



TUKISITTIARNIQSAUJUMAVIIT?

•

A PLAIN LANGUAGE GUIDE TO
THE NUNAVUT LAND CLAIMS AGREEMENT

“Tukisittiarniqsaujumaviit?” means: Would you like to have better understanding?

© Nunavut Tunngavik Incorporated
ISBN 0-9734066-1-5

**“KangikHITEagumaven: A Plain Language Guide
to the Nunavut Land Claims Agreement”** (Inuinnaqtun / English)

Issued also in Inuktitut under title:

**“Tukisittiarniqsaujumaviit: A Plain Language Guide
to the Nunavut Land Claims Agreement”** (Inuktitut / English)

All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system, or transmitted in any form or by any means
without the prior written permission of Nunavut Tunngavik Incorporated.

Printed 2004
Designed by Earthlore Communications
Printed by St. Joseph Print Group Ottawa

Nunavut Tunngavik Inc.
Department of Communications
P.O. Box 638
Iqaluit, Nunavut X0A 0H0

DEDICATED TO
ALL THOSE WHO
MADE THE LAND
CLAIM POSSIBLE



Cover Art:

"Aittaa" by Germaine Arnaktauyok,
Igloolik, Nunavut

Photo: Arts Induvik

Background Cover Art:

"Raven's Dance" by Kananginak Pootoogook,
Cape Dorset, Nunavut

"Raven's Return" by Kenojuak Ashevak,
Cape Dorset, Nunavut

Reproduced with the permission of the
West Baffin Cooperative



CONTENTS

Message from the Board of Directors	1
Introduction	3
Article 1 : Words and What They Mean	9
Article 2 : Important Points	9
Article 3 : Nunavut Settlement Area	10
Article 4 : Nunavut Territory & Government	11
Article 5 : Wildlife	13
Article 6 : Making Claims for Harm to Wildlife	16
Article 7 : Outpost Camps	19
Article 8 : Parks	20
Article 9 : Conservation Areas	22
Article 10: Land and Resource Joint Management Boards	25
Article 11: Planning to Use Land & Water	26
Article 12: Control over Development	27
Article 13: Water	30
Article 14: Municipal Lands	31
Article 15: The Ocean	33
Article 16: Baffin Ice Zone	34
Article 17: Purposes of Inuit Lands	37
Article 18: Choosing Inuit Lands	38
Article 19: Ownership of Inuit Lands	39
Article 20: Water on Inuit Lands	42
Article 21: Entering Inuit Lands	43
Article 22: Property Tax	45
Article 23: Government Jobs for Inuit	47
Article 24: Government Contracts for Inuit	49
Article 25: Resource Royalty Sharing	50
Article 26: Agreements that Benefit Inuit	51
Article 27: Inuit Role in Resource Development on Crown Lands	53
Article 28: Inuit Voice in Energy and Mineral Agreements	54
Article 29: Payments to Inuit from Canada	57
Article 30: General Taxation	58
Article 31: The Nunavut Trust	61
Article 32: The Nunavut Social Development Council	62
Article 33: Archaeology	65
Article 34: Ethnographic & Archival Materials	67
Article 35: Enrolment	69
Article 36: Protecting the Agreement in Law	71
Article 37: Putting the Agreement into Action	72
Article 38: Arbitration	75
Article 39: Inuit Organizations	77
Article 40: Other Aboriginal Peoples	78
Article 41: Contwoyto Lake Lands	79
Article 42: Manitoba and Hudson Bay	80
Important Words and Their Meaning	81
Original Titles for NLCA Articles	86
Biographies on the Artists	88



Elsie Anaginak Klengenberg, "Dancing with Cranes"



MESSAGE FROM THE BOARD OF DIRECTORS

Nunavut Tunngavik Incorporated is proud to publish this easy to use Guide to the *Nunavut Land Claims Agreement* during our 10th anniversary year. The Agreement brings real benefits to all Inuit.

We know how difficult the text of the original 300-page-long Agreement can be to understand in any language. While the words used in this Guide are more basic than those found in the Agreement, the ideas remain the same. Inuit have asked us for a simplified version of the Agreement and this is it.

On behalf of Nunavut Tunngavik Incorporated, we would extend our thanks to all the people who helped bring this Guide to life – the writers, artists, Nunavut Sivuniksavut students and experts on the *Nunavut Land Claims Agreement*. Special recognition is also needed for the translators who worked on the original, complex Agreement. The land claim has required the development of many, many new words in Inuktitut and Inuinnaqtun to capture the complex legal ideas about rights and uses of “our land.”

Nunavut Tunngavik Incorporated is dedicated to achieving Inuit social, cultural and economic well-being through the implementation of the *Nunavut Land Claims Agreement*. This Guide we hope will increase understanding among Inuit of the vision we hope to one day fully achieve. Much has been done, but much remains to do. Let us move forward together and achieve our full potential.

Board of Directors
Nunavut Tunngavik Incorporated



Susie Malgokak, "Warm and Cozy"



The *Nunavut Land Claims Agreement* was signed in May 1993 by the Inuit and Government. The Inuit were represented by the Tungavik Federation of Nunavut. The Government of Canada and the Government of the Northwest Territories signed on behalf of the Queen.

Negotiators worked hard to make Inuit rights and benefits clear. The Agreement will bring many rights and benefits, but it is a compromise. Inuit did not always get everything they wanted in it. Neither did the Government of Canada. The Agreement recognizes the contributions of Inuit to Canada's history, identity and sovereignty in the Arctic.

Nunavut Tunngavik Incorporated is to play a lead role in helping Inuit and their organizations understand their rights and obligations under the Agreement. Finding out what the Agreement says is the first step for anyone wanting to use their rights or benefits.

This Guide follows the path of the Agreement. It sums up the key points, Article by Article. The 1993 Agreement talked about what *will* be done in the future. So does this Guide. That is why the Agreement talks about the "Nunavut Settlement Area" since Nunavut didn't exist until 1999.

This Guide is shorter and easier to understand than the Agreement. If you find something is not explained well enough to your liking, you should look to the wording found in the original Agreement.



The Path to the Nunavut Land Claims Agreement

In 1973, Tagak Curley of the Inuit Tapirisat of Canada took the *Inuit Use and Occupancy Study* to the Government of Canada. The study showed where the Inuit live today and where their ancestors lived. It also told how land is, and was, used. Without this proof, the federal government would not begin negotiating a land claim with the Inuit.

Negotiations did not start until 1976. For many years, the Tungavik Federation of Nunavut listened and talked to Inuit. Their negotiators needed to know the past and present so they could argue well for the future. They wrote what they learned in a report. This important report was given to the federal government in 1982. Negotiators for the Inuit used this report to shape much of what is in the Agreement.

Inuit said they did not want reserves under the *Indian Act*. Like other Canadians, they wanted to pay their taxes and enjoy a modern standard of living. Inuit also wanted to protect and promote their way of life, language and heritage.

Negotiations took place between the Inuit and Canada throughout the 1980s. Inuit voted in favour of the Agreement in 1992. Then, the Parliament of Canada voted in favour of the Agreement and made it law in 1993.



The Historic Exchange

The *Nunavut Land Claims Agreement* should not be seen as a gift. It is a contract in which Inuit exchange Aboriginal title to all their traditional land in the Nunavut Settlement Area for the rights and benefits set out in the Nunavut Land Claims Agreement. These benefits include:

- Ownership of about 18 per cent of the land in Nunavut, including mineral rights to two per cent of these lands
- A cash settlement of \$1.173 billion, and
- Creation of the territory of Nunavut, with an elected government to serve the interests of all Nunavummiut.

The Nunavut Trust will wisely care for the funds provided by the Agreement. The Trust will invest this money to earn interest. This interest money will then be used for the good of all Inuit.

The Government of Nunavut will respect Inuit values. Inuit are 85 per cent of the population of Nunavut. The Agreement is protected by the *Constitution* of Canada. Government must work in ways that respect Inuit rights.



Benefits of the Agreement

A key goal of the Agreement is to encourage self-reliance. This includes the cultural and social well-being of Inuit. Much of Inuit life and spirit is tied to wildlife. The Agreement protects Inuit rights to hunt, fish and trap.

The Agreement is intended to ensure more contracts, jobs and training for Inuit. Inuit will also benefit from income and other opportunities from mineral, oil and gas resources in Nunavut. These might come from Inuit Owned Lands or from Crown lands.

While Nunavut will be a territory with a public government, it is also the Inuit homeland. The Agreement will try to protect this reality by giving special duties to Inuit organizations like Nunavut Tunngavik Incorporated with respect to language, culture and social policy. These duties might be handled directly by Nunavut Tunngavik Incorporated or through working together with Regional Inuit Associations, Institutions of Public Government and Government.

The Agreement also creates a number of boards that allow for joint management of all lands, waters and wildlife resources. Inuit work on an equal basis with Government through these boards. There will be joint management of planning and impact review, negotiated benefits agreements and resource revenue sharing. Together, Inuit and Government will shape the future of Nunavut.

The Nunavut Land Claims Agreement will be a living document. It will grow with time. It is a foundation on which Inuit can build their future. It will not be forgotten as long as Inuit remember its promises and hold themselves – and Government – to them.



