

**Democratic Self-Determination in Nunavut: Representation, Reciprocity  
and Mineral Development**

by

Joshua Gladstone

A thesis  
presented to the University of Waterloo  
in fulfillment of the  
thesis requirement for the degree of  
Master of Environmental Studies  
in  
Environment and Resource Studies

Waterloo, Ontario, Canada, 2009

© Joshua Gladstone 2009

## **AUTHOR'S DECLARATION**

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners. I understand that my thesis may be made electronically available to the public.

## ABSTRACT

Inuit exercise a significant degree of self-determination in Nunavut through the Nunavut Land Claims Agreement, particularly in the area of non-renewable resource development. Self-determination is linked to both Inuit and Canadian identity and conceptualized in its democratic form as relationships of autonomy and interdependence mediated by resource management institutions. This thesis argues that democratic self-determination depends on local experiences of reciprocity and legitimate institutional representation. Nunavut's institutional actors have the potential to establish locally acceptable norms of reciprocity and representation through (quasi-) constitutionally mandated Inuit Associations, an Inuit public government at the municipal and territorial levels, and resource co-management boards. Using a qualitative research methodology involving document analysis, semi-structured interviews and participant observation, this thesis explores how residents of Cambridge Bay, Nunavut, are experiencing democratic self-determination from the perspectives of representation and reciprocity. Results indicate that conflict between municipalities and Inuit Associations over the distribution of resource benefits can overshadow attitudes of reciprocity between public and Inuit spheres. Although both Inuit Associations and public governments are seen as legitimately representing local interests in resource development, each have distinct roles: Inuit Associations negotiate Impact and Benefit Agreements with industry as a matter of right, while public government's role is the responsible delivery of social services. The legitimacy of Inuit Associations as representatives of Inuit interests was challenged by a minority of research participants who expressed concerns about elitism and unaccountability of Inuit officials, and educational barriers to non-elite participation in decision-making. Meanwhile the criticisms registered against the public governments illustrated contemporary attitudes of resentment based on a history of colonialism and distance from centre to periphery. The Nunavut Impact Review Board was found to be a valuable mechanism for managing Inuit-state relations in its ability to foster trust, though its ability to determine the just distribution of resource benefits is circumscribed. Ultimately, this research suggests that from the perspective of reciprocity and legitimate representation, the birth of Nunavut should not be considered an end to the struggle for greater local democratic control over economic and political destinies.

## ACKNOWLEDGEMENTS

I wish to express my profound thanks to the community of Cambridge Bay for welcoming me so warmly into town. In particular I would like to thank the Klengenberg and Aknavigak families, especially Clarence and Emma, Bobby and Rosabelle, Linda and Derek, Christine, and Bunnik whose friendship and support have had profound effects on me and my research. Grateful thanks also goes to Leslie Payette, Chris King, Lena Atatahak, Jeannie Ehaloak, Junna Ehaloak, Goog and Tuma (who will not be forgotten), Logan Pigalak and Sandra Eyegetok.

I would also like to extend my deep gratitude to my advisors Mary Louise McAllister and Len Tsuji. Your insight and guidance has benefited this work significantly. Not to mention your ongoing encouragement to continue my research while stationed in Nunavut. Many thanks also go to my cohort at the University of Waterloo for properly fertilizing (and watering) the mind of a geologist.

Thanks to the Nunavut Tunngavik Inc., the Nunavut Impact Review Board, the Nunavut Water Board, Indian and Northern Affairs Canada and Miramar Hope Bay Limited for their generous financial and in-kind support for this project. Special thanks is especially due to Bernie MacIsaac, Carson Gillis, Stephanie Autut, John Wakeford and Ross Sherlock. I am also grateful for the support of Pauloosie Suvega at the Government of Nunavut.

Many thanks to my family and friends for their love encouragement, especially Kate Rossiter (for her insight and the final push), Ari Hunter, Peter Kolla, Susan Enuaraq and Kalman Strauss. And last but certainly not least, my deep gratitude to Janna MacLachlan for keeping the home fires burning in Iqaluit.

These acknowledgements would not be complete without a extending a hearty thanks to the good people of Brussels, Ontario, especially Peter Workman, Kathy and Frank, Betty and Ralph, Jim and Lois, Sheila, David and Tamara, Auntie Bella and Pierre.

And finally, a special thanks to Archie McDonald and Bethany Jensen. Your contributions were unexpected and deeply generous.

## **DEDICATION**

For my parents

## TABLE OF CONTENTS

<b>LIST OF TABLES</b> .....	iix
<b>LIST OF FIGURES</b> .....	x
<b>LIST OF ACRONYMS</b> .....	xi
<b>CHAPTER 1: INTRODUCTION</b> .....	1
<b>1.2 RESEARCH PERSPECTIVE</b> .....	1
<b>1.3 NUNAVUT</b> .....	4
<b>1.4 CONCEPTUAL FRAMEWORK</b> .....	7
<b>1.5 CONCEPTUAL BOUNDARIES</b> .....	9
<b>1.6 INSTITUTIONAL RELATIONSHIPS IN NUNAVUT</b> .....	10
<b>1.7 RESEARCH OBJECTIVES</b> .....	12
<b>1.8 A NOTE ON LANGUAGE</b> .....	12
<b>1.9 METHODOLOGICAL APPROACH AND CASE STUDY</b> .....	13
<b>CHAPTER 2: RESEARCH METHODOLOGY</b> .....	17
<b>2.1 INTRODUCTION</b> .....	17
<b>2.2 RESEARCH APPROACH</b> .....	17
2.2.1 Case Study Approach.....	17
<b>2.3 QUALITATIVE METHODS</b> .....	20
2.3.1 Participant Observation .....	20
2.3.2 Field Work .....	21
2.3.3 Literature Review.....	21
2.3.4 Semistructured Interviews.....	22
<b>2.5 DATA ANALYSIS</b> .....	26
<b>2.4 RESEARCH ETHICS</b> .....	27
<b>2.6 CONCLUSION</b> .....	27
<b>CHAPTER 3: CONCEPTUALIZING DEMOCRATIC SELF-DETERMINATION IN NUNAVUT</b> .....	28
<b>3.1 INTRODUCTION</b> .....	28
<b>3.2 RELATIONAL SELF-DETERMINATION</b> .....	28
<b>3.3 DEMOCRACY AND SELF-DETERMINATION</b> .....	41
3.3.1 Pluralism .....	41
3.3.2 Deliberative Democracy.....	46

<b>CHAPTER 4: LOCAL INFLUENCE OVER MINERAL DEVELOPMENT .....</b>	<b>52</b>
<b>4.1 INTRODUCTION .....</b>	<b>52</b>
<b>4.2 INSTITUTIONS.....</b>	<b>52</b>
4.2.1 Inuit Institutions .....	52
4.2.2 The Public Institutions .....	57
4.2.3 Institutions of Public Government.....	62
4.2.4 Summary: Direct Participatory Opportunities in Resource Management .....	67
<b>4.3 RESOURCE GOVERNANCE IN ACTION .....</b>	<b>69</b>
4.3.1 Conflict in the Kivalliq.....	71
4.3.3 Conflict in the Kitikmeot.....	76
<b>4.4 DISCUSSION.....</b>	<b>81</b>
<b>CHAPTER 5: FINDINGS.....</b>	<b>84</b>
<b>5.1 INTRODUCTION .....</b>	<b>84</b>
<b>5.2 CAMBRIDGE BAY, PAST AND PRESENT .....</b>	<b>85</b>
<b>5.3 PERCEPTIONS OF DEVELOPMENT .....</b>	<b>87</b>
<b>5.4 THE ROLE OF INUIT ASSOCIATIONS .....</b>	<b>90</b>
<b>5.5 THE ROLE OF PUBLIC GOVERNMENTS .....</b>	<b>95</b>
<b>5.6 THE ROLE OF CO-MANAGEMENT BOARDS .....</b>	<b>100</b>
<b>5.7 EFFECTIVE DECISION MAKING: CONSULTATION AND DIRECT PARTICIPATION.....</b>	<b>103</b>
5.7.1 Consultation and Individuals.....	104
5.7.2 Consultation and Representation.....	106
<b>5.8 SUMMARY .....</b>	<b>109</b>
<b>CHAPTER 6: THE LIMITS OF RECIPROCITY IN RESOURCE GOVERNANCE .....</b>	<b>111</b>
<b>6.1 INTRODUCTION .....</b>	<b>111</b>
<b>6.2 AUTONOMY AND SOLIDARITY .....</b>	<b>111</b>
<b>6.3 INDIVIDUAL AND COLLECTIVE DEPENDENCY .....</b>	<b>114</b>
<b>6.4 PARTICIPATION AND MARGINALIZATION.....</b>	<b>117</b>
<b>6.5 TRUST .....</b>	<b>121</b>
<b>6.6 SUMMARY .....</b>	<b>121</b>
<b>CHAPTER 7: CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>125</b>

<b>7.1 INTRODUCTION</b> .....	125
<b>7.2 CONCEPTUAL FRAMEWORK</b> .....	125
<b>7.3 DEMOCRATIC SELF-DETERMINATION IN RESOURCE GOVERNANCE</b> .....	126
<b>7.4 LONG TERM AND SHORT TERM SOLUTIONS</b> .....	128
<b>7.5 THEORETICAL CONTRIBUTIONS AND FUTURE RESEARCH</b> .....	131
<b>REFERENCES</b> .....	133
<b>APPENDICES</b>	
<b>APPENDIX I: COMPLETE LIST OF QUESTIONS</b> .....	XI
<b>APPENDIX II: NIRB LIST OF ORGANIZATIONS TO BE CONSULTED IN THE ENVIRONMENTAL ASSESSMENT PROCESS</b> .....	146

## LIST OF TABLES

Table 1. Interview number, type of data, and participant's primary affiliation.....	25
---	----

## LIST OF FIGURES

Figure 1. Conceptual Framework.....	54
-------------------------------------	----

