

NUNAVUT

A REPORT ON LAND CLAIMS FROM THE TUNGAUVIK FEDERATION OF NUNAVUT



Who owns what?

The question of who will own what land in Nunavut after claims are settled was a specific topic at negotiations on December 10 when TFN gave Government its position paper on an Inuit land identification process 4.



NUNAVUT is a report on the progress of TFN's land claims negotiations. We are at Room 1200, 130 Slater Street, Ottawa, Ontario, K1P 6E2, Phone (613) 238-1096. Telex 053-3748

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A summary

Government announces new claims policy

Suspense and speculation had been mounting for eighteen months when finally on December 18, 1986, DIAND Minister Bill McKnight announced his new claims policy.

What had started with an announcement in the summer of '85 that a five-member task force would review federal comprehensive claims policy ended with a House of Commons pre-Christmas speech summing up six key amendments.

It is too soon to give TFN's impressions of the new claims policy. That will come later when Inuit know more clearly just what specific land claims topics are negotiable and what specific topics are not negotiable. The new policy does not give this kind of detail although it seems to broaden the scope of claims negotiations in some areas. For this reason, Government is now reviewing the TFN claim, along with the five other claims currently under negotiation, to see where the mandate of its negotiators needs changing and clarifying. When the new mandate is known, then TFN will be able to give its thumbs up or thumbs down to Mr. McKnight's amendments. For now, the following summary of the new claims policy may help readers be aware of just what Government is proposing.

The Federal Government says it remains committed to the settlement of claims by direct negotiation rather than by letting the courts determine whether aboriginal title continues to exist in various areas of the country. It says this may seem an obvious point but is in itself a policy decision. "The failure to negotiate carries with it the potential not only to disrupt economic activity and investment in disputed areas but also to create bitter social antagonisms that might last for generations," says McKnight.

Alternatives to extinguishment

One of the major problems with claims policy has been that aboriginal people have had to extinguish all aboriginal rights and title in their lands in exchange for rights "granted back" by Government. This "blanket extinguishment and grant-back" approach has been seen as offensive and unacceptable. It is also inconsistent with the fact that Section 35 of the Constitution Act recognizes and affirms existing aboriginal rights.

The reason that Government has always called for extinguishment is that it wants to be able to authorize the use of land and resources *with certainty* so that investment and

development may take place without risk. The new policy still states that "the Crown must secure clear title to required lands in the process of settling claims."

But it acknowledges that only land-based rights are subject to negotiation in the comprehensive claims process. Other aboriginal rights not relating to the land such as language rights and culture rights remain unaffected by claims agreements unless both parties decide to include them.

The Federal Government says it is prepared to consider two alternatives to "extinguishment". Aboriginal people can "convey" to the Crown their title over *all* the settlement area, without using the word "extinguishment". In exchange, they would be granted-back lands or land-related rights in agreed areas. Or, aboriginal people can convey to the Crown aboriginal title to *certain specified* lands within the claimed area. In this alternative, aboriginal title would remain undisturbed in the other lands.

Under the previous policy, self-government was a negotiable item within the claims forum but only on a local community level basis.

The new policy notes that self-government and the settlement of claims are related. "The administration of lands and resources, and the management of settlement benefits are clearly issues of a governmental or quasi-governmental nature," says McKnight.

A new feature of the policy, then, is that negotiation of a broader range of self-government matters is now allowed but negotiations must:

- be consistent with the Government's policy on Inuit community-based self-government;
- respect existing constitutional principles and government practices; and
- take into account progress toward devolution and division in the NWT

The policy notes that the negotiation of self-government in claims will not necessarily mean that self-government is an *aboriginal right* to be protected in the Constitution. The "entrenchment" or "lasting protection" of the right to self-government as an "aboriginal" right can only happen if such an amendment is agreed to at this spring's First Mi-

nisters' Conference on Aboriginal Constitutional Matters.

Inuit can negotiate management roles

Self-government gives a community direct responsibility for its own affairs. The new claims policy also notes that there is another aspect to self-government—participation in the exercise of powers within the framework of public government. It notes that aboriginal people have an interest in the management of environmental matters including water, land use and wildlife.

So the new policy states that aboriginal groups can negotiate membership on management boards and other agencies with decision-making powers. It is not a very sound approach, says the policy, to recognize special harvesting rights for aboriginal people on one hand and then on the other hand to exclude them from responsibility to manage the wildlife.