Kenojuak Ashevak, "Birds"



Elsie Anaginak Klengenberg, "Testing Their Strength"



Article 1

Words and What They Mean

*The **Agreement** uses some technical words. It also uses words in special ways. This Article tells what they mean.*

Article 2

Important Points

*The **Agreement** is powerful. It describes and protects Inuit rights. This Article tells what gives the **Agreement** its power. It creates the climate in which the **Agreement** is to be understood and implemented.*

Highlights:

The *Constitution* is the most important law in Canada. It protects the **Agreement**. If there is a clash between the **Agreement** and any law, the **Agreement** should win.

Inuit will have new legally defined rights to **land** and water. These are described in the **Agreement**. Inuit and Government agreed to these rights.

DEFINITIONS:

The **Agreement** is the *Nunavut Land Claims Agreement* or NLCA.

Inuit Owned Land is land that Inuit own through the **Agreement**. The land title (ownership papers) is kept by Nunavut Tunngavik Incorporated and the Regional Inuit Associations. This land is for the benefit of all Inuit.

Inuit **Aboriginal rights** are unwritten rights that Inuit have because they were on this land before the Europeans arrived. They are sometimes called 'common law rights' because they are based on historical use rather than laws passed by Parliament or a Legislature.

Government refers to the Government of Canada, the Government of Nunavut or the Government of the Northwest Territories. Which government is meant depends on which government is responsible for looking after the issue in question.

The **Nunavut Settlement Area (NSA)** is where Inuit will enjoy the rights and benefits of the Agreement. The NSA includes both land and water. This term is used until Nunavut comes into existence on April 1, 1999.

In return for these new rights, Inuit will exchange their **Aboriginal rights** to land and water.

Inuit are Aboriginal people. They are also Canadian citizens. Inuit will keep all other rights they now have under the Constitution. They can be given more rights.

Inuit will still benefit from Government programs.

No change can be made to the wording of the Agreement unless Inuit and **Government** agree.

The Agreement will be in Inuktitut. It will also be in English and French. If people cannot agree on what words mean, the courts will use the English or French copy of the Agreement. These languages are Canada's official languages.

Article 3

Nunavut Settlement Area

*A map and words describe the boundary of the **Nunavut Settlement Area**. This area is where Inuit will enjoy the rights and benefits of the Agreement. Inuit also have some rights to fish and hunt outside this area. These rights are talked about in Articles 41 & 42.*

This Article deals with the work to create the Nunavut Territory and Government. Inuit took a firm stand. They said there would be no land claims agreement if there was no territory of Nunavut with its own government.

Highlights:

The Agreement says that Inuit will work with the Government of Canada and the Territorial Government to create the Nunavut Territory. They will sort out powers for the new Nunavut government and the money it will get.

The Parliament of Canada will make this law.

UPDATES:

The *Nunavut Act* was passed by Parliament in June 1993. It set April 1, 1999, as the date Nunavut would officially be created.



Elsie Anaginak Klengenberg, *"Out of my Way"*



Article 5

Wildlife

*Inuit and Government agree that Inuit must always take part in decisions on wildlife. **The Nunavut Wildlife Management Board** will be set up.*

This Article tells what the Board will do. It also tells how Inuit can use wildlife.

Highlights:

The duties of the NWMB can best be described as establishing, distributing and adjusting the **harvesting** levels of wildlife in the NSA. The Board will do research and teach people about wildlife. The Government of Canada will pay for the Board and its activities.

Inuit organizations appoint half the members of the *Nunavut Wildlife Management Board*. Government appoints the other half. Government and Inuit organizations jointly appoint the Board's chair.

Harvesting means hunting, trapping, fishing and more. Harvesting also includes picking berries, collecting eggs and gathering plants.

Seven of the nine people serving on the NWMB board in 2003 were Inuit.

The **Total Allowable Harvest** (TAH) for a stock or population is the amount of wildlife that the Nunavut Wildlife Management Board says can be harvested safely in a year.

The Board may create a **Total Allowable Harvest** whenever the amount of wildlife harvested could be more than the amount that the environment can sustain. A TAH may limit or even stop all harvesting of an animal or fish species.

The Nunavut Harvest Study was conducted from 1996 to 2001. Community consultations are to finish in 2003. The final data will be used to set basic needs levels (BNL). The study also collected information from other wildlife studies that the Board may use to establish a Total Allowable Harvest if and when required.

There are certain species that only Inuit are allowed to harvest if a **TAH** is put in place. These species are bear, musk-ox, bowhead whales, some birds and their eggs. These species are of special importance to Inuit.

The Board will do two studies. The first study will see how many animals and fish there are. It will then figure out how many animals are hunted. It will try to add up how much fish is caught.

The second study will look at bowhead whales. It will find out how many whales might be harvested and where.

Inuit have the right to harvest wildlife up to their full level of need for economic, cultural and social reasons. Only the Board can limit this right. Inuit must have proper identification. No licence or permit, or fee or tax, is needed to fulfil this right.

Inuit can sell, trade or give away their fish or game. This fish or meat can go to people inside or outside the **Nunavut Settlement Area**. There are only a few times when this may not be true. For example, permits may be needed for whales, shellfish and some ocean fish. That is because it was not usual for Inuit to catch and sell these species.

Each community will have a Hunters and Trappers Organization. The HTO, on behalf of the Board, will manage the harvesting done by its members. Each region will have a Regional Wildlife Organization to manage the HTOs in the region.

Each Inuk is eligible to be a member of the local HTO but can choose not to join.

An Inuk can let another person use his or her right to hunt, trap or fish. This right can be assigned to another Inuk or a non-Inuit spouse. A person who is assigned this harvesting right must harvest wildlife using the rules followed by Inuit in the area.

Inuit have the first chance to be guides, open sport lodges and sell wildlife products.

Non-Inuit who have lived in Nunavut for a long time will have some special harvesting and access privileges that newcomers won't have.

The Government of Canada will work with Inuit when it develops its position for international agreements that may affect Inuit wildlife harvesting rights in the Nunavut Settlement Area.

The **Nunavut Settlement Area (NSA)** is where Inuit will enjoy the rights and benefits of the Agreement. The NSA includes both land and water. This term is used until Nunavut comes into existence on April 1, 1999.

The Bowhead Traditional Knowledge Study was completed in March 2000. In 2003 the TAH for bowheads in the North Hudson Bay/Foxe Basin is one every three years. The TAH for Baffin Bay is one every 13-15 years.

*Proper identification is the Enrolment Card that proves an Inuk is a Beneficiary of the **Nunavut Land Claims Agreement**.*

The local HTO sets the rules for Inuit harvesting in the area. Non-Inuit must follow the rules set by the Government.

Compensation is what must be paid to make up for damaging, or using up, something that is owned or used by someone else.

A **developer** brings new or more activity to an area. This activity often uses local resources and may bring change to people, land and animals. The activity could be a road, bridge, mine or tourist lodge, etc. A developer could be a Government, a community, a company, an individual or a group of people or companies.

Article 6

Making Claims for Harm to Wildlife

*When there is proof that a developer has harmed Inuit fishing or hunting, the developer must pay **compensation**. Article 6 says how the developer must pay and how quickly.*

Highlights

Developers can pay for the losses in cash. Sometimes they may be able to fix or replace what they damage. Traps, a hunting cabin or other equipment are examples. If an Inuk is not able to hunt, the developer must pay for all that is lost. There can be lost income, food, clothing and other items that come from hunting. Inuit might have no choice and have to move. If so, the developer must pay for the move.

Inuit have three years to ask for compensation after they know damage has been done. They must ask, in writing, for damages to be paid. This piece of paper is called a claim. Inuit have to give the claim to the developer.

A developer must pay this claim in 30 days. If not, the claim will be handled by the *Surface Rights Tribunal*. It has the power to make decisions on wildlife losses. It can make the developer pay. If the developer still refuses to pay, the claim can go to court.

An Inuk who makes a claim does not have to prove the developer was careless. The developer must prove that the damage would still have happened if its development did not exist. If the developer cannot prove this, the developer must pay compensation.

A **Designated Inuit Organization** or DIO means Nunavut Tunngavik Incorporated or one of the organizations to be chosen by Inuit as responsible for a specific action in the Agreement.

The claimant, **DIO** or **Hunters and Trappers Organization (HTO)** does not have to pay any of the costs of the Tribunal making its decision. But any costs an HTO may have as a result of representing a claimant will not be paid by the NWMB.



Germaine Arnaktauyok, "Shaman's Coat"



Article 7

Outpost Camps

*This Article sets out Inuit rights to have **outpost camps**.*

Highlights

Inuit can build new outpost camps on Crown land. The local Hunters and Trappers Organization needs to approve this use of land. Government does not need to approve it.

Inuit can tell Government, in writing, where they want to set up a camp on Crown land. Then, the Government must let the camp stay for a year. Inuit can also get a lease for five years or longer.

Inuit can have camps on Inuit land. They can also have them in parks and conservation areas. They may have them on **Municipal land** where the municipality approves.

Inuit will not pay tax on outpost camps.

Outpost camps are camps located out on the land and used on a regular basis. Inuit families or groups may use these camps seasonally, year-round or just a few days a year. An outpost camp includes two kilometres of land around the place where Inuit are living.

Municipal land means land within municipal borders that is owned by the hamlet or municipality. This does not include lands owned by Inuit, the Government of Canada or the Territorial Government. Municipal land does not include privately owned lands, or the mines or minerals found under the surface.

A **National Park** is land that the federal government controls.

A **Territorial Park** is under the control of the Government of Nunavut.

Inuit have agreed to exchange Inuit Owned Lands in the Wager Bay area for lands elsewhere in the Kivalliq to allow the new national park to be created.