## LIST OF ACRONYMS

CBC	=	Community Beneficiary Committee
CLARC	=	Community Lands and Resources Committee
DIO	=	Designated Inuit Association
GN	=	Government of Nunavut
HTO	=	Hunters and Trappers Organization
IA	=	Inuit Association
IIBA	=	Inuit Impact and Benefit Agreement
IOL	=	Inuit Owned Lands
INAC	=	Indian and Northern Affairs Canada
IPG	=	Institution of Public Government
DIAND	=	Department of Indian Affairs and Northern Development
KIA	=	Kitikmeot Inuit Association
LCAC	=	Land Claims Agreement Coalition
MHBL	=	Miramar Hope Bay Limited
NIRB	=	Nunavut Impact Review Board
NLCA	=	Nunavut Land Claims Agreement
NPC	=	Nunavut Planning Commission
NTI	=	Nunavut Tunngavik Incorporated
NWB	=	Nunavut Water Board
RIA	=	Regional Inuit Association

## CHAPTER 1: INTRODUCTION

Just two years after Nunavut (“Our Land” in Inuktitut) became Canada’s youngest territory in 1999, I began working as a field geologist with the Geological Survey of Canada on central Baffin Island. As I walked the tundra (*nuna* in Inuktitut) I recorded the geological information that would eventually be used by the mineral exploration and mining sector to locate potential sources of ore. But as the days passed I began to wonder what my work would mean for the people who lived nearby and with whom I had never even shared a meal. Many of my colleagues expressed the view that the mining sector was the only hope for a territory experiencing significant economic depression and social dysfunction. But this view seemed to me to be overly deterministic. Was our presence on the tundra the product of local aspirations for employment and wealth? Would the maps we were there to produce create the foundation for future health and wellbeing, defined and directed by Inuit themselves? This thesis represents my effort to understand these complex problems by exploring how Inuit are experiencing self-determination in mining and resource governance in Nunavut. More specifically, it focuses on how land claims agreements and public government create the circumstances that allow Inuit, both individually and collectively, to control the pace and direction of mineral development in the territory through democratic means.

### 1.2 RESEARCH PERSPECTIVE

This research is set broadly in the tradition of sustainability and social justice that implicitly or explicitly frame much of the resource management literature. Both of these concepts often serve as critiques of the status quo. The concept of sustainability - defined here as “the use of environment and resources to meet the needs of the present without compromising the ability of future generations to meet their own needs” (Berkes et al. 2003, p.3) – arose in the 1980s out of growing public concern with the environmental and social consequences of industrial development and the Western definition of “progress”. Economic growth was supposed to benefit all humankind, but it was becoming clear that the reality for many people around the world was something different. Poverty and hunger remained. In many places, the gap between “rich” and “poor” was widening. Meanwhile, environmental degradation was proceeding at an ever increasing pace (World Commission on Environment and Development 1987). Sustainable development, with its focus on the maintenance of ecological systems and social equity, thus became the “concept that promised to bridge the gulf between the advocates and critics of progress through growth” (Gibson 2005, p.ix).

Since the World Commission on Environment and Development popularized the concept of sustainable development (World Commission on Environment and Development 1987), both government and the mining industry in Canada have embraced the idea. For instance, federal departments such as the Department of Indian Affairs and Northern Development have developed strategies to assist the government in integrating the idea of sustainable development into decision-making processes (Canada 2001). Meanwhile, the mining industry has used the concept to advance its own interests in environmental and social responsibility. As early as 1992, sustainable development was the organizing principle behind efforts by the mining industry to address systemic issues in the mineral sector. Among other threats to sectoral competitiveness, negative public perceptions of the mining industry in the 1980s and early 1990s was leading to disputes over land access (McAllister and Alexander 1997).

At the same time, Canadian mining companies and other resource extraction industries were facing delays and protracted negotiations with Aboriginal groups. In the Northwest Territories, for example, the resource sector was still reeling from the implications of Justice Thomas Berger's recommendation to postpone the Mackenzie Valley Pipeline Project. In his reasons, Berger noted that if the federal government approved the project without first settling outstanding land claims, Aboriginal people would, in effect, have had their futures decided for them (Berger 1988). To Berger, this was anathema to the Aboriginal people of the Northwest Territories, whose aspirations for self-determination within the Canadian state had recently been bolstered by the Supreme Court decision in the *Calder* case recognizing pre-existing Aboriginal title (Murphy 2001). This decision caused the federal government to react by developing its 1973 Statement of Claims of Indian and Inuit People – the precursor to a number of comprehensive land claims policies which set out the terms by which the federal government would negotiate with Aboriginal people (ibid). Since the Berger Inquiry, the Territorial North has witnessed the settlement of a number of land claims agreements including the Inuvialuit Final Agreement in 1984, the Gwich'in Agreement in 1992 and the Nunavut Land Claims Agreement in 1993.

These developments were part of a sea change for the mining industry, federal and territorial governments, and northern Aboriginal communities. In 1993, the mining industry, government, Aboriginal groups and other stakeholders came together to develop what would be known as the Whitehorse Mining Initiative. Its goal was to set the direction and terms for the transformation of the mining industry from one of ecological polluter and corporate bully, to one of an

environmentally sustainable and socially responsible corporate citizen (McAllister and Alexander 1997). For ethical and pragmatic reasons, it was broadly acknowledged that for the mining industry to achieve this goal it would have to develop meaningful relationships with Aboriginal people. Land claims agreements assisted in this, and represented the certainty needed to support a healthy mining sector. The agreements included collective title to traditional lands, harvesting rights, and rights to participate in resource management processes. In some cases, including the Nunavut Land Claims Agreement, they also included the right to negotiate impact and benefit agreements directly with mining companies before projects could be permitted to proceed.

In what might be seen as a testament to their success, Stern (2006) suggests that land claims agreements have provided the basis for a shift in the rhetoric and activity of citizenship claims by Aboriginal people. The difference between the Mackenzie Valley Pipeline Project and contemporary project proposals is that “the dominant rhetoric about development from indigenous leaders has changed from claims of ethnically based difference to claims for full participation in the presumed social and economic benefits of resource development” (Ibid, p.112). But has the settlement of land claims agreements and new efforts to establish Aboriginal-industry partnerships achieved the goal of a more socially just society in the north?

Social justice deals with “issues pertaining to the marginalization of communities based on gender, race, social class, sexual orientation, religion, and disability” (Johnson III 2009, p.4). For Richard Howitt, ‘successful’ resource management is evaluated by its contribution to improving cultural diversity, distributive equity, ecological sustainability, and social justice (Howitt 2001, p.10). Nancy Fraser suggests that contemporary struggles for justice revolve around the politics of redistribution, recognition and representation (Fraser 1997, 2004). In the context of the relationship between Aboriginal people and Euro-Canadian society, these issues engage with the history of colonialism and the complex politics of decolonization (Howitt 2001, p.354). But if land claims agreements have the potential to restructure the relationship between Aboriginal people and Euro-Canadian society, what form does political empowerment take?

Nunavut represents a unique example of a territory in which Inuit appear to have achieved a significant measure of self-determination. The Nunavut Land Claims Agreement lays out a set of constitutionally protected commitments between Inuit and the Crown “to provide for the 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...”, and “to encourage self-reliance and the cultural and social well-being of Inuit” (Canada 1993a, p.1). These rights include ownership over significant areas of surface land and subsurface resources, rights to participate in land management decision-making processes, and rights to negotiate impact and benefit agreements directly with project proponents. The Inuit also secured an Inuit public government arrangement through the NLCA through the federal government’s commitment to establish Nunavut Territory “with its own Legislative Assembly and public government” (Canada 1993a, p.23).

In the 1990s, as Nunavut transitioned from aspiration to reality, the territory was touted as an example of an innovative system of just governance. But the scholarship that positions Nunavut as a jurisdictional template (e.g. Wutzke 1998; Macklem 2000) lacks an important measure of credibility. Many scholars approach the unique legal, jurisdictional and political features of Nunavut in a relatively uncritical manner, tending to focus on the nature of the institutions themselves (see for example Legare 1996; Marecic 1999; Loukacheva 2007,) or the characteristics of the electorate (Henderson 2007). These studies are either too old to shed light on contemporary events, or choose to ignore the day-to-day experiences of Inuit who are now working the levers of power. There are, however, a growing number of critical explorations, especially in the fields of public administration (Hicks and White 2005), resource management (Armitage 2005; Irniq and Tester 2008; Suluk and Blakney 2008,) political economy (Mitchell 1996; Abele 2009,) and applied treaty federalism (White 2002, 2008) that highlight the challenges Inuit face in exercising control and self-determination. However, there is almost no literature available that explores the issue of local democratic engagement in resource management in Nunavut.

### **1.3 NUNAVUT**

Nunavut is a unique jurisdiction in Canada in relation to its northern and southern neighbours<sup>1</sup>. Regionally speaking, Nunavut became Canada’s youngest territory after its division from the Northwest Territories (NWT) in 1999. Like the other territories, a large proportion of Nunavut’s population is Aboriginal. But as a point of difference, the majority of its population (85 percent) identifies as Inuit, which is a unique population demographic in the territorial north. For the sake

---

<sup>1</sup> This thesis takes on the northern colloquial definitions of “north” and “south”. Northern Canada is thus the area of Canada that is north of the 60<sup>th</sup> parallel, and is synonymous with the “Territorial North”, while southern Canada is synonymous with the “Provincial South”.

of comparison, only 57 percent of people in the Inuvialuit Settlement Region of the NWT (Nunavut's nearest neighbour) identify as Inuvialuit (White 2009). Like the other northern territories, Nunavut is not a full partner in confederation but rather an appendage of the federal government, governed by northerners without the dignity of full constitutional status. Similar to the NWT, Nunavut will continue to lack ownership and full control of its lands and non-renewable resources until a devolution agreement is reached with the federal government (Penikett 2009). And like its territorial neighbours, Nunavut shares the stage as the testing ground for federal policies in resource development and arctic sovereignty (Abele 2009; Huebert 2009).

