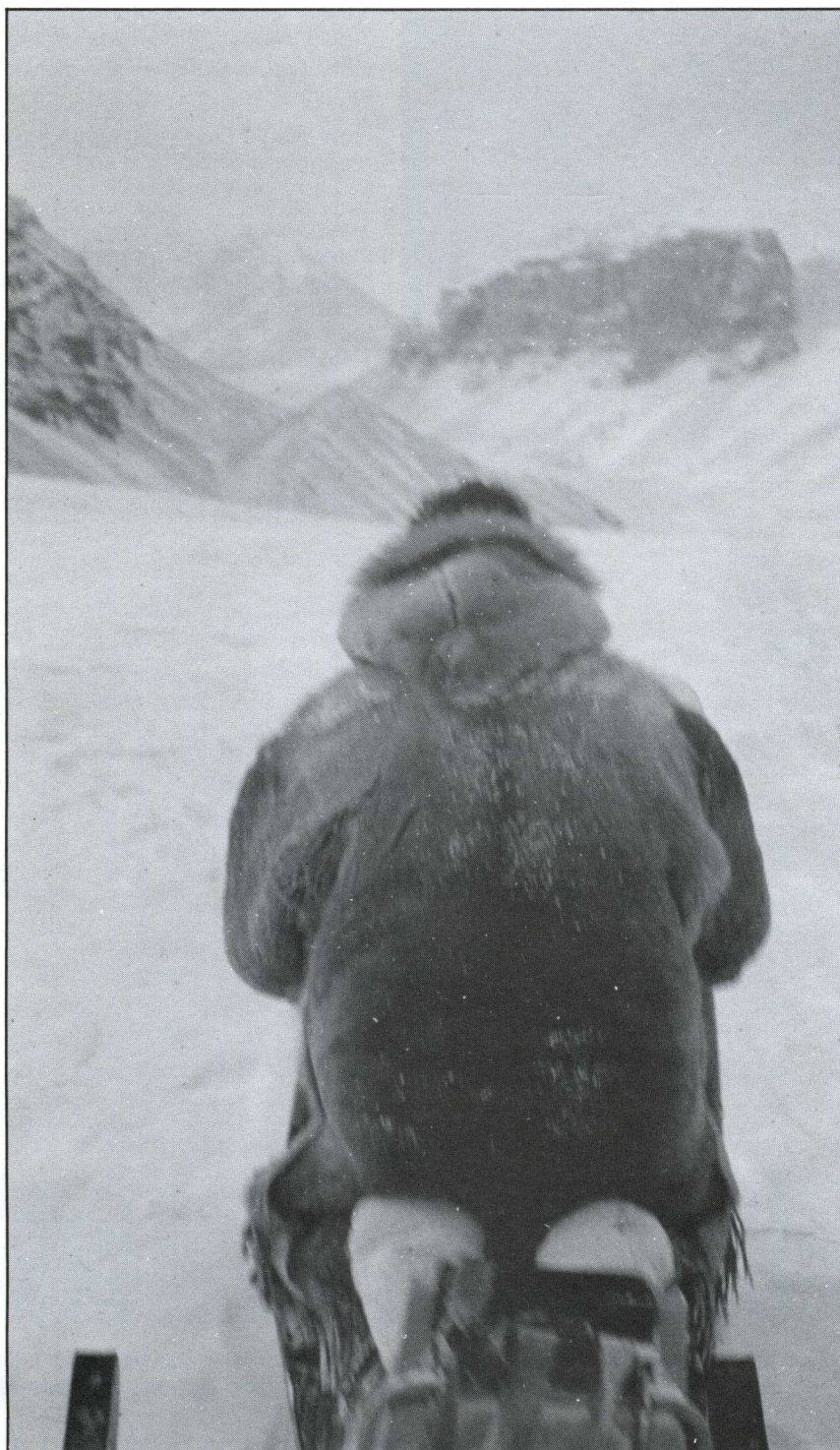


NUNAVUT

A REPORT ON LAND CLAIMS FROM THE TUNGAVIK FEDERATION OF NUNAVUT



Inuit will control access to land

Inuit are a step closer to controlling who goes on their land and why, thanks to a successful round of negotiations in August. For details 2



TUNGAVIK FEDERATION OF NUNAVUT

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.

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

ISSN 0829-9048

Rick Riewe, TFN

TFN, Gov't initial agreement on entry and access Inuit will control who goes on their land



Katheryne Parker, TFN

On August 12, TFN Assistant Chief Negotiator Paul Quassa and Federal Government Chief Negotiator Tom Molloy initialled another agreement-in-principle. Territorial Government negotiator Ross McKinnon, who is a member of the federal negotiating team, also initialled the document which sets out the rules and regulations to control who will be able to go on Inuit land and why.

