merritt *et al* 1989; Jull 1990, 1991). These forums included land claim negotiations, environmental and social impact assessments into oil and gas development in the Arctic, national constitutional discussions, and advocacy by the Nunavut Constitutional Forum (NCF), an Inuit-dominated organisation established for the express purpose of pressing Inuit demands for the creation of Nunavut.

Inuit successfully avoided various political cul de sacs, and overcame many policy barriers on the road to Nunavut. These included the withdrawal in 1976 of the Inuvialuit of the Beaufort Sea region from under the land claim umbrella of ITC. Pressed by the imminence of oil and gas exploration and development in their region, and the withdrawal of the 1976 Nunavut proposal, the Committee for Original Peoples Entitlement (COPE), representing Inuvialuit, concluded a regional land claim agreement-in-principle in 1978 and a final agreement in 1984. In addition, Inuit were able to successfully characterise the 1980 report of the Drury Commission into Constitutional Development in the NWT, as obsolete on the day it was released. This report, prepared directly for the Prime Minister, envisaged further development of the government of the

NWT, and strengthening of community and regional levels of government. It pointedly did not support the creation of a Nunavut Territory (Drury 1980).

Aboriginal peoples' organisations participated actively in a territorial election for the first time in 1979. As a result Inuit, Dene, Metis and Inuvialuit took a majority of seats. This new legislature immediately repudiated the 'we are all northerners' political line of earlier assemblies, and pressed for an airing of grievances by aboriginal peoples and an accommodation of their demands. The legislature established a Special Committee on Unity which reported in 1980. The report of this committee, drafted after considerable public discussion, noted:

> the Northwest Territories as a geo-political jurisdiction simply does not inspire a natural sense of identity amongst many of its indigenous peoples; its government does not enjoy in the most fundamental sense the uncompromising loyalty and commitment of significant numbers of those who are now subject to it (MacQuarrie 1980).

The committee recommended:

> That this assembly formally express what has been implied in its previous motions dealing with aboriginal rights and constitutional development, namely that it regards the present geo-political structure of the Northwest Territories, including the institutions and practices of government, to be an interim arrangement, subject to change as may be negotiated by the leaders of the Northwest Territories' peoples, and subsequently affirmed by the peoples themselves (MacQuarrie 1980).

Of particular interest to Inuit, the committee stated:

> the question of division [of the NWT] should not be deferred any longer ... loyalty is largely an affair of the heart. Unfortunately, or not, as one is disposed to think, loyalty is not inclined to wait patiently to be persuaded by clinical demonstrations, nor is it particularly susceptible to 'proofs'. It will rest where it will (MacQuarrie 1980).

This report laid the basis for a territorial-wide plebiscite — held in April 1982 — on the concept of dividing the NWT to create Nunavut. Of the 51 per cent of eligible voters who cast their votes, 56 per cent supported the idea of dividing the NWT. Inuit in the Baffin and Keewatin regions voted heavily in favour, while those in Coppermine and Cambridge Bay in the Kitikmoet region expressed reservations based, in part, on their use of education and hospital services in Yellowknife; Dene and Metis too

supported the motion but with less enthusiasm; many whites voted against the motion, but many more did not vote — allowing Inuit to 'win' the day (Dacks 1986).

Following the referendum the legislative assembly created the Nunavut Constitutional Forum (NCF) and the Western Constitutional Forum (WCF) to propose new constitutional, political and institutional arrangements to govern the North. Each forum was composed of elected MLAs and leaders of the aboriginal peoples' organisations.

Also in response to the plebiscite, the federal government specified pre-conditions to division of the NWT, including support for division by a majority of northerners, agreement on a boundary; settlement of aboriginal land claims; and agreement on the division of powers between the federal, territorial and regional levels of government (Van Loon 1990; DIAND 1988).

Inuit developed, published and circulated very broadly their vision of the Nunavut Territory through two well received volumes that communicated their political objectives accurately to the public and decision-makers alike (NCF 1983, 1985). Not only did these volumes outline the Inuit agenda, they reassured other northerners that there was room enough in Nunavut for all. Two questions dominated the work of the constitutional forums — the place of the Inuvialuit and the Beaufort Sea region with its assumed oil and gas riches within Nunavut or the western territory, and the boundary to separate the two territories. By the mid-1980s Inuit leaders had accepted — by and large — that the Beaufort Sea region would have to be located in the west if western leaders were at all to support division of the NWT. In recompense, Inuvialuit leaders pressed for a strong regional level of government to protect their interests.

In February 1985, following the 1984 federal election that returned the Progressive Conservatives to power, David Crombie the new minister of Indian Affairs and Northern Development announced to the legislative assembly that Ottawa was prepared to move forward at once to consummate Nunavut. Pre-conditions to creation of Nunavut were

softened, some were dropped. Yet, an extraordinary about-face resulted. In the words of NCFs Research Director of the time:

> The February champagne turned sour in a hurry. The political egos of NWT Ministers and MLAs were bruised to find that not they but the WCF and NCF had made the running. They hit back. Coalitions formed, and although an east-west grouping in the Legislative Assembly supporting the WCF and NCF agreement could have prevailed, older caucus habits died hard. (The NWT legislature has no parties, all sides agreeing that the Nunavut issue must be settled before party politics will be workable). Some of the Nunavut MLAs, Inuit as well as whites, had other goals about which they were less than frank in public. One was to maintain Inuvialuit leverage, at the expense of Nunavut, and the other was to see small business in their hometowns benefit from the Beaufort Sea oil and gas project ... The Legislative Assembly, and then the NCF itself, were knocked into line by a curious coalition of interests, and they made even NCF chairman Dennis Patterson eat humble pie. Crombie, faced with such uproar at what he had thought was his acceptance of the will of the people, now faced implacable and formal opposition (Jull 1992).

The Nunavut initiative was set back — wounded but not mortally. Discussions continued and in January 1987 an agreement was reached between NCF and WCF on principles for two new constitutions, and a process leading to division of the NWT. The forums adopted for purposes of political development, the boundary between the Inuit, and Dene and Metis land claim settlement areas agreed-to in May 1986. 1991 was adopted as the target date to create Nunavut. A territorial-wide plebiscite on the boundary to divide the two territories was planned for summer 1987.

Although hailed as a major breakthrough, and fully in accord with the federal government's policy preconditions to division, the agreement was stalled indefinitely when, in February 1987, Dene and Metis of the Mackenzie valley refused to ratify the land claim boundary agreed to earlier. Dene and Metis sought concessions from Inuit in the Contwyoto Lake, Thelon Game Sanctuary and south Keewatin regions. Further negotiations between Inuit, and Dene and Metis proved fruitless. Three years later leaders of the Dene Nation rejected key components of their prospective land claim agreement. As a result, land claim negotiations between the federal government and the Dene and Metis came to a halt. With a land claim agreement in the western Arctic no longer likely, Inuit and government reasoned that the Dene and Metis might reject any land

claim boundary. As a result of this stalemate, debate on dividing the NWT all but stopped. The constitutional forums were disbanded. Land claim negotiations continued, but on matters unrelated to the boundary.

Inuit politicians negotiated directly with Pierre Cadieux, yet another Minister of Indian Affairs and Northern Development, to reach a land claim agreement-in-principle in December 1989 (DIAND & TFN 1990). Inuit insisted that the agreement-in-principle include provisions dealing with Nunavut, notwithstanding the continued stalemate on a land claim boundary, and the readoption by the federal government in 1988 of preconditions to the creation of Nunavut (DIAND 1988). With the concurrence of the government of the Northwest Territories, represented at the last negotiating session by the Government Leader and the Minister of Justice, Article 4 of the Nunavut Agreement-In-Principle was drafted as follows:

> 4.1.1 Consistent with their long-standing positions, the Government of Canada, the Territorial Government and the Tungavik Federation of Nunavut (TFN) support in principle the creation of a Nunavut Territory, and the financing of a Nunavut Government, outside of the claims agreement, as soon as possible.
>
> 4.1.2 The Territorial Government and TFN undertake to develop, within six months of the Agreement, a process for giving effect to Section 4.1.1 consistent with the *Iqaluit Agreement*, January 15, 1987.
>
> 4.1.3 TFN acknowledges that the process described in Section 4.1.2 shall include a territory-wide plebiscite on a boundary for division, and an agreement among the parties described in Section 4.1.1 on the division of powers (DIAND & TFN 1990).

In hindsight, this provision was a major breakthrough. It tied together the land claim and northern political development in cold and uncompromising type, and in so doing made it very difficult for the federal government to maintain a disinterested position of non-interference defined in its 1988 policy on northern political and economic development (DIAND 1988). Article 4 as a whole and, in particular, the process defined in clause 4.1.2 elbowed aside most of the pre-conditions to Nunavut defined earlier by the federal government. Of central importance, the process for further political development in

Nunavut was now enshrined in the land claim agreement-in-principle, not government policy papers or agreements involving interests throughout the North.

Clauses 4.1.2 and 4.1.3 were included in the agreement-in-principle largely in deference to the position and sensitivities of the territorial government. Indeed, Mr Cadieux took a back seat in the negotiation of Article 4, leaving the territorial government and TFN to agree on appropriate language. The territorial Minister of Justice made it quite clear that his support for clause 4.1.1 rested on the inclusion of additional clauses repeating the main points of the 1987 Iqaluit Agreement. This minister represented a Yellowknife riding heavily dominated by whites, many of whom were thought to be less than supportive of dividing the NWT. The Iqaluit Agreement was a known quantity to his constituents, and had been signed by the members of the WCF, including representatives of white interests. The minister felt that tying Article 4 to the Iqaluit Agreement would minimise criticism that he and the territorial government might receive from Yellowknife-based constituents.