Nunavut is a territory with a uniquely Inuit character. Before Inuit settled in communities, social relations were based around family units and larger groups whose structure and function were tied to seasonal tasks (Mitchell 1996; Bennett and Rowley 2004). During this time, Inuit carried on external relations through marriage, spousal exchange, trade partnerships, and overt conflict (Bennett and Rowley 2004). In what would become Nunavut, regional identities formed within defined territories that were known to be occupied by *-miut* groups. In all, 48 *-miut* groups existed in Nunavut in the mid-nineteenth century (Bennett and Rowley 2004, p.340). Occupancy within these defined territories led to regional differences among *-miut* group in terms of dialect, clothing, hunting practices and beliefs, many of which survive today. In what is now the western Kitikmeot Region, the Inuinait represented a supergroup of *-miut* groups whose reach stretched from the Victoria Strait southwest to Contwoyto Lake and Great Bear Lake and north to Banks Island (Ibid, p. 409). Their dialect, known as Inuinnaqtun, remains distinct from the eastern Inuktitut dialect, though in contrast to the east where many young people still speak Inuktitut, Inuinnaqtun is in a greater state of decline (Berger 2006).

Early contact between Inuit and Europeans was followed in the mid-nineteenth century by the establishment of missionary outposts and trading camps along arctic coastlines (Mitchell 1996; Abele 2009,). Real government interest in the north, however, did not occur until the mid-twentieth century when the Second World War highlighted the arctic's strategic importance for southern interests (Jull 2000; McPherson 2003; Abele 2009). But as the southern public gazed north, other issues began to rise to the surface. In the late 1940s, the fur industry collapsed and Inuit who had become dependent on the income to support their livelihoods became increasingly dependent on Welfare State policies (McPherson 2003). Government's role as a service delivery agent providing income support and health care to Inuit began at this time, and the effects of this transition are still felt today. The tuberculosis outbreak in the early 1950s prompted the RCMP to

travel the eastern arctic aboard the infamous *C.D. Howe*, separating families and transporting infected Inuit to southern hospitals for treatment (Ibid, p.2). The *C.D. Howe* was employed by the federal government again in 1953 to transport Inuit families from their homes on the Ungava Peninsula in northern Quebec to the High Arctic Islands. The government's purpose at that time was ambitious: to pilot a relocation program that would see Inuit populate "unoccupied" regions of the High Arctic (Marcus 1995, p.2). These experiences, and others (Amagoalik 2000), contributed to a growing sense of economic and political marginalization among Inuit.

The sense of inequity grew as resource development progressed on land that was once used only by Inuit. With the expansion of Canada's resource economy in the postwar years, the federal government looked toward the untapped riches of the north for new economic opportunities (Abele 2009). In Nunavut and the NWT, mines were developed to supply the south with gold, nickel and other base metals. The first mine to open in what is now the Kivalliq Region of Nunavut was the Rankin Inlet Nickel Mine, which saw its first camp constructed in 1953 (McPherson 2003). But as development progressed, Inuit began to recognize the increasing disparity in social relations arising between *Qallunaat* (white people) and Inuit, and Inuit were recognizing that resource development was not providing them with the prosperity they deserved (Ibid). The right of Inuit to self-determination on their own lands had disappeared.

Decades later, Inuit have managed to regain some of that control. Inuit have settled in permanent communities and social relations have transformed from nomadic *-miut* groups living traditional lifestyles into a sophisticated society connected by modern telecommunications systems and a capitalist means of production (Mitchell 1996). As leaders grappled with the challenges of cultural and social change, land claims negotiators were persistent in their demands that Inuit would receive a fair share of, and control over, the surface and subsurface lands they had traditionally occupied. They negotiated a staggering array of collective rights, including the right to negotiate Inuit Impact and Benefits Agreement with mining companies, in exchange for the extinguishment of their Aboriginal title (McPherson 2003). But they also agreed to an arrangement with Canada that would see their domestic affairs determined within a public, not an Aboriginal, system of government, which will be referred to as an *Inuit public government*<sup>2</sup> throughout this paper. This study presents a conceptual framework focusing on the nature of that control, discussed in terms of Aboriginal-state relations and reciprocal and representative aspects

---

<sup>2</sup> Thanks to Lorraine Land for introducing me to this term

of democratic theory. This framework, I believe, is able to account for important aspects of the contemporary state of affairs in Nunavut politics. Today Inuit, through their historical pragmatism and powerful collective agency, are working through predominantly Euro-Canadian institutions to achieve their aspirations for self-determination in relation to the rest of Canadians, on their own terms and on their own land.

#### **1.4 CONCEPTUAL FRAMEWORK**

Comprehensive land claims agreements are modern day treaties that structure the relationship between Aboriginal people and Euro-Canadian society. In recent history, land claims agreements have been at the heart of resource development disputes, particularly in the territorial north. In the language of treaty federalism, they create the conditions under which two distinct nations are able to co-exist in a manner that respects the right of each to autonomy, self-determination and self-government. For some authors, the concept of treaty federalism “is essential for the elimination of the adverse effects of colonialism and systemic racism in the modern constitutional debate between colonial and Aboriginal peoples about the meaning of Canada” (Henderson 1994). But federalism is about more than constitutional relationships between separate nations. For Cairns it is about the common bonds and mutual empathy that foster and maintain a common citizenship (Cairns 2000, especially p.183).

Common bonds and mutual empathy are positive motivation for individuals and collectivities to join together in democratic deliberation. As a concept, public discourse emerges at the core of deliberative democratic theory, where it is defined as “the process of opinion and will formation that precedes voting” (Chambers 2003, p.308). As a political activity, discourse may be seen as the ideal procedure for democratic decision-making, aimed at ensuring the decision-making process results from the force of the better argument (Habermas 1975, p.108). At the centre of the concept lies the view that the legitimacy of an outcome depends on the quality of the argument and the reasons provided in its support (Habermas 1990, p.43-115). Based on the concept of discourse, Wiklund (2005) introduces the principle of ideal role-taking, which requires participants to adopt attitudes of reciprocity. Reciprocity is defined as “equal recognition of the claims of each participant by all others” (Habermas 1990, p.122). If these attitudes are absent, “the deliberative process, no matter how structurally equal, will not be productive” (Ibid, p.285). In effect, this research helps to illuminate how the process of land claims implementation

reinforces or transforms common bonds and attitudes of reciprocity and impartiality in Inuit-Inuit and Inuit-state relations.

The quality of democratic deliberation depends on the norms ascribed to democratic representation. Despite the movement toward greater citizen participation in government policy-making, political or bureaucratic decision-making still depends on the legitimate exercise of authority by elected representatives. This depends in turn on the transparency of processes and the accountability of leadership, as well as a more fundamental expectation that the interests of the public are reflected in the representative's decision. These basic requirements of good governance apply not only to elected representatives in government, but to those who exercise authority on their behalf. In the case of government officials participating in environmental assessment processes, there is an expectation that the positions they take are governed by the same standards of transparency as other policy-making processes. This research takes the view that any organization exercising collective rights on behalf of a population should be held to the same standards in decision-making as other representative governments.

Experts in treaty federalism recognize the complexity of the concept of self-determination ethically and in practice. Ethically, how do Canadians reconcile historic wrongs enacted against Aboriginal people without undermining universal principles of equality and fairness? Practically, what arrangements can be made such that Canadians and Aboriginal people can co-exist peacefully and with a sense of civility towards each other? In answer, Murphy (2005:9) calls for a relational form of self-determination that includes a sphere of autonomy for a collectivity but "recognizes that relationships of complex interdependence place both practical and ethical limitations on autonomy, creating the need for shared or co-operative forms of governance to manage this interdependence in a manner which is both effective and democratic" (Young 2000, p.258-60). This research draws heavily on the concept of relational self-determination because it presents a practical view of institutions, linking them to the concepts of reciprocity and interdependence that are at the heart of deliberative theory. The concept also provides a helpful way of structuring a discussion about the institutional arrangements that operate at the local, regional, territorial levels in Nunavut.

The common thread linking the concepts of discourse and self-determination is the notion that institutions affect the way people understand and value each other. But while a preponderance of

scholarship focuses on the principles and “high politics” of Aboriginal state relations<sup>3</sup> (for example Macklem 1993, 1995; McNeil 1996; Murphy 2001), the “actors, institutions and policy developments that are closer to the level of implementation of Aboriginal-state relations in Canada” has received less academic attention (Abele and Prince 2002, p.228, see also Murphy 2005). This research is intended to fill this gap by examining the unique example of relationships developing between land claims organizations and local public institutions in Nunavut, where Inuit participate to steer the course of mineral development as public citizens and as beneficiaries of the Nunavut Land Claims Agreement (NLCA).

## 1.5 CONCEPTUAL BOUNDARIES

Broadly speaking, this research is concerned with the way in which Inuit exercise rights to democratic self-determination in Nunavut through the institutions that have developed since the signing of the NLCA. In investigating the nature of this control, this research emphasizes the relationship between resource governance institutions and Aboriginal culture in a very specific way. There is a stream of literature exploring the normative foundations of Euro-Canadian and Aboriginal systems of governance. This scholarship asks how institutional justice can be achieved when Aboriginal people remain subject to Euro-Canadian norms of governance (Sinclair 1997, Macklem 2001, Delage and Warren 2006, Lajoie et al. 2006). In Nunavut this issue has practical significance as the Government of Nunavut struggles to ensure Inuit influence over government affairs is more than just a game of majority control (White 2009). To do this, the government is working to integrate *Inuit Qaujimajatuqangit* (“that which as been long known by Inuit”) into the formal workings of the public bureaucracy, a process that has received recent academic attention (Timpson 2006). But the fact remains that for the most part, the institutional structures in Nunavut largely reflect Euro-Canadian norms of governance.