Inuit are a step closer to having control over who goes on their land and why.

On August 12, TFN Assistant Chief Negotiator Paul Quassa and Federal Government Chief Negotiator Tom Molloy initialled another agreement-in-principle.

It's called **Entry and Access to and across Inuit lands** and it brings the total number of initialled claims agreements to seventeen.

Entry and access to and across Inuit lands is part of a larger issue that is the very heart of the claim. That issue is land ownership (see *Nunavut*, Volume 6, Number 7).

In the land ownership negotiations, Inuit and Government will be trying to decide which land will be government land and which land will be Inuit land after the claim is settled.

In the entry and access agreement, TFN and Government have agreed that on whatever land ends up being Inuit land, there will have to be strict rules to control who will be able to go on it (entry to) and who will be able to cross it (access across).

The most significant statement in the entry and access agreement is the first statement. It says that *except where otherwise provided in the final agreement, non-beneficiaries may not enter, cross and remain on Inuit lands without the consent of Inuit.*

What does it mean? It means that anyone who is not Inuit—not a beneficiary—will be trespassing unless they have **permission** to be on Inuit land or unless they have a **right of access** to Inuit land under the entry and access agreement.

The entry and access agreement sets out the rules and regulations that will control three kinds of access to Inuit land: access by the public; access by government; and, access by third parties.

TFN and Government agreed that there had to be these exceptions to the rule that no one but beneficiaries can go on Inuit land. Why? Because they knew there would be times when it might be either difficult, impossible or unfair to get permission to go on Inuit lands. Even in the south where people put fences around their private land, they often

can't stop government from going on it. And in the north, where there are few roads, public access to land other than Inuit land would be severely restricted if there were no rights of access.

For example, how would people get to their homes or places of work that are on the other side of Inuit land?

How would Government deliver its services?

How would developers with legally-recognized subsurface rights be able to carry on their work?

The purpose of the recently-initialled entry and access agreement is to recognize that there will be times when non-Inuit will be allowed on Inuit land and to ensure that the access is controlled. It describes the three types of access to Inuit land under three main headings:

- General Access
- Government Access
- Third Party Access

General Access

General access to Inuit lands is access by the public.

The agreement says that people who are not beneficiaries of the claim settlement will be able to go on Inuit land for casual travel, for recreation or for emergencies. Otherwise, they will have to get permission from Inuit.

A non-beneficiary canoeing along a river could stop for lunch without being a trespasser on Inuit land because a one-hundred foot strip of land along the shore of the sea and all navigable waters will also be a "public right of access".

Non-beneficiaries will also be able to cross Inuit land to get to work but must try to use only routes approved by Inuit.

Another group of people that will be able to go on Inuit land without permission are members of Parliament, members of the Legislative Assembly, members of municipal councils and election candidates.

It may seem that non-Inuit can go on Inuit land for a lot of different

reasons. But the entry and access agreement sets out an important condition to all these types of *general access*.

If non-beneficiaries who go on Inuit land cause any damage, commit any mischief or interfere with the use and enjoyment of that land by Inuit, they will be considered trespassers and legally responsible for paying for the damages.

Government Access

Government employees will be able to go on Inuit land to deliver and manage Government programs and to enforce its laws. But if Govern-

ment says it wants to stay on Inuit land for more than two years then Inuit can insist that it sign a lease and pay rent.

Government, just like the general public, must also not cause any damage, commit any mischief or interfere with the use and enjoyment of the land by Inuit.