While Inuit negotiators and politicians were pleased with the language in the agreement-in-principle dealing with the creation of Nunavut, there was also some unease, for Inuit were now committed to fight a second plebiscite — this time on a hotly disputed boundary. The plebiscite campaign promised to pit one aboriginal people in the North against another. An additional effect of these clauses was to raise the profile and status of the territorial government in subsequent political development discussions. The territorial Department of Finance now became more directly involved in the fray to ensure that the likely costs of dividing the NWT were fully calculated and on the record. Territorial politicians, with the support of TFN, subsequently pressed for guarantees from the federal government that it would underwrite additional financial costs associated with dividing the NWT.

The months following the announcement of the agreement-in-principle did not see a detailed agreement between TFN and the territorial government on a process to lead to the creation of Nunavut. Instead, the Leader of the territorial government and the President of TFN jointly

signed a letter to the Prime Minister reaffirming their commitment to dividing the NWT. In deference to TFN's position that the land claim and political development be addressed together, this letter noted:

> In response to ... the expectations generated by Article 4, we are proposing that Canada agree to introduce legislation to Parliament creating a Nunavut Territory on or before the time the Nunavut land claims ratification legislation is expected to be introduced (Canadian Arctic Resources Committee 1990).

The letter also proposed that the 'substantive provisions' of legislation establishing the Nunavut Territory, not come into effect until the fifth anniversary of the passage of the legislation. TFN agreed to this reluctantly as a means to minimise the economic and social disruption that division might cause to interests in the Mackenzie valley and western Arctic. The letter invited the federal government to agree to the following:

- The Government of Canada will enter into a formula financing agreement with the Nunavut Government analogous to the agreements entered into with the Governments of the Yukon and the Northwest Territories.
- Funding arrangements will ensure that, at a minimum, the current levels of public sector services in the North will not be eroded.
- Financial arrangements for the Nunavut Government will not prejudice the finances of the remaining western territory.
- Capital costs directly associated with the new Nunavut Government and Territory will be assumed by the Government of Canada, but the Government of the Northwest Territories will continue to contribute to normal capital requirements in the eastern portion of the Northwest Territories until the substantive portions of Nunavut Territory legislation come into effect (Canadian Arctic Resources Committee 1990).

This joint letter drew an encouraging but, at heart, non-committal response from Mr Mulroney. Nevertheless, the joint letter and the Prime Minister's reply prompted TFN and the territorial government to begin joint research and planning for division.

The most difficult component of the Nunavut issue between the 1990 agreement-in-principle and the 1992 final agreement was the boundary to separate the Nunavut and Dene land claim settlement areas. Eventually Tom Siddon, the newest in a growing list of Ministers of Indian Affairs and Northern Development, appointed a fact finder to enquire into the

positions and supporting rationales of both aboriginal parties to the dispute. Following this, he appointed John Parker, a past Commissioner of the NWT, to advise on a 'fair' boundary.

The boundary proposed by Mr Parker in spring 1991 placed in the Dene and Metis settlement area nearly 20,000 square miles of land previously included in Nunavut in the unratified 1986 boundary agreement between Inuit, and Dene and Metis. Mr Parker's recommendation was quickly accepted by Mr Siddon. TFN agreed to live with the boundary some months later after much soul searching by Inuit of the Kitikmeot and Keewatin regions — those most directly affected by the dispute. This boundary was rejected by Dene and Metis. Once TFN and the federal government agreed to a boundary, it was possible to conclude land ownership negotiations. This duly occurred in summer 1991. Attention then focused once more on Article 4.

Inuit were well aware of and participated effectively through ITC in the national constitutional debate in 1991 and 1992. In dealing with aboriginal self-government, this debate related directly to TFN's position on Article 4. In August 1991 the federal Cabinet Committee on National Unity met in Iqaluit as part of a cross-Canada process to draft the federal government's position on renewal of the national constitution. Recognising an important opportunity for advocacy, the President of TFN flew to Iqaluit and asked to meet Mr Clark, Minister responsible for national unity. Mr Clark graciously absented himself from the cabinet meeting, then in progress, and spent 30 minutes with the TFN delegation. At the end of the meeting Mr Clark promised his support for the Nunavut initiative. Only weeks later the federal government unveiled its constitutional reform package, which included reference to the creation of Nunavut. Interestingly no other examples of aboriginal self-government were mentioned in the federal government's paper. By all accounts, this fortuitous reference provided Mr Siddon with additional room to manoeuver when he met TFN politicians in December 1991 to deal with outstanding final agreement items.

Article 4 in the final agreement commits the federal government to create Nunavut, but this commitment is not unconditional. Both parties

recognised the need for a favourable boundary plebiscite to keep the process to divide the Northwest Territories and the process to ratify the land claim agreement on parallel tracks. A note at the end of the article provided the federal government with a route to escape from its commitment to create Nunavut; in the event the plebiscite rejected the boundary. The minister also insisted upon the inclusion of clause 4.1.3, to make it quite clear that Inuit would not gain through the Nunavut Agreement a constitutionally protected right to the creation of a Nunavut Territory. Article 4 of the Nunavut Agreement specifies:

> 4.1.1 The Government of Canada will recommend to Parliament, as a government measure, legislation to establish, within a defined time period, a new Nunavut Territory, with its own Legislative Assembly and public government, separate from the Government of the remainder of the Northwest Territories.
>
> 4.1.2 Therefore, Canada and the Territorial Government and TFN shall negotiate a political accord to deal with the establishment of Nunavut. The political accord shall establish a precise date for recommending to Parliament legislation necessary to establish the Nunavut Territory and the Nunavut Government, and a transitional process. It is the intention of the Parties that the date shall coincide with ratification legislation to Parliament unless TFN agrees otherwise. The political accord shall also provide for the types of powers of the Nunavut Government, certain principles relating to the financing of the Nunavut Government, and the time limits for the coming into existence and operation of the Nunavut Territorial Government. The political accord shall be finalised before the Inuit ratification vote. It is the intention of the Parties to complete the Political Accord by no later than April 1, 1992.
>
> 4.1.3 Neither the said political accord nor any legislation enacted pursuant to the political accord shall accompany or form part of this Agreement or any legislation ratifying this Agreement. Neither the said political accord nor anything in the legislation enacted pursuant to the political accord is intended to be a land claims agreement or treaty right within the meaning of Section 35 of the *Constitution Act, 1982*.
>
> NOTE: This Article is subject to revision by the parties following the review of the results of a plebiscite on a proposed boundary for division of the NWT, the said plebiscite to be conducted prior to ratification of this Agreement (DIAND & TFN 1992).

With both TFN and the federal government commited to a land claim boundary, and with the territorial government also silently in agreement, only two issues had to be resolved before the Nunavut Agreement could be presented to Inuit for a ratification vote — the boundary plebiscite and conclusion of a Nunavut Political Accord with the federal and territorial governments.

The political accord was signed by negotiators from the federal and territorial governments and TFN on April 27, 1992, one week before the May 4 boundary plebiscite (DIAND, GNWT & TFN 1992; CARC 1993). The nine-page political accord specified that the Nunavut Act would be similar to the existing NWT Act; that the land claim ratification and Nunavut bills would be presented to Parliament at the same time; that the Nunavut Act would not come fully into force until 1999; that the powers of the Nunavut government would be similar to those exercised by the government of the NWT; and that a transition commission would be established to plan for the creation of the new government. The accord charged the commission to work toward an equitable distribution of government activities among communities in Nunavut, decentralisation of government delivery systems, and to emphasise training programs to equip Inuit to assume administrative positions.

Adopting 1999 as the date for the full operation of the Nunavut Territory was a decision taken at a Nunavut Leaders Summit early in 1992 — the first such meeting to bring together Inuit and other leaders in the eastern Arctic from municipal, territorial, and federal levels. This date was adopted to allow additional time to plan for the assumption of power by the Nunavut government, to dovetail the first Nunavut election with a scheduled territorial election, and ease the task of establishing training programs to help Inuit gain the skills required for positions in the new government.