Katannilik Territorial Park was created in 1992. Negotiations for an IIBA for proposed and existing **territorial parks** were completed in February 2002.

Article 8

Parks

This Article explains the Inuit role in creating and running parks. It also protects Inuit rights to hunt, fish and gather plants in parks. It says how Inuit may benefit from parks.

Highlights

Four **national parks** will be created in Nunavut. In the Baffin Region they are Auyuittuq, Ellesmere Island (Quttinirpaq) and North Baffin (Sirmilik). In the Kivalliq Region it will be Wager Bay (Ukkusiksalik).

Inuit and Government will sign an agreement before any of these parks open. The agreement will tell what benefits the park brings Inuit. These *Inuit Impact and Benefit Agreements* can be re-done every seven years.

The Territorial Government may also create parks.

Inuit will be able to receive economic and social benefits from parks. Government hires people for many types of parks work. Inuit will be hired and trained for jobs at all levels.

Inuit firms will have special opportunities to get park contracts. Any firm that is given a contract must seek to hire Inuit as workers.

Qualified Inuit contractors must be asked first if they want to run businesses linked to the parks.

Committees appointed by Inuit and Government will manage each national and **territorial park** in Nunavut. Inuit and Government shall appoint an equal number of members to each *Joint Management Committee*.

Inuit can hunt in national and territorial parks. They can also have outpost camps.

Inuit will not have to pay to enter a park. Parks will show Inuit history. There will be park information for the public in Inuktitut.

Conservation areas are special and need to be protected. They can be wildlife areas or safe places for birds that come to the Arctic in the summer. Some conservation areas are heritage sites or rivers that are important to Arctic history. Others are areas where the ecology, cultural use or archaeology is special. These places include areas that are important for research.

Government, in consultation with Inuit, shall study the existing legislation to see if changes are needed to better manage the conservation areas.

The study was completed in 1998.

Article 9

Conservation Areas

Inuit will help create and run conservation areas. This Article also protects Inuit rights to hunt, fish, and gather plants in them.

Highlights

Inuit and Government will co-manage conservation areas. The Nunavut Wildlife Management Board must also give permission if a conservation area is to be created, closed, or revised. The Agreement has a list of places where Government might set up new conservation areas.

A committee appointed by Inuit and Government will manage most conservation areas in Nunavut. Just as with parks, most conservation areas will need an agreement that sets out what benefits will come to Inuit.

An *Inuit Impact and Benefit Agreement* will not be needed where a conservation area does not harm or benefit Inuit interests. Inuit can still insist on having a joint committee with Government to manage these areas.

Inuit can hunt in conservation areas subject to the rules set out for harvesting by the *Nunavut Wildlife Management Board*.

Conservation areas will show Inuit history. There will be information for the public in Inuktitut.

A management plan for the Thelon Sanctuary in Kivalliq will be prepared by 1998 and an IIBA shall be negotiated.

A parcel of Inuit land will be taken out of the Thelon Game Sanctuary unless it is needed for conservation.



Susie Malgokak, "Good Bye"



Article 10

Land and Resource Joint Management Boards

*This Article sets up the **joint management boards** that deal with the wise use of land and resources, including water. A law will be passed to create each board so it can carry out a part of the Agreement.*

Highlights

There will be organizations for land use, planning, water licensing and project screening.

Usually, half of the people on each board will be named by Inuit organizations. Half will be named by Government.

The boards must operate in Inuktitut. When they hold hearings, the public will have the right to be heard in Inuktitut, too.

A **joint management board** is a body through which Inuit and Government manage resources together for the benefit of all Nunavummiut. Members are named by both Inuit and Government. These boards are formally called Institutions of Public Government and are funded by Government.

The Surface Rights Tribunal, the Nunavut Impact Review Board, the Nunavut Planning Commission and the Nunavut Water Board were set up in 1995.

The law for the *Surface Rights Tribunal* says at least half the members of any panel dealing with Inuit Owned Lands must be residents of the Nunavut Settlement Area.

The **environment** is made up of all the natural living and non-living things that sustain life in an area: plants, animals, people, water, land and much more.

Consultation is having a say that matters. There are two important parts to consultation. The first part is that people have the chance to say what they think about something that could affect them. The second part is that decision-makers listen and use what they are told when they make decisions.

The Commission's bylaws say half of the members of the Commission will be Inuit. At least half of all the members must live in Nunavut.

Article 11

Planning to Use Land & Water

*This Article is about the process for using land, water and resources wisely. The **Nunavut Planning Commission** makes sure that land use plans respect people as well as the **environment**.*

Highlights

The Commission must look at the many uses the land might have. It will also look at the uses of the salt waters and the fresh waters. Then, the Commission will decide what is right for now. It will also look ahead and map out what is right for later.

The Commission's biggest job will be to make a plan for land and resource use in each region. When these plans are put together, they will guide how land and water is used in all of Nunavut.

The Commission will **consult** with Nunavummiut in each region. It will use these ideas to make the proposed plans better. The Commission will then recommend *land use plans* to the Government for approval.

The Commission will help make the plans work, too. It will look at all new proposals for development, conservation or other land use activity to make sure they obey the plan for that area.

If the Minister approves a project after the Commission says no to it, the Minister must give reasons in writing to the Commission.

The Commission will help with planning for **Municipal lands**. It will make sure that regional plans respect the wishes of municipalities in the region.

The Commission will also decide the order for cleaning up waste sites. These areas include the DEW Line and other sites that are a danger because of waste.

Article 12

Control over Development

*This Article is about the process for finding out how land use activities and specific development projects will affect the Nunavut Settlement Area. There are many steps to be followed. The **Nunavut Impact Review Board (NIRB)** will protect the well-being of the people and environment.*

Highlights

No project can start before the Board looks at it and advises the **Minister**. The Minister has the final say. The projects can take place on land or at sea, up to the Outer Land Fast Ice Zone.

The Board will look at (or screen) all proposed activity or development that is in line with the land use plan for the area. If the screening finds that the project could be bad for the environment or people, then a review will be done.

Municipal land means land within municipal borders that is owned by the hamlet or municipality. This does not include lands owned by Inuit, the Government of Canada or the Territorial Government. Municipal land does not include privately owned lands, or the mines or minerals found under the surface.

A **Minister** is an elected official who is given power to make certain things happen. There are ministers for both the territorial and federal governments. Which minister is meant will depend on which government department looks after the issue being talked about.

A review works out what the development will mean to the economy and to community life. It will also explore how the developer plans to protect the ecosystem from harm. Reviews can be done by the Board or a federal panel depending on the circumstances.

The Board will give the Minister one of four types of recommendations:

- To proceed but with some changes to keep risks low
- To ask for more information about the project and to review it again later
- To have a more detailed study (review) done, or
- To not proceed with the project at all because it will cause too much harm.

The Board will take into account what people think about a project. If people fear what will happen if the project is given permission to go ahead, then the Board will ask for a review.

When a review is to take place, the developer must put on paper what good and bad changes the project could bring. This report (impact statement) must also tell how the developer will avoid or fix any problems. The information must then be shared with communities who could be affected.

Public meetings are a very important part of a review. Everyone will be able to say what they think: Inuit, the developer, Government, environmental groups and others.

A review will usually be done by the Board. The law will sometimes require the review to be done by a special federal group (*Federal Environmental Assessment Panel*). The Board will still have a role in any review done by the federal panel, including:

- The right to appoint at least one-quarter of the members on the panel
- The right to review the impact statement before public meetings are held, and
- The right to review and make changes to the panel's report before it goes to the Minister.

When a project is approved, the Board will give a *project certificate* to the developer. This official paper will say how the project must be done. It will set out rules that must be followed. Developers will be watched to make sure they follow these rules. Government must make sure its licences, permits and other approvals help meet the rules on the certificate, too.

Sometimes the Board will be asked to review a project that takes place outside the Nunavut Settlement Area but may affect the environment here. The Minister or an Inuit organization may make this request. The Minister has the final say on whether a *transboundary* review takes place.

Inuit Owned Lands are lands that Inuit own through the Agreement. The land title (ownership papers) is kept by Nunavut Tunngavik Incorporated and the Regional Inuit Associations. This land is for the benefit of all Inuit.

Nunavut Settlement Area (NSA) is where Inuit will enjoy the rights and benefits of the Agreement. The NSA includes both land and water. This term is used until Nunavut comes into existence on April 1, 1999.

Article 13

Water

*This Article is about the process for managing water in the Nunavut Settlement Area. The **Nunavut Water Board** will work closely with the joint management boards responsible for land use planning and impact reviews.*

Highlights

Nunavummiut have free use of water for drinking, eating and washing. The Board will approve or stop water being used in other ways. It will also approve or stop waste being put into water.

The Board will look into each request to use water. It will hold meetings so all sides can speak. It will then decide if the project is good or not. It will give a licence to projects it approves.

Water that flows through **Inuit Owned Land** cannot be changed by others. If other people spoil the water, they must pay compensation. If they change how much water flows, they must also pay compensation. The Board makes sure people do pay when necessary.

The Board will make sure water is used the way it should be. The Board will be used when developing land use plans. The Board is involved when new developments come up. The Board also represents Inuit water interests.

*This Article gives **municipalities** land and land rights to be used for the good of people who live there.*

Highlights

The Government must give municipalities enough land to meet their needs today and in the future. These needs include water supply, garbage dumps and gravel.

People are to vote on whether their Municipal lands can be sold or given away.

