

NUNAVUT

A REPORT ON LAND CLAIMS FROM THE TUNGAVIK FEDERATION OF NUNAVUT

No room to move?

Government announced its new claims policy last December but it hasn't yet announced how this policy will be put into practice. Until new *mandates* are given to federal land claims negotiators, TFN won't know whether Inuit will have more or less room to negotiate a claims agreement that meets their concerns 2

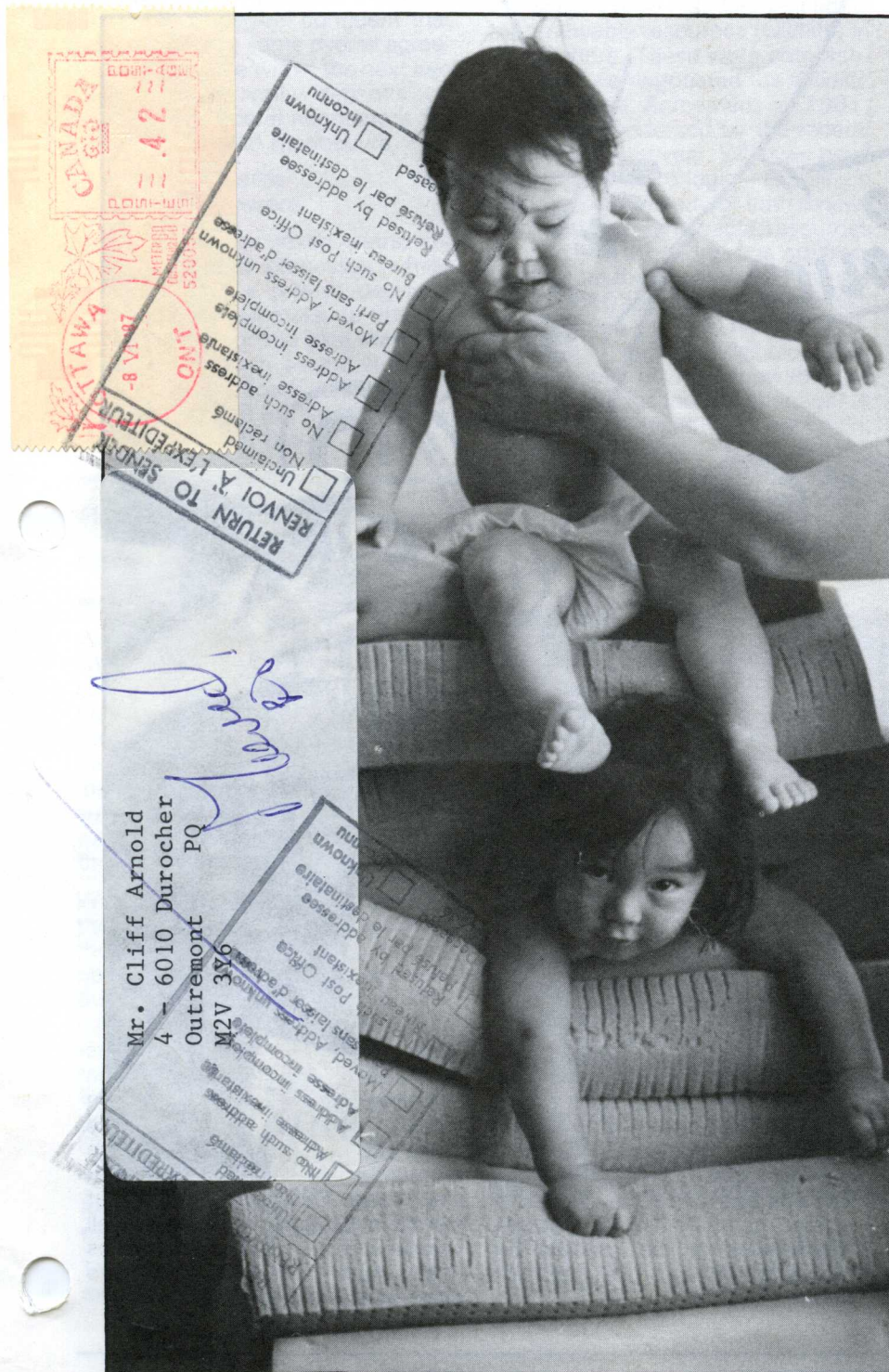
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NUNAVUT is a report on the progress of TFN's land claims negotiations. We are at Room 1200, 130 Slater Street, Ottawa, Ontario, K1P 6E2, Phone (613) 238-1096. Telex 053-3748