The focus on the “Aboriginality” of governance institutions is only one aspect of the broader literature exploring circumstances of empowerment and marginalization in Aboriginal governance. The idea of Inuit empowerment extends into the policies and performance of contemporary representative structures. In a recent article, Natan Obed, describes how Inuit political development is grounded in the concept of the collective, explaining how since the 1970s Inuit

---

<sup>3</sup> Abele and Prince (2002, p.228) used this phrase to describe a genre of political science and legal scholarship focusing on treaty principles and normative foundations of Aboriginal-state relations.

leaders have worked toward achieving collective goals through the “Inuit representational movement” (Obed 2009, p.511). He argues that the collective is losing faith in the organizational structures established under the land claims agreements, and that these organizations must respond to community issues efficiently if faith is to be restored and Inuit are to be empowered. Suluk and Blakney (2008) make a similar point in their article about Inuit participation in scientific research. Mitchell (1996) explores how Inuit society has been transformed by the Western capitalist system. In her view, where social relations were once organized around family units and seasonal rounds, now “a significant body of Inuit continues to cooperate with the national ruling class, uncritically embracing the model of Western capitalism” (Ibid, p.450). From this perspective, I believe there is value in applying theories of representative and deliberative democracy in an exploration of local empowerment under Euro-Canadian institutions. The concept of reciprocity is also limited in its application to Euro-Canadian governance institutions rather than traditional Inuit forms of reciprocity that continue in social relationships in Inuit society today.

## **1.6 INSTITUTIONAL RELATIONSHIPS IN NUNAVUT**

Inuit-state relations occur at a number of levels in Nunavut. In the Inuit sphere, Inuit associations (IAs) representing Inuit land claims beneficiaries operate at the territorial level (Nunavut Tunngavik Incorporated), regional levels (Regional Inuit Associations and Regional Wildlife Organizations), and local level (Hunters and Trappers Organizations). These organizations interact with the federal (Government of Canada), territorial (Government of Nunavut) and municipal governments, collectively called the “public governments”. In Nunavut, popular control over municipal and territorial governments is exercised by Inuit, who constitute 85% of the population. In the resource governance arena, the Inuit and public spheres interact through co-management institutions called the Institutions of Public Government, which oversee land use planning (Nunavut Planning Commission), environmental assessment (Nunavut Impact Review Board) and water licensing (Nunavut Water Board). Though administratively independent, these co-management boards are primarily accountable to the federal government in their respective decision-making roles.

The tenor of these relationships is defined in large part at the national level. Inuit as represented by the Nunavut Tunngavik Inc. are suing the federal government for failure to implement specific provisions of the Nunavut Land Claims Agreement. The lawsuit is ongoing and represents the most recent in a series of attempts by Inuit to force the Crown to honour its land claims

commitments in areas such as funding for the Institutions of Public Government, environmental and socio-economic monitoring, and an ethnically representative public workforce. In a previous attempt at conciliation, the federal government and NTI jointly appointed Thomas Berger to advise on how to resolve land claims implementation conflicts that had stalled the implementation process. In his report, Berger offered a set of near-term solutions that proposed appropriate funding levels for the IPGs. His solution to the issue of an unrepresentative workforce in public government was more radical: he believed that the only way to ensure Inuit compose 85% of the government workforce is to ensure youth have access to effective bilingual education. Without it, he argued, Inuit will not have the skills necessary to compete with non-Inuit for employment and influence in the public service (Berger 2006).

At the heart of the problem is the question of interpretation – a belief on the part of Inuit that the federal government is implementing the letter, rather than the spirit, of the Nunavut Land Claims Agreement. In a recent report of the Standing Senate Committee on Aboriginal Peoples, Senators echoed this perspective, stating “the committee finds the challenges related to the implementation of modern treaties have meant that the achievements these agreements represent are often overshadowed. In particular, the committee was troubled by the narrow approach to treaty implementation adopted by the federal government” (Canada 2008b, p.viii). In the committee’s view, “failure to properly implement the provisions of the modern treaties puts Canada at risk for generating new legions of broken promises” (Ibid). In effect, the Senate Committee echoed the views of NTI and 10 other land claims groups that have organized into the Land Claims Implementation Coalition, calling for a “federal commitment to achieve the broad objectives of land claims agreements and self-government...as opposed to the mere technical compliance with narrowly defined objectives” (LCAC 2006, p.2).

In this elevated conflict over land claims implementation, the focus is on the relationship between Inuit and the federal government. But other issues come into play as local relationships form through the process of resource governance. Specifically, Inuit associations with direct authority to negotiate with mining companies through exploration agreements and Inuit Impact and Benefit Agreements have been accused of lacking transparency and accountability. Meanwhile municipal-Inuit relations have been strained over unequal access to the fiscal benefits of mineral development. Municipalities do not have the same access to the direct economic benefits of resource development as Inuit associations. Thus, although Inuit enjoy control over the Inuit affairs as land claims beneficiaries and public affairs as the constituent majority in the territory,

one wonders how land claims agreements influence locally manifested attitudes of reciprocity.

## **1.7 RESEARCH OBJECTIVES**

This thesis explores the relationship between Inuit and their institutions, focusing on local experiences of representation and attitudes of reciprocity. The findings will reveal factors that may affect local democratic engagement and the ability of Inuit to achieve self-determination in the non-renewable resource sector. Using Nunavut's resource governance arena as the case study, this research is designed to address the following objectives:

1. To develop a conceptual framework to guide research into democratic self-determination in resource governance in Nunavut;
2. To describe the institutional relationships that set the context for resource governance and democratic self-determination in Nunavut;
3. To explore how those relationships reflect individual attitudes toward institutions and resource development; and
4. To interpret these attitudes and explore their affect on democratic self-determination

## **1.8 A NOTE ON LANGUAGE**

Inuktitut words will be used throughout this thesis. Inuktitut is, for the most part, the first-acquired language of Inuit in Nunavut (Berger 2006). Inuit of the western Kitikmeot Region, however speak a dialect known as Innuinaqtun, which is in an advanced stage of erosion in many communities (Ibid). The word *Nunavut* means "Our Land" in Inuktitut. *Nunavummiut* means "the people of Nunavut", which includes Inuit and non-Inuit residents of the territory. Thus, Nunavummiut are represented by the public governments. This is used differently from the word *Inuit* (sing. *Inuk*), which is used to identify ethnicity. Inuit are the Aboriginal people of Nunavut who define their collective rights as beneficiaries of the Nunavut Land Claims Agreement. Thus, the birthright corporation Nunavut Tunngavik Incorporated represents only the Inuit beneficiaries of the Agreement, while the public government represents all Nunavut citizens, including Inuit.

## **1.9 METHODOLOGICAL APPROACH AND CASE STUDY**

In practical terms, this paper presents a critical exploration of resource governance in Nunavut, using a case study approach to uncover local attitudes and experiences. This approach was taken for a number of reasons. First, there is very little literature on the subject. Where academic literature exists on this topic, it tends to focus on renewable resource management processes in Nunavut (e.g. Suluk and Blakney 2008). Other scholars who have focused on non-renewable resource management have looked to the Northwest Territories as their case example, exploring environmental assessment and planning regimes from an institutional perspective (Armitage 2005; Fitzpatrick et al. 2008). None of these studies has inquired into local experiences of non-renewable resource governance and what these experiences say about representation and reciprocity at the local level. The case study approach uses rich description to generate new insight into local experiences.

In Nunavut, there is significant potential for local, equitable, democratic engagement to occur in resource governance. This is because of the kind of institutions that have arisen from the signing of the Nunavut Land Claims Agreement in 1993, an important development in the history of Aboriginal-state relations in Canada. Not only did the NLCA cede to the Inuit people of the Eastern Arctic unprecedented surface and subsurface holdings of land, it constitutionally enshrined separate Inuit institutions to manage the process of implementing the land claim and exercising collective rights. In the language of relational self-determination, this constructs a form of autonomy I will call the Inuit sphere. The land claims agreement also called for the establishment Institutions of Public Government, whose purpose was to protect public interests in lands and resources while protecting Inuit rights and interests within what would become the new Territory of Nunavut. These institutions help to manage interdependence between the Inuit sphere of autonomy and the public sphere through co-management arrangements that balance quasi-judicial powers governing land use planning, environmental assessment and water licensing.

On April 1, 1999 the Government of Nunavut (GN) was established. The GN is a public government similar in form to the Northwest Territories that oversees the affairs of the public sphere of autonomy. It is held accountable to the 85% Inuit majority through a Legislative Assembly, that has jurisdiction over many areas of public life except, as it turns out, Crown lands and resources. Thus, Nunavut represents a unique example of a jurisdiction in which shared bonds and shared allegiances are likely to emerge in relation to a set of local institutions that demand

local participation in order to function. A decade later after its establishment one would presume that Inuit, individually and collectively, are exercising far-reaching political control and influence within the scope of these new political arrangements.

Recently, however, evidence suggests that Inuit experiences of resource management practices have been less empowering than expected. For instance, Suluk and Blakney (2008) explore subversive acts of resistance practiced by the older generation of Inuit involving the strategic use of scientific and traditional knowledge. The resistance is explained in reference to the perspective of Inuit who “thought that the settlement of land claims and the creation of a new territory designed to allow northern people to participate in new development of their traditional homelands would be the solution” to a contemporary Inuit dilemma: how to retain a traditional lifestyle while providing opportunities for their youth to participate in Euro-Canadian society (Ibid, p.65). According to the authors, the experience of land claims implementation has been one of alienation from the new government, disempowerment under co-management arrangements, and continued paternalism resulting from non-Inuit financial management priorities that keep the “ordinary Inuk” from expected per-capita compensation payments. This has created resentment among Inuit who feel that, contrary to the perceived aims of the land claims agreement, people’s livelihoods remain subject to control by outside forces.

This perspective would appear to contradict the findings of research from other jurisdictions suggesting comprehensive land claims institutions have actually served to empower land claims groups like the Inuvialuit to “embrace the substantive aspects of Canadian citizenship” (Stern 2006, p.113). In the former case, attitudes of reciprocity appear to have been undermined at the local level by attitudes of solidarity and acts of subversion. In the latter case, it was the reaction by Inuvialuit leaders that caused the researcher to conclude that economic empowerment has created attitudes of reciprocity and common purpose on the part of the Inuvialuit collective. Certainly these perspectives are not mutually exclusive. Under what circumstances would it not be surprising to find an elite leadership out of touch with the attitudes and expectations of their constituencies? At the same time, attitudes towards institutions and political representation are never homogeneous. This research is a practical attempt to understand whether each of these perspectives is an accurate reflection of local attitudes in Cambridge Bay, Nunavut.