This recognition that aboriginal people have a "unique interest" in wildlife and other resources is not without recognition that the Federal Government also has an *over-riding* obligation to protect the interests of all users of resources; ensure resource conservation; respect international agreements; and manage renewable resources within its jurisdiction.

Stay Tuned

The next issue of *Nunavut* will feature a summary of the boundary agreement between the Nunavut Constitutional Forum (NCF) and the Western Constitutional Forum (WCF) and more, much more, about this historic event and the upcoming plebiscite. Watch for this **Special Edition** at your post office in mid-March.

"The federal government is prepared to negotiate with aboriginal groups on matters relating to the harvesting and management of renewable resources in marine areas as well as on land."

The Offshore is on the agenda

"When I refer to environmental matters, wildlife management and the harvesting of renewable resources, I include marine areas traditionally and currently used by aboriginal groups. This is an important matter which has required clarification. The Inuit have been particularly concerned to point out that their hunting has been traditionally carried out on the land-fast sea ice in certain seasons, and by boat at other times. In recognition of this, the federal government is prepared to negotiate with aboriginal groups on matters relating to the harvesting and management of renewable resources in marine areas as well as on land", says McKnight.

In many cases, resources are being used by other than aboriginal people—third parties. In the past, third parties have told Government they are concerned that their interests will be traded away behind closed doors. McKnight, in his new policy, makes it clear that the mandate of all federal

negotiators will require that third parties be consulted, that their legitimate interests be respected and that the public interest be safeguarded.

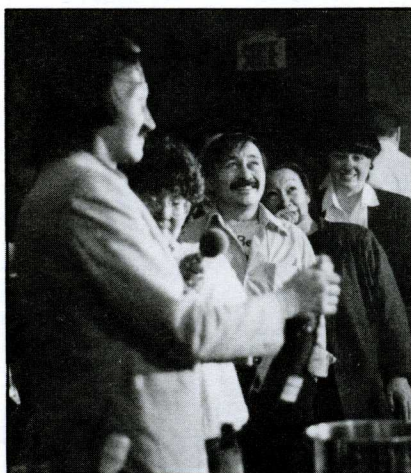
The policy will also continue to protect existing third party interests and the general public's right to access Crown lands for recreational purposes.

The policy states that aboriginal people also have a legitimate concern that while they are negotiating, their lands may be taken over and developed. The Government says it agrees that this is a valid concern, and is prepared to discuss with aboriginal groups appropriate measures to protect their interests while their claim is under negotiation.

"I would not envisage such measures as leading to a freeze on all development activity. Rather, an opportunity would be provided to aboriginal groups to consider the implications of developments and to identify, where appropriate, the conditions under which such activities should proceed," says McKnight.

Sharing the profits from development

One of the main goals of aboriginal groups has been to secure lasting benefits from development. Previous claims policy was not clear on this. Subsurface rights in defined areas could be granted to aboriginal groups to provide them with the opportunity to gain revenues from the development of the subsurface resources. The Federal Government, under the new policy, is now also prepared to assign to aboriginal groups a percentage of the Crown's royalties derived from the extraction of resources in the entire settlement area. This option includes royalties from non-renewable resources extracted from the offshore as well as land.



The signing of the boundary agreement was celebrated with champagne and smiles!

Carolyn Hawley

Land ownership is topic at negotiations

Who owns what? Pinning down the answer to this question is the reason why Government is negotiating land claims with Inuit in the first place. Government has recognized that it must negotiate with Inuit because Inuit have never given up title to their lands and waters by treaty or had it superceded by law.

"Our aboriginal title over our land and offshore areas is recognized and affirmed in the Constitution," says TFN Chief Negotiator Bob Kadlun. "Our lands and resources are the reason we have survived and are the basis of our claim."

Right now, all land in the Nunavut area is Inuit land. When claims are settled, some of this land will be given to the Government; some will be held by municipalities; and some will be kept by Inuit.

The question of who will own what land after claims are settled was a specific topic at negotiations on December 10 when TFN tabled its



TFN Chief Negotiator Bob Kadlun.

position paper on an "Inuit land identification process". The position paper outlines just how Government and Inuit should determine which land will be under whose jurisdiction.

The "Inuit land identification process" paper is the third in a series of papers dealing specifically with land ownership or "who owns what".