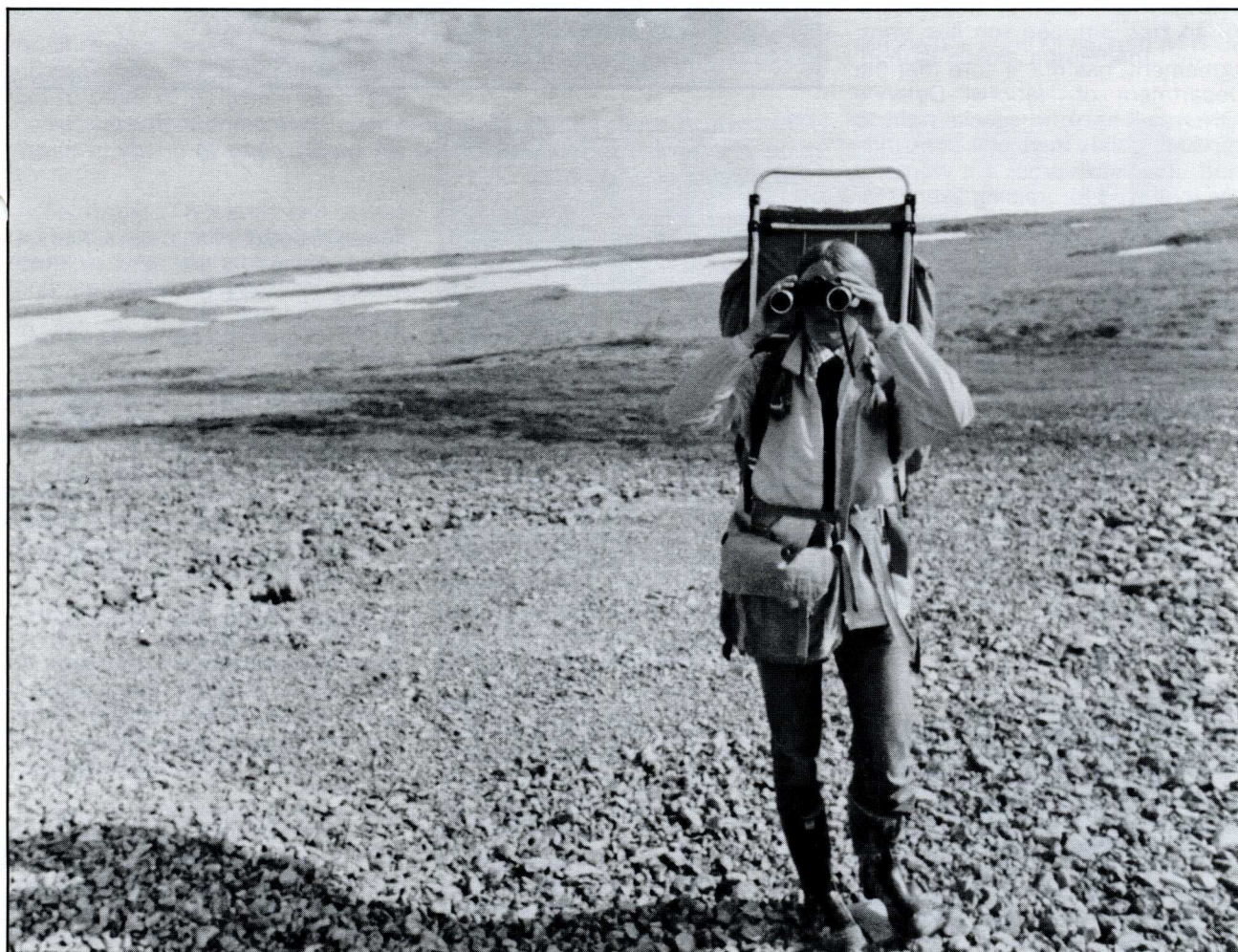
The same penalties as with general access also apply but with one important addition. If Government knows ahead of time that its access is probably going to damage or interfere with the environment, it will have to meet with Inuit first and come up with special guidelines for the access.

The guidelines could be things like ensuring that Inuit are involved in making a decision on the best location, time and duration for the access; imposing special measures to protect the environment; and making sure that Inuit are given plenty of information about the access.

TFN's Wildlife Agreement-in-Principle will guide Government access when Government goes on Inuit land to help manage the wildlife.

Access by the military

There was one topic that caused lots of discussion and some controversy during the negotiations on entry and



Polar Gas

The recently-initialled entry and access agreement says that people who are not beneficiaries of the land claim settlement will be able to go on Inuit land for casual travel and recreation.

"It would have been hypocritical of us to freely permit things like military manoeuvres."

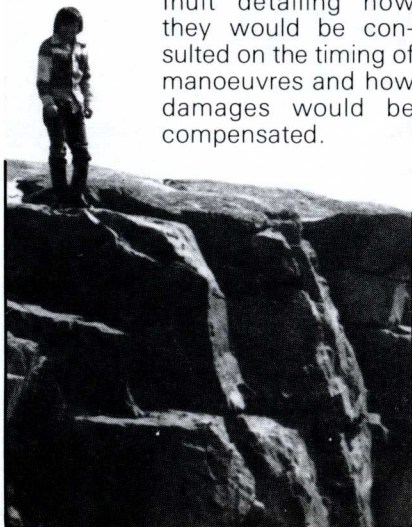
access to Inuit land. That topic was whether and how Inuit land should be used for military purposes.

"Inuit have always said that the north should be used for peaceful purposes only. It would have been hypocritical of us to freely permit things like military manoeuvres," says TFN Chief Negotiator Bob Kadlun.