The community of Cambridge Bay, Nunavut, was selected as the site to conduct qualitative research into the attitudes of individuals toward their institutions. This site was selected because

residents have had years of experience with resource development in the Kitikmeot Region, and because I had a number of contacts in the region through my work as an exploration geologist. Twenty-eight interviews were conducted with a total of 38 research participants between August 29 and September 30, 2005. This was followed by a 3 year period in which I worked for the Nunavut Impact Review Board and the Government of Nunavut in the area of environmental assessment and resource development. Between January and July 2009 I completed the data analysis, conducted a follow-up review of the relevant literature, and wrote this report.

The findings of this research suggest that relationships among individuals and institutions in Cambridge Bay are more complex than the available literature would suggest. Interviews with Cambridge Bay residents suggest that attitudes of reciprocity between Inuit and public spheres are complicated by long-standing attitudes of solidarity that flow from a history of colonialism and marginalization. These attitudes are reinforced in the resource governance arena by a continued structural dependency of Inuit on the public sphere for programs and services to support Inuit employment and economic development. In addition, despite numerous opportunities for Inuit to participate directly and indirectly in resource governance processes, the governance system is found to exhibit anti-democratic qualities that prevent discourse from occurring in both the Inuit and public spheres.

These findings were generated through a process of participant observation and in depth interviews with Cambridge Bay residents. The focus of these activities has been on the institutions and decision-making processes surrounding the Nunavut Impact Review Board (NIRB) Part 5 Review process for the Doris North Gold Project. The NIRB is an Institution of Public Government responsible for overseeing the environmental assessment process for major projects in Nunavut. Inuit associations, municipalities, territorial and federal government departments, and other stakeholders act as interveners in that process by reviewing environmental impact statements, participating in industry consultations and attending public hearings. As a deliberative forum, the impact review process acts as the arena in which attitudes and behaviours of the different actors are expressed. With the help of Cambridge Bay residents, many of whom participated in, or are familiar with, the NIRB review process as representatives of various organizations, specific attitudes and behaviours towards institutions, representation and participation in decision-making are interpreted and analyzed.

This research draws extensively on academic literature, government documents and extensive interviews. That said, much of this research has been also guided by my personal experiences living and working in Nunavut. From 2001 to 2005 I worked as a field geologist, at various times for both government and industry in the Qiqiktaaluk and Kitikmeot Regions of Nunavut. Since 2006, I have lived and worked in Cambridge Bay and Iqaluit as an employee of the Nunavut Impact Review Board (2006-2007) and the Government of Nunavut (2007 – 2009). My own understanding of events and political forces has undoubtedly influenced the selection of the case study and the interpretation of the research data. The practical conclusions reached at the end of the paper are my own, drawn from the analysis of text and interview responses as well as my own understanding of the politics of resource development in the territory.

This thesis unfolds conventionally, illustrating the methodological and conceptual foundations of the research, presenting and analyzing the case study finding, and discussing how those findings answer the research questions posed in the introduction. Chapter 2 discusses the methodological approach taken to this research and the field work conducted in September 2005. Chapter 3 explores the concepts of self-determination and democracy as defined in the literature on Aboriginal-state relations and democratic theory. In this chapter I present a conceptual framework used to guide the inquiry into institutions and local attitudes that explored in the subsequent case study chapters. Chapter 4, the first case study chapter, describes the institutional arrangements governing resource development in Nunavut and examines two circumstances in which local conflict has arisen as a result of the implementation of these arrangements. Chapter 5 presents the findings of the Cambridge Bay interviews, focusing on local attitudes toward development, political organizations and public participation in decision-making. Chapter 6 presents the analysis of the research findings, combining the richness of local experiences with what is known about institutional actors. The analysis suggests that a history of colonialism, economic marginalization and negative attitudes toward the public government may overshadow positive attitudes of reciprocity. But these attitudes are not universally held. Divergent values concerning mineral development, as well as structural features in the Inuit sphere, contribute feelings of marginalization among some Inuit relative to their representative organizations. Chapter 7 presents the conclusions of the study, explaining how these perspectives on social realities contribute to a more general understanding of local processes of democratic self-determination in Nunavut.

## **CHAPTER 2: RESEARCH METHODOLOGY**

### **2.1 INTRODUCTION**

This chapter describes the qualitative research methodology employed to investigate local experiences of representation and attitudes of reciprocity in resource governance in Nunavut. The conceptual approach to research is discussed in Section 1, which provides the rationale for the case study approach and the process of knowledge generation. The qualitative research methods are then discussed in Section 2, including the literature review, field work in Cambridge Bay, interview techniques and participant observation. The way this information is used in data analysis is discussed in Section 3. All of this research has been conducted in compliance with ethical codes, as discussed in Section 4.

### **2.2 RESEARCH APPROACH**

This study is qualitative in nature, meaning that it attempts to “make sense of, or to interpret, phenomena, in terms of the meanings people bring to them” (Denzin and Lincoln 2000, p.2). The benefit of the qualitative approach is that it can be used in situations where a particular social phenomenon has received minimal study or attention (Creswell 1994). This is the case in Nunavut, where very little has been written on local experiences of resource development, particularly from the perspective of democracy and self-determination. The purpose of qualitative research is to create a depth of understanding about the social world based on rich contextual information such as documents, interviews, and journal entries, and from there to generate new interpretations of concepts and issues that define the problem under study (Snape and Spencer 2003). For this form of research to be judged credible, these interpretations must reflect the meanings people give to the social phenomena in which they participate (Lincoln and Guba 1985).

#### **2.2.1 Case Study Approach**

A case study approach allows the researcher to explore relationships between concepts within the context of the everyday, which is particularly helpful in cases where the boundaries between the phenomenon of study and the context are unclear (Yin 1994, p.4). Case studies seek to identify and describe the construction of social reality before an attempt is made to analyze and theorize. Through the case study, new insights into the relationships among concepts are developed using inductive reasoning to explore the relationship between concepts and context of the everyday. In

inductive inquiry, “rather than being externally imposed by a naïve researcher, one’s theoretical constructs and operationalizations of them should emerge from the process of exploratory inquiry; one must first take the time to understand the meaning that participants attach to different situations and behaviours” (Palys 2003, p.58). Thus, the process of conducting inductive, qualitative research is perspective dependent.

Social science and interdisciplinary researchers are increasingly adopting methodological principles that favour context-specific interpretations to account for the complexity of social phenomena (e.g. Waltner-Toews et al. 2004). From an ethical standpoint, other researchers have chosen methods that encourage previously illegitimate or marginalized perspectives about social life to be acknowledged and interpreted “to lucidly communicate what it means to be dwelling heterogeneously all over this planet in the new millennium in complicated and unstable situations.” (Clarke 2005, p.xxix). This is consistent with a view of political science that suggests political analysis should no longer be done without reference to values (Birch 2007). If it is assumed that the task of political science is to make sense of events and political developments, there is a corresponding requirement to describe political behaviour which, in each distinct society requires an understanding of the values and assumptions of that society. According to Birch (2007, p.287), “this can be done by the scholar who...acquires insights into each country’s political culture, its assumptions about political authority and leadership, [and] its beliefs about public participation in politics and individual rights...”. Thus, from an interpretive standpoint, it is useful to understand and communicate the meaning and purpose of events and actions both as they are experienced locally and as they relate to the author’s own social and cultural viewpoint. Historically informed research that attempts to interpret actions and values is particularly informative in efforts to understand the justification of actions and the legitimization of claims to power, and has provided useful insights into the conditions leading to the transfer of power from the central state to local Aboriginal communities (e.g. Jaccoud 2006). Using this approach, it is possible to interpret links between the norms and values shaping institutions and the behaviour of actors in Nunavut on the one hand, and the history of Aboriginal-state relations in the Canadian north on the other.

The case study approach was used to establish the context in which Nunavummiut experience democratic self-determination through resource governance. In this particular case study, primary and secondary literature, participant observation and in-depth interviews were used to triangulate data, increasing the ability to confirm the data and thus the credibility of research results. Lack of

generalizability is another common prejudice against case study research. According to Lincoln and Guba (1985), transferability is the remedy for the “axiom of naïve realism” upon which generalizability is dependent. For research to be transferable, the burden of proof lies with the one making the transfer, not to the researcher. The researcher is required to design a study with enough description such that other researchers may judge whether the knowledge generated by the case study is applicable or transferable to other social settings. The key is to communicate the constructs and operationalizations clearly (Palys 2003:58), ensuring the links between theory and social phenomena are rigorously examined.

In a broad sense, resource governance in Nunavut is the case study used to develop insight into the “actors, institutions and policy developments that are [close] to the level of implementation of Aboriginal-state relations in Canada” (Abele and Prince 2002, p.228). Media reports from around the territory and statements from the territorial Hansard (the official record of debate in the Legislative Assembly) are employed to provide preliminary information on policy developments and local experiences of governance. Resource governance in Nunavut was selected for the following reasons:

1. Nunavut is a jurisdiction in which Inuit have a variety of opportunities to exercise self-determination through the Inuit sphere of autonomy, the territorial government and the Institutions of Public Government. Despite this, evidence in the media suggests local experiences of resource governance challenge the democratic character of the decision-making regime (Scottie 2008). The reasons for this are unclear, and may or may not be explained by the principles of Aboriginal-state relations.
2. Decision-making around mining is becoming an important socio-political issue in Nunavut. However, improvements to the decision-making process will not occur until gaps in our understanding of democratic practice under circumstances of relational self-determination are filled.
3. Nunavut is a new jurisdiction in Canada with a new set of institutions governing decision-making and resource development which may lend new insights into the application of concept of Aboriginal self-determination.