The other two papers deal with the *purpose* of Inuit land title and the *principles* to guide Inuit land identification. These papers have already been successfully negotiated and were initialled April 1983 during a round of talks in Cambridge Bay. (see the summary on this page)

TFN's position on land ownership is different from that taken by other claimant groups in two significant ways.

There must be local involvement

Land identification will not work, says TFN, if Government tries to tell Inuit that they can keep only a percentage of land—a percentage that must then be divided among twenty-six communities each with different environments, amounts of wildlife and economic potential.

Inuit have told TFN that they must be able to participate *directly* in any negotiations dealing with land title. So TFN is insisting that all Inuit must have the opportunity to be involved in negotiations concerning their land. TFN proposes that this is possible through a land identification process that is done community by community with local negotiators.

"If there is going to be any support at all for an overall land claims agreement, there has to be this involvement at the community level," warns Kadlun.

TFN has received Government's response to its position paper which the negotiating team is now reviewing.

Two related agreements

The **Purpose of Inuit Land Title** sub-agreement was initialled on April 21, 1983, during negotiations in Cambridge Bay. It states that the whole *purpose* behind Inuit keeping title to some of their land is for economic self-sufficiency. The sub-agreement notes that, as a result, land kept by Inuit will probably be land of value for its renewable resources; for its non-renewable resources; for its commercial/industrial potential; and for its archaeological, historical and cultural importance. The **Principles to Guide Inuit Land Identification** sub-agreement was initialled on April 25, 1983 in Cambridge Bay. It lists *guidelines* such as:

- Inuit will be able to keep lands needed for the protection of wildlife, for conservation and for archaeological reasons;

- Inuit will be able to keep lands that are now part of communities;
- Inuit can claim back lands that Government may have given to third parties;
- Inuit cannot "own" the bottoms of freshwater lakes and rivers;
- Inuit may not be able to keep some lands that Government needs for its facilities or operations;
- Inuit will try to ensure that the lands they keep are in blocks not little "parcels" of land here and there.

A more detailed summary of these two initialled sub-agreements appeared in the May/June 1983 issue of *Nunavut*. For free back copies, please write to the Editor.

Vermont school wants Canadian students

Elias Leo Kelly and Phillip Kugzruk are two very interesting, very ambitious and in many ways, very typical, northerners.

Kelly is a Yup'ik from Pilot Station on the Yukon Delta in Alaska. He has worked with the United States Forest Service as a biological technician on forest insect and disease studies in southeast Alaska and with the Bureau of Land Management studying fire situations in western, interior and southcentral Alaska. He completed a course in forest technology at the Alaska Vocational Technical Centre and has also completed two years of study in natural resources at the University of Alaska in Fairbanks.

Phillip Kugzruk has spent the last six years bolstering the survival skills he learned as a child, building a cabin and working to finance the gear he needs to live in the bush. In 1984, he took up part-time residence in his new home near the site of Kauwerak, a town which his ancestors left almost one-hundred years ago. Since then, he has moved with the seasons fishing salmon in the summer; caring for his team of fifteen sled dogs in winter; and participating with the rest of his family in the spring hunt for waterfowl, seal and walrus along the coast of the Bering Sea. Kugzruk has experience in various community-oriented projects including adult education, legal services, development

and planning for a village comprehensive alcohol program and emergency first aid practice and instruction.

Kelly and Kugzruk are this year's winners of two native studentships for the Centre for Northern Studies in Wolcott, Vermont. Their tuition and accommodation are paid while they teach other students about their culture and, in turn, learn more about many aspects of Arctic and Subarctic regions of Alaska, Greenland, Scandinavia and, of course, Canada.

The Centre for Northern Studies' curriculum includes botany, ecology, prehistory, anthropology, archaeology, northern public policy, community development and law. The Centre prepares peoples for employment as natural resource and wildlife managers or northern and native policy makers. Graduates of the program have gone on to be employed by corporations, consulting firms, federal government agencies and non-profit organizations.

So far, all of the Native Studentship winners have been Alaskans.

"Our objective is to expand recruitment activities to reach more Canadian and Greenlandic native people," says Debra Anderson. She just recently acquired responsibility for the Native Studentship Program.