So TFN, through its entry and access agreement, has made sure that the Department of National Defence (DND) will have no special right to conduct military manoeuvres on Inuit land. In other words, if it wants to use Inuit land for training exercises, it will have to treat Inuit land as it treats private land in the south. Experience has shown that it is extremely rare that military exercises are carried out on private land.

DND would have to give advance notice of any planned military manoeuvres on Inuit land—notice in Inuktitut as well as in English.

It would have to reach an agreement with Inuit detailing how they would be consulted on the timing of manoeuvres and how damages would be compensated.



Canadian Forces Photo

TFN, through its entry and access agreement, has made sure that the Department of National Defence will have no special right to conduct military manoeuvres on Inuit land.

Third Party Access

Third Party Access to Inuit land is access by people who have legitimate surface or subsurface rights in Inuit land or land next to Inuit land. Third parties are usually developers.

TFN's position has always been that third party interests in Nunavut were created illegally because Government has no right to lease land that does not belong to it. The entry and access agreement recognized this by stating that when it comes time for Inuit to identify land that will be Inuit after the claim is settled, Government may have to terminate some third party interests.

But if, after the claim is settled, Inuit end up owning land where third party interests have not been terminated, then Inuit will "assume the rights and obligations of the Crown". In other words, the third party interests in the surface or subsurface can continue but Inuit will become the landlords and collect the fees and rents.

"We've accepted that most existing surface and subsurface rights held now by third parties can continue on

land owned by us," says Kadlun. "But access to our land by these third parties will be regulated."

How will third party access be regulated?

Government and TFN agreed that there had to be some way to control third party access, not only to Inuit land but to all private land in Nunavut. They decided the best idea would be to create a *Surface Rights Tribunal* that would be responsible for regulating access by third parties.

Although TFN and Government agreed on the need for this tribunal, they did not actually negotiate its structure at the land claims table. It is not strictly a land claims matter because the tribunal would be for all of the N.W.T. and Yukon, not just Nunavut.

A way around this problem to meet TFN's concerns was to include a clause in the entry and access agreement that guarantees TFN the right to **bind** Government to its promise to establish the Surface Rights Tribunal.

When this Surface Rights Tribunal is dealing with third party access to

Inuit lands, TFN and Government also agreed that it must conduct its business in Inuktitut and at least half of its members must come from Nunavut.

The importance of this tribunal is that it will have the authority to issue entry orders and to hold hearings to determine compensation.

Entry orders will set the terms and conditions for access to Inuit land by third parties.

For example, if a developer has the right (a subsurface interest) to the minerals underneath Inuit land but has not been able to get the consent of Inuit to explore, develop, produce and transport these minerals, the developer may apply for an entry order.

Another situation is if a developer has no choice but to cross Inuit lands to get to other lands where he or she has a subsurface right. Here again, the developer may apply for an entry order.

According to TFN's entry and access agreement, entry orders will permit developers to use and occupy land only if it is necessary for their operations. An entry fee and compensation must be paid to Inuit.

In determining what the compensation should be, TFN was able to make sure that many factors will be taken into account. The Surface Rights Tribunal will look at things like:

- the market value of the land;
- the effect of the loss of use of the land;
- the effect on wildlife harvesting;
- the effect on adjacent Inuit lands;
- damage to the land;
- nuisance, inconvenience and noise;
- cultural attachment of Inuit to the land.

Forced taking of Inuit land

The entry and access agreement also deals with another matter relating to land ownership: government **expropriation**. Expropriation is the *forced*

taking of land by Government for some public purpose.

Before any land can be expropriated, Government will have to notify Inuit of its intent to take the land; give Inuit a chance to object; and determine what compensation will be paid Inuit.

What is meant by compensation? Compensation could be more land somewhere else to take the place of the land given up or a combination of land and money.

If Government expropriates some Inuit land and then decides it no longer needs that land, Inuit will have a chance to buy the land back before anyone else does.

If the expropriated land is for public transportation, Government will not have to pay compensation but there will be a limit to the amount of land

that can be taken for this reason. There will also be a limit to the total amount of Inuit land that can be expropriated for any reason.

Control is the key

To sum up, TFN's most recent claims agreement is an important one. It gives Inuit protection and it guarantees them a significant role in controlling who can enter their lands and for what reason.

If you have any questions or concerns about the entry and access agreement, contact your regional negotiator. Remember, all of the agreements that TFN has initialled with Government are agreements *in principle*. Without your approval, they will not become part of the overall claims agreement.



ITC photo

Even in the south, where people often put fences around land that belongs to them, there are still occasions when government and others can go on this private land.