Unfortunately, the topic of resource governance in Nunavut is too broad for the purpose of this Masters research. Thus, the experiences of Cambridge Bay residents in the environmental assessment processes for the Doris North Mine create the context-specific information needed to richly interpret the experience of actors at the local level. Cambridge Bay was selected for a number of reasons. First, the community has had experience with mineral development going back to the 1960s, when the Hope Bay Belt was first discovered, and later as the Lupin Mine was built near Contwoyto Lake. Other projects such as the Ulu gold project and the High Lake project have been identified as potentially significant deposits for decades. More recently, the Diavik and Ekati projects have drawn labour from Cambridge Bay and Inuit Impact and Benefits Agreements have been negotiated for those projects with Kitikmeot Inuit. Secondly, Cambridge Bay is the regional hub for administrative activities and transportation in the Kitikmeot Region, increasing the likelihood that local residents would be involved with the issues involved in mineral development. Thirdly, I already connections with Cambridge Bay people through my previous work.

The case study approach often privileges in-depth inquiry into the case itself. The purpose of case study research is to understand the case, typically in terms of actions or activities (Stark and Torrance 2006). This is why case study research often emphasizes the use of rich description (Geertz 1973). For the purposes of this thesis, a balance is sought between a rich description of the actors, institutions and policies operating in the resource governance arena, and the explication and grounding of the substantive theory of Aboriginal-state relations in the experiences of Inuit at the local level.

## **2.3 QUALITATIVE METHODS**

### **2.3.1 Participant Observation**

Throughout this research I have played the role of both participant and observer. I began in 2001 as a distant observer, walking the central Baffin tundra as a government geologist without knowing the first thing about the people whose lives I was affecting. My work for Miramar Mining Corporation in the Kitikmeot Region exposed me to the mining industry, the Doris North project, and the local people who worked shifts in camp. So when I started my research at Waterloo in September, 2004, I was already developing a perspective on mineral development in Nunavut.

My field work in Cambridge Bay lasted one month. During this time I did a lot of observing and listening, which ultimately served two purposes. First, it kept me attuned to my purpose – I was there to complete my research tasks, and one of these was to observe and record. Secondly, my quietness helped me to form relationships in the community. I had already met a number of Cambridge Bay people from my work with Miramar, but now I had to meet more people, more quickly. Eventually I learned that forming relationships for research involved the same kind of authenticity required to share common meals: reciprocity, time, care and good humour. Thus, in preparing myself as a researcher (Esterberg 2000) I learned to become a host.

The relationships I formed in Cambridge Bay led me to move there in January 2006. From then on, I participated in community and professional life as a town resident and an employee of the Nunavut Impact Review Board. I left in 2007 to work for the Government of Nunavut, where my experiences have taught me about the high level institutional relationships among Inuit, territorial and federal actors. Ultimately, the findings of this research will be presented to research participants in the form of an executive summary, which may or may not benefit the people of Cambridge Bay in a meaningful way. I hope that my ongoing relationship with the people and organizations of the territory will benefit others in the longer term.

### **2.3.2 Field Work**

I chose Cambridge Bay as my field work location because of its residents' past experience with mineral exploration and mining at various locations within the Kitikmeot Region and the fact that members of the community had been involved in the two environmental assessment processes for the Doris North mine. Cambridge Bay is also the administrative centre of the Kitikmeot Region where the headquarters of some of many regional and territorial organizations are located. Lastly, I had developed a network of support for my research in Cambridge Bay: friends of mine who I met through gold exploration work on the Hope Bay Belt lived there; Miramar Mining Corp. supported my research by flying me into the community; Nunavut Tunngavik Inc. provided me with office space for a month; and the Nunavut Water Board arranged for me to stay in their staff house.

### **2.3.3 Literature Review**

I began the literature review in 2004 with a broad scan of the academic literature on public participation, community development, democratic theory, public administration, environmental management and complex systems theory. It became clear to me that I needed narrow my review, so after my academic hiatus I began again in 2008 and focused more specifically on Aboriginal-

state relations and democratic governance. Specifically, the work of Cairns (2000), Murphy (2005), and White (2002) influenced my preliminary thinking about Aboriginal-state relations. The work of Wiklund (2005), Stewart (2001), Fraser (1997), Habermas (1990) and Connolly (1969) contributed to my thinking on pluralism and deliberative democracy. The terms “Aboriginal self-determination + Canada”, “Aboriginal governance + Canada”, “discourse + environmental assessment”, “land claims + implementation + Nunavut”, “resource management + politics + Nunavut” and “Aboriginal self-government + Canada + representation” were entered into the JSTOR research database between January 2009 and March 2009. These results were pared down to those that included reference to the territorial north and Nunavut. Background reading in social and political theory occurred in a less structured manner, with basic readings (e.g. Ball et al. 2006) leading to investigations into more complex topics (e.g. Fraser 1997, Habermas 1990).

A document search was also performed on the Nunavut Impact Review Board’s Public Registry in November 2004 and again in January 2009 to ensure complete and up-to-date information on public participation policies and procedures was included. The NIRB Guides, the NIRB Rules of Procedure and selected documents from past Part 5 reviews were used in the analysis of the EA process.

#### **2.3.4 Semistructured Interviews**

Semi-structured interviews with key informants were used to obtain primary data about the way residents of Cambridge Bay thought about mineral development, community, institutions and decision making. The goals of semi-structured interviews is to “explore a topic...openly and to allow interviewees to express their opinions and ideas in their own words” (Esterberg 2002, p.87). Selection of participants was based on their relationships with other participants using a snowball sampling technique (Neumann 2003). Over the course of each interview, I asked each participant to recommend others involved in the review process who may have had information or opinions regarding local participation in the process. In this way, a network of individuals closely connected to the decision making process was constructed.

The principle of locally grounded multiple perspectives requires that all relevant perspectives are accounted for in this research. This was accomplished by seeking out multiple centres on which to start the snowballing technique. Furthermore, as agents and positions must be untangled

sufficiently “to make contradictions, ambivalences, and irrelevances clear” (Clarke 2005, p.xxxix), the more perspectives accounted for the more credible and confirmable the results will be.

Interviews were semi-structured in order to help people feel they were taking part in meaningful discussion rather than being harvested for information. An interpreter was available if needed. A list of interview questions is provided in Appendix 3. These questions were designed to open up conceptual or practical areas of inquiry that were not established previously.

Twenty-eight interviews were held between August 29<sup>th</sup> and September 30<sup>th</sup> 2005. The majority of these were one-on-one and face-to-face, however nine elders participated in a lunch and information gathering session; three health workers participated in a group interview; and one telephone interview was held with an official stationed outside of Cambridge Bay. In total, 38 individuals participated in interviews and information gathering sessions.

The views expressed were those of community members, government officials, politicians, administrators from Inuit associations and mineral development workers and their families (Table 1). Sixteen of the 38 local participants were women. Nine were elders. Two participants represented Inuit youth to various organizations at the regional, territorial and national levels. Interviews were conducted with individuals in their capacity as: municipal politicians including the mayor (5 participants), municipal officials working in community economic development and community wellness (2), the local MLA (1), officials from the Department of Health and Social Services (GN) (7), an official from the Department of Education (GN) (1), officials from the KitIA (4), officials from NTI (5), representatives from the National Inuit Youth Council (2), officials from the Institutions of Public Government (Nunavut Planning Commission and the Nunavut Impact Review Board) (2), journalists (1), and officials from the local Housing Association (1).

**Table 1: Interview number, type of data, and participant’s primary affiliation: Government of Nunavut Official (GN), Hamlet Official (HAM), Inuit Association Official (IA), Institution of Public Government Official (IPG), Unaffiliated (PUB).**

<b>Interview #</b>	<b>Type of data</b>	<b>Affiliation</b>
1	Transcription	HAM
2	Transcription	PUB
3	Transcription	IA
4	Transcription	HAM
5	Transcription	GN
6	Transcription	IA
7	Transcription + notes	PUB
8	Transcription	IA
9	Transcription	IA
10	Transcription	GN
11	Transcription	PUB
12	Transcription	IA
13	Transcription	IA
14	Transcription	IA
15	Transcription	GN
16	Transcription	GN
17	Transcription	IPG
18	Transcription	GN
19	Transcription	PUB
20	Transcription	GN
21	Transcription	IA
22	Transcription	PUB
23	Transcription	IA
24	Transcription	GN
25	Transcription	IPG
26	Notes	PUB
27	Transcription	HAM

Many of these individuals occupied a variety of roles within the community. It was common for one individual to have multiple public roles. Frequently, it came to light during conversations with participants that they had not only held multiple public roles at the time of field work, but had participated in many other public functions in the past. Furthermore, many of the participants had experiences with mining and resource development that went beyond their public roles, and discussions often extended to include opinions based on private life and personal experience.

The reactions of potential participants to my requests for interviews were varied. Some were extremely positive about my research, enthusiastically agreeing to a meeting or even approaching me to ask if they could participate. Others were indifferent and, depending on their personality, lukewarm or friendly to my requests and agreed to a meeting without pressure. This was the majority reaction. High ranking officials were generally difficult to access, particularly at the Inuit associations where duty travel required extensive time away from the office. Despite their time constraints, many of these officials were still willing to fit me into their schedules given enough notice. Finally, there were individuals who, for undisclosed reasons were not willing to participate in interviews.

Interview questions were designed to take advantage of the multiple roles held by individual participants. Each interview began by inviting the participant to describe their present and past roles within the community. Many questions were designed to elicit information about the role of the individual within their organization and the role of their organization within the community and within the mineral development decision making process. Officials were not asked to give personal opinions about these topics.

Some questions were worded to allow flexible interpretations by the participant. These questions pertained specifically to the equitability and effectiveness of the environmental assessment and the IIBA negotiation processes. Here, participants could respond from either a personal standpoint or an official standpoint. I left it up to them to decide which perspective they wished to represent. Other questions were designed to elicit personal opinions on a variety of topics including: defining the community of Cambridge Bay; defining a healthy community; and Inuit – non-Inuit relationships within the community. A list of topics and specific questions asked during interviews in Cambridge Bay may be found in Appendix 2.

The style of interview varied with the participant. For government officials, business people and others who I assumed because of their official position would be comfortable in a conventional interview setting, a mini-disc player with external microphone was used to record the interview. Usually I gave the interview preamble including a request to record the interview while I readied the recording equipment. If I felt uncomfortable, or if the participant appeared uncomfortable with the interview for any reason, I would give the preamble before bringing out the recording equipment, asking first if the participant felt comfortable and would agree to being recorded.