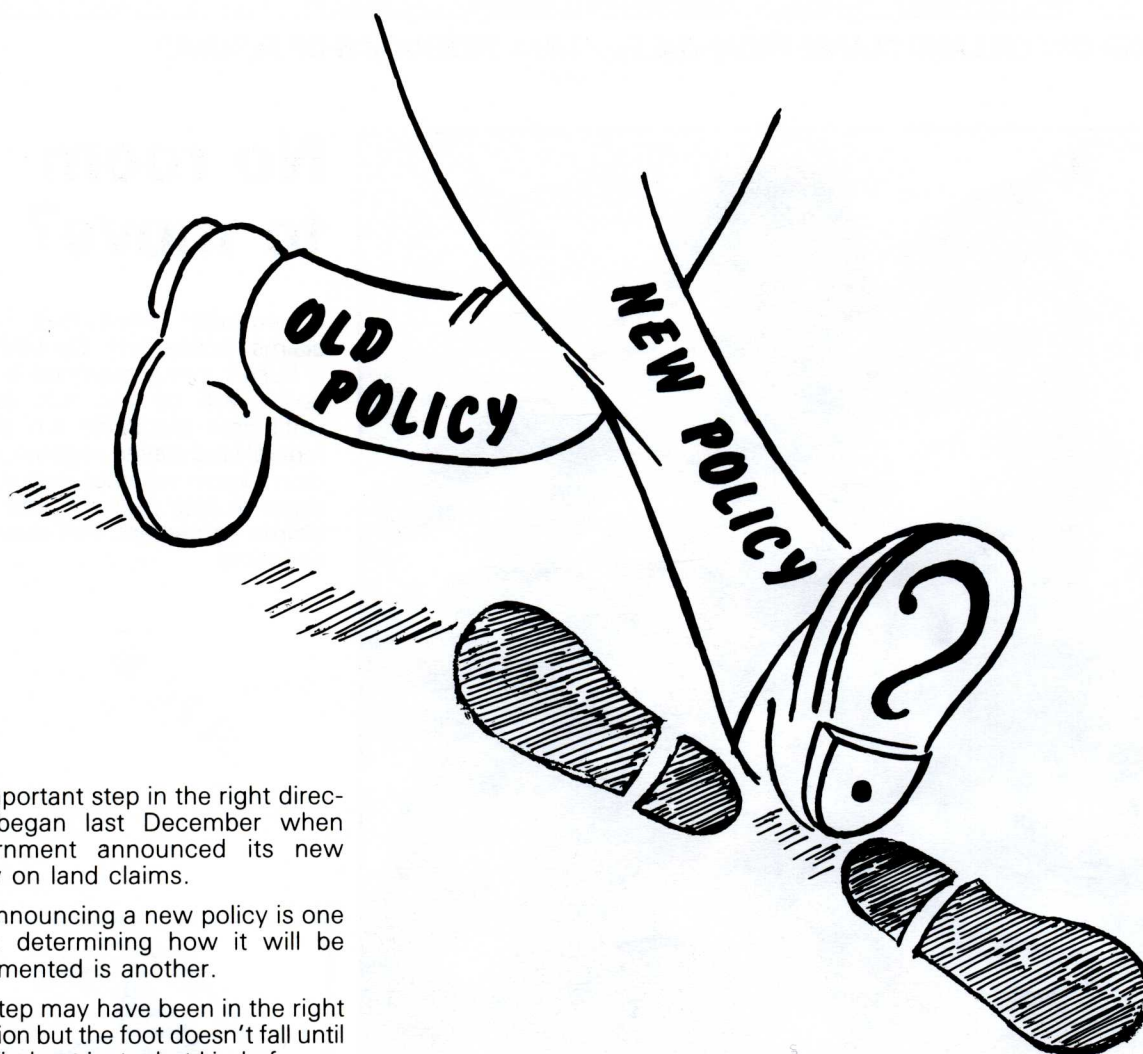
Exec. Director: Paul Sammurtok
Writer/Editor: Lynda Chambers
Translator: Martha Flaherty

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TFN waits to see where the foot will fall



An important step in the right direction began last December when Government announced its new policy on land claims.