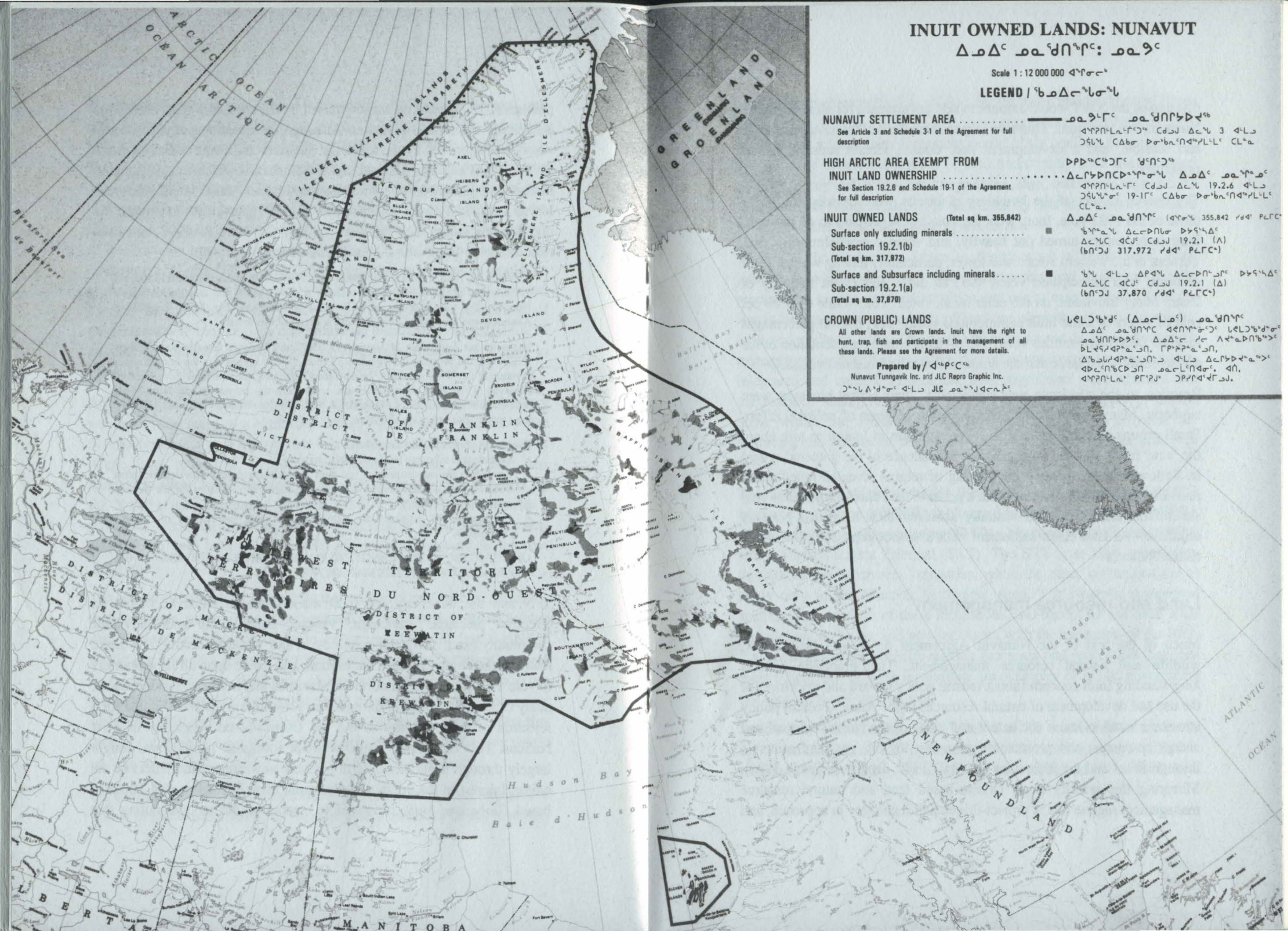
The accord also provided interests in the western Arctic with an assurance that the federal government would assume the additional financial burden that Nunavut was thought likely to create, and that dividing the NWT would not lead to a reduction in government-provided services enjoyed by territorial residents. With these clauses included, TFN was able to use the political accord in the last week of campaigning on the boundary plebiscite. TFN sought to reassure residents of the Mackenzie valley that division of the NWT would be appropriately planned and that they would not pay for Nunavut. In short, the divorce would not be messy.

On the basis of the commitments in the political accord, TFN appealed to voters in the western Arctic to support Inuit aspirations in the boundary

plebiscite. This plebiscite was organised by the territorial government and held under territorial legislation. Although the question put to territorial voters was approved by the territorial government, it was actually written by TFN. This explains the wording of the question which was designed to increase the likelihood that voters in the western Arctic would vote 'yes'. It was assumed by Inuit leaders that voters in Nunavut would support the question no matter how it was worded. On May 4, 1992 territorial residents were faced with the following question:

> On April 14, 1982, a majority of voters in an NWT-wide plebiscite voted to support the division of the Northwest Territories so as to allow the creation of a new Nunavut Territory with its own Nunavut government. The NWT Legislative Assembly and the Government of Canada accepted this result.
>
> In the Iqaluit Agreement of January 15, 1987, the Nunavut Constitutional Forum (NCF) and the Western Constitutional Forum (WCF) agreed that the boundary for division of the NWT would be the boundary separating the Tungavik Federation of Nunavut (TFN) land claim settlement areas from the Inuvialuit and Dene-Metis land claim settlement areas. On April 19, 1991 the Government of Canada endorsed the compromise boundary shown on the map below.
>
> Division will occur in such a way as:
> - to maintain adequate levels of public services;
> - to respect the opportunity of residents in the Mackenzie Valley and Beaufort areas to develop new constitutional arrangements in the future for the western part of the NWT;
> - to respect the employment status and location preferences of GNWT employees.
>
> ON THESE UNDERSTANDINGS, DO YOU SUPPORT THE BOUNDARY FOR DIVISION SHOWN ON THE MAP ABOVE?

TFN and the three regional Inuit associations in Nunavut waged an effective plebiscite campaign, visiting every Inuit and Inuvialuit community, and many communities in the western Arctic. The Dene Nation vehemently opposed the motion, and called upon all its supporters to vote 'No'. Indians from northern Manitoba and northern Saskatchewan, many of whom use land in the southern Keewatin in the NWT called for a rejection of the boundary as did the Ottawa-based Assembly of First Nations. This unfortunate battle between aboriginal peoples was fought largely through advertisements in northern newspapers and letters to the editor. Interest in the South was also quite high. The influential Toronto-based *Globe and Mail*, for example, supported the motion, noting that



INUIT OWNED LANDS: NUNAVUT

ᐃᓄᐃᑦ ᓄᓇᕗᑦᑎᑦ: ᓄᓇᕗᑦ

Scale 1 : 12 000 000 ᐊᖏᕐᓂᒃ

LEGEND / ᖃᓄᐃᓕᖅᑐᖅ

NUNAVUT SETTLEMENT AREA ..... ᓄᓇᕗᒻᒥᑦ ᓄᓇᕗᑦᑎᐅᔪᖅ

See Article 3 and Schedule 3-1 of the Agreement for full description

ᐊᖏᕈᑎᒃᓴᓕᕆᑦᑐᖅ ᑕᐃᓗᒍ ᐃᓕᖓ 3 ᐊᒻᒪᓗ ᑐᓴᕐᓴᖅ ᑕᐃᒪᓐᓇ ᐅᓂᒃᓴᓂᐊᖏᓪᓗᒡᒪᑦ ᑕᒪᓐᓇ

HIGH ARCTIC AREA EXEMPT FROM INUIT LAND OWNERSHIP ..... ᐅᓪᓚᕆᐅᑎᑕᐅᓴᖅᓂᖓᓄᑦ ᐃᓄᐃᑦ ᓄᓇᕗᓂᓄ

See Section 19.2.6 and Schedule 19-1 of the Agreement for full description

ᐊᖏᕈᑎᒃᓴᓕᕆᑦ ᑕᐃᓗᒍ ᐃᓕᖓ 19.2.6 ᐊᒻᒪᓗ ᑐᓴᕐᓴᖅᓂᑦ 19-1ᑦ ᑕᐃᒪᓐᓇ ᐅᓂᒃᓴᓂᐊᖏᓪᓗᒡᒪᑦ ᑕᒪᓐᓇ.

INUIT OWNED LANDS (Total sq km. 355,842) ᐃᓄᐃᑦ ᓄᓇᕗᑦᑎᑦ (ᐊᖏᓂᖅ 355,842 ᓯᐊᑦ ᑭᒪᑕᑦ)

Surface only excluding minerals ..... ■

Sub-section 19.2.1(b)
(Total sq km. 317,972)

ᖃᕐᕕᐅᓂᖅ ᐃᓕᓴᕐᓂᐊᕐᓗᒍ ᐅᑉᐳᖅᓴᐃᓇ ᐃᓕᓴᕐᓂᐊᕐᓗᒍ ᐱᖓᓱᒃᑐᒃᑯᑦ ᑐᓴᕐᓴᖅ 19.2.1 (ᐱ) (ᑲᑎᕐᔪ 317,972 ᓯᐊᑦ ᑭᒪᑕᑦ)

Surface and Subsurface including minerals ..... ■

Sub-section 19.2.1(a)
(Total sq km. 37,870)

ᖃᕐᕕᐅᓂᖅ ᐃᓕᓴᕐᓂᐊᕐᓗᒍ ᐱᖓᓱᒃᑐᒃᑯᑦ ᐃᓕᓴᕐᓂᐊᕐᓗᒍ ᐅᑉᐳᖅᓴᐃᓇ ᐃᓕᓴᕐᓂᐊᕐᓗᒍ ᐊᒻᒪᓗ ᑐᓴᕐᓴᖅ 19.2.1 (ᐃ) (ᑲᑎᕐᔪ 37,870 ᓯᐊᑦ ᑭᒪᑕᑦ)

CROWN (PUBLIC) LANDS

All other lands are Crown lands. Inuit have the right to hunt, trap, fish and participate in the management of all these lands. Please see the Agreement for more details.

ᑲᒪᒍᖃᖅᑐᑦ (ᐃᓄᓕᓐᓂᑦ) ᓄᓇᕗᑦᑎᑦ

ᐃᓄᐃᑦ ᓄᓇᕗᑦᑎᑦ ᐊᓂᑎᑦᓴᓂᒃᑯᑦ ᑲᓇᒪᒍᖃᖅᑐᑦ ᓄᓇᕗᑦᑎᐅᔪᖅ. ᐃᓄᐃᑦᓯ ᓯᓂ ᐱᓕᕆᓂᐊᑎᖃᕐᓂᖅ ᐅᒪᔨᕐᕕᐊᓂᖅ, ᒥᑭᔨᖅᓂᖅ, ᐃᖃᓗᐊᓂᖅ ᐊᒻᒪᓗ ᐊᑐᐃᓐᓇᖅᑐᑦ ᐊᑎᓕᐅᕆᓂᖅ ᐃᓄᐃᑦ ᓄᓇᕗᑦᑎᐅᔪᖅ.

Prepared by / ᐊᖏᑭᑦ
Nunavut Tunngavik Inc. and JLC Repro Graphic Inc.
ᑐᑦᓴᒃᐃᓕᓐᓂᑦ ᐊᒻᒪᓗ JLC ᓄᓇᕗᑦᓴᐊᓕᓇᕆᑦ

division of the NWT would amount to self-government for all residents of Nunavut, not just Inuit. This newspaper characterised Nunavut as simple and feasible, and a development that 'doesn't violate sensible liberal principles'.

The overall results of the boundary plebiscite were broadly similar to those of the 1982 vote. Inuit 'won' the vote by 54 per cent to 46 per cent. Inuit communities turned out heavily, and voted overwhelmingly 'Yes'. Turnout in the western Arctic was lower, particularly among whites. Most of those who participated voted 'No', as did a significant majority of Dene. Many Inuvialuit, on the other hand, voted 'Yes'. While over 90 per cent of voters in some Inuit communities voted 'Yes', similar percentages in some Dene communities voted 'No' — an accurate representation of the divisiveness of the issue and the emotion that the plebiscite evoked.