I interviewed a group of elders toward the end of my stay in Cambridge Bay. The experience was positive due to the enthusiasm and good will shown to me by the group. This group interview was conducted with the assistance of James Paneoyak, an experienced interpreter who agreed to work for me for a small fee. I explained the purpose of my research to the elders and asked their permission to use their opinions in my work. They agreed and signed release forms that were explained by the interpreter. In recognition of their help, a meal was prepared for the group at the elders centre and we ate together before the interview began.

There were instances when individuals did not want to be recorded. At those times I relied exclusively on my note-taking abilities. I took notes on my laptop during the interviews and was able to type quickly enough to effectively summarize the ideas presented by the participants as I went along. The recordings would supplement these notes later and act as a dependability check. Occasionally, I felt it necessary to cease note taking and focus solely on the participant. This occurred in interviews where I sensed that my note taking was either inappropriate or created discomfort for the participant. At these times I ceased note taking and later transcribed the recordings.

## **2.5 DATA ANALYSIS**

One way to approach interview data is by using techniques which see the investigator as an instrument. McCracken (1988:18) suggests two such techniques – matching and imaginative reconstruction. In matching, interviewers use their own experiences to explain ideas and actions of participants. I chose this technique for a number of reasons. First, I was limited by the amount of time I was able to spend with each research subject. Second, when I conducted the interviews I was still in the early stages of understanding my research topic. In order for the second of McCracken's techniques to be effective in evaluating a specific administrative regime, I would argue that the interviewer must be able to interpret the world of the interviewee as well as the conventional policy world. My focus early on in the research was to understand the policy world and local perspectives on it.

To that end, a number of question categories were developed. The first category of question was intended to uncover details of how the environmental assessment system worked with regard to organizational relationships and participation of organizations and individuals in the EA and IIBA

decision—making processes. The second category of question was intended to help develop a clearer understanding of how local people thought about participation in decision-making. Specific questions focused on the constructs of effectiveness and representation in decision-making. Analysis consisted of grouping the responses into themes and constructing relationships between those themes and the concepts of social justice. Of particular interest were gaps between what the literature and the local public considered to be a just system of decision-making. Together, these two categories of questions uncover the actions and strategies employed by actors in the environmental assessment system, their potential motivations, and multiple local perspectives on the performance of the system. These perspectives are augmented by local media reports and debates in the Nunavut Legislative Assembly from 2005 – 2009.

## **2.4 RESEARCH ETHICS**

This research received ethics clearance from the University of Waterloo Office of Research Ethics pursuant to ORE# 12339. It also received ethics clearance from the Nunavut Research Institute prior to field work in the fall of 2005. Research was conducted according to the Ethical Principles for the Conduct of Research in the North, developed by the Association of Canadian Universities for Northern Studies (Association of Canadian Universities for Northern Studies 2003).

## **2.6 CONCLUSION**

Qualitative social science research methods have been used to carry out this research into local experiences of democratic self-determination in resource governance in Nunavut. The following chapter outlines the conceptual framework to guide my investigation, and the political landscape that is its focus.

## **CHAPTER 3: CONCEPTUALIZING DEMOCRATIC SELF-DETERMINATION IN NUNAVUT**

### **3.1 INTRODUCTION**

This chapter describes the conceptual framework used to guide the research. The conceptual framework was developed iteratively, and locates the research at the intersection of the fields of Aboriginal-state relations, pluralism and deliberative democracy. On their own, none of these theories are capable of explaining how local control operates through the complex relationships between individuals and collectivities, and among public, Inuit and shared rule institutions. The theory of Aboriginal-state relations applied in this research highlights the need to develop common bonds and shared empathy between Aboriginal and Euro-Canadian spheres, and acknowledges the importance of managing both autonomy and interdependence. On its own, however, it says little about how local control operates within these spheres. On the other hand, deliberative and (conventional) pluralist theories of democracy say little about the exercise of control in governance arrangements characterized by distinct Aboriginal, shared, and public institutions. Pluralism views political relationships from the perspective of conflict and strategic bargaining among representatives, behaviours that we shall see exhibited in Inuit-state relations at the local level. But in its conventional form, pluralism emphasizes conflict over mutual empathy and reciprocity, the latter being a state of relations that is more aligned with the proposed norms of relational self-determination. With its emphasis on discourse, deliberative democracy is an alternative perspective on politics that focuses on the concept of reciprocity. The value of this framework is its power to capture both pluralistic and discursive aspects of Inuit-state relations at the local level, and identify factors that lead to attitudes of reciprocity between representative organizations.

### **3.2 RELATIONAL SELF-DETERMINATION**

The concept of self-determination is central to a discussion of institutional arrangements and the exercise of authority by Aboriginal people. Its roots are located in the norms of Western democratic governance, where democratic self-determination of citizens is realized through the rule of law and popular sovereignty, both of which have been identified as complementary sources of political legitimation (Habermas 2001). But this definition neglects the importance of identity

in the discourse on self-determination, expressed by Rosemary Kuptana to the Royal Commission on Aboriginal Peoples as follows:

The implementation of our right to self-determination will be pursued in a cooperative and practical manner with all Arctic States including Canada, but the Inuit agenda is first and foremost premised upon our recognition as a people. We are a people who have been subjected to the sovereignty of Canada without our consent, without recognition of our collective identity as a people and in violation of our right to self-determination under international law. This must be rectified by several initiatives: the negotiation of regional self-government agreements, constitutional entrenchment of the inherent right of self-government, and the full recognition of the right of indigenous peoples to self-determination, under international human rights standards. (Royal Commission on Aboriginal Peoples 1996)

In the discourse of Aboriginal rights, concepts such as prior sovereignty and prior occupancy have been used to argue for the expansion of collective rights to self-determination through self-government for Aboriginal people (Macklem 1995). In Canada, the concept of Aboriginal self-determination relates to the discourse of Aboriginal nationalism, which grew in reaction to the federal government's White Paper of 1969 which proposed a policy of assimilation, including an end to the *Indian Act*. This proposal met with strong opposition from Aboriginal groups, who saw the proposal as an attempt to dismiss any responsibility for a history of political marginalization and the colonial practices of Euro-Canadian society (Cairns 2000). Thus, Aboriginal nationalism is a position that asserts the distinctiveness of Aboriginal societies, demanding Canadians recognize the right of Aboriginal people to

determine their own political destiny free from external domination, as far as possible, and to negotiate relationships with other communities and governments predicated on principles of co-equality and mutual consent. (Murphy 2005:9)

Since the Supreme Court of Canada's decision in the *Calder* case in 1973, Canadian society has had to reconcile the co-equal rights to self-determination for both Aboriginal and non-Aboriginal people with its existing governance structures. Based on the court's ruling that Aboriginal title to Nisga'a lands had not been extinguished, the federal government was forced to open up a new round of treaty negotiations with Aboriginal people (whose title to lands had not been ceded to the

Crown through pre-existing treaties). The 1973 Comprehensive Land Claims Policy, reaffirmed in 1981, was designed to “obtain certainty respecting ownership, use and management of lands and resources by negotiating an exchange of claims to undefined Aboriginal rights for a clearly defined package of rights and benefits” (Canada 2009). Since then, federal policy has evolved, such that in 1995 it recognized the right of Aboriginal self-government as a subject of negotiation (Ibid). Hence the Nunavut Land Claims Agreement, signed in 1993, did not include a self-government arrangement.

The concept of Aboriginal nationalism is challenging for both Aboriginal people and Euro-Canadian society on empirical and normative grounds. First, it is complicated by what critics point to as the empirical challenges of Aboriginal self-government, such as the fact that many Aboriginal communities are too small to have the capacity to govern themselves through sovereign governments (Cairns 2000). They also point to the growing urban Aboriginal population and question the practicality of land based-governments to speak for such a dynamic, heterogeneous group (Ibid). According to Murphy (2005, p.9), these empirical conditions have led to alternative propositions about the relationship between Aboriginal people and the state. For instance, Cairns (2000) proposes that the relationship be structured around the metaphor of “Citizens Plus” which constructs Aboriginal identity as tied to Aboriginal and Canadian forms of citizenship and challenges the nationalist paradigm that views Aboriginal people and Canadian society as separate and distinct. According to Cairns (2000, p.194),

This image of separate actors, each with a distinct existence, once again distracts our attention from the political and constitutional reality that federal and provincial governments do not speak only for non-Aboriginal Canadians and that the spokespeople for the individual Aboriginal nation or party do not monopolize the entire identity of those they represent.

Thus, the task is to focus on the “practical meaning of shared membership in the category ‘citizen’ and the nature and extent of the ‘plus’ category, rather than on the very different nation-to-nation terminology that pays little attention to our commonalities” (Ibid, p.65). In the face of an overwhelming discourse of difference under a nation-to-nation relationship, the task is “to devise institutional incentives that over time will encourage the normal divided identities of federalism as well as an Aboriginal identity” (ibid, p.90). Along these lines, Murphy (2005) advocates for a “relational” understanding of self-determination which limits group autonomy by recognizing

ethical and practical limitations imposed by complex interdependence. This creates “the need for shared or cooperative forms of governance to manage this interdependence in a manner which is both effective and democratic” (Murphy 2005, p.10). As we will see below, Nunavut embodies a jurisdiction in which shared and autonomous forms of institutions interact in a way that was intended to maximize the potential for Inuit to realize self-determination.

### **3.2.1.1 Inuit Autonomy**

Autonomy has been defined as “an Aboriginal collective’s right to govern itself without external interference or domination” (Ibid), where the process of governing involves substantive decision-making power and the ability to create laws, set priorities and make policy. Autonomous governance also involves processes through which Aboriginal people are able to elect their own leadership and hold political representatives accountable in a manner that reflects the will and culture of the Aboriginal constituency. The definition of relational self-determination accounts for the limits of this autonomy, which exist for any self-governing nation whose wellbeing depends on trade, treaties and other forms of nation-to-nation interdependence. But this interdependence is of co-equal nature, rather than one of domination through hierarchy (Legare 1996). In Nunavut, the Nunavut Land Claims Agreement provides the collective rights that define the Inuit sphere of autonomy. Meanwhile, the municipal and territorial public governments define a limited, Inuit-public sphere of autonomy by virtue of the fact that Inuit are the constituent majority of the territory.