If all the people and the Government do not need the Municipal land, then Inuit will have the first chance to buy it or trade it for other Inuit land.

Inuit and other people will still be able to own lands inside municipalities.

A **municipality** is a community that has enough people to have its own elected governing body.

The vote was held in 1994. It was decided that Municipal lands could not be sold, given away, traded or rented for more than 99 years. Another vote on this question can be held in 2014.



Elsie Anaginak Klengenberg, "Hunters of the Sea"



Article 15

The Ocean

This Article says Inuit should continue to use and benefit from the ocean around the Nunavut Settlement Area. Inuit know these waters well and will have a voice in what happens here.

This Article set up the process for applying various powers set out elsewhere in the Agreement to the marine areas (offshore) in the NSA.

Highlights

This Article allows for a *Nunavut Marine Council* to advise Government about the marine area. This Council may be made up of the **joint management committees** responsible for wildlife, planning, water and impact review in any combination. Government must take the Council's advice seriously.

Government must do all that it can to manage ocean resources wisely.

A **joint management board** is a body through which Inuit and Government manage resources together for the benefit of all Nunavummiut. Members are named by both Inuit and Government. These boards are formally called Institutions of Public Government and are funded by Government.

Inuit rights to and benefits from wildlife are set out in **Article 5**.

Zone I covers waters beyond Canada's Territorial Sea Boundary. Zone II includes the waters of Hudson Bay, James Bay and Hudson Strait that are not waters of the NSA.

Inuit harvest wildlife in two marine areas that lie beyond the offshore boundaries of the NSA. These areas (Zone I and Zone II) are described in the Agreement. The Government must ask the *Nunavut Wildlife Management Board* for advice before making any decisions about wildlife in these areas.

When Government is deciding who to give commercial fishing licences to for harvesting in the special zones, special consideration must be given to Nunavut Inuit who live near the zones.

Article 16

Baffin Ice Zone

*This Article is about how Inuit harvesting rights apply on the ice zone that extends beyond Canada's marine management jurisdiction. This Article says Inuit can still harvest for personal use any animal other than marine mammals when they are in the **Outer Land Fast Ice Zone** off the East Baffin Coast.*

Highlights

The Agreement describes the ice zone in two ways:

- Using latitude and longitude, and
- Using Canadian Coast Guard records.

The Agreement has a map that shows how far the ice zone goes up the East Baffin Coast.

Certain powers of the joint management committees will apply to the ice zone. These include wildlife harvesting, land use planning and impact reviews.

Inuit will not need licences when harvesting for personal use in the ice zone. They will have to obey Government rules that might be put in place for special reasons, such as quotas for certain marine mammals.

The winter ice shelf off the East Baffin Coast reaches far out into Baffin Bay, beyond the 12-mile limit of Canada's off-shore jurisdiction. Inuit have always harvested here.



Susie Maltokak, "Young Seals at Play"



Article 17

Purposes of Inuit Owned Land

*This Article sets out the purposes for which Inuit can select lands in the **NSA** for ownership. In exchange for giving up Aboriginal title to all lands, Inuit will own approximately 18 per cent of the lands in the NSA.*

Highlights

Inuit shall own enough land to satisfy their own needs now and in the future. Inuit must be able to select the right mix of land to meet all these needs, which include:

- Good harvesting, trapping and hunting areas
- Outpost camps
- Areas good for tourism or sport camps
- Land where minerals have been or might be found
- Areas good for business or industry, and
- Places important to Inuit history or culture.

Inuit Owned Lands are lands that Inuit own through the Agreement. The land title (ownership papers) is kept by Nunavut Tunngavik Incorporated and the Regional Inuit Associations. This land is for the benefit of all Inuit.

Nunavut Settlement Area (NSA) is where Inuit will enjoy the rights and benefits of the Agreement. The NSA includes both land and water. This term is used until Nunavut comes into existence on April 1, 1999.

Inuit land ownership was a fundamental reason for negotiating the Nunavut Land Claims Agreement.

The Tungavik Federation of Nunavut organized *Community Land Ownership Negotiating Teams* to speak for Inuit during land ownership negotiations in 1990 and 1991. Each team included at least one Elder, as well as people from the local Hunters and Trappers Organization, the municipal council and TFN.

Inuit will have the right to use their lands for economic self-sufficiency. Inuit will also have the right to live in a way that is true to Inuit culture and society on their lands.

Inuit in each community will decide which lands are most important to them and the potential uses they will be put to.

Article 18

Choosing Inuit Owned Lands

This Article sets out the principles used by Inuit and Government when choosing which lands Inuit would own. These lands are to be used to achieve the purposes set out in Article 17.

Highlights

Inuit have the right to choose lands anywhere in the Nunavut Settlement Area. If they have used the land's resources or lived on it, they can seek ownership of the parcel.

There are other people who already own or use land in the NSA (third party interests). These people will be treated fairly by Government and Inuit.

Government will provide maps. They are to show many things. They will point out where there are leases and minerals. They will mark tourist and sport lodges. The maps will also show lands owned by individuals and companies as well as other useful information.

Using the Government maps, communities will make their own maps. These will show the lands they use. They will then identify what land they want. This includes lands known for having carving stone.

Once the Agreement is final, the Government and Inuit cannot go to court to argue that this Article has not been followed.

Article 19

Ownership of Inuit Lands

This Article talks about how Inuit will own their lands. It sets out what can and cannot take place on Inuit lands. It explains how Inuit lands will be seen on maps and how they will be surveyed. This Article also spells out rights to carving stone.

Highlights

Inuit will own a total of 136,000 square miles (356,000 square kilometres) of land in the NSA. If Inuit lands surround a body of water, then it will be owned by Inuit, too. Inuit will own only the *surface* of most of these lands.

In some places, Inuit will own the surface and everything *under* it, including rights to minerals, oil and gas. This will happen on 14,000 square miles (36,257 square kilometres) of Inuit lands.

Before 1993, very little land in Nunavut was owned by outside people or companies. Most land belonged to the Government, subject to Inuit rights. This reality gave Inuit great freedom in choosing the parcels that became Inuit Owned Lands.

A **lease** is a contract. This type of contract tells how much someone will pay the owner to use the owner's land, building or equipment. It also tells all of the details or terms of that use.

Inuit in the communities checked all the Inuit land maps before they were registered. During land ownership negotiations, for example, Inuit picked lands rich in carving stone.

Except for a very few parcels in some communities (Church land and Northern Store lands) only Government and Inuit own land in Nunavut today. Inuit also own lands in 11 Nunavut communities.

These two forms of ownership are legally called *surface only rights* and *subsurface rights*. In both cases Inuit own the *specified substances* found at or near the surface: soil, clay, gravel, sand, and carving stone.

Crown lands are owned in the name of the Queen by the Government of Canada for all Canadians. The federal government is in charge of these public lands. They are sometimes called government lands.

The title to Inuit Owned Lands will be shared between Nunavut Tunngavik Incorporated and the Regional Inuit Associations. They will keep the ownership papers for all Inuit land.

Inuit cannot sell or trade land, except to Government. This rule exists so that there will always be Inuit Owned Lands for future generations. Inuit can **lease** land or let others use their lands. Inuit will give Government right to use Inuit lands for specific purposes, such as microwave repeater structures.

The lands that Inuit own will be shown on maps. Government must make more detailed maps to replace the earlier ones. The new ones will show lands that Inuit own in municipalities.

This Article lists a number of land parcels that Inuit may own in the future. In some cases, Inuit will become the owners of the lands of tourist lodges when the leases end. Land that Government no longer needs can also become Inuit Owned Lands.

Carving stone is a resource used almost solely by Inuit. The Agreement says Inuit own all carving stone on Inuit lands. Any Inuk can take up to 50 cubic yards of carving stone from **Crown land** every year. No permit is needed. Taking stone must not bother others who have rights near the stone. Inuit can get approval to take carving stone from parks or conservation areas.

Government must tell Inuit about new beds of carving stone found on Crown lands. Inuit can trade some of their lands for Crown lands rich in carving stone. Or, they can get a lease to take the stone. People who are not Inuit cannot get these leases.



Elsie Anaginak Klengenberg, "Asking for Food from Spirits"

Compensation is what must be paid to make up for damaging, or using up, something that is owned or used by someone else.

The Nunavut Water Board manages the water on Inuit lands on behalf of Inuit. The Board follows the rules set out in Article 13.

Article 20

Water on Inuit Lands

*This Article says Inuit are the only ones who can benefit from the waters on their lands. It says the quantity and quality of water flowing through Inuit lands should not change. It makes sure Inuit will be **compensated** if development or other activities harm their water.*

Highlights

Inuit have exclusive rights to the water flowing through Inuit land. Developers cannot make the level of water go up or down or change the flow of the water. They cannot pollute the water unless they have an agreement with Inuit.

A project that uses water cannot start before there is an agreement with Inuit. This agreement tells how much must be paid to the Inuit to use the water on their lands.

If there is a risk that a project will cause harm, it can be stopped. Or, Inuit can ask that compensation be paid before the project starts.

If a project in the Northwest Territories damages the water flowing into Inuit land, Inuit must be paid. There are steps to see this happens.

This Article sets out the rules for how Government and non-Inuit can go onto Inuit lands. It says Government and non-Inuit usually cannot enter or cross Inuit land whenever they want. Inuit must agree first. That is the general rule. But the Article also says there might be times when the rule does not need to be followed. It tells why and when that might be the case.