The Centre for Northern Studies will be awarding more scholarships to native northerners for the 1987-1988 academic year. The scholarships may be used to cover housing and tuition costs with the amount to be determined on the basis of individual need after considering other available aid. The maximum value of the award per student is ten-thousand dollars in U.S. currency.

"I see a need for more native people to learn scientific techniques in order to effectively participate in resource management and policy decisions," says Phillip Kuzgruk of Kauwerak.

Think about it. If you would like to apply for a "Studentship in Northern Studies", you can! To qualify, you must have either completed two or more years of college level study or have equivalent life experience. You must be fluent in written and spoken English. And you must have knowledge and experience in native northern lifeways.

Contact:

Studentships
The Centre for Northern Studies
Wolcott, Vermont
05680
U.S.A.

Telephone: (802) 888-4331.

The deadline for applications is April 15, 1987.

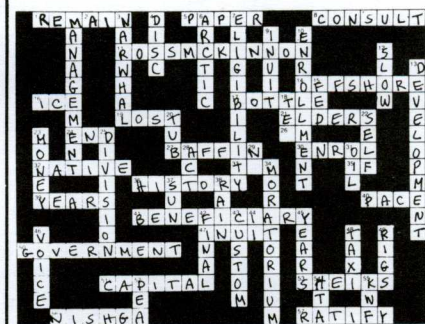
...and an opportunity at home

Archaeology. Biology. Geography. All are topics taught by the Northern Heritage Society. For eight years now, young people have had the opportunity to attend a multi-disciplinary field school at Truelove Lowland on Devon Island in the NWT. Participants in this Northern Heritage Research Project publish their findings in the journal of the Arctic Institute of North America,

Arctic. Now, the Northern Heritage Society will be publishing its own annual research publication, too, and a thrice yearly newsletter. To find out more about the Society and its publications, write to:

The Northern Heritage Society
Box 475
Yellowknife, NWT
X1A 2N4

Last Month's Challenge



Are you the next Kitikmeot negotiator?

There is an exciting job opportunity available at TFN for someone who would like to be directly involved in the process of land claim negotiations.

We are looking for a regional negotiator from the Kitikmeot to join our team. The job will involve frequent travel; research; attendance and participation at briefing sessions to discuss strategy and at other meetings to provide information to Inuit; preparation of reports after each negotiation session for TFN's review; and, of course, attendance and participation at monthly rounds of negotiation with the Federal Government.

The Kitikmeot Regional Negotiator reports directly to the Chief Negotiator, Assistant Chief Negotiator and/or the Executive Director. This job is to start May 1. Send applications, by March 31, to:

Paul Quassa
Assistant Chief Negotiator
Tungavik Federation of Nunavut
1220 – 130 Slater Street
Ottawa, Ontario
K1P 6E2



TFN and Government have agreed on a negotiating schedule for the next ten months. It calls for both teams to meet for seven days every three weeks. Pangnirtung, Igloolik and Coppermine are scheduled to be

host communities for negotiating sessions in June, August and September respectively. The other sessions will probably be held in Ottawa except for one in Yellowknife. Here's the important dates to note:

April 2-8, 23-29

May 14-20

June 4-10, 25-30

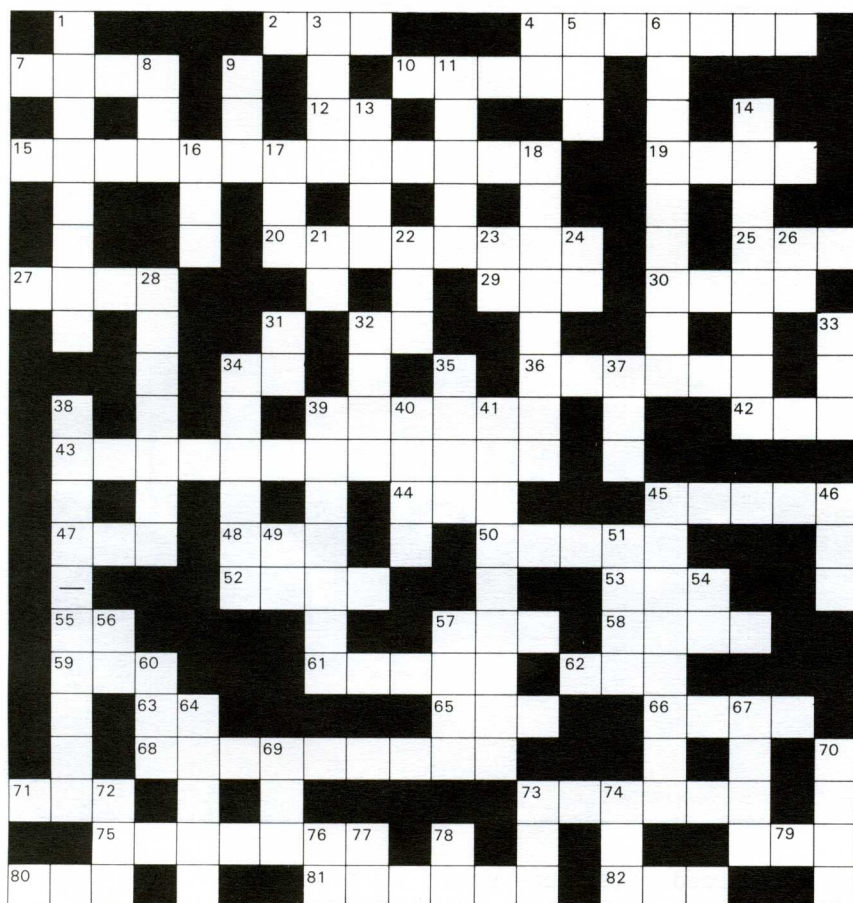
August 6-12, 27-Sept. 2

September 17-23

October 15-21

November 5-11, 26-Dec. 2

This Month's Challenge



Answers next month/January answers see page 5

Across

2. This prefix means "habitat" or "environment", usually in front of "logical".
4. This single word means "authorization to act" and TFN is waiting for Government to give a new one to the Federal Chief Negotiator.
7. An "objective" is one of these, also scored in hockey.
10. The Inuit land identification process position paper is the _____ in a series of related papers.
12. What the second "A" in ASAP stands for.
15. Aboriginal people have an interest in the management of these matters.
19. Nine baseball players equals one of these. Also used to describe what pulls a sled.
20. Environmental matters are matters relating to things like water, land and this.
25. When you have a sharp sense of humour, you have this. With half, you're a dim one!
27. What the bear said to the rabbit.
29. Federal (abbreviation).
30. Huskies are trained to pull this.
32. She is to female as _____ is to male.
34. Short for Moses.
36. Yu'pik is the word for Inuit in this state.
39. DIAND Minister Bill McKnight announced his new claims _____ on December 18, 1986.
42. A child and a baby goat.
43. Government now says it is prepared to consider two _____ to *extinguishment*.
44. One each or one _____.
45. Truelove Lowland is on this island.
47. Father is this.
48. Shakespeare wrote: "To be or _____ to be".
50. Inuit have never given this up.
52. To leave is to do this.
53. When a bill is passed, it becomes one of these.
55. Ms. Peep lost her sheep. What's her first name?
57. How many comprehensive claims are currently under negotiation?
58. If you are close, then you are also this.
59. Little dogs bark like this.
61. A woman's name.
62. Assistant Deputy Minister (abbreviation).
63. Doctor (abbreviation).