Quick Takes

When the Inuvialuit settled their land claim in 1984, the Final Agreement called for negotiation of "compensation agreements" with developers. These agreements would have to be signed before development projects could go ahead. The purpose of the compensation agreements was to set up a system—an arbitration process—so that Inuvialuit would be able to claim compensation if their environment or the environment of the wildlife was damaged. Last month, the Inuvialuit Game Council (IGC) successfully negotiated its first Wildlife Compensation Agreement. This landmark agreement is with Gulf Canada Resources Ltd. and deals with the drilling of two wells in the Beaufort Sea. Norman Snow is Executive Director of the Inuvialuit Joint Secretariat and is the person to call for details. He can be reached at (403) 979-2828.



Partisan politics, land claims, alcohol and Inuktitut are just some of the topics that will be addressed at a Baffin Leadership Summit scheduled for December 1-4 in Iqaluit. Find out more by contacting the Baffin Leadership Secretariat at (819) 979-5391.



The Inuit Non-Profit Housing Corporation recently welcomed Mabel Kudluk of Tuktoyaktuk to its board. She joins Joelee Arreak of Pond Inlet; Nick Arnatsiaq of Iqaluit; Leah Idlout d'Argencourt of Ottawa; Phillip Nukapiak of Rankin Inlet; Paul Obed of Hopedale; and Don Dicker of Nain.



Marie Tessier-Lavigne, founding producer of CBC North's popular series called *Tarqavut*, has left the program to assume new duties as producer of CBC North specials. Taking over the reins of *Tarqavut* in its



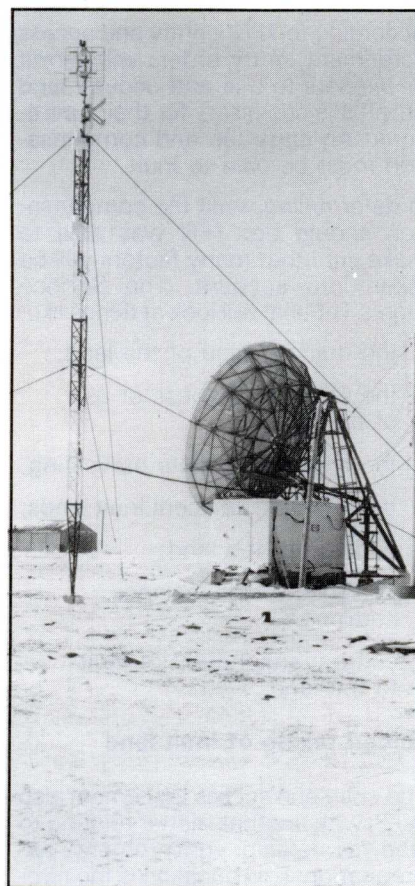
CBC photo

Keith McNeil, right, is *Tarqavut*'s new producer. Here, he poses with the popular television series' new hosts, Jonah Kelly and Jose Kusugak (l. to r.)

fifteenth season is Keith McNeil, most recently an Ottawa-based freelance radio and television producer and formerly Iqaluit station manager for the Inuit Broadcasting Corporation. He has this to say of his plans. "Tarqavut has been very successful. It's important to combine this past success with new ways of ensuring the program continues to reflect the needs of its audience. One such step calls for taping more segments on location in the Arctic." McNeil can be reached at (613) 724-5191.



Satellites and resource management! What's the connection? Northerners are about to find out. With the cooperation of the Canada Centre for Remote Sensing (CCRS), the Government of the Northwest Territories is carrying out some projects to demonstrate how remote sensing by satellite can play an important role in resource management. Satellite images of the earth's surface can help northerners monitor wildlife habitats, map wetlands and study land uses. To find out more, contact Steve Matthews, Renewable Resources, (403) 873-7775.