Highlights

Inuit will set up rules for how people who look for minerals, oil or gas on Inuit lands should behave. These people must pay to enter Inuit lands. They must also pay for any damage they cause.

The *Surface Rights Tribunal* will settle arguments about accessing land and resources on Inuit lands. It will manage the process for giving permission to commercial interests to go onto Inuit lands (entry orders).

The military will need an agreement with the Inuit to conduct activities on Inuit land. They must let communities know when they plan to do exercises.

Inuit will let Government use their land free for up to two years. For longer use, Inuit can charge rent.

Non-Inuit can cross Inuit land for casual travel, recreation or because of an emergency. They can travel on the waters flowing through or next to Inuit lands. They can harvest wildlife for personal use as long as they follow the rules. They can also camp overnight and relax on the shore.

Nunavut Tunngavik Incorporated and the Regional Inuit Associations have drafted a *Code for Expedited Prospecting Access to IOL*. As of 2003, it has not been approved by Government.

Non-Inuit will not be charged for personal access to Inuit lands. If they cause damage or do not follow the rules, they will be held responsible for their actions. They will be considered trespassers and told to leave.

Government workers can go onto Inuit lands to do their jobs. Most will not need approval. Those people who work with wildlife will need approval. If they cause damage or do not follow the rules, Government will have to compensate Inuit.

Government may need sand and gravel from Inuit lands when there is none to be found on nearby Crown lands. Inuit may agree to sell it to Government.

Government can take land away from Inuit but only for very special reasons. Inuit leaders must first have a chance to talk Government out of taking the land. If Government still goes ahead (expropriation), it must pay for the land. Inuit can choose to take money, other land or a mix of land and money.

Government can never take away more than 12 per cent of the lands Inuit get in the Agreement. If municipalities take over any land owned by Inuit, this land will be part of the 12 per cent figure.

*This Article talks about how Inuit lands will be **taxed**. Generally, Inuit do not have to pay taxes on Inuit lands unless businesses, services or buildings are present.*

Highlights

Where Inuit own land inside a municipality, they will have to pay taxes if:

- the community is giving water, electricity or other services to this land
- a business is run from this land, or
- a housing subdivision is planned for the land.

Where Inuit own land outside a municipality, they will not pay property tax unless there is a building or other improvement present. An improvement could be a mechanic's yard, a factory or a recycling depot, etc. The Agreement sets out rules about how much tax can be paid.

There is no tax on outpost camps. Taxes are not charged on buildings for Government or public use. Camps, weirs and caches for traditional use are not taxed.

A **tax** is money the Government collects for public purposes.

Most Inuit lands are outside municipalities.



Elsie Anaginak Klengenberg, "Awakening to the Spirit of Spring"



Article 23

Government Jobs for Inuit

This Article sets up training to increase the number of Inuit working for Government.

Highlights

A study will tell what training Inuit need for Government jobs.

Government must find out what stops Inuit from getting and keeping jobs in the Government. Then, it must get rid of these blocks. There are many ways for Government to do this such as:

- asking only for schooling that is needed to do the job, not more
- putting more value on Inuit skills and culture
- using Inuit languages in the workplace, or
- having Inuit help with the hiring.

Each part of Government must make a plan (*Inuit Employment Plan*). This plan will set out how to hire and train more Inuit. It will also make jobs more friendly to Inuit. This way, Inuit will do

More than four out of five people in Nunavut are Inuit. So, the Agreement wants Inuit to eventually hold four out of five Government jobs.

Government refers to the Government of Canada, the Government of Nunavut or the Government of the Northwest Territories. Which government is meant depends on which government is responsible for looking after the issue in question.

A labour force study was done in 1994 by the *Nunavut Implementation Training Committee* and Government. It found out how many Inuit wanted to work for Government, their skills and their availability.

better. They will want to stay in jobs longer. More Inuit will rise to top jobs.

Every five years, a group will check to see if the plans are working. If there are problems, the group will help fix them.

The RCMP and military do not have to do plans. They already have programs to increase the number of Inuit working for them.

Government jobs must be posted all over Nunavut.

Some basic skills are needed before an Inuk can get any Government job. So, *pre-employment training* is needed. Government will give training in Inuktitut in the communities.

Government and Inuit organizations will work together to help each Inuk who works for Government do well. Training or other support can be given.

*Government buys supplies. It builds roads. It collects garbage. It rents machines. It does these and many other things. These jobs are often done by people outside Government. Businesses compete to do this work. If they win the work, they get a **contract** that will pay them to do the work.*

This Article aims to help Inuit firms get a fair share of contracts from Government.

Highlights

Government must have rules (procurement policies) that favour qualified Inuit firms over other qualified businesses when it issues contracts.

Government will train Inuit firms in how to win contracts. Government will also set up programs to increase Inuit job and business skills.

When it can, Government will buy in small amounts. This way, more small Inuit firms can try to get contracts.

Inuit will update a list of Inuit firms. This list will tell Government which Inuit firms can do which jobs or supply certain items.

Government is to let Inuit firms know about all its contract needs, with lots of notice.

A **contract** is a set of promises that can be enforced by a court. These promises have one party do something in exchange for the other party doing something.

Nunavut Tunngavik Incorporated and the Government of Nunavut wrote the *Nunavummi Nangminiaqqtunik Ikajuuti Policy (NNI)* to promote Inuit firms bidding on Government contracts.

Nunavut Tunngavik Incorporated is responsible for the Inuit Firm Registry.

Royalties are money paid to Government and the Nunavut Trust by those organizations that produce minerals, oil or gas on Crown land. The amount paid is either a per cent or a set amount.

A **Trust** is created by law. It is based on a promise that some people will look after something wisely for others.

In 2003 the royalty rate was about 12 per cent of the profit made by a developer.

Government contracts should require the winner to hire qualified Inuit workers and buy from Inuit firms. Contractors may be asked to do on-the-job training of Inuit.

Inuit and Government will do regular checks on contracts. They will track how much success Inuit have in getting contracts and in doing contract work.

Article 25

Resource Royalty Sharing

*This Article says Inuit will get a share of all **royalties** collected from resources produced from Crown lands (which include the subsurface of most Inuit lands).*

Highlights

When companies produce the minerals, oil or gas they take from Crown lands in the Nunavut Settlement Area, they pay money to Canada. These are called royalties. Canada must share this money with Inuit.

Inuit will get 50 per cent of the first \$2 million Canada collects each year. If more money is collected, Inuit also get five per cent of the rest.

Royalty money will go to the Nunavut **Trust**. It will be used for the good of all Inuit.

Government must consult with Inuit if it decides to change the law for royalty payments.

(Inuit collect a full royalty from resources produced on Inuit Owned Lands where they own the mineral rights.)

This Article makes sure big projects on Inuit Owned Lands will bring benefits to Inuit. It sets out the rules to be followed when negotiating an Inuit Impact and Benefit Agreement (IIBA).

Highlights

The Article says a big project costs more than \$35 million (1986 dollars). Or, the **developer** has so many employees that they do 200 years worth of work in five years.

If the big project affects water or resources on Inuit lands, then an agreement must be reached with Inuit. Negotiations must begin at least 180 days before the project's start date.

Inuit and the developer must agree on what benefits the project will bring to Inuit. These benefits may include jobs, contracts, housing, recreation, on-the-job safety, the use of Inuktitut at work and many other things.

The IIBA must follow the rules set by the joint management committees that reviewed and approved the big project.

If Inuit and the developer cannot agree on the terms of an IIBA, an arbitrator will decide. The role of an arbitrator is talked about in Article 38.

After Inuit and the developer agree, the IIBA is a contract. The Government is not a party to the agreement but gets a copy of the final document.

A **developer** brings new or more activity to an area. This activity often uses local resources and may bring change to people, land and animals. The activity could be a road, bridge, mine, or tourist lodge, etc. A developer could be a Government, a community, a company, an individual or a group of people or companies.



Germaine Arnaktauyok, *"The Return"*



Article 27

Inuit Role in Resource Development on Crown Lands

*This Article makes sure Government **consults** Inuit before developing resources like oil, gas, coal or minerals on lands owned by the Government. There are different rules to be followed depending on what resource is involved and when development started.*

Highlights

Government cannot act alone when authorizing the development of natural resources it owns in the Nunavut Settlement Area. It cannot let companies take petroleum or other resources without talking with Inuit first. Inuit have the right to say how any mineral or energy activity should be done.

It is also the Government's role to make sure that the developer consults with Inuit. When oil and gas are involved, there may be a need for an *Inuit Impact and Benefit Agreement* (see Article 26 for more information).

Consultation is having a say that matters. There are two important parts to consultation. The first part is that people have the chance to say what they think about something that could affect them. The second part is that decision-makers listen and use what they are told when they make decisions.

Currently, the federal government is responsible for managing energy and minerals in Nunavut. One day this responsibility may be transferred to the territorial government (devolution). Inuit have long said that if this should ever take place, they will need to be part of the process.

The Agreement lists many things Inuit should be consulted about. Some of these things are jobs, housing, wildlife, environment, outpost camps and use of roads and airstrips that the project builds. There are more.

Article 28

Inuit Voice in Energy and Mineral Agreements

The Government of Nunavut and the Government of Canada might come up with an energy (oil and gas) and minerals agreement for Nunavut. This Article says Inuit will be included on the Government of Nunavut team from the beginning.

Highlights

Inuit will have a say in any talks about which Government should be responsible for energy and mineral management in the Nunavut Settlement Area.

