

**Preparing for the Day After Treaty
November 14 - 16, 2007**

Paul Kaludjak, President Nunavut Tunngavik Inc.

Good evening, glad to be here once again. My name is Paul Kaludjak. I'm president of Nunavut Tunngavik Inc. (NTI). Nunavut means "our land" and Tunngavik means "our foundation" in inuktituit. And this conference is all about our land and our rights in relation to our land.

It gives me great pleasure to speak here this evening with Nelson Leeson of the Nisga'a government. Nelson and I currently are co-chairs of the Land Claims Agreement Coalition which was established in 2003.

As aboriginal people who have signed land claims agreements, we have found there is strength in working together because we face very similar challenges with implementation. In Nunavut we recognize that our Land Claims Agreement is the outcome of a long process involving the other aboriginal groups in Canada and of course, especially here in British Columbia.

Last year Frank Calder passed away and we remembered him at our Annual General Meeting. Frank Calder went to the Supreme Court of Canada with the basic question of whether or not aboriginal people's rights exist in Canada. It was probably the most important land claims case in Canadian history. So Frank Calder and his Nisga'a Nation changed the policies of the Government of Canada. Land claims agreements followed, including our Nunavut Land Claims Agreement.

Our Land Claims Agreement was filed with the

Government of Canada in 1976, just after the James Bay and Northern Quebec agreement was negotiated. Actual negotiation of our claim went on until 1993.

NTI is a land claims organization representing eighty five percent of the people of Nunavut. We are distinct from the Government of Nunavut, and it is our mandate to secure implementation of our Land Claims Agreement.

You may have heard that last year NTI filed a Statement of Claim in the Nunavut Court of Justice, seeking damages of one billion dollars, against the Government of Canada for breaching our agreement and for breaches of their judiciary responsibilities and obligations.

In light of this, you might have wondered whether or not we negotiated a good agreement. We did negotiate a good agreement. But it's not being implemented as it should. Our agreement is still a major accomplishment and is something to be proud of.

I would like to mention some of our accomplishments in negotiating this agreement. First, we managed to create a new government in Canada.

The idea of dividing the Northwest Territories was first put forward in the 1970s. The basic idea was that NWT was too large and diverse to meet our cultural and social needs. A new government for Nunavut was needed, alongside Yukon and the NWT. Getting the Federal Government to agree to this was not easy. It was only in the final stages of negotiations of our agreement that the Federal Government

agreed to include Article 4 in our Claims Agreement. This is the article providing for the setting up of the new Nunavut government.

Through Article 4 we have pursued different goals from many first nations. We are eighty-five percent of the population of Nunavut, and a public government that corresponds to the area our people live in is what we wanted. We describe our arrangement to be self-determination through public government.

The Federal Government would not agree to include the creation of a Nunavut territory in our Land Claims Agreement. In fact in the early stages of negotiations they did not even want to use the word "Nunavut" in our agreement. That was one of the first small victories. They must have seen it as the thin edge of a wedge; and it was.

We got Nunavut established by working outside the claims framework. We held a referendum across NWT and won a majority for division. We put the goal forward in the national constitutional discussions. We got some political acceptance, but not a definite commitment. It came down to the wire in 1992, when most of the agreement had been negotiated, and the Federal Government realized that we wouldn't sign our claim agreement without a definite commitment to the territory of Nunavut. So we achieved article 4 in our claim.

There were other areas in which the Federal Government claim policies was too limited to meet our needs, And here we managed to get changes. In 1986 a coalition of

aboriginal groups was set up to lobby our changes in the Federal Government's policy. The revised federal policy of 1987, although only a partial answer to what the aboriginal groups wanted, did make some important changes.

One change that was important to us was to include marine areas in our land claims. Like the coastal people of British Columbia we are marine people. All but one of our communities in Nunavut was coastal. As a result, it was important for us to include marine areas within the Nunavut settlement area. The Federal Government changed its policy, in this respect, in 1987. Of the 42 Articles in our Land Claims Agreement, about one-third included references to marine areas.

Another important area of change was that of resource management boards. Under our agreement, management boards are established to do things like: issue water licences, prepare regional and territorial-wide land use plans, review the environmental impacts of development, and manage wildlife. These boards have government responsibilities and operate independently. Half of their members are nominated by Inuit and half by government.