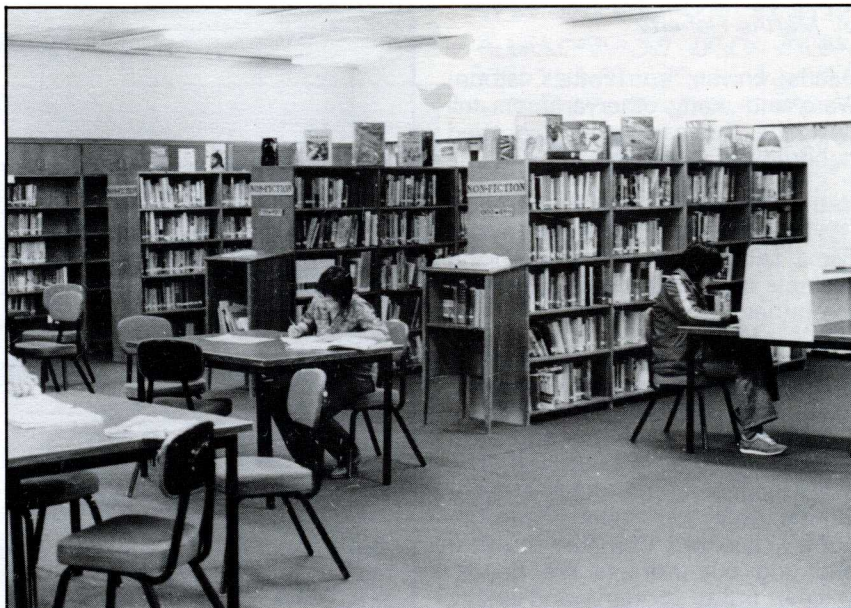


Quick Takes

In the last issue of *Nunavut*, we inadvertently moved the Second National Student Conference ahead by a whole year. Instead of making a date to attend in 1987, find a calendar for next year and mark November 23-24, 1988 as the dates to attend. Watch these pages for more details as they become available.



Acidic sulphur dioxide emissions in Europe and the Soviet Union have doubled in the last thirty years. In that same amount of time, Arctic air pollution has soared up by 75%. Is there a connection? A new air pollution monitoring laboratory has been set up at Alert to help scientists answer this question and others. They'll look at how toxic substances reach the north and how Arctic haze is formed. Arctic haze is a form of air pollution which consists of gases and particles of soot, metals and sulphates. If you're curious, call Dr. Jim Young, Director, Canadian Arctic Air Pollution Program at (416) 667-4937.



The University and College Entrance Preparation program (UCEP) can help native students obtain the credits they need to get into college or university. This year, the federal government is providing a one-time grant of \$220 thousand to the pro-

gram while the Territorial department of education will continue to handle administration. The extra money was negotiated because the Territorial Government's regular grants and bursaries couldn't meet the needs of mature students seeking to further their education. Apply now 'cause it's first come first served. Call Dan Daniels at (403) 873-7190.



Employment Opportunity

The Tungavik Federation of Nunavut (TFN) is looking for a reliable, energetic and self-motivated individual to fill a vacant receptionist/secretary position in the Ottawa office.

The successful candidate must have an excellent telephone manner and the ability to efficiently and promptly handle all incoming and outgoing mail; maintain TFN's central filing system; operate a computer and co-ordinate travel arrangements.

Preference will be given to candidates who speak Inuktitut.

Please send your letter of application to:

Paul Sammurtok
Executive Director
Tungavik Federation of Nunavut
130 Slater Street
Suite 1200
Ottawa, Ontario
K1P 6E2

Salary Range: \$19,322-\$22,220
Depending on experience



The Banff Centre

The Banff Centre School of Management has decided to postpone its conference on sustainable development, originally scheduled for last month. Now, it will probably be held some time in February. Felicity Edwards at (403) 762-6100 has the specifics.



Dr. Guy R. Brassard, botanist and phytogeographer, is the new Executive Director of the Association of Canadian Universities for Northern Studies (ACUNS). 1988 will see him working with the Board on, among other things, activities of the Canadian Northern Studies Trust and on the Second National Student Conference on Northern Studies.

Artifacts tell stories about the past

by Martha Flaherty

Beads, knives, iron kettles, stoneware and many other artifacts tell how the Tunica-Biloxi Tribe lived hundreds of years ago.

In the State of Louisiana, the court has recently decided that the Tunica-Biloxi Tribe has a right to own the artifacts that were buried with their forefathers.

Between 1731-1764, the Tunica-Biloxi Tribe lived near the Mississippi River. After 1764, the Tunica-Biloxi Tribe left that village and settled in what is now called Louisiana. The exact location of the village was not known until 1974 when treasure hunter, Leonard Charrier, found it and dug out artifacts like beads, knives, Indian pottery and many other materials that had been buried along with the dead.