This Article does not mean any changes to energy and mineral management *must* take place. It just sets the rules for what will happen *if* changes are planned.



Elsie Anaginak Klengenberg, "Evening Game"



Elsie Anaginak Klengenberg, "Nikighaminik Naimayon"



Article 29

Payments to Inuit from Canada

This Article tells how much money Inuit will get from the Agreement. The total amount of money includes interest.

Highlights

Inuit will get \$1.173 billion. The Government of Canada will pay this amount to the Nunavut Trust over 14 years. This Article says how much Inuit will get in each year.

The Government of Canada loaned Inuit \$39.7 million to help pay for negotiating the Agreement. It will be paid back over the same 14-year period.

Three years after the Agreement, the Nunavut Trust can borrow from what the Government of Canada has not yet paid. This money can only be used for the good of all Inuit.

Nunavut Trust invests these funds so they will grow. The funds are used for long-term benefits to Inuit.

The amount received by Inuit from Canada was \$1.173 billion.

Inuit lands can only be sold or transferred to Inuit organizations or Government (Article 19). Inuit lands are not reserves under the *Indian Act* and do not qualify for the tax exemption available for Indian Reserves.

Article 30

General Taxation

This Article explains how Inuit organizations and Inuit Owned Lands will be taxed.

Highlights

An Inuk or an Inuit organization who owns buildings and improvements (depreciable property) will pay taxes on them like other people in Canada.

Inuit will pay tax on money they earn. An Inuit organization will pay tax on money they get from leasing or renting the Inuit lands they are responsible for.

This Article sets out the rules to be followed in calculating the amount of income tax to be paid when a parcel of Inuit land (with or without improvements) is sold to an Inuk or Inuit organization. Usually, no taxes will need to be paid.

General tax laws apply to the Nunavut Trust or anyone who receives *income* off the capital or part of the capital. The Nunavut Trust does not pay tax on the funds transferred from Canada that make up the capital.



Germaine Arnaktauyok, "2001 Fertility Mask"



Elsie Anaginak Klengenberg, "Three Brothers Learning Together"



Article 31

The Nunavut Trust

This Article creates the Nunavut Trust to hold the capital settlement funds to be paid by Canada to Inuit.

Highlights

The people who run the **Trust** will be named by the Regional Inuit Associations. They must use good management practices to keep the funds safe and help them grow.

In addition to the capital settlement, all royalties from Government will be paid to the Trust.
(Royalties are talked about in Article 25.)

All Inuit can see the legal papers and reports of the Trust and the organizations that get Trust money. Inuit can take any of these organizations to court if they are not doing what they were set up to do.

A **Trust** is created by law. It is based on a promise that some people will look after something wisely for others.

The Trust provides funds to *Nunavut Tunngavik Incorporated*, the *Nunavut Elders' Pension Fund* and the *Nunavut Social and Economic Development Trust Incorporated*.

Inuit originally wanted to negotiate a full package of rights and benefits (health, housing, language, justice, etc.). The federal government said they would only agree to land-based rights in the land claim. Securing a role for Inuit in Government policy and program design was a compromise solution.

In 2002, it was decided to have the Council's functions performed by the Social and Cultural Development Department of Nunavut Tunngavik Inc.

Article 32

Nunavut Social Development Council

*This Article sets out the right of Inuit to have a say in developing the Government's social and cultural policies and programs and how they are delivered to Inuit. It also creates the **Nunavut Social Development Council** to co-ordinate this work.*

Highlights

The Council will work with Inuit to find out what they want their culture and society to be and to do. It will take this information to Government. It will also share it with Inuit organizations and Inuit leaders. The goal is to help Government deliver programs that best help Inuit.

The Council will make a report each year. It will explore what is real and what is important in Nunavut communities. The report will go to the Nunavut Legislative Assembly and the Minister of Indian Affairs and Northern Development to present to the House of Commons.



Elsie Anaginak Klengenberg, "Brother Let's Get Ready for Winter"



Elsie Anaginak Klengenberg, "Granny Teaches Grandchildren"



Article 33

Archaeology

*This Article says that there are sites and objects found on the sites that have special meaning to Inuit. It sets out the process for managing these sites and objects and keeping them safe. It also sets up the **Inuit Heritage Trust** to ensure Inuit are involved in interpreting their history and culture.*

Highlights

Inuit and Government will be responsible for keeping archaeological sites and objects safe. They will agree to work together on this task.

The Trust will decide what to do with all sites and objects found in the Nunavut Settlement Area. Inuit and Government jointly own these objects.

There will be a building to hold what the Trust collects.

The Trust will look into place names. People may want to use the traditional name again. If so, there are steps to give places traditional names. The Trust will also approve any new place names.

Archaeology is the study of what remains from earlier times. Archaeology values land and objects used in those times. Most of these objects only exist today because they were buried. The ground protected them.

A **survey** is a study to get information. There are two main types of surveys. One is a land survey to locate land and its borders. The other type of survey pulls together information on an issue, such as finding out how many caribou live in Nunavut.

The Article has a short list of agencies that are allowed to look after objects found on Crown lands, such as museums and certain Government departments. These agencies must give the Trust as many Inuit objects as possible. They must share information on them in Inuktitut.

Government will create a policy on archaeology. The Trust will take part in making this policy. It will have a voice in all regulations, policies and laws that deal with archaeology in Nunavut.

Permits will be needed to **survey**, explore, dig or change any archaeological site. The Trust will study each request for a permit in Nunavut. The Trust can stop a permit from being given for specific reasons. One reason is that not enough Inuit will take part. It can also attach rules to these permits. One example is that people must show the communities what they dig up.

The Trust can ask Government bodies to give back archaeological objects that came from Nunavut. The Government bodies must return the objects but certain rules must be obeyed. For example, it must be possible to move the objects safely, to keep them safely and people must be able to see them. This Article lists other rules.

Inuit who have the skills will be first to get Government contracts in this area. Contractors must also hire Inuit.

*This Article tells how to take care of objects and materials that are important to Inuit but are not old enough to be considered 'archaeological specimens.' But **ethnographic** and **archival materials** can still unlock the past and tell us about Inuit culture as it lives and changes. This Article says the **Inuit Heritage Trust** can collect these objects to keep them safe and let the public see them.*

Highlights

The Trust will collect, protect and display these materials (see Article 33).

Government museums outside the Nunavut Settlement Area hold many ethnographic objects. They must lend as many objects as possible to Inuit. Inuit must be able to safely move, store or display them. The public must be able to see them. Scientists must be able to study them. There are other rules to follow.

Government ethnography programs should provide training and employment to Inuit, as set out in Article 23.

To be significant, an ethnographic object does not always have to have been made by Inuit. It must have been used by or worked on by Inuit to have meaning.

Ethnographic object means a thing that is made, worked on, or used by people. It is collected and used to tell things about a people or a culture.

Archival materials are usually reports or records that tell something about the past. Often they are the only copy. Some are official and some are not. Few people in the public may have seen them before.



Susie Malgokak, "Spring is Here"



Article 35

Enrolment

This Article tells who will benefit from the Agreement.

Highlights

An Inuk who is on the *Inuit enrolment list* will benefit from the Agreement. Another word for a person in this position is beneficiary.

Inuit will decide who will be a beneficiary. Each community will choose who may have his or her name added to the **enrolment list** using the rules set out in this Article. These say an eligible person:

- Is alive
- Is a Canadian citizen
- Is an Inuk according to Inuit customs
- Thinks of herself or himself as an Inuk
- Is associated with Nunavut, and
- Is not enrolled in any other Canadian land claims agreement at the same time.

The **enrolment list** names those who meet the conditions for being considered an Inuk. An enrolment committee decides who can be on the enrolment list. Each community selects its own committee.

The *Nunavut Tunngavik Incorporated Enrolment Manual* was last updated in 2003. It sets out guidelines for helping decide who can be added to the enrolment list when the rules in Article 35 aren't clear enough.

If the community enrolment committee says it won't add someone to the list, that person can take their case to an appeal committee. The appeal committee will have a member from each of the three Nunavut regions. What it says is final. The only time a case can go to court is if the appeal committee was not fair.

Anyone can get a free copy of the list from Nunavut Tunngavik Incorporated. Copies will be given free to Government once a year. Nunavut Tunngavik Incorporated is responsible for keeping the enrolment list up to date.

A beneficiary of the Agreement does not need to live in the Nunavut Settlement Area.

*This Article tells how Inuit and Government will approve the **Nunavut Land Claims Agreement** so it will become law. This process is called ratification.*

Highlights

Inuit must approve the Agreement first through a vote held in each region. More than 50 per cent is needed in each region for the vote to pass. All Inuit of Nunavut who are 16 years or older can vote.

This Article tells how to hold the vote so that it is fair. A group made up of Inuit and Government representatives (Ratification Committee) will organize and conduct the vote. It will make sure Inuit know exactly what is in the Agreement and are free to vote as they wish.

After the vote, all important papers will be sent to the National Archives of Canada.

If Inuit vote in favour, it will then be the Government of Canada's turn. This Article sets out the steps to be followed. Parliament must pass a special law on the Agreement.

The Inuit vote was held in November 1992. More than 85 per cent voted in favour. The Government of Canada ratified the Agreement in June 1993.

*The **Nunavut Land Claims Agreement Act** came into effect on July 9, 1993. That is why Nunavummiut celebrate Nunavut Day on July 9 each year.*

The **implementation plan** is a contract between Government and Inuit to do everything in the Nunavut Land Claims Agreement. It is a step-by-step plan that tells what will be done, in what order, how and by whom.

