

## **MINING AND THE NUNAVUT LAND CLAIMS AGREEMENT**

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### Introduction

The Nunavut Land Claims Agreement – or simply, the Agreement - between the Inuit of the Nunavut Settlement Region and the Government of Canada was signed on July 9, 1993. I am proud to say I was one of the people who signed the Agreement on behalf of Inuit, along with the other members of NTI's executive and several others who continue to play important roles in Nunavut.

### **NTI**

Nunavut Tunngavik Inc., or NTI, is a not-for-profit corporation created as the successor to the organization that negotiated the Agreement on behalf of the Inuit of Nunavut. NTI was established primarily to be the Inuit party to implement the Agreement, to ensure that the rights and benefits flowing to Inuit through the Agreement are secured and defended, and to represent the Inuit of Nunavut and advance their rights and benefits as an Aboriginal People. NTI has about sixty employees, with offices in Iqaluit, Rankin Inlet, Cambridge Bay and Ottawa.

### **The Nunavut Land Claims Agreement**

The signing of the Agreement was the end of a process that lasted many years. It was also the beginning of a new process – the implementation of the terms set out in the Agreement.

The Agreement was based on and reflected four objectives - at least three of them are relevant to today's topic. The objectives are:

- to provide for certainty and clarity of rights to ownership and use of lands and resources, and of rights for Inuit to participate in decision-making concerning the use, management and conservation of land, water and resources, including the offshore;

- to provide Inuit with wildlife harvesting rights and rights to participate in decision-making concerning wildlife harvesting;
- to provide Inuit with financial compensation and means of participating in economic opportunities;
- to encourage self-reliance and the cultural and social well-being of Inuit.

The main terms of the Agreement include a cash settlement, granting of title to Inuit organizations of about 18 percent of the land in Nunavut (including subsurface rights to a portion of this), representation of Inuit on the five co-management bodies, and the creation of the new territory of Nunavut.

## **Inuit and Mining**

Today, I would like to talk a little about the impact the Agreement has had on mining in Nunavut. About a year and a half ago, we witnessed the coming into being of one of the most important accomplishments of the Agreement – the birth of the new territory of Nunavut. By this act alone, we have brought government closer to the Inuit people so that that can have a more direct say in what is happening around them. The Department of Sustainable Development, of whom there are many representatives here today, as well as other departments of the Nunavut Government, will play a major role in shaping the future course of mining in Nunavut.

Inuit were once on the outside of the mining industry looking in. The signing of the Agreement changed all that. Now, for many reasons, we feel we can be considered part of the mining industry and that we are no longer on the outside. Here are some of the reasons I say that:

- Inuit hold land with both surface and mineral rights;
- Inuit make agreements with exploration and mining companies and individuals for mineral rights to some of the most prospective land in Nunavut;
- Inuit sit on boards which screen and review projects;
- Inuit collect royalties from any mining project;
- Inuit enter into Impact and Benefit Agreements for all major developments on Inuit Owned Lands or consult on benefit plans for developments on Crown land;
- Inuit development corporations provide goods and services for exploration and mining projects; and, finally,
- many Inuit work directly on projects or for businesses which provide goods and services to the projects.

## **NTI Mining Policy**

In order to properly implement the Agreement, particularly with respect to those matters dealing with mining, NTI recognized that it was important for us to have a clear position on those activities. Therefore, nearly three years ago, our Board passed our Mining Policy. In this policy, NTI has clearly committed itself to supporting and promoting mining. We want the opportunities that mining can bring. There should be no doubt that we support mining and that we want it. However, as we are people who live close to the land, we require that, in exchange for that support, mining activities do as little harm as possible to the land and the environment. We realize, of course, that you can't make a mine without digging a hole. We also ask that mining bring significant long-term benefits to Inuit. We expect these will include jobs, training, contracts and other business opportunities, and improvements to local infrastructure.

I will add that we think the same principles should apply to oil and gas exploration and development.

## **Comments to Exploration/Mining Companies**

Let me address my next comments to the exploration and mining people here. Since 1993, we have had a land claims agreement but the implementation of it is still a work in progress. It was only last year that the new territory was created. Although the co-management bodies are in place, the legislation that will govern them is not – both levels of governments and NTI are developing this legislation as quickly as possible. With Inuit Owned Lands, we are continuously working to improve our rules and procedures and the documents we sign with you that allow you to have access to the lands and the minerals. We ask you to please read the Land Claims Agreement, acquaint yourselves with the co-management bodies and find out how Inuit Owned Lands are managed. There is much information on NTI's two web sites. If you have difficulties, work with us to resolve them. In this way -working together - we can make Nunavut the number one jurisdiction for mining in Canada. Those companies that work with us throughout the implementation process will have a great advantage over those that do not; they can also have an impact on the outcome of this process.