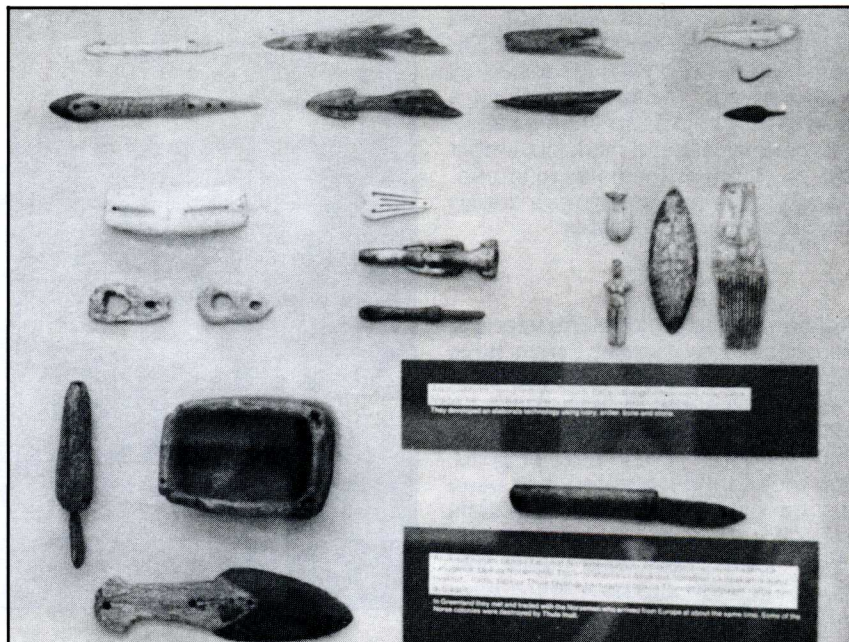
The Tunica-Biloxi Tribe had to fight for their right to own these artifacts. A court finally ruled that the Tribe owned the artifacts and did not need to pay Charrier for finding the materials.

In Nunavut, Inuit will have a special role in preserving, managing, and interpreting their artifacts because four years ago in Rankin Inlet, the Tungavik Federation of Nunavut and the federal government reached an agreement on archaeology. Archaeology is a record of the remains of people from the past.

Our archaeology agreement contains many important principles that will be used to protect the Inuit interests in archaeology in Nunavut. The spiritual, cultural, religious and educational records that are important to Inuit will be protected through this agreement.

It is Inuit who have more knowledge about their culture than anyone else, so they should be the ones to interpret to the world what the meanings of the artifacts are.

Through the land claims process, federal government negotiators talk about giving Inuit some management powers or decision-making powers. So this is one way of giving them a



ABOVE: After the settlement of the TFN land claim, Inuit will finally have the chance to manage their own artifacts.

BELOW: Archaeology tells the story of our past through the tools, toys and treasures of people long gone.



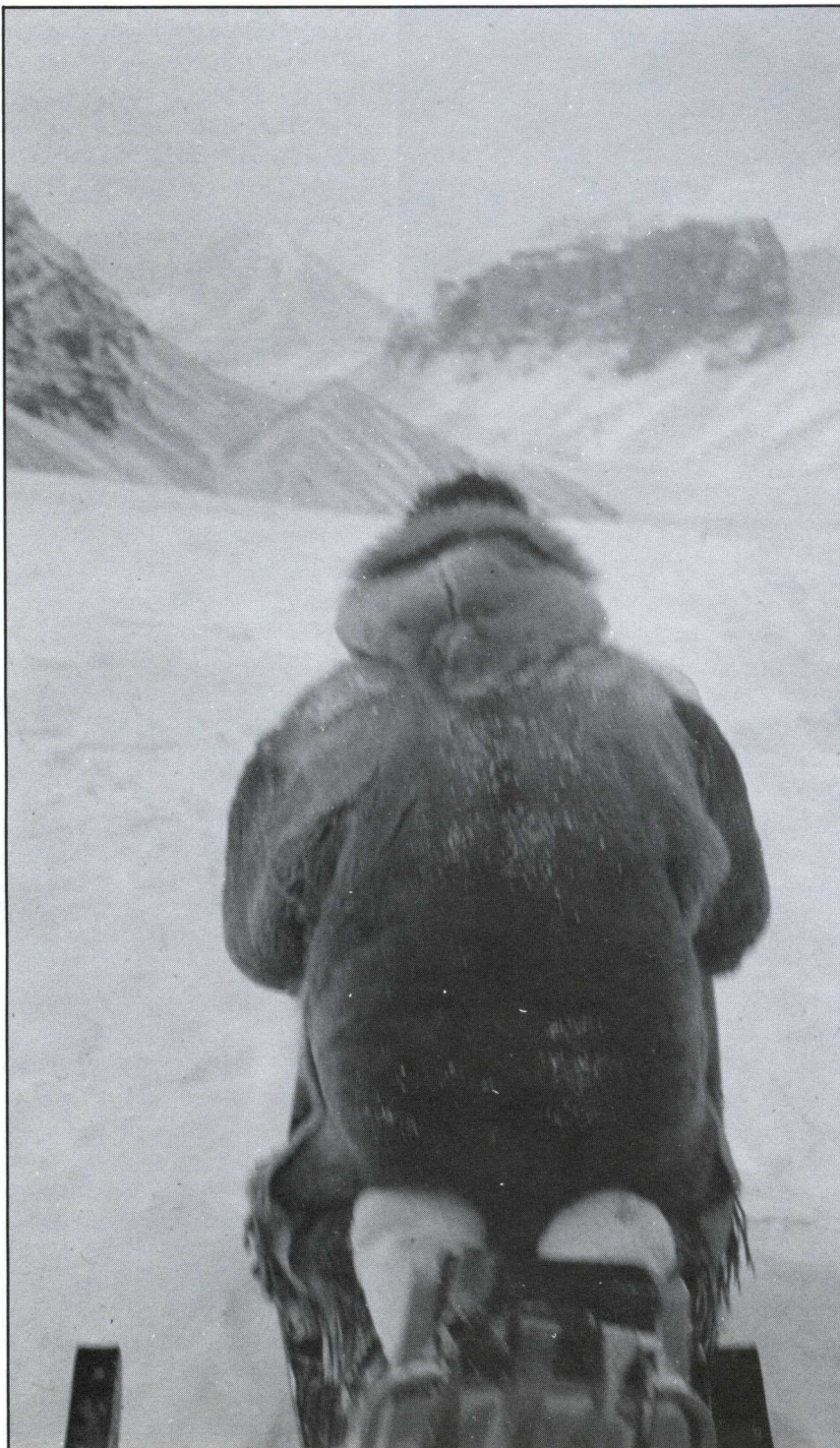
chance to manage their own, historical records.