The Nunavut Implementation Panel was established in 1993.

Article 37

Putting the Agreement into Action

*This Article sets out how everything in the Agreement could be done. Not everything can be carried out at once. So, an **implementation plan** will be drawn up before the Agreement is ratified. This Article also sets up a process for making sure Inuit are trained so they can have a big role in implementation.*

Highlights

A special team will be formed to watch over how the Agreement is put into action. The Territorial Government and the Government of Canada will each name one person to the team. Inuit will name two people to the team. It will be called the *Nunavut Implementation Panel* and will try to:

- make sure everything in the Agreement is done
- get Inuit and Government to agree if they argue over the Agreement
- change the implementation plan if change is needed
- tell how the funds that come from the Agreement should be spent, and
- write a report each year on what is being done.

There will be an implementation plan. It will be a contract between Inuit and Government. The implementation plan will answer these questions:

- Who, exactly, will do the work and how long will it take?
- How much will this work cost and who will pay for it?
- What training do Inuit need to do this?

Canada will create a \$4 million *Implementation Fund*. This fund will help Inuit do what they need to do to benefit most from the Agreement. This fund will be part of the Nunavut Trust.

To make sure Inuit are meaningfully involved in land claim implementation, this Article sets up a training committee, a training study, a training plan and a trust fund for training.

The training committee (*Nunavut Implementation Training Committee*) will have seven members. Five will be appointed by Inuit and two by Government. It will:

- Set guidelines on how to spend training money
- Take charge of the training study
- Create the training plan
- Make sure the training happens

An **arbitrator** is someone who listens to each side when people cannot agree. Then the arbitrator makes a decision that all people must live with. The arbitrator must act fairly.

In arbitration, a person who is not in either of the groups listens to both sides. Then this person makes a decision. Both sides must accept the decision of the **arbitrator**. It is like a judge hearing a case in court but the rules are simpler. Arbitration takes less time. It often costs less money.

- Get Inuit and Government to co-ordinate their training activities
- Get the training plan evaluated every five years, and
- Report every year on training.

The training study (*Inuit Implementation Training Study*) will list the skills, training and education Inuit need to do the new jobs that will come with implementation. It will also explore what training Government gives Inuit. It will identify the good, the bad and the gaps. This information will feed into the training plan.

The Government of Canada will pay for a \$13 million *Implementation Training Trust* that will fund the work of the training committee.

As of the time of publication, there have been no arbitrations heard under this Article.

This Article tells how disputes over what the Agreement means can be solved through a process other than court. It sets up an Arbitration Board for Inuit and Government to use when they do not agree on what the Agreement means.

Highlights

The Arbitration Board will have nine members. These will be people who are very good at making a decision when two parties disagree. They are called arbitrators. Inuit, the Territorial Government and the Government of Canada will agree on the nine people.

This Article tells when arbitrators will be called in. It also describes how they will end a dispute.

Inuit organizations and Government can ask for arbitration. In some cases, an Inuk can ask for arbitration.

The Arbitration Board sets its own rules. It can let arbitrators work in new or traditional ways. These arbitrators can use oral history and follow Inuit customs. This can make it easier for people to talk things out.

The role of the Arbitration Board is to make the intent of the Agreement clear. They cannot decide anything that changes the Agreement. Their decisions are final and public.

Government will pay for all of the Board's approved expenses.



Elsie Anaginak Klengenberg, "Going Down River"



Article 39

Inuit Organizations

The Agreement says that Inuit will do many things. This Article sets out how Inuit will decide which of their organizations will do what on behalf of Inuit.

Highlights

Nunavut Tunngavik Incorporated will hold talks with Inuit organizations. Then it will decide which Inuit organization will do what. Nunavut Tunngavik Incorporated must do all tasks that are not taken on by other Inuit organizations.

Everything in the Agreement must be done. Nunavut Tunngavik Incorporated must keep a public, up-to-date record that lists all the Inuit organizations that have **DIO** status as well as information on their different responsibilities. Organizations can be changed or taken off the list.

Nunavut Tunngavik Incorporated must have a formal process for approving which Inuit organizations undertake certain tasks funded by the Agreement. To be approved, an Inuit organization must be set up and run by Inuit.

A Designated Inuit

Organization or DIO

means Nunavut Tunngavik Incorporated or one of the organizations to be chosen by Inuit as responsible for a specific action in the Agreement.

*The Agreement uses the term **Designated Inuit Organization** or **DIO** some 230 times. This allowed Inuit to determine later which organizations would be responsible for a given task.*

Its members must have a voice and a vote. It must also report to Inuit on what they do.

Organizations that do work set out in the Agreement can also do other things, but they must obey the law and the Agreement.

If an Inuit organization makes a mistake, the organization is responsible. No Inuk is personally responsible to non-Inuit for things that Inuit organizations do.

Article 40

Other Aboriginal Peoples

This Article sets out the rights other Aboriginal peoples have in the Nunavut Settlement Area. It also says what rights Inuit will have outside the Nunavut Settlement Area where there are overlapping Aboriginal interests.

Highlights

Other Aboriginal peoples used areas in Nunavut before the Agreement. They will still be able to use them. They are the Inuit of Northern Québec, other Aboriginal peoples in the Northwest Territories, the Denesuline of Manitoba and the Denesuline of Northern Saskatchewan. This Article explains their rights.

The Agreement does not create any new rights for other Aboriginal people in Nunavut and it does not change or take away any rights.

Inuit have rights outside the NSA. Other Aboriginal people also have rights on some of the same land. This Article sets out the rules to be followed when dealing with specific Aboriginal groups. Generally the rules of Article 5 (Wildlife) must be followed

Article 41	Contwoyto Lake Lands
------------	----------------------

This Article gives Inuit ownership of two parcels of land located outside the Nunavut Settlement Area. The Contwoyto Lake Lands lie south of the Northwest Territories border in the Kitikmeot Region. They are important to the Inuit of Kugluktuk.

The Kitikmeot Inuit Association holds the title to these lands on behalf of the Inuit of Kugluktuk. The Inuit of Kugluktuk determine how these lands are to be used.

Highlights

The Agreement says Inuit own these two parcels of land and describes their borders. Inuit own both the land (*surface rights*) and the minerals and other resources underneath the land (*subsurface rights*).

Since these parcels are not in the Nunavut Settlement Area, they do not have the rules or rights of Inuit Owned Land. For example, these lands can be sold or taxed.

Inuit **Aboriginal rights** are unwritten rights that Inuit have because they were on this land before the Europeans arrived. They are sometimes called common law rights because they are based on historical use rather than laws passed by Parliament or a Legislature.

The formal process set out in the Agreement for defining Inuit harvesting rights has not yet taken place. If and when Inuit Harvesting Rights are defined, they will replace any existing Aboriginal rights that Inuit now have to harvest from the lands and waters in Manitoba.

Article 42

Manitoba and Hudson Bay

This Article talks about Inuit harvesting rights in Manitoba and part of Hudson Bay. These areas are not in the Nunavut Settlement Area but they are important to Inuit in the Kivalliq region.

Highlights

Inuit do not give up any **Aboriginal rights** they have to hunt, fish or trap in northern Manitoba. However, only Inuit who have traditionally harvested in this area will be eligible to use *Inuit harvesting rights* here.

The Kivalliq Regional Wildlife Organization will manage the *Inuit harvesting rights* in the marine areas off northern Manitoba. It will decide who can fish and hunt here. It will also decide how much can be harvested.

Inuit can harvest fish or game for their family and community needs. They can fish inside and outside the marine area. If they fish in both places, this amount will figure in the quota they are given.

The Kivalliq Regional Wildlife Organization will give each Inuk proof that he or she can harvest in the marine area. With this proof, they will need no licence or permit. They will pay no tax but they may need a tag for some species.

Any agency must consult with the *Nunavut Wildlife Management Board* and the Kivalliq Regional Wildlife Organization before it changes the *Inuit harvesting rights* in northern Manitoba.



IMPORTANT WORDS AND THEIR MEANING

These definitions have appeared earlier in this Guide. They are presented here in alphabetical order for quick reference.

Inuit **Aboriginal rights** are unwritten rights that Inuit have because they were on this land before the Europeans arrived. They are sometimes called common law rights because they are based on historical use rather than laws passed by Parliament or a Legislature.

Aboriginal title is a unique interest in land based on long-term Aboriginal use of that land.

The **Agreement** is the *Nunavut Land Claims Agreement* or NLCA.

An **arbitrator** is someone who listens to each side when people cannot agree. Then the arbitrator makes a decision that all people must live with. The arbitrator must act fairly.

Archaeology is the study of what remains from earlier times. Archaeology values land and objects used in those times. Most of these objects only exist today because they were buried. The ground protected them.

Archival materials are usually reports or records that tell something about the past. Often they are the only copy. Some are official and some are not. Few people in the public may have seen them before.

Compensation is what must be paid to make up for damaging, or using up, something that is owned or used by someone else.



Consultation is having a say that matters. There are two important parts to consultation. The first part is that people have the chance to say what they think about something that could affect them. The second part is that decision-makers listen and use what they are told when they make decisions.

A **contract** is a set of promises that can be enforced by a court. These promises have one party do something in exchange for the other party doing something.