Under our agreement we secured surface title to almost 18% of Nunavut and subsurface title to 1.8%. Sometimes we are asked: why only 18%? Or especially why only 1.8%? There are two main reasons: Inuit decided that it was more important to have an effective role in the management of the entire settlement area than to have outright ownership of a particular percentage of it. We saw the managements boards as giving us

this management role. The subsurface lands we chose may be, relatively, a small area, but they were selected with the advantage of good geological knowledge. The mining development now taking place in Nunavut are all on, or adjacent to, Inuit owned lands.

In reviewing the implementation of our Land Claims Agreement, we could say that setting up Nunavut Government, the management boards, and the payment of our cash compensation of \$1.1 billion dollars have all occurred. These are important, substantial implementation accomplishments of our agreement.

But there have been important areas in which implementation has been partial or has not occurred at all. As I mentioned, we have filed a Statement of Claim on this. I won't go into details of all the breaches that occurred. You can find those in our Statement of Claim on our website.

I will mention Article 24 as one example.

Article 24 concerns government contracts with the Nunavut and under it the two governments are to develop procurement policies for Inuit firms regarding government contracts.

The Government of Nunavut has done this with us. Under the Nunavut Government Contracting Policy Inuit firms receive a seven percent bid adjustment on government contracts. Other bid contracts up to a maximum of 21% are also available. This is a good example of cooperation on implementation of one article from our Land Claims Agreement.

On the federal side we have been unable to secure a procurement policy, for Inuit firms, for government contracts. This is 14 years after the agreement was signed. It is not simply NTI's view. A 2005 review by Price, Waterhouse, Cooper states in plain language "the obligation of this section were not being met."

But it's worth giving credit to one federal department which has bucked the trend. In 2002 National Defence reached an economic agreement with the NTI for the clean up of abandoned DEW-line warning sites. Under this agreement Inuit employment has been achieved at levels of over 70% on these sites, and the Inuit share in contracting value has also been over 70%. This is a good example of what can be done with a commitment to the right approach.

Another important area of our claim where there have been serious implementation problems is the joint management boards that I referred to earlier.

Proper funding has not been provided to the Nunavut Planning Commission, the Nunavut Impact Review Board, the Nunavut Water Board, the Nunavut Wildlife Management Board and the Surface Rights Tribunal. These are all boards under the claim and agreement.

Our inability to reach agreements with DIAND on funding required for these boards eventually led to former Justice Thomas Berger being brought in as a conciliator. In January 2006, with his assistance, we reached agreement with the Federal and Nunavut governments on the funding levels for

these boards.

That was almost two years ago, but the agreed funding still had not been provided. These are the kinds of problems that have led NTI, as a last resort, to go to litigation.

We are not the only land claims organization that has had to do this. Recently the Grand Council of Cree's of Quebec agreed to a 1.4 billion dollar out-of-court settlement with the Federal Government on implementation issues from their agreement.

The Sahut and the Gwich'in have also had to go to court on certain issues.

Our agreement, like other agreements, was meant to begin a new relationship with the Government of Canada.

How do we go ahead from here? We should not give up. We did not get Nunavut by giving up. We should not lower our expectation. Our expectation is: to receive what we were promised when we signed our agreement; well-being in our communities; a stable, secure relationship with the Government of Canada; and that the honour of the Crown will be upheld for all to see.

We will work towards these ends with other aboriginal peoples, especially with the Land Claims Agreement Coalition. We support the coalition's 4-10 declaration

Our relationship is a treaty with the Crown. It is not an administrative arrangement with the Department of Indian Affairs and Northern Development.

We need an independent authority such as a commissioner for Land Claims Agreements: to review the implementation of land claims agreements; to ensure the honour of the Crown is being met; to report directly to parliament.

We need the Government of Canada: to adopt a comprehensive land claims implementation policy; to provide the resources needed to implement land claims agreements effectively and in a timely manner; to establish a government structure that can deliver on what had been promised in a constitutionally protected agreement.

We want to see our Land Claims Agreement fully implemented. That means: we will get what we really voted for when we ratified our agreement; well being in our communities.

Then we can say that our agreement really has established a new relationship between ourselves and the Government of Canada. That is what we signed our land claim agreement for, and that is what we want.

Ma'na.