Reaction to the plebiscite was predictable. Inuit across Nunavut were euphoric. Many saw it as the consummation of years of political effort. Small groups gathered outside the Navigator Inn in Iqaluit to talk about the 'new' future that the vote ushered. The silence of the gathered crowd in Yellowknife that greeted the posting of returns revealed much about reaction in the western Arctic. With a positive land claim ratification vote six months later, Inuit had virtually achieved their long-held political objective — a land claim settlement with a concomitant commitment to create Nunavut

Land and resource management

Much of the text of the Nunavut Agreement deals with land, water, wildlife and natural resource management. This emphasis reflects long-standing Inuit concerns about federal policy toward and priorities for the use and development of natural resources in the Arctic. Federal policy stresses a 'need to know' the extent and value of the North's mineral and energy resources, and promotes exploration for oil, gas, and minerals through fiscal and tax incentives (DIAND 1988; Jacobs & Fenge 1986). Mirroring this priority is an Ottawa-based land and natural resource management regime that is project-driven and regulatory in approach, and

that has been characterised as *ad hoc*, incremental, and fragmented (Rees 1978; Fenge & Rees 1987). As well, Inuit negotiators appreciated as early as 1980 that a land claim agreement would likely confirm government as the owner of considerable areas of land traditionally used and occupied by Inuit. A key task before Inuit negotiators, then, was to use negotiations to define Inuit rights to participate in managing land and natural resources in Nunavut that would be owned by the Crown.

TFN used the land claim forum to design a set of institutions; quasi judicial boards, upon which both government and Inuit are equally represented, to manage the disposition and use of natural resources in the Arctic, and to do so on the basis of land use plans that identify 'optimum' land and resource uses. The goal has been to put in place a resource management system that is, unlike current arrangements, comprehensive, integrated and unified. In addition, Inuit negotiators were adamant that the resource management provisions of the agreement apply to marine areas within the Nunavut Settlement Area. This was provided for following the reform of the federal government's land claim policy in 1986.

The Nunavut Agreement details five institutions: a Nunavut Wildlife Management Board (NWMB); a Nunavut Impact Review Board (NIRB); a Nunavut Planning Commission (NPC); a Nunavut Water Board (NWB); and a Surface Rights Tribunal (SRT). The SRT is to have jurisdiction throughout the Northwest Territories, while the other institutions are to apply only to the Nunavut Settlement Area. The Nunavut Agreement specifies the purposes of these institutions, and except for the SRT, their jurisdiction, make-up, and powers. Again with the exception of the SRT, it also elaborates the decision-making processes and procedures that each must follow. All of these institutions are examples of public government not aboriginal self-government.

Article 5.2.1 provides that the NWMB shall be established immediately upon ratification of the agreement. No further legislative action is required. The remaining institutions are not established by the land claim

agreement itself, but by legislation passed pursuant to it. Article 10.1.1. states:

> The Government of Canada undertakes that the following institutions will be established as institutions of public government in accordance with the Agreement, according to the following timetable:
>
> a) the Surface Rights Tribunal, six months after the date of ratification of the Agreement, unless established at an earlier date; and
>
> b) the following institutions, namely
> 1. the Nunavut Impact Review Board,
> 2. the Nunavut Planning Commission,
> 3. the Nunavut Water Board,
>
> on the second anniversary of the date of ratification of the Agreement, unless established at an earlier date.

Negotiators from TFN were concerned that government might be unable to pass legislation to establish the institutions within the specified timetable. To give Inuit further assurance that their rights to participate in managing natural resources would come into effect within the agreed timetable, Article 10.10.1 states:

> Where the legislation to establish any of the institutions referred to in Section 10.1.1 is not in effect by the first anniversary of the date specified for their establishment,
>
> a) in respect of the Tribunal, the Minister shall appoint persons as members of the Tribunal; and
> b) in respect of NIRB, the NPC or the NWB, the provisions of the Agreement respecting the appointment of the members of that institution shall be considered to be in effect on that anniversary date, and
>
> upon their appointment, those members shall be considered to have, for all purposes of law, all the powers and duties described in the Agreement.

The natural resource management institutions and decision-making procedures defined in the Nunavut Agreement are designed to operate as parts of a whole. Regional land use plans are to specify goals and objectives for land and water use (Bankes 1987). Oil, gas, mineral and other proposed development projects are to be considered in the context of approved land use plans. Projects that conform to land use plans are to be subject to a rigorous environmental and social impact assessment by NIRB or through the federal environmental assessment and review

process (EARP). If proposed projects successfully navigate screening and/or assessment by NIRB (or, if a water development project, by NWB), a project certificate is issued to outline terms and conditions under which the project may proceed. These terms and conditions are to be reflected in ongoing permits and licenses issued by government agencies. The agreement provides for monitoring of projects by NIRB, NWB or existing government agencies.

Perhaps the most difficult issue to resolve in negotiating the resource management arrangements was the division of authority between ministers and the new institutions. Government negotiators insisted that ministers be identified as the locus of final, ultimate, decision-making authority. Inuit eventually accepted this proposition but insisted, in turn, that ministerial authority to override decisions made by the institutions be confined to circumstances and procedures defined in the agreement.

It is expected that ministerial involvement in decision-making by the institutions will be rare, and that they will operate at arm's length from ministers and line agencies. To this end, the implementation provisions of the agreement require, and the Nunavut Agreement Implementation Plan provides, the institutions with long-term budgets.

Inuit negotiators long bridled against the imposed limitations of the federal government's land claim policy with respect to ownership and management of the sub-surface. Partial responses to this problem are found in the land-use planning, and development impact and screening provisions of the agreement. In particular, it is hoped that screening, assessment and review of proposed projects by NIRB will be more rigorous than those currently used by panels set-up under the federal EARP, whose procedures and reports on proposed resource developments in the territorial North have been severely criticised (Rees 1980; Fenge & Smith 1986). Barred from designing new institutions and decision-making arrangements for sub-surface resources by the land claim policy, Inuit are cooperating with the Government of the Northwest Territories to negotiate energy and mineral accords with Ottawa, the object of which is to transfer authority to manage these resources from Ottawa to Yellowknife (Dacks 1990).

The surface resource management institutions and decision-making processes to be established pursuant to the land claim settlement may very well have a significant impact on the terms and conditions under which sub-surface resource development occurs. While not regulating such development, the NPC, NIRB, and NWB could indirectly influence — perhaps significantly — the scale, pace, timing, and location of oil, gas, and mineral development in the Arctic.

With the exception of the NWMB, the resource management institutions and, in particular, all their substantive 'powers, functions, objectives, and duties' are to be established through statute. The agreement, then, may be seen as providing detailed instructions to legislative drafters. Article 10.6.1 notes that the Parliament of Canada or the Legislative Assembly, insofar as each has authority to do so, may by statute:

> consolidate or reallocate the functions of the institutions referred to in Section 10.1.1, or enable the consolidation of hearings conducted by the institutions, but any such statute shall not diminish or impair the combined powers, functions, objectives or duties of the said institutions, or increase the powers of Government in relation thereto.

Inuit negotiators feared that government might in future use the language providing for consolidation or reallocation of functions to dismanl.le the carefully negotiated resource management system. Yet, it was acknowledged on both sides that provision should be made for consolidation and reallocation of functions to ensure that the resource management system is able to adapt to changing economic, social, and environmental circumstances, and so remain vibrant and relevant.

Government was entirely unwilling to submit the consolidation or reallocation of functions of the institutions to an Inuit veto, arguing that designing institutions of public government is government's business alone, and that the Nunavut Agreement was stretching the land claim policy's ability to provide for aboriginal participation in governmental institutions to manage natural resources. An impasse was avoided by the insertion of clause 10.6.1 preventing government from diminishing the 'combined powers functions, objectives or duties' of the institutions. In addition, Article 10 keeps as separate and discrete, key resource

management functions, including: land-use planning, planning policy, environmental and socio-economic screening, development impact assessment and review, and water use approval.

The resource management provisions of the Nunavut Agreement represent an attempt by Inuit negotiators to qualitatively improve decision-making as well as to wrest some authority from Ottawa. It is too soon to tell how well these institutions and the resource management system as a whole will work. Certainly many funding, personnel, and informational problems lie ahead, as do the normal difficulties of planning for, allocating, and managing scarce natural resources. Inevitably, there will be difficulties meshing the decisions of the surface management institutions established pursuant to the land claim settlement, with those of sub-surface management institutions pursuant to federal/territorial negotiations to 'devolve' authority from Ottawa to Yellowknife.

It is the shared intent of government and Inuit that resource management institutions operate upon co-operative and consensual principles as much as possible, and mesh the very different experiences, expertise, and epistemologies of Inuit and government. As such, the resource management provisions of the Nunavut Agreement reflect the growing Canadian literature on, and commitment toward, 'co-operative' management of natural resources by government and users. Certainly, Inuit hope that existing priorities with regard to: the use and development of non-renewable resources in the Arctic; the cost of renewable resources; and the environment, will be balanced anew through cooperative processes that the new resource management agencies are dutybound to implement.

Wildlife management

Significant social and economic changes have taken place in the Canadian Arctic since the end of the second world war, including movement of Inuit in the 1950s and 1960s into small coastal villages. Notwithstanding these changes, Inuit maintain a very real dependence on marine and

terrestrial wildlife for food (Gunn *et al* 1986; Wenzel 1991). For example, in the Lancaster Sound region, it would have cost over $3.6 million in 1982 to replace country food provided to the area's 2,000 Inuit by local hunters with less nutritious store-bought products (NWT Planning Commission 1991). Dollars, however, tell only part of the story, for sharing country food with kith and kin is an important means through which Inuit maintain the fabric of their society and culture. Through hunting, fishing and trapping, Inuit pass on from one generation to the next the essence of being Inuit, and all that this entails. Notwithstanding increased exploitation of non-renewable resources and rapid development of the service economy in Nunavut in the last ten to twenty years, the Inuit economy is concentrated still on wildlife, and is likely to remain so for the foreseeable future.