65. Abbreviation for "limited".
66. When you have no clothes on, you are in this.
68. Under the previous claims policy, self-government was negotiable only for this level.
71. If you're weird, you're this. Also means "not even".
73. This animal is hunted in the spring along the coast of the Bering Sea.
75. TFN and Government have already agreed on the _____ of Inuit land identification in a separate paper initialled in April 1983.
79. Worn on the head.
80. Hollywood used this as an Indian greeting.
81. If you don't like something, you give it these _____ down.
82. To marry is to _____.
- Down**
1. This is a kind of line drawn on a map. In the next *Nunavut*, we'll summarize the agreement on a _____.
3. To study extra hard, usually the night before an exam.
4. Title of courtesy used before a man's last name.
5. The opposite of subtract.
6. If she doesn't trust him, then she _____ him.
8. A necklace of flowers.
9. Elias Kelly's middle name.
11. The Arctic Char Inn is an example of one.
13. A word that means to lick and close an envelope and is also a sea mammal.
14. Kuzgruk's ancestors are from here.
16. Mr. Pedersen's first name.
17. This very minute.
18. Another word for culture.
21. Not out.
22. A female deer and also a Federal Department abbreviation.
23. See 35 Across in last month's newsletter crossword.
24. A prince's nickname.
26. Freud says we all have one of these and an ego.
28. Self-government and the settlement of claims are this.
31. Abbreviation for company.
32. The owl sound.
33. When you're angry, you're this.
34. In its new policy, Government says it is prepared to negotiate matters relating to the harvesting and management of renewable resources in these areas, as well as on land.
35. How many people were on the task force to review comprehensive claims policy?
37. Another word for plus.
38. Only these kinds of rights are subject to negotiation in the claims process unless aboriginal people decide they want to include other kinds of rights too.
39. In many cases, resources in Nunavut are being used by third _____.
40. These frame our teeth.
41. Government has always called for "blanket extinguishment" because it wants _____.
45. TFN tabled its position paper on an Inuit land identification process in which month?
46. Northern Heritage Society (abbreviation).
49. A large beast of burden with horns, not seen in the North.
51. The basis of TFN's claim.
54. A British way of saying "thank-you".
56. A little word that gives a lot of choice.
57. It goes with pepper.
60. First Ministers' Conference (abbreviation).
64. If it's done behind these, then it's done in secrecy.
67. Salmon is this.
69. What a cow says.
70. Reading, writing and this are taught at school. (abbreviation)
72. Department of Public Works.
73. I was, you were, he _____.
74. When you break this, sometimes you go to jail.
76. A saint. (abbreviation)
77. Canadians say this a lot, at the end of a sentence.
78. You are, he is, I _____.

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- ԵՄԵՐՈՒՆԴԱՆԵՐԸ ԵՎ ԵՄԵՐՈՒՆԴԱՆԵՐԸ

ԵՄԵՐՈՒՆԴԱՆԵՐԸ ԵՎ ԵՄԵՐՈՒՆԴԱՆԵՐԸ
 ԵՎ ԵՄԵՐՈՒՆԴԱՆԵՐԸ

ԵՄԵՐՈՒՆԴԱՆԵՐԸ ԵՎ ԵՄԵՐՈՒՆԴԱՆԵՐԸ
 ԵՎ ԵՄԵՐՈՒՆԴԱՆԵՐԸ

$$\mathfrak{L}^a \quad b \in \mathcal{C} \quad \Delta c \in \mathcal{C}$$
[illegible][illegible]

PdC ላሊ ዕጉኑ ከራሳቸውም ልዩነትና ምልክት
ለላይ የተመለከተው ልዩነትንም በጥሩ ሁኔ-
ሳ ልዩነትንም ወያኔው አልፎ ለገዢው

ልሮሃብቦር ሳሊ ዲፕሮፖር ልቦሮርሮሮኝ።
 ልሮሃልጋቡ ልሮኃባር ምኒሮ፣ ሳሊጋ ልሮ-
 ነኝሮሮሮጋቡ ስቦሮኝ፣ ምኒሮ ሳሊጋ
 ሳሊሮሮጋ ሳሊሮጋሮጋ ሃሮሮሰላሳሮጋ
 ሳሊ ሰላሮጋ ምኒሮ ልሮኝ።

[illegible][illegible][illegible]

C^a ΔC^aσΔA^b↔Δ^bA^c ΔC^bδA^c↔J DPD^b-
C^b↔ΓD^c Γ^b_LM^c QBDσ^bP^cT^cL^c DPD^bC^b↔-
ΓD^c 1987-1988-Γ^c. ΔC^bγC^c↔Γ^c
ΔC^bDN^bQ^c αL^bQ^c↔ DP^cDNN^bC^cγ^bC^bQ^c

[illegible]

“ኔፍጋረናሊ ጸፍኤኛሃረረኛ ልረካሊባኤመኸፍ-
መኛ ለካሊባረመኛ ብርረኛባረመኛባረመኛ ላሊ
ረረረኛባረመኛባረመኛባረመኛ,” ሮኤረመኛባረመኛ
ልረኛ ሰኞኛ Kauwerak-ገረመኛ.

[illegible]

ᐅᖃᕕᓂᓗ ᑎᑎᕕᓂᓗᑐᓂᓄᑦ ᐅᓇ:

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በጥቅምት ፩ ፲፱፻፸፭ ዓ.ም. ለፍትሕ ሚኒስቴር 15,
1987 ብሔራዊ ጥያቄ.

[illegible][illegible][illegible]

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