Conservation areas are special and need to be protected. They can be wildlife areas or safe places for birds that come to the Arctic in the summer. Some conservation areas are heritage sites or rivers that are important to Arctic history. Others are areas where the ecology, cultural use or archaeology is special. These places include areas that are important for research.

Crown lands are owned in the name of the Queen by the Government of Canada for all Canadians. The federal government is in charge of these public lands. They are sometimes called government lands.

A **Designated Inuit Organization** or DIO means Nunavut Tunngavik Incorporated or one of the organizations to be chosen by Inuit as responsible for a specific action in the Agreement.

A **developer** brings new or more activity to an area. This activity often uses local resources and may bring change to people, land and animals. The activity could be a road, bridge, mine, or tourist lodge, etc. A developer could be a Government, a community, a company, an individual or a group of people or companies.



The **enrolment list** names those people who meet the conditions for being considered an Inuk. An enrolment committee decides who can be on the enrolment list. Each community selects its own committee.

The **environment** is made up of all the natural living and non-living things that sustain life in an area: plants, animals, people, water, land and much more.

Ethnographic object means a thing that is made, worked on, or used by people. It is collected and used to tell things about a people or a culture.

Government refers to the Government of Canada, the Government of Nunavut or the Government of the Northwest Territories. Which government is meant depends on which government is responsible for looking after the issue in question.

Harvesting means hunting, trapping, fishing and more. Harvesting also includes picking berries, collecting eggs and gathering plants.

Implementation of the Agreement means giving effect to all the undertakings in the Agreement.

The **implementation plan** is a contract between Government and Inuit to do everything in the Nunavut Land Claims Agreement. It is a step-by-step plan that tells what will be done, in what order, how and by whom.

Inuit Owned Land is land that Inuit own through the Agreement. The land title (ownership papers) is kept by Nunavut Tunngavik Incorporated and the Regional Inuit Associations. This land is for the benefit of all Inuit.



A **joint management board** is a body through which Inuit and Government manage resources together for the benefit of all Nunavummiut. Members are named by both Inuit and Government. These boards are formally called Institutions of Public Government and are funded by Government.

A **lease** is a contract. This type of contract tells how much someone will pay the owner to use the owner's land, building or equipment. It also tells all of the details or terms of that use.

A **Minister** is an elected official who is given power to make certain things happen. There are ministers for both the territorial and federal governments. Which Minister is meant will depend on which government department looks after the issue being talked about.

Municipal land means land within municipal borders that is owned by the hamlet or municipality. This does not include lands owned by Inuit, the Government of Canada or the Territorial Government. Municipal land does not include privately owned lands, or the mines or minerals found under the surface.

A **municipality** is a community that has enough people to have its own elected governing body.

A **National Park** is land that the federal government controls.

The **Nunavut Settlement Area (NSA)** is where Inuit will enjoy the rights and benefits of the Agreement. The NSA includes both land and water. This term is used until Nunavut comes into existence on April 1, 1999.



Outpost camps are camps located out on the land and used on a regular basis. Inuit families or groups may use these camps seasonally, year-round or just a few days a year. An outpost camp includes two kilometres of land around the place where Inuit are living.

Royalties are money paid to Government and the Nunavut Trust by those groups who produce minerals, oil or gas from Crown land. The amount paid is either a per cent or a set amount.

A **survey** is a study to get information. There are two main types of surveys. One is a land survey to locate land and its borders. The other type of survey pulls together information on an issue, such as finding out how many caribou live in Nunavut.

A **tax** is money the Government collects for public purposes.

A **Territorial Park** is one that is under the control of the Government of Nunavut.

The **Total Allowable Harvest** (TAH) for a stock or population is the amount of wildlife that the Nunavut Wildlife Management Board says can be harvested safely in a year.

A **Trust** is created by law. It is based on a promise that some people will look after something wisely for others.

Wildlife is all animals and plants that live in the NSA. Wildlife includes every part of these plants and animals.



ORIGINAL TITLES FOR NLCA ARTICLES

Some of the Titles in the original Nunavut Land Claims Agreement were simplified for the purpose of this Guide. Here are the proper names for your reference.

Guide Title	NLCA Title
Article 1 : Words and What They Mean	Definitions
Article 2 : Important Points	General Provisions
Article 3 : Nunavut Settlement Area	Same
Article 4 : Nunavut Territory & Government	Nunavut Political Development
Article 5 : Wildlife	Same
Article 6 : Making Claims for Harm to Wildlife	Wildlife Compensation
Article 7 : Outpost Camps	Same
Article 8 : Parks	Same
Article 9 : Conservation Areas	Same
Article 10: Land and Resource Joint Management	Land and Resource Management Boards Institutions
Article 11: Planning to Use Land & Water	Land Use Planning
Article 12: Control over Development	Development Impact
Article 13: Water	Water Management
Article 14: Municipal Lands	Same
Article 15: The Ocean	Marine Areas
Article 16: Baffin Ice Zone	Outer Land Fast Ice Zone – East Baffin Coast
Article 17: Purpose of Inuit Lands	Purposes of Inuit Owned Lands
Article 18: Choosing Inuit Lands	Principles to Guide the Identification of Inuit Owned Lands
Article 19: Ownership of Inuit Lands	Title to Inuit Owned Lands



Guide Title	NLCA Title
Article 20: Water on Inuit Lands	Inuit Water Rights
Article 21: Going onto Inuit Land	Entry and Access
Article 22: Property Tax	Real Property Taxation
Article 23: Government Jobs for Inuit	Inuit Employment within Government
Article 24: Government Contracts for Inuit	Government Contracts
Article 25: Resource Royalty Sharing	Same
Article 26: Agreements that Benefit Inuit	Inuit Impact and Benefit Agreements
Article 27: Inuit Role in Resource Development	Natural Resource Development
on Crown Lands	
Article 28: Inuit Voice in Energy and Mineral	Northern Energy and Minerals Accords
Agreements	
Article 29: Payments to Inuit by Canada	Capital Transfer
Article 30: General Taxation	Same
Article 31: The Nunavut Trust	Same
Article 32: The Nunavut Social Development	Same
Council	
Article 33: Archaeology	Same
Article 34: Ethnographic & Archival Materials	Ethnographic Objects
	and Archival Materials
Article 35: Enrolment	Same
Article 36: Protecting the Agreement in Law	Ratification
Article 37: Putting the Agreement into Action	Implementation
Article 38: Arbitration	Same
Article 39: Inuit Organizations	Same
Article 40: Other Aboriginal Peoples	Same
Article 41: Contwoyto Lake Lands	Same
Article 42: Manitoba and Hudson Bay	Manitoba and Marine Area
	East of Manitoba

We would like to acknowledge the following artists featured in this publication:

Kanaginak Pootoogook (Kanaginak)

Kanaginak was born on January 1, 1935 and resides in Cape Dorset. His collection includes drawings, prints, sculpture and jewelry. His prints and sculpture have appeared in books and publications from France, Belgium, Sweden, the United States and across Canada.

Susie Malgokak (Aukamik; Alikumik)

Susie was born on July 7, 1955 and resides in Holman where she is a printmaker and creates textiles usually made with duffle and appliqued. Susie's husband Peter Malgokak, her brother Peter Palvik and her sister Mabel Nigiyok are also involved in printmaking in Holman.

Elsie Anaginak Klengenberg

(Anaginak; Alikomik; Ikkotak; Agnes; Anareinak; Anarinak)

Elsie was born on November 11, 1946 and resides in Holman. Her

drawings and prints are well known across Canada and the United States. Elsie was born on Victoria Island and has been drawing since the early 1960s. Her father, Victor Ekootak was an artist and inspired her through his drawings as well as his stories. Elsie's late son Stanley (Elongnak) Klengenberg was a graphic artist and sculptor in Holman.

Germaine Arnaktauyok

Germaine was born on September 26, 1946 in Igloodik and currently lives in Yellowknife. She is renowned for her talents as an illustrator and master printmaker. Germaine's distinct style of art reflects traditional Inuit legends and the unique lifestyle of her people. She went to school in Chesterfield Inlet before attending the University of Manitoba. She also studied commercial art at Algonquin College in Ottawa. Her father, Isidore Iytok and mother, Therese Natsiq Tulugatjuk are both carvers.

Sarah Joe Qinuajua (Talirunili; Nuts; Qinuajuaq; Quiuajuaq; Joe)

Sarah was born in 1917 and died in March 1986. Sarah lived in Puvirnituk and Inukjuak. Her works include drawings, prints and sculpture. Sarah was married to Noah Qinuayark, a graphic artist and carver. Her father was Joe Talirunili and he is reflected in many of her prints. Like her father she achieved "visual mass through a deft marshalling of images. And like Joe, she conjures up the past with tattooed faces, hunting forays and domestic scenes on the trail". *As taken from the Puvirnituk print catalogue*

Kenojuak Ashevak

Kenojuak Ashevak of Cape Dorset has achieved international acclaim for her graphics and sculpture. Her imaginative drawings, prints and sculptures often depicting interwoven birds, have delighted audiences world over for four decades.

Kenojuak spent most of early life living on the land. She was born October 3, 1927 at the south Baffin Island camp known as Ikirisaq. Her work has been represented in almost every annual Cape Dorset print collection since 1959.

Kenojuak has been elected to the Royal Canadian Academy of Arts, appointed to the Order of Canada and named Companion to the Order of Canada. Her images are displayed on a Canadian coin and three stamps. In 2001, she was inducted into Canada's Walk of Fame in Toronto, and was the first Inuit artist to be so honored.