But announcing a new policy is one thing; determining how it will be implemented is another.

The step may have been in the right direction but the foot doesn't fall until Inuit find out just what kind of **mandate** government gives its Federal Chief Negotiator Tom Molloy now that the new claims policy is in place.

This mandate is important for TFN because it will guide future negotiation of the Inuit claim. A new **set of instructions** will define just what topics government considers to be negotiable and what topics government considers not to be negotiable.

TFN Chief Negotiator Bob Kadlun appeared before the Standing Committee on Aboriginal Affairs and Northern Development on February 5, 1987. The appearance was an opportunity for him to do two things:

- highlight the critical issues that must be addressed in the mandate soon to be given to the Federal Chief Negotiator
- recommend to the Standing Committee members that they involve themselves in the process by advising Cabinet on the needs of Inuit claimants.

What follows are edited excerpts from Kadlun's presentation to the Standing Committee. They point out some of the issues a new mandate must address if it is to keep the momentum of that important first step going. Otherwise, a step that started in the right direction may well reverse and Inuit will find themselves back where they were before the policy was announced.

We think that the new claims policy recently adopted by the Federal Government has some good parts and some bad parts. Where there are ambiguities, we want Cabinet to give its Federal Chief Negotiator a mandate that will enable him to deal with us as seriously as possible. If Cabinet can do this, we feel confident that we can come to some overall agreement-in-principle within the next two years. But it really depends on whether the federal negotiators are given the tools to manoeuvre.

Inuit will not settle for advisory powers

In the last six or seven years, we have negotiated processes where Inuit will have a role in decision-making. They will make up fifty per cent of our proposed joint management boards such as the Nunavut Impact Review Board, the Nunavut Water Board and the Nunavut Wildlife Management Board.

"We are already up to our ears in advisory bodies."

We are not prepared to settle for just advisory bodies, as has been the case in other land claims settlements. We are already up to our ears in advisory bodies. Almost every Inuk over the age of eighteen is a member of an advisory body to a superintendant of some sort. We already have these kinds of roles and they are not good enough.

We need a role in really managing the affairs of Nunavut, especially those that affect us directly. We are not talking about making decisions that affect people in Toronto or Winnipeg or Ottawa. We are talking about making decisions for communities far from all these cities. Through our negotiations, we hope to see a bit of power devolve from Ottawa to the north and to the communities.

Inuit must share in management of offshore

The new policy states that Government is prepared to negotiate shared

management of renewable resources in marine areas. But limiting our role to management of renewable resources and excluding non-renewable resources in the offshore does not make sense.

We already have management rights for renewable resources (wildlife) in the offshore. These were entrenched when we negotiated the Wildlife Management Agreement in 1981, which was endorsed by the federal government last year. What we need and what is more logical is a single management system for both renewable and non-renewable resources on land and off shore. It is arbitrary to separate the two and only causes conflicts. If, for example, there was a catastrophe in the northern offshore, such as an oil well blow-out, there would be no renewable resources left for Inuit to manage! A management system can only work if we have faith in it. And if we are to have faith in it, Inuit must be involved in making decisions about both renewable and non-renewable development in terrestrial and marine areas.

Third parties are getting first refusal on lands

We are quite jealous that third party interests are so highlighted in government policies these days. I am referring particularly to the recently-announced northern mineral policy. While this policy states that aboriginal interests will continue to be protected through existing mechanisms such as land use and water permit approval processes, it is third parties such as mining companies that are really getting first refusal on our lands.