For these reasons, wildlife harvesting and management were dealt with as the first items in land claim negotiations in 1980. Agreement was reached between Inuit and most federal government agencies in 1981, but it was not until 1986 that the departments of environment, and fisheries and oceans endorsed the wildlife provisions. These provisions were amended frequently, the last amendments being made in 1991, only weeks before the conclusion of the Nunavut Agreement.

Article 5 — the wildlife provisions — is the most technical article in the agreement, and is also the longest. This article seeks to create a system of harvesting rights, priorities, and privileges governing all residents of Nunavut, Inuit and non-Inuit alike, that:

> subject to availability, as determined by the application of the principles of conservation, and taking into account the likely and actual increase in the population of Inuit, confers on Inuit rights to harvest wildlife sufficient to meet their basic needs, as adjusted as circumstances warrant (DIAND & TFN 1992).

In addition, the article aims to give Inuit organisations priority in establishing and operating sport and commercial wildlife ventures. Much of the article deals with management of wildlife. The agreement puts in place a new institution — the Nunavut Wildlife Management Board (NWMB) — to implement a harvest quota system detailed in the agreement.

Terrestrial species of wildlife are currently the responsibility of the territorial government, while marine species come under the jurisdiction of federal agencies. Inuit harvest species from both environments, and for most of the year Inuit use the offshore as an extension of the land (Freeman 1986). Land fast ice is a convenient platform for transportation to and from hunting sites, usually at the floe edge. As a result of Inuit hunting patterns, the wildlife provisions seek to 'integrate' the management of all wildlife. The NWMB is the institutional vehicle to do this.

Where a total allowable harvest for a stock or population of wildlife has not been established by the NWMB, Inuit have the right to harvest that stock or population up to the full level of their economic, social, and cultural needs. Inuit must abide by a total allowable harvest established by the NWMB, but Article 5.6.19 guarantees Inuit first claim on any wildlife:

> Where a total allowable harvest has been detennined by the NWMB ... the NWMB shall strike a basic needs level ...
>
> The basic needs level shall constitute the first demand on the total allowable harvest. Where the total allowable harvest is equal to or less than the basic needs level, Inuit shall have the right to the entire total allowable harvest.

A five year harvest study to assist the NWMB set a basic needs level is scheduled to commence upon ratification of the agreement. Notwithstanding this exercise, the board must presume that Inuit need the total allowable harvest of all bears, musk-ox, bowhead whales, all migratory birds during autumn, all raptors, and eiderdown from eider duck nests. The board is to periodically review the basic needs level to determine if an additional harvest allocation to Inuit is required in light of the Inuit population growth, increased intersettlement trade or other factors. The resulting 'adjusted basic needs level' may over time reach the total allowable harvest, but may never be reduced below the basic: needs level. Animals that remain to be harvested — the surplus — are to be allocated first to other residents of the NWT for personal consumption, second for sport and commercial operations existing at the time of ratification of the agreement, and third for new sport and commercial operations.

This allocative system is subject to principles of wildlife conservation. The board or a federal or territorial minister may restrict Inuit harvesting only to effect a valid conservation purpose, to give effect to the allocative system detailed in the agreement, or to provide for public health and safety.

In southern Canada Indians have seen their access to land for hunting, fishing and trapping eroded by the development of agriculture, commercial forestry and industrial development, notwithstanding guarantees provided in treaties. As a result of this experience, the Nunavut Agreement contains detailed provisions dealing with the right of access by Inuit to Crown land for hunting, fishing and trapping:

> Subject to Sections 5.7.18, all Inuit shall have the free and unrestricted right of access for the purpose of harvesting to all lands, waters and marine areas within the Nunavut Settlement Area, except the land described in Section 5.7.17, and without limiting the generality of the foregoing, the said right of access shall extend to all Crown land, including, for greater certainty, Parks and Conservation Areas, and, to all lands vested in a municipal corporation.

This right of access does not extend to areas dedicated to military or national security purposes under the National Defence Act, to land owned in fee simple at the date of ratification of the agreement, or granted after ratification, where the parcel of land is less than one square mile, subject to a surface lease current on October 27, 1981, or within one mile of a building on lands under a surface lease, an agreement for sale or owned in fee simple.

The NWMB — an institution of public government — is to be established immediately upon ratification of the agreement. Government is recognised to retain ultimate authority for wildlife management, but the NWMB is to be the 'main instrument of wildlife management in the Nunavut Settlement Area and the main regulator of access to wildlife'. The board is to be composed of nine members, four appointed by Inuit organisations, three appointed by the Governor in Council upon the advice of ministers responsible for fish and marine mammals, the Canadian Wildlife Service and Indian Affairs and Northern Development,

and one appointed by the Commissioner-in-Executive Council. The Governor in Council is to appoint a chairman from nominees provided by the board.

In addition to implementing the harvest allocative system outlined above, the board is to have a major role in wildlife related research and managing and protecting wildlife habitat. It is to approve the establishment, disestablishment, and management plans for parks and conservation areas; approve plans for protection of particular wildlife habitats; and to approve designation of rare, threatened, or endangered species. The role of the board in managing wildlife habitat was a topic of some controversy during negotiation. Government seemed to fear that an expansive board mandate might hinder decisions on the disposition of rights to use and develop subsurface resources. As such, government insisted upon the inclusion of the following clause:

> 5.2.36 While habitat management and protection is an integral function of wildlife management, and as such is commensurate with the NWMB's responsibilities for wildlife matters, primary responsibility for the management of lands, including flora, shall be exercised by the appropriate government agencies and such other related bodies as may be established in the Agreement.

The ability of the NWMB to exercise the various functions identified in the agreement will depend upon the budget that it receives, the number, quality and dedication of its staff, and foremost, the attitude and skills of the board members. The agreement provides an opportunity to greatly alter the manner in which wildlife is managed. To what extent this opportunity wiil be seized remains to be seen.

Inuit owned lands

Modern land claim agreements have confirmed ownership by aboriginal peoples of large areas of land. The Inuvialuit of the Beaufort Sea region, for example, obtained fee simple ownership to 35,000 square miles of land through their 1984 land claim agreement with the federal government (Doubleday 1989). The 1986 land claim policy enables aboriginal peoples to select land from within traditional areas that are currently used and occupied (DIAND 1986). Commonly, title held by

aboriginal peoples pursuant to land claim agreements, is to the surface of the land only. In addition, land claim agreements to date provide generous access and entry to settlement land by non-aboriginal people, agents of government, and to industry. Aboriginal peoples have been successful in gaining ownership of only a relatively small amount of sub-surface land within traditional areas of use and occupancy. For example, only 5,000 square miles of that land owned by the Inuvialuit pursuant to the 1984 Inuvialuit Final Agreement includes rights to oil, gas, minerals and other sub-surface resources. The Nunavut Agreement does not break this mold.

Inuit insisted that determining ownership of land be one of the final topics to be dealt with in land claim negotiations. As a result, the parcels of land to be owned by Inuit were not defined until 1991, over ten years after the onset of negotiations. Government negotiators, in turn, insisted that arrangements for the public, industry and for agents and employees of government to have access to Inuit Owned Land be specified in some detail in the agreement-in-principle. In addition, government required that rules for possible expropriation of Inuit Owned Land be specified before it would agree to the amount or location of land to be owned by Inuit.

Inuit land ownership was dealt with in two phases. In the early 1980s the federal government and TFN agreed to purposes of Inuit Owned Land, and principles to guide the identification of this land. In the late 1980s Inuit and the federal government defined the amount of land that Inuit would own. The purposes and principles of Inuit land ownership, and the actual quantum of land to be owned by Inuit were included in the agreement-inprinciple signed in April 1990. The second phase, negotiation of the parcels of land to be owned by Inuit, followed immediately, and was concluded in summer 1991.

Article 17 of the agreement-in-principle provides that:

> The primary purpose of Inuit Settlement Lands shall be to provide Inuit with rights in land that promote economic self-sufficiency of Inuit through time, in a manner consistent with Inuit social and cultural needs and aspirations (DIAND & TFN 1990).

Using this very broad statement of purpose, Inuit were to be able to identify and to select areas important for renewable and non-renewable

resources, including 'areas of known or potential mineral deposits!' and 'areas of value for various operations and facilities associated with the development of non-renewable resources'. These provisions of the agreement-in-principle were to be of great importance during negotiation of specific tracts of land thought to contain mineral deposits of commercial potential.

Oil and gas have been found in the Sverdrup basin in the High Arctic Islands, and Lancaster Sound is an area of ongoing interest to the hydrocarbon industry. Much of the Keewatin region, and the area south of Coppermine and Bathurst Inlet is promising for future development of minerals, particularly uranium, lead, zinc, and gold. Government has awarded rights to 'third parties' to explore for and to develop energy and mineral resources in these areas, despite the assertion of aboriginal title by Inuit. One gold and two lead/zinc mines are currently in production in Nunavut, and very small amounts of crude oil are shipped south through the Northwest Passage from Cameron Island during the short summer shipping season.

It was of central importance to Inuit that land encumbered by third party rights and interests — surface and sub-surface — be included in land ownership negotiations. In particular, Inuit insisted that land held under mineral lease or claim, or subject to a prospecting permit, be on the table for negotiation. This principle was articulated in Article 18 of the agreement-in-principle, although the same article noted that 'identification shall not include areas subject to third party interests in the form of fee simple estates in private hands'. The federal government acceded to the Inuit demand, in part, because Inuit accepted the principle that on Inuit Owned Land, existing third party rights and interests would continue in accordance with their terms and conditions.