At the moment, The Museum of Man holds the artifacts and has the responsibility to maintain and to protect these specimens. It also has power to distribute these artifacts

nationally and internationally for display, research and education.

After the settlement of our land claim, Inuit will finally have the artifacts in their hands to interpret and manage them.

$\Delta_m \Delta^c$
 $\langle D_c^c \Pi_c^{\dot{c}b} \rangle^c$
 $P^b D^c \quad \Delta_m \Delta^c$
 $m \text{ e } \gamma^a \text{ m } \langle P^a -$
 $e \gamma \gamma L^{\dot{c}c}$

[illegible][illegible]

ᐃᕿᕐᕈᕐ ᐃᕈᕐᕈᕐ: ᕐᕐ ᕐᕈᕐᕈᕐ
ᐃᕐᕈᕐᕈᕐᕈᕐ / ᐃᕐᕈᕐᕈᕐᕈᕐ: ᕐᕐ ᕐᕈᕐᕈᕐ
ᐃᕐᕈᕐᕈᕐᕈᕐᕈᕐ: ᕐᕐ ᐃᕐᕈᕐᕈᕐ

ISSN 0828-9048

A black and white photograph showing three men seated at a dark table, each focused on signing a document. The man on the left is wearing a dark baseball cap with a logo and a dark sweater over a collared shirt. The man in the center is wearing a dark sweater with light-colored horizontal stripes and a collared shirt. The man on the right is wearing a light-colored sweater and glasses. They are all looking down at their papers. The background is a plain, light-colored wall.

CAL^cCD^{sb} ΔmΔ^c mēḏnryā^amāp^ae^b-
C9y^{sb}ᵛ C ḡAn^{sb}bḥb^{sb}ᵛᵛnḥ bēCD^c
L^cL^byā^am^c bnL^ar^cḡr^c, ḡL^{sb} mēnḡ^c
L^cL^cCD^{sb}nḥr^c, mēc^cσ^a bnL^aD^c ḡL^{sb}
σ^aḡ^{sb}CD^ad^{sb}ᵛ.

[illegible]

CAL L-CPV697TM) ጎኗ ልጊ ልወልዮ
 ልረድባንበት ልገረድቅንናል፤
 ዳርፋውስና፡፡ ሆኖም ልገረድቅንናል፤

[illegible]

[illegible]

CΔLc ƒLQ%Ɔ° ƆDnQƒc°σPn ΔmΔ
 m%σ ƒLƆ ƆDcQƒc°Ɔ° ƆDnQƒc°
 aƒc°Ɔ, ΔmΔ ƒ°cƆ°ƆDn σƒaƒ-
 b°σ°aƒ%C% PbƆΔ°a°m° Ɔƒƒ°m°
 ΛƆƆ°ƒ°σ°Ɔσ.

[illegible]

2019.09.29

ᐱᑦᓕᑦ ᖃᑦᓗᑦ ᓄᓇᓂ, ᓄᓇᓄᓈᖅ)ᑦ ᐱᑦᑕᑦᓯᑦ ᓄᓇᓄᓈᓴᑦ, ᑕᐱᑦᑕᓯᖅ ᐱᑦᓴᓯᑦ
ᐱᑦᓴᑦ ᐱᑦᓴᓯᑦ ᓄᓇᓄᓈᓴᓯᑦᓄᐱᑦᓴᑦ.

8