And it is our lands we are talking about. While we are negotiating our claim, Government is continuing to give away land. We are negotiating in the first place because existing land use and water permit processes are inadequate to do the job. That's why we are working to establish new structures for the management of land and resources in Nunavut.

We have to negotiate improvements to the systems of licence issuance before we can be expected to give up certain title to certain lands. We have to have a lot of confidence in



Lynda Chambers

TFN Chief Negotiator Bob Kadlun (right) and TFN Vice President Jack Kupeuna appeared before the Standing Committee on Aboriginal Affairs and Northern Development on February 5, 1987.

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BRIA, TFN study land use maps

any management structure before we are prepared to give the baby away for adoption. Otherwise, by the time we negotiate our entire claim, it will be the third parties that will be breaking open the champagne and we'll be left with the beer.

Our proposed Nunavut Impact Review Board is an example of a management structure that we do have confidence in. That is why we'd like to see it endorsed by Cabinet soon. This Board is something TFN and Government have negotiated very intensively over a longer period of time. We feel that what we have now successfully negotiated will be good enough to do the job of controlling the pace of development and involving Inuit in the process. We would like to have seen the Board stronger but compromises had to be made somewhere along the way to make it acceptable to both parties.

Joint management of wildlife harvesting is needed now

Another thing we would like Cabinet to include in the mandate it gives its Federal Chief Negotiator relates to pre-implementation. We have a Wildlife Management Agreement which we are very happy with. What we are not satisfied with right now is our inability to get the Board implemented as soon as possible, **without waiting for the entire claims to be legislated.**

We already have the management organizations in the regions—our hunters and trappers associations. They are there; they exist. We are waiting to see if Cabinet will enable us to pre-implement this aspect of our agreement.

Conclusion

So that is what we are expecting from Cabinet and we expect these things because we want to guarantee that Inuit will always be Inuit and that they will also have the opportunity to become equal partners in the management of Nunavut.

We've had our mandate from our people for a long time. Now let's see if the federal government negotiating team gets its mandate soon and whether that mandate is meaningful.

by Martha Flaherty

The Tungavik Federation of Nunavut and the Baffin Regional Association (BRIA) met in Iqaluit at the end of March to exchange information on *land use planning* and the *land claim process*.

"The purpose of this meeting was to make everybody aware of how the land claim process and the land use planning process connect together," says Paul Quassa, Assistant Chief Negotiator for TFN.

It was important to have this meeting as soon as possible so BRIA can now take part in making decisions on how land is going to be used in the future.

"It's time to show people that what TFN is doing relates to what the Lancaster Sound Commission is doing," says Louis Taparjuk, BRIA President and Secretary-Treasurer for TFN. "Our members have a right to participate in land use planning but in order to participate they need to understand it before it's too late to take part."

How do land use planning and land claims relate to each other? Both require the preparation of detailed maps which contain information such as where hunting areas are, where caribou migrate and where mining companies have leases. TFN needs these kinds of maps so Inuit

will have all the information they need about their land in order to make important decisions later about which land they will keep. Land use planning commissions need these kinds of maps so they can make decisions about future land use—decisions that are rationale and based on the needs of the people.

It would not make sense for two sets of maps with the same information to be done when TFN has already completed this first step of land use planning. TFN's maps, then, can be used to help Inuit decide which land it would be wise to keep.