In 1987 and 1988, Inuit and the federal government jointly defined the process that would be followed to determine the amount of land that Inuit would own, and the location of this land. These 'rules of the game' are included in Article 19 of the agreement-in-principle. In these same years, TFN conducted a community preparation programme, involving the establishment in every settlement of a Community Land Identification

Negotiating Team (CLINT), composed of representatives of local hunters and trappers associations, elders, and municipal councils, as well as TFN. Those communities with shared political and administrative interests, and, most importantly, those with shared land use, were grouped together into six regions for purposes of land quantum negotiations that took place in 1988 and 1989, and land ownership negotiations that took place in 1990 and 1991. In conducting these negotiations, Inuit used their 1977 land use and occupancy study, updated in 1987/1989 by a research team headed by Ric Riewe of the University of Manitoba (Riewe 1992), and drew as well upon their extensive knowledge of the natural environment.

As a result of land quantum negotiations, the agreement-in-principle specified that Inuit would own in fee simple 136,000 square miles of land, of which 14,000 square miles would include ownership of the sub-surface. This is approximately eight square miles per beneficiary, and represents just over 18 per cent of the land area of Nunavut over which Inuit can demonstrate use and occupancy within 'living memory'. It is important to remember, however, that Inuit agreed not to select land in the Sverdrup Basin — an area included in the Nunavut Settlement Area and subject to all the resource management and economic development provisions of the agreement, but an area over which Inuit could not document use and occupancy.

As outlined in Article 19 of the agreement-in-principle, Inuit submitted to the federal government 'areas of interest' one to two months before the beginning of land ownership negotiations. These areas of interest — land that Inuit particularly wished to own — were one-and-one-half times the already agreed-to land quantum for each land use region. Generally, negotiations focused on these areas, it being the aim of Inuit to ensure that as much Inuit Owned Land as possible be from within these areas. Inuit feared that government might insist that a large percentage of settlement land be identified from areas of no particular ownership interest to Inuit, such as mountain tops and glaciers. Government appreciated these concerns, and agreed to include a clause in the agreement-in-principle providing that 'at least 75% of the land Inuit will own shall be from within the areas of interest previously identified by

each CLINT'. With this minimum guarantee in place, Inuit were confident that their limited land quantum could deliver to them ownership of lands that they most wanted. By and large this is just what happened.

As land ownership negotiations unfolded, it became clear that Inuit had an advantage over the federal government when dealing with surface land selections, for their knowledge of the land far outpaced that of government. Of course, Inuit have a very clear idea of what land they wanted and why they wanted it. Government usually had to respond to the Inuit agenda. In the course of negotiations, Inuit frequently corrected the maps used by government as to the location of navigation aids, stream gauges, and other minor land uses. Indeed, maps of the Arctic upon which government negotiators had to rely seemed often to be of less use than the experientially-based knowledge of the environment upon which Inuit negotiators could draw. On the other hand, government had an advantage in dealing with sub-surface selections, for it drew upon the resources and knowledge of the Geological Survey of Canada, as well as the oil, gas and mineral industries that it regulates. Inuit had to rely upon consulting geologists to define areas of promising mineral potential which, of course, became prime ownership targets, and to provide advice on the inevitable trade-offs that were made during the course of negotiations.

Inuit concentrated their land selections in coastal areas. This is not surprising, for Inuit are a coastal people who spend much of the year harvesting marine mammals, and all but one of the communities in Nunavut — Baker Lake — is located on the coast. In addition, Inuit selected land for a variety of reasons. Areas of importance for wildlife harvesting and camping were prime candidates, as were areas of cultural importance, such as grave sites and places of birth. Areas that have potential as tourist destinations were also favoured, as were areas of biological importance, such as caribou calving grounds. Government, on the other hand, was particularly concerned with the provision of access corridors linking Crown land in the interior with coastal villages, and demanded ownership of a 'representative share' of the coast. In addition, government sought to retain as Crown land certain areas close to communities for future public recreation.

Not surprisingly, a major point of contention between government and Inuit was the selection of sub-surface land. Both parties were well aware of areas of promising mineral potential, although the Canadian Arctic is by no means fully mapped or explored geologically. It was also a shared assumption that within geologically promising areas, the 'best of the best' was already under lease, claim, permit, or another form of interest, for the mineral, and oil and gas industries were acknowledged to know most about the North's non-renewable resource potential.

Government and Inuit interpreted the agreed-to rules governing the conduct of sub-surface land ownership negotiations somewhat differently. Inuit argued for an 'equitable sharing' of high mineral potential parcels of land within their 'areas of interest', including those held by third parties. This position was rationalised on the basis that Inuit were playing geological 'Russian roulette' in land ownership negotiations, for they would only have one opportunity to select land. Government countered that Inuit should obtain ownership of land held by third parties only in 'exceptional circumstances'. Government argued that it needed the economic rent that mineral development on Crown land generates to provide Inuit and other northerners with the social, health, and other services they enjoy. In addition, government argued that it had a duty to 'protect' third party interests, and that this duty was best carried out by it remaining the landlord to third parties.

As land ownership negotiations proceeded, an informal understanding emerged — Inuit would gain title within their areas of interest to about 33 per cent of high mineral potential land encumbered with third-party rights. Inuit did not face great opposition from government in gaining title to land of promising mineral potential free of third-party rights and interests. As a result of land ownership negotiations, Inuit are to gain title to proven uranium reserves in Keewatin, and lead, zinc and gold reserves in North Baffin and Kitikmeot. Of course, whether these deposits will be developed is largely out of the hands of both government and Inuit, and is determined primarily by market factors. Nevertheless, it seems likely that some future mines in Nunavut will be located on land owned by Inuit.

Economic development

Ownership of land and harvesting of wildlife are themselves economic development components of the Nunavut Agreement and, in time, may be acknowledged as the most important components. Nevertheless, Inuit wished to define in the land claim agreement a number of ways to participate in economic development. The basic negotiating strategy was to define in the agreement as many economic development provisions as possible. As a result, the Nunavut Agreement provides for Inuit employment in the public sector, preferential treatment in bidding for government contracts, compensation funds, royalties, and benefits agreements between Inuit and industry. The later three economic development provisions have attracted most attention.

The agreement-in-principle awarded Inuit $580 million in cash compensation. When negotiated in early 1989, this figure represented about $34,000 per beneficiary, and was broadly comparable with financial compensation arrangements in other northern comprehensive land claim agreements. In negotiations leading to the final agreement, government agreed to apply an interest rate of 9.36 per cent to this figure, and Inuit agreed to a payout period of 14 years. These arrangements brought the total compensation payment to $1.148 billion, the largest land claim payment in Canadian history. The first payment is due upon Cabinet approval of the agreement, rather than ratification of the agreement by Parliament.

It is unclear how this money will be used — whether as venture capital, payments to eligible Inuit or for other purposes. The financial compensation is to be made to a Nunavut Trust established under laws of general application. The trust deed under which the Nunavut Trust is established requires 'prudent' investment of land claim funds. First call on this money is likely to be by Inuit organisations, such as the three regional Inuit associations in Nunavut, all of which are to assume major land claim implementation tasks.

As a result of the 1986 land claim policy, Inuit were able to negotiate for a portion of royalties that the federal government receives on mineral, and

oil and gas development on Crown land within the settlement area. The final agreement awards Inuit 50 per cent of the first $2 million received by government, and 5 per cent thereafter. This provision is unlikely to generate significant cash for Inuit. Government rarely receives more than $1–2 million in royalties per year from development in Nunavut. The royalty rate is set by legislation over which the Nunavut Agreement has no influence. Indeed, the federal government could, if it wished, abandon royalties as a means of collecting economic rent in the Nunavut Settlement Area. The Nunavut Agreement would not prevent this. Current royalty rates are quite lenient, particularly when compared with rates set by provincial governments further south. This is a matter of policy, for the federal government extracts most economic rent from oil, gas and mineral development in the North through personal and corporate income taxes rather than royalties.

Again, as a matter of policy, Inuit were able, through the land claim agreement, to share in resource revenues collected by way of royalties only. In any event, not a great deal of economic rent is available to the Crown as owner of subsurface resources in the North, for very little oil, gas or mineral development has taken place in Nunavut. In light of the extraordinarily high costs of exploring for and producing energy and mineral resources in the Arctic, this situation is not likely to alter quickly. Royalties received by Inuit are to be paid to the Nunavut Trust, for the benefit of Inuit throughout Nunavut, rather than for the sole benefit of Inuit directly affected by development.

On land to which Inuit have surface title and the Crown retains sub-surface title, development of oil, gas or minerals can not proceed until the would be developer and Inuit have negotiated a binding contract — an Inuit Impact and Benefit Agreement (IIBA). All manner of issues may be dealt with through IIBAs, including employment of and training for Inuit, language of the workplace, job rotation, scholarships etc. The purpose of IIBAs is not to place such a burden on the developer so as to make the proposed development uneconomic but, rather, to provide a means for Inuit to join in and to benefit from the venture.

Binding arbitration is available if the parties can not agree on an IIBA. IIBAs are also required before national and territorial parks and conservation areas can be established (Fenge 1993).

Conclusion

As of this writing, the Nunavut Agreement is yet to be ratified by the federal government, although this step seems assured in 1993. As such, it is too early to evaluate the results of the agreement on the Inuit of Nunavut and the economy of the Arctic, although it seems fair to predict that the agreement will have lasting impacts. Certainly the impact of earlier land claim agreements is proving to be considerable (Robinson & Binder 1992; Mainville 1992). The fact that the agreement has been reached and is likely soon to be ratified warrants comment, for although it may look now as though an agreement was always destined, this is not how it seemed during the process of negotiation. The federal government's legions always outnumbered Inuit politicians, and Inuit and non-Inuit negotiators and staff, and on some occasions the parties were too far apart for sanguine predictions about the final outcome.