We support an active Chamber of Mines in Nunavut. There is a need for exploration and mining companies to have a strong voice in order to tell us what you can bring to Nunavut, what you need from us, and how you intend to work together with us in accordance with the Agreement.

## **Comments to Government**

I also have some comments directed at government. NTI would like to see a firm commitment of support for resource development from government, followed by strong and effective action. Nunavut has a great potential to develop its mineral and oil and gas resources for the benefit of all who live here and for Canada as a whole. However, the discovery and development of these resources depends on a solid geoscience base - mostly good geological maps. Nunavut has by far the poorest coverage of geological mapping of all Canadian jurisdictions and Canada's current commitment to geoscience in Nunavut is vastly insufficient. My comments are not intended to detract from the great contributions made in the north over a century by the Geological Survey of Canada, one of Canada's great scientific organizations. Nor are they intended to detract from the excellent work being done by the Canada-Nunavut Geoscience Office, established only a little over a year ago in Iqaluit. We would simply like to see government greatly increase the amount of money spent on geoscience in Nunavut – through both the Geological Survey and the Canada-Nunavut Geoscience Office - in order to bring the geoscience base in Nunavut up to the standard of the provinces and other territories.

The government investment in support of geoscience will be returned many times over. We believe that the sooner we can tap into the benefits from a strong mining industry, including royalties and income tax paid to government, the sooner government can provide improved health care, education and housing to the people of Nunavut. We think that with the wealth of our natural resources, Nunavummiut have the potential to have the highest standard of living in Canada.

## **NTI's Contribution**

We have said what we think industry and government should do. It is time to discuss what NTI has done and what it will do.

- We will do our best to implement the Agreement in such a way that it will not be a barrier to development. We did not negotiate the Agreement to put a barrier in front of development but to ensure that we have a say in that development. We would not have put so much time, energy and money into negotiating for the mineral rights to much of the most prospective land in Nunavut if we intended to block mineral development. Even much of the land for which Inuit own only the surface was selected because of its mineral potential, so that we would receive the opportunities that come by way of impact and benefit agreements on these lands.
- We will do our best to ensure that the co-management bodies do their work in a timely and effective manner without undue delays;

- we will do our best to ensure that, before any more land is taken as parks and conservation areas, it does not include areas of high mineral potential. We recognize that mineral resources are rare and valuable and we do not wish to see them wasted because they are included inside a new park.
- We will continue to work closely with companies and prospectors who wish to explore on Inuit Owned Lands. During the process of revising our Exploration Agreement and Production Lease, we consulted many times with exploration and mining companies. We have always tried to balance the needs of the Inuit owners of the minerals with the needs of those wishing to explore for and exploit them. We will continue to work on these agreements and improve them when time permits. Working together with the Regional Inuit Associations, we have recently turned our attention to the task of reviewing the administration of surface Inuit Owned Lands and developing model commercial leases. (As an aside, I would like to add that NTI will soon have 48 Exploration Agreements in place, covering 3,145 square kilometres. These agreements cover areas being explored for gold, diamonds, platinum, lead, and zinc. We interpret this activity as an acceptance of our new procedures and agreements.)
- While we would like to see greater and longer-term government funding for both the Canada-Nunavut Geoscience Office and for the Geological Survey to carry out work in Nunavut, we are examining what our own role should be in support of the work these organizations carry out, thereby advancing the objectives of the Agreement. Although to date we have offered our moral and limited financial support, we would like to do much more. This is still under discussion.

## Summary

In summary, we have a vision in which the development of our mineral resources - as well as oil and gas - will bring greater prosperity to Inuit, with Inuit as full participants. We believe Nunavut's mining industry can be a model that we can hold up to the world – a model in which all parties work together in a spirit of cooperation and partnership. Before we get there, however, there are serious challenges to be met. Some of these are:

- to encourage our young people to get the education they need so that they will be able to take advantage of the opportunities offered by mining when these opportunities come along
- to preserve Inuit culture, tradition, language and values alongside this new development, and
- to capture significant benefits with long-lasting positive effects from development for Nunavut and the local communities.

We ask our partners here to commit to working with us to find creative solutions to these challenges so that while new mines are being explored for and while they are producing and long after they are gone, we will be better off – our people will be healthier, more prosperous, and better educated.

We are proud of what we have accomplished in achieving the Nunavut Land Claims Agreement. We ask you all to work with us to ensure we fulfill the promise of this Agreement. The rewards will be worth it for all of us.