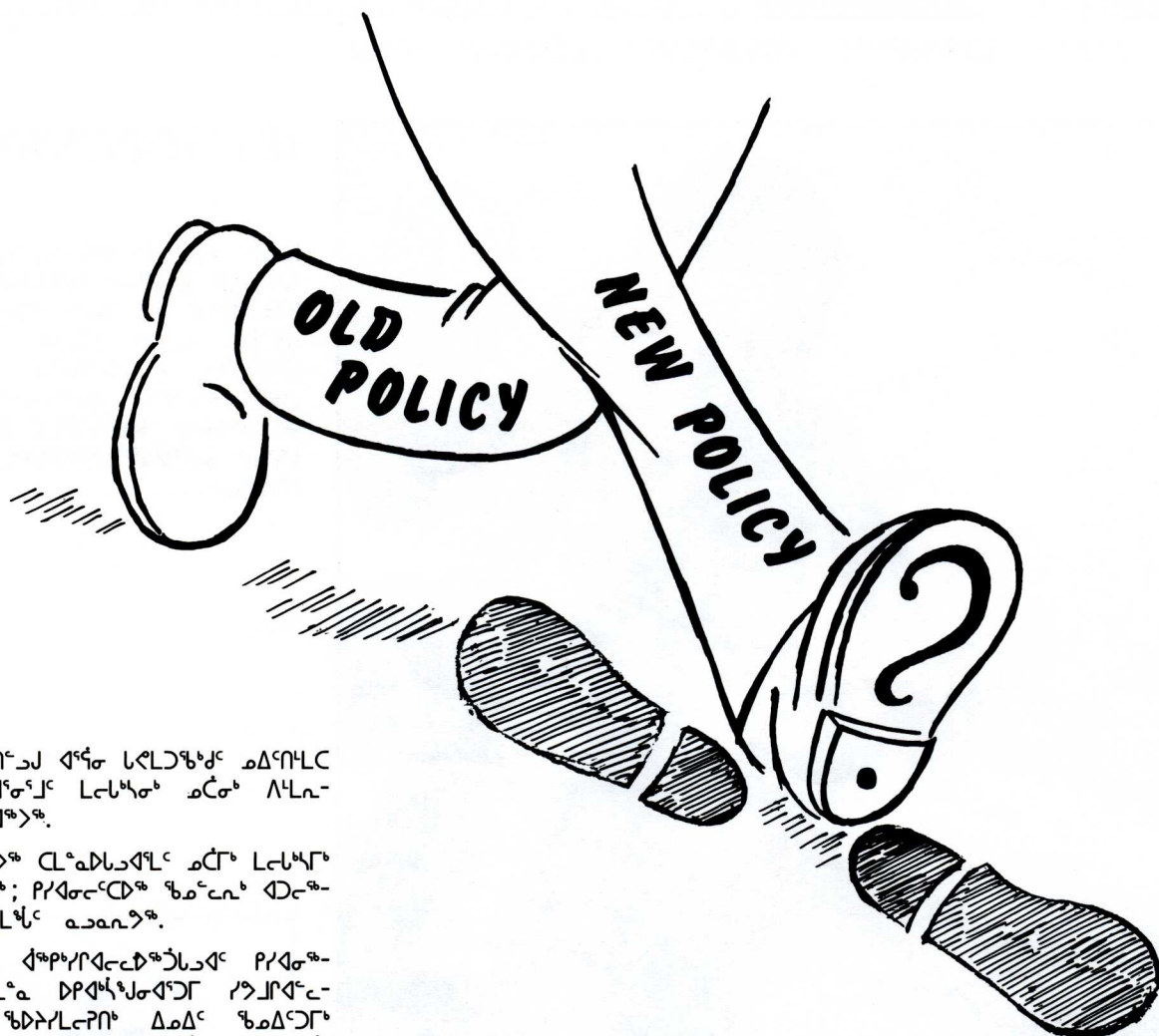
Here's an example of how Inuit land use maps can be used to develop land use plans. Some land may be chosen to be kept as Inuit land because there is a hunting camp there. People living at the camp would not want a port or harbour built nearby for ships carrying oil. So if a community is going to select lands for a particular "use" such as for a hunting camp, the "use" should be part of a land use plan so some other "use" that is incompatible is not planned for the same area.

"We showed BRIA the information we have on our land identification maps. We have marked Inuit land use, wildlife, and third party interest," says Denise Burich, TFN's Land Use Planning Co-ordinator.

Stop Press

TFN's Directors had their first meeting with DIAND Minister Bill McKnight this month when he was a guest at their board meeting held in Ottawa. A question-and-answer session with the Minister was the first opportunity Inuit leaders have had to try to find out exactly where the Government stands on the implementation of its new claims policy; the creation of Nunavut; and the role/status of Inuit in upcoming talks on a "northern energy accord".

For the facts, watch for the next issue of *Nunavut* at your post office soon.

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