Throughout the 1980s the federal government expected the Inuit land claim to be last of the northern land claims to be settled. Progress on the Inuit claim was slow, while the Dene and Metis of the Mackenzie valley, and the Council for Yukon Indians seemed to be pressing quickly forward in their respective negotiations. Yet, it is the Nunavut land claim that is soon to breast the tape. To stretch the athletic analogy, the tortoise has beaten the hares.

Many reasons underlie this turn of events. Inuit politicians and negotiators remained remarkably consistent in their vision of the future and in their negotiating demands to achieve this future. The Nunavut Territorial Government was a key element of the Nunavut proposal put forward by ITC in 1976. The federal government for many years refused to deal with or to even consider political development in the Arctic in the context of the Inuit land claim, and established preconditions to division of the NWT, some of which have still not been met. Nevertheless, sixteen

years later the Nunavut Agreement is providing for the creation of Nunavut. The federal government is even basking in the attention of the press as a result of the Nunavut Agreement, including front page coverage in the New York Times, and would have onlookers believe that creating Nunavut has for long been a northern policy priority in Ottawa.

Consistency of position by Inuit has been matched by patience and tenacity. In addition, good staff work, and close, cooperative relations between Inuit and non-Inuit staff, and between staff and Inuit leaders, paid dividends. Above all, Inuit leaders from the three regions of Nunavut remained politically united during the course of sometimes painful negotiations. Perhaps the most difficult and potentially divisive negotiations involved not the federal government, but Dene and Metis, with whom Inuit attempted to define a land claim boundary. In the course of nearly five years of unsuccessful negotiations, the solidarity of the three Inuit regions was placed under significant stress. The boundary issue concerned primarily the Kitikmeot region — the least populous of the three Inuit regions. At one stage the boundary stalemate nearly halted land claim negotiations with the federal government. Nevertheless, political unity was maintained, and this made possible the consistency of Inuit negotiating demands.

Notwithstanding consistency of positions, it would be incorrect to characterise the Inuit negotiating style as inflexible. Inuit compromised on the overall land quantum, on the boundary to separate the Nunavut and Dene and Metis land claim settlement areas, and on other issues as well. For example, the federal government wanted to retain ownership of most of the subsurface in the Arctic, and the Nunavut Agreement provides for this.

Inuit negotiators rarely approached issues in an overtly ideological manner. Emotions often ran high, but ideologically motivated rhetoric was kept to a minimum, as this was seen to be counterproductive. The aim of Inuit negotiators was to strike a good deal, not to continually embarrass government negotiators by reminding them of past mistakes of government in the Arctic, such as the relocation of Inuit from northern Quebec to the high Arctic Islands in the early 1950s. This practical,

pragmatic attitude may, in part, explain the positive land claim ratification vote. Through this vote, Inuit have shown that they are prepared to pay the psychological cost of 'surrendering' their aboriginal title to the Crown, in return for the rights and benefits included in the Nunavut Agreement.

Inuit led negotiations in the sense that on most issues they did the initial drafting. It was felt by Inuit that in doing this they would define the negotiations agenda. By and large, government responded to Inuit positions, although the parameters of negotiations were, by and large, set by the federal government's land claim policy. In this regard, the changes to the land claim policy in 1986 were crucial. Without these changes, and the concomitant broadening of rights and benefits that could be included in the agreement, negotiations would likely have broken down.

Negotiations were adversarial in nature, particularly on financial topics, but in many instances Inuit and the federal government searched together for better ways of making decisions about the use, conservation and development of natural resources in the North. This, perhaps, prompted the federal chief negotiator to remark to the press upon the conclusion of negotiations, that the Nunavut Agreement is an 'achievement shared'. The federal government's negotiating team exhibited considerable professionalism, and approached the issues seriously and with diligence. While several ministers of Indian Affairs and Northern Development came and went during the 1980s, the federal chief negotiator — a Saskatoonbased lawyer — maintained his position as chief negotiator for many years, as did the key members of his negotiating team, lending continuity to the process.

Inuit leaders made the right decision in 1982 to mandate a new institution — TFN — to conduct land claim negotiations for the Inuit of Nunavut. Before this, land claim negotiations were handled by ITC, the national Inuit organisation. As such, the Nunavut land claim had to compete with other issues for the attention of Inuit politicians. As a federation of the three regions of Nunavut — Kitikmeot, Keewatin and Baffin — TFN was able to concentrate the attention of politicians from these regions on the land claim and the progress of negotiations. This

gave Inuit negotiators the priceless advantage of political direction, and the ability to react quickly to government positions. After a time, Inuit negotiators took a certain pride in being able to respond rapidly to government's positions. On the other side of the table, government negotiators, often had onerous and time consuming consultation requirements with federal agencies before being able to table positions.

The demise of NCF in 1987 could have resulted in the abandonment of the goal of creating Nunavut. It did not. Instead, TFN picked up where NCF had left off, and insisted that political development in Nunavut be dealt with in land claim negotiations. Inuit were prepared to endorse and to participate in plebiscites to express the will of all northerners on political development in the NWT, and when, against the odds they 'won' these votes, it was very difficult for the federal government to backtrack. The federal government, never truly a supporter of the creation of Nunavut, except perhaps for the short tenure of David Crombie when Minister of Indian Affairs and Northern Development, relied upon its own inertia, and opposition to division of the NWT by interests in the western Arctic, to dampen Inuit ardour. This strategy failed. In the words of one long-time advisor to TFN, 'Inuit pulled certainty out of the policy fog'.

Many Canadians in the South who have never been North and have never met an Inuk nevertheless maintain a positive image or stereotype of Inuit. Contributing to this image, Inuit leaders characterise themselves and the people that they represent as proud Canadians. For example, in 1986 the late Mark R. Gordon, a Inuit leader from northern Quebec, urged the Canadian government, then in discussions with the government of the United States of America, to press Inuit use of the Northwest Passage as an expression of Canada's sovereignty over the disputed waters of the passage. These events and the resulting public support for Inuit in general, set a positive mood for land claim negotiations. In short, if the federal government could not conclude an agreement with Inuit — patriotic Canadians and who stood-up for Canada's sovereignty in the Arctic — with whom could the government finalise agreements?

The demise of the Dene and Metis Final Agreement probably assisted Inuit. Once the Dene and Metis land claim was put on hold, Nunavut negotiations took centre stage, and did so just at the time when the Nunavut land claim needed the attention of senior decision-makers in Ottawa to provide direction on trade-offs, and to make the needed commitments on political development. The collapse of the Dene and Metis Final Agreement, and its partial replacement with regional land claim negotiations, may have galvanised Inuit leaders from Baffin, Kitikmeot and Keewatin, as a negative example. Certainly it helped the three Inuit regions to remain politically united during a period of turbulence and uncertainty.

The Nunavut Settlement Area is encumbered with relatively few third party rights and interests in land and natural resources. This eased the process of negotiating the Nunavut Agreement. In all land claim negotiations to date, the federal government has sought to protect fully the rights and interests of third parties, such as oil, gas and mineral development companies. These interests have, apparently, constrained negotiation of other northern land claims. With fewer such interests to protect in the Nunavut Settlement Area, the federal chief negotiator had more room to manoeuver, particularly in land ownership negotiations.

Of course only time will tell the full story of the Nunavut Agreement, for the real test lies in its implementation. Canada's history is rife with treaties make and broken (Cumming & Mickenberg 1972). Problems continue, as experience with the implementation of modern treaties shows (Vincent & Bowers 1988). Vigilance will be required by Inuit leaders to hold the federal government to promises made. Much would appear to rest in the hands of the Nunavut Transition Implementation Commission to be established pursuant to Article four. While the political commitment in Ottawa and Nunavut to the new territory seems firm, little work has been done to determine how this government should be set up and how it should deliver services. Beyond this lies the acknowledged need for education and training for Inuit to ensure that the administrative jobs that

result from the implementation of the agreement, including the establishment of the Nunavut Territorial Government, are not all held by recent arrivals to the North.

On paper there is little doubt that the Nunavut Agreement is the most far reaching of the modern treaties negotiated between aboriginal people and the Canadian government. To breathe life into the agreement will require continued clarity of vision by Inuit politicians, dedicated staff, and plain hard work. The agreement provides many tools that can be used to chart a better future in the Arctic, but it remains for Inuit to use these tools to full advantage.

References

Bankes N, 1987. The place of land use planning in the TFN claim, *in* Fenge T & Rees WE (eds), 95–112.

Canadian Arctic Resources Committee, 1990. Nunavut Revisited, *Northern Perspectives* **18** (4), 1–28.

Canadian Arctic Resources Committee, 1993. *Northern Perspectives* **21** (1), 1–16.

Crowe K, 1990. Claims on the land, *Arctic Circle* **1** (3), 14–23.

Crowe K, 1991. Claims on the land (part 2), *Arctic Circle* **1** (4), 30–5.

Cumming P & Mickenberg NH, 1972. *Native Rights in Canada*, 2nd ed., General Publishing Company, Toronto.

Dacks G, 1986. The case against dividing the Northwest Territories, *Canadian Public Policy* **12** (1), 202–13.

Dacks G (ed), 1990. *Devolution and Constitutional Development in the Canadian North*, Carleton University Press, Ottawa.

Department of Indian Affairs and Northern Development, 1981. *In All Fairness: A Native Claims Policy*, Minister of Supply and Services Canada, Ottawa.

Department of Indian Affairs and Northern Development, 1986. *Comprehensive Claims Policy*, Minister of Supply and Services Canada, Ottawa.

Department of Indian Affairs and Northern Development, 1988. *A Northern Political and Economic Framework*, Minister of Supply and Services Canada, Ottawa.

Department of Indian Affairs and Northern Development and the Tungavik Federation of Nunavut, 1990. *Agreement-In-Principle Between the Inuit of the Nunavut Settlement Area and Her Majesty in Right of Canada*, DIAND and TFN, Ottawa.

Department of Indian Affairs and Northern Development and the Tungavik Federation of Nunavut, 1992. *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty in Right of Canada*, DIAND and TFN, Ottawa.

Department of Indian Affairs and Northern Development, Government of the Northwest Territories, and the Tungavik Federation of Nunavut, 'Nunavut Political Accord' 27 April, 1992.

Dickerson M0, 1992. *Whose North? Political Change, Political Development, and Self-Government in the Northwest Territories*, University of BC Press, Vancouver.

Doubleday NC, 1989. Co-Management provisions of the Inuvialuit final agreement, *in* Pinkerton E (ed), *Cooperative Management of Local Fisheries*, University of BC Press, Vancouver, 209–27.

Drury CM, 1980. *Constitutional Development in the Northwest Territories: Report of the Special Representative for Constitutional Development in the Northwest Territories*, Minister of Supply and Services Canada, Ottawa.

Fenge T, 1993. National Parks in the Canadian Arctic: the case of the Nunavut Land Claim Agreement, *Environments*, (in press).

Fenge T & Barnaby J, 1987. From recommendations to policy: battling inertia to obtain a land claim policy, *Northern Perspectives* **15** (1), 12–15.

Fenge T & Rees W (eds), 1987. *Hinterland or Homeland? Land Use Planning in Northern Canada*, Canadian Arctic Resources Committee, Ottawa.

Fenge T & Smith LG, 1986. Reforming the Federal Environmental Assessment and Review Process, *Canadian Public Policy*, **12** (4), 596–605.

Freeman MMR (ed), 1976. *Inuit Land Use and Occupancy Project: A Report*, (3 vols), Department of Indian Affairs and Northern Development, Minister of Supply and Services Canada, Ottawa.

Freeman MMR, 1986. Contemporary Inuit Exploitation of the Sea-Ice Environment *in 'Sikumiut'*, Canadian Arctic Resources Committee, Ottawa, 73–96.

Fumoleau R, 1973. *As Long As This Land Shall Last*, McClelland & Stewart, Toronto.

Gunn A, Jingfors K & Evalik P, 1986. The Kitikmeot Harvest Study as a successful example for the collection of wildlife harvest statistics in the Northwest Territories, *in*, *Native People and Renewable. Resource Management*, Alberta Society of Professional Biologists, Edmonton, 249–59.

Inuit Tapirisat of Canada, 1976. *Nunavut* Ottawa.

Jacobs P & Fenge T, 1986. Integrating resource management in Lancaster Sound: but on whose terms?, *in*, *Integrated Approaches to Resource Planning and Management*, Banff Centre School of Management, University of Calgary Press, Calgary, 276–91.

Jull P, 1990. Canada's Northwest Territories: constitutional development and aboriginal rights, *in* Jull P & Roberts S (eds), *The Challenge of Northern Regions*, North Australia Research Unit, Darwin, 43–64.

Jull P, 1990. Inuit concerns and environmental assessment, *in* Vanderzwagg DL & Lamson C (eds), *The Challenge of Arctic Shipping*, McGill/Queens' University Press, Kingston and Montreal, 139–53.

Jull P, 1991. *The Politics of Northern Frontiers*, North Australia Research Unit, Darwin.

Jull P, 1992. *An Aboriginal Northern Territory: creating Canada's Nunavut*, Discussion Paper No 9, North Australia Research Unit, Darwin.

MacLachan L, 1992. Comprehensive aboriginal claims in the NWT, *Information North* (Arctic Institute of North America) **18** (1), 1–8.

MacQuarrie R, 1980. *Report of the Special Committee on Unity*, Yellowknife, NWT, tabled document No 16–80, Legislative Assembly of the Northwest Territories.

Mainville R, 1992. The James Bay and Northern Quebec Agreement, *in* Ross M & Saunders J0 (eds), *Growing Demands on a Shrinking Heritage: Managing Resource-Use Conflicts*, Canadian Institute of Resources Law, University of Calgary, Calgary, 176–86.

Merritt J, 1984. A review of federal land claim policy, *in*, *National and Regional Interests in the North*, Canadian Arctic Resources Committee, Ottawa, 71–86.

Merritt J, Ames R, Fenge T & Jull P, 1989. *Nunavut: Political Choices and Manifest Destiny*, Canadian Arctic Resources Committee, Ottawa.

Merritt J & Fenge T, 1990. The Nunavut Land Claims Settlement: emerging issues in law and public administration, *Queens' Law Journal* **15** (2), 255–77.

Northwest Territories Land Use Planning Commission, 1991. *The Lancaster Sound Regional Land Use Plan*, Yellowknife, NWT.

Nunavut Constitutional Forum, 1983. *Building Nunavut*, Ottawa.

Nunavut Constitutional Forum, 1985. *Building Nunavut: Today and Tomorrow* Ottawa.

Ponting R (ed), 1986. *Arduous Journey*, McClelland & Stewart, Toronto.

Purich D, 1992. *The Inuit and Their Land*, Lorimer, Toronto.

Raunet D, 1984. *Without Surrender Without Consent*, Douglas & McIntyre, Vancouver.

Rees WE, 1978. Development and planning north of 60: past and future, *in* Keith RF & Wright JB (eds), *Northern Transitions*, Canadian Arctic Resources Committee, Ottawa, 42–62.

Rees WE, 1980. EARP at the crossroads: environmental assessment, *Environmental Impact Assessment Review* **1** (4), 355–77.

Riewe R (ed), 1992. *The Nunavut Atlas*, Canadian Circumpolar Institute, University of Alberta, and the Tungavik Federation of Nunavut, Edmonton.

Robinson M & Binder L, 1992. The Inuvialuit Final Agreement and resource use conflicts: co-management in the western Arctic and final decisions in Ottawa, *in* Ross M & Saunders J0 (eds), *Growing Demands on a Shrinking Heritage: Managing Resource-Use Conflicts*, Canadian Institute of Resources Law, University of Calgary, Calgary, 155–75.

Schwartz B, 1986. *First Principles. Second Thoughts*, Institute for Research on Public Policy, Montreal.

Task Force to Review Comprehensive Claims Policy, 1985. *Living Treaties: Lasting Agreements: Report of the Task Force to Review Comprehensive Claims Policy*, Department of Indian Affairs and Northern Development, Ottawa.

Tennant P, 1991. *Aboriginal Peoples and Politics*, University of BC Press, Vancouver.

Usher P, Tough FJ & Galois RM, 1992. Reclaiming the land: aboriginal title, treaty rights and land claims in Canada, *Applied Geography* **12**, 109–32.

Van Loon R, 1990. The federal perspective, Nunavut revisited, *Northern Perspectives* **18** (4), 8–11.

Vincent S & Bowers G (eds), 1988. *James Bay and Northern Quebec Ten Years After*, Recherches Amerindiennes au Quebec, Montreal.

Wenzel G, 1991. *Animal Rights, Human Rights Ecology and Ideology in the Canadian Arctic*, University of Toronto Press, Toronto.

Wildsmith BH, 1991. Pre-Confederation treaties, *in* Morse BW (ed), *Aboriginal Peoples and the Law*, Carleton University Press, Ottawa, 122–271.

Zlotkin NK, 1991. Post-Confederation treaties, *in* Morse BW (ed), *Aboriginal Peoples and the Law*, Carleton University Press, Ottawa, 272–407.

NORTH AUSTRALIA RESEARCH UNIT
DISCUSSION PAPERS

---

1. *Australian Nationhood and Outback Indigenous Peoples*
   P Jull (November 1991), 38pp.
2. *Aboriginal Australia and the 'New Federalism' Initiative*
   GJ Crough (December 1991), 42pp.
3. *A Guide for Australian Research into Northern Regions and Indigenous Policy in North America and Europe*
   P Jull (January 1992), 42pp.
4. *Strategic Regional Planning on the Northern Frontiers*
   J Holmes (July 1992), 35pp.
5. *Coastal Management: Challenges and Changes in the Torres Strait Islands*
   ME Mulrennan (April 1992), 40pp.
6. *The Constitutional Culture of Nationhood, Northern Territories and Indigenous Peoples*
   P Jull (May 1992), 40pp.
7. *Aboriginal Land and Development in the Northern Territory*
   GJ Crough (June 1992), 37pp.
8. *Towards the Public Sector Financing of Aboriginal Self Government*
   GJ Crough (August 1992), 40pp.
9. *An Aboriginal Northern Territory: Creating Canada's Nunavut*
   P Jull (September 1992), 39pp.
10. *Cultural Heritage Conservation in the Northern Territory*
    ME Sullivan & D Carment (September 1992), 27pp.
11. *The Economics of Mining Coronation Hill*
    B Knapman & O Stanley (November 1992), 21pp.
12. *Willowra*
    HC Coombs (February 1993), 12pp.
13. *Alternative Welfare: Aboriginal Women Work at the Grassroots*
    J Richardson (March 1993), 34pp.
14. *Community Development Planning and Aboriginal Community Control*
    DAM Lea & J Wolfe (April 1993), 38pp.

15. *Who's Planning, Whose Plans? The DEET-ATSIC Aboriginal Community Development Planning Pilot Scheme*
J Wolfe (May 1993), 46pp.

16. *The ATSIC Aboriginal Community Development Planning Program in Northern Australia: Approaches and Agendas*
J Wolfe (May 1993), 47pp.

17. *Lessons in Regional Planning and Development from Canada and Australia: Relevance for Aboriginal Regional Planning*
J Wolfe (June 1993), 33pp.

18. *Regional Planning by ATSIC Councils: Purpose, Process, Product and Problems*
J Wolfe (June 1993), 55pp.

19. *Aboriginal Human Rights, the Criminal Justice System and the Search for Solutions: A Case for Self-determination,*
L McNamara (July 1993), 49pp.

20. *Political Development and Environmental Management in Northern Canada: The Case of the Nunavut Agreement,*
T Fenge, (September 1993), 51pp.