Autonomy has also been defined as economic self-reliance (Murphy 2005, p.11). In other jurisdictions the economic autonomy exercised by Inuvialuit leadership has been interpreted as a meaningful step towards engagement with Canadian society. For instance, in her research into the micropractices that shape and reinforce Inuvialuit claims to citizenship, Stern (2006, p.111) looks back to the Berger Inquiry as a time when the common assumption was that Aboriginal societies “remained *apart from* the Canadian nation (Stern 2006, p.110, emphasis in original). Now, however, land claims are settled and institutions are in place allowing the Inuvialuit to participate in decision-making, including on economic matters, enabling the Inuvialuit (as represented by their land claims organization) “to embrace the substantive aspects of Canadian citizenship” (ibid, p.113). According to Stern (ibid, p.112), this has set the stage for a shift in the dominant rhetoric of Aboriginal groups, from “claims of ethnically based difference to claims of full participation in the presumed economic benefits of resource development”. As she explains it, the pre-land claims environment provided the Inuvialuit with little control over their lands and resources, and the

financial rewards for resource extraction were minimal. The post-land claims environment, however, “has created a constituency of native leaders who feel empowered to capture the presumed citizenship benefits of resource development” (Ibid, p.116). Notably, in the presence of renewed interest in pipeline development, she admits “it is not certain to what extent Inuvialuit living in villages support the construction of the pipeline or can expect to benefit directly from one” (Ibid, p.115).

This view is not universally held. A key debate about the nature of Inuit land claims organizations has focused on the role of Inuit organizations as development corporations, referred to by Jull (1985, p.11) as “Trojan horses bringing destructive American business and capitalist culture into the heart of old societies and threatening them”. These corporations are part of the contemporary history of economic transformation in the Canadian North, characterized by a transition away from traditional means of production (e.g. hunting or trapping) toward the capitalist wage economy (Mitchell 1996). As Mitchell convincingly argues, in the 1970s and ‘80s this process was driven in large part by the federal government’s push to open the north’s massive non-renewable resource wealth to development, if necessary at the expense of Aboriginal interests (ibid, p.341-350). The settlement of land claims agreements was necessary to accomplish this objective, an argument that contributed Berger’s (accepted) recommendation that the Mackenzie Gas Pipeline Project be delayed (Berger 1988, p.26). Now that the land claims are settled, agreements such as the NLCA have institutionalized the Inuit role in economic development through the constitutionally enshrined corporate structure. In fact, the NLCA claims the twin objectives of Inuit participation in decision making “concerning the use, management, and conservation of the land...” and providing Inuit with “financial compensation and means of participating in economic opportunities” (Canada 1993a, p.1).

The corporate structure of Inuit associations has implications for the relationship between Inuit and their land claims institutions. The thrust of Mitchell’s (1996) argument is that corporatism has created a class structure that separates Inuit corporate elites from those who are less able or willing to exercise political and economic control. This situation is reflected in historical and contemporary criticisms of Inuit corporate governance by Inuit themselves, focusing on controversies among members of the Executive, cumbersome or incomprehensible structures, and high salaries (Legare 2002, Mitchell 1996) The bureaucratic nature of the institutions is another factor in the relationship. As Legare (2002, p.125) explains, this hierarchy of decision-making was the result of the need to legitimize Inuit political control in the eyes of the federal and

territorial governments, as well as the requirements to comply with federal and territorial laws dealing with private enterprise. This form of cultural domination caused some northern Quebec Inuit to reject the corporate structure of the Northern Quebec Inuit Association in the late 1970s and 1980s (Mitchell 1996, p.354).

Autonomy is achieved through an ongoing relationship between Inuit and the state. But this relationship is not without its difficulties, particularly in regard to the implementation of the Nunavut Land Claims Agreement. It is not only the settlement, but the ongoing implementation of comprehensive land claims agreements that represent movement toward self-determination and justice for Aboriginal people (LCAC 2006). Flowing from the s.35 *Constitution Act* land claims agreements recognize Aboriginal rights are based on the assertion of title to lands and resources by Aboriginal people. For the federal government, the purpose of achieving land claim settlements is, according to the 1986 Comprehensive Land Claims Policy, “to provide certainty and clarity of rights to ownership and use of land and resources in those areas of Canada where Aboriginal title has not been dealt with by treaty or superseded by law” (Canada 2008a). The federal government remains concerned with the complexity and uncertainty of regulatory regimes in Canada’s north, arising in part from unsettled land claims in the NWT, but also from issues of uncertainty and complexity resulting land claims implementation (Canada 2008b).

The literature identifies two forms of conflict that arise through the implementation of land claims agreements. The first form of conflict occurs between land claims organizations and non-Aboriginal governments. For instance, Philip Awashish (2005) describes how the James Bay and Northern Quebec Agreement has been a positive force through the advancement of Aboriginal governance of the Eeyouch (Cree people). However, he notes that the JBNQA has also been a source of ongoing conflict derived from different interpretations of the land claim provisions between Eeyouch and non-Eeyouch governments, and the unwillingness of non-Eeyouch governments to implement the spirit, rather than the intent, of the claim (Ibid p.180). A similar conflict is ongoing in Nunavut, where the NTI has accused the federal government of failure to implement provisions of the NLCA in fulfillment of promises made to the Inuit under the Agreement (NTI 2006). NTI’s position (not necessarily its legal claim) is legitimized by a coalition of land claims organizations (the Land Claims Implementation Coalition) and the Senate who agree that the federal government must commit to achieve the spirit and intent of land claims rather than obligations narrowly defined by the letter of the agreements (Canada 2008a, LCAC 2006).

The second form of conflict occurs outside the high politics of Aboriginal-state relations, but also arises out of the process of land claims implementation. Suluk and Blakney (2008) explain how, at the community level, Inuit are expressing discontent with the governance structures instituted under the NLCA. They describe how misunderstandings and misgivings have grown out of unfulfilled expectations such as: 1) the lack of fit between Inuit ways of doing through oral communication and the bureaucratic character of the Government of Nunavut, 2) the way that compensation has been meted out through a centralized investment and distribution process rather than per-capita distributions to beneficiaries, and 3) the extent to which the policies and regulations developed by co-management boards are failing to respond to local needs. In reaction, Inuit are developing strategies of resistance that undermine Euro-Canadian management practices through the employment of traditional knowledge (Suluk and Blakney 2008, Tester and Irniq 2008).

Since 1975 and the signing of the James Bay and Northern Quebec Agreement, 21 land claims agreements have been signed by the federal government including the Nunavut Land Claims Agreement of 1993. As a means of achieving reparative justice for Aboriginal people, comprehensive land claims cover a range of issues including: surface and subsurface rights, jurisdiction over lands and resources, harvesting rights, resource revenue sharing, land and resource management, and environmental management (Senate of Canada 2008). As an example, the objectives of the NLCA 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; (Canada 1993)

The NLCA provides a variety of mechanisms to ensure Inuit participate in natural resource decision-making. These include the establishment of co-management boards governing land use planning, environmental assessment and water licensing (Articles 10 – 13). Also included are requirements for industry to negotiate Inuit Impact and Benefit Agreements (IIBA) with representative Inuit associations. Impact and Benefit Agreements (the more general case of *Inuit* Impact and Benefit Agreements) are contractual agreements negotiated between industry and resource development companies, and are increasingly used as tools for ensuring wealth is redistributed from industry to representative Aboriginal body.

Impact and Benefit Agreements may be entered into voluntarily by industry or may be part of the legal framework governing the permitting of project proposals. In general, IBAs spell out the potential negative impacts of projects and the steps the company will take to either mitigate those impacts or compensate local people for the losses that may be sustained should negative impacts occur. IBAs also identify the specific benefits the project will deliver to local communities, and may include binding commitments in terms of employment, training, scholarships, business opportunities and royalty revenues (Kennett 1999; Hipwell et al. 2002). In Nunavut, an IIBA may include “any matter connected with the Major Development Project that could have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit, on a Nunavut Settlement Area-wide, regional or local basis” (Canada 1993a, s.26.3.1)

In addition to their influence on wealth redistribution, IBAs are important tools for ensuring Aboriginal influence in the mining and energy sectors. They are listed among the factors contributing to successful partnership between industry and local Aboriginal communities (O’Faircheallaigh 2007; IWGMI 2008,). For Armitage (2005, p.250), under circumstances where IBAs are formalized in land claims agreements, Aboriginal people have obtained “the right to significant participation in the decisions that are made, and in accruing the benefits of economic development activities...”. For O’Faircheallaigh (2007, p.336-337), participation through supraregulatory agreements such as IBAs includes: 1) the legal right for Aboriginal groups to enforce negotiated terms and conditions of project operation, and 2) guarantees of direct participation of Aboriginal people on monitoring boards and in monitoring activities that may involve the application of traditional ecological knowledge. Participation in decision-making by Aboriginal people through supraregulatory agreements augments other participatory processes in Northern Canada. For instance, IBAs may be understood in terms of their ability to correct some of the common failings of environmental assessment (Galbraith 2007; Armitage 2005). For

Galbraith (2007), these include EA processes characterized by inadequate follow-up, lack of trust, inadequate capacity, and insufficient and unequal flow of benefits. In these circumstances, IBAs provide Aboriginal people with an additional institutional vehicle to influence the terms by which a project may be constructed, operated and monitored (Galbraith 2007, O'Faircheallaigh 2007).

Case study research has shown that problems of legitimacy and representation may occur through the negotiation of supraregulatory agreements. In one such case, O'Faircheallaigh (2009) explores how the Australian government allowed a mining company to proceed with the development of a mineral property without the approval of local Aboriginal people. Feeling that the mining company held all the cards, a non-representative group of Aboriginal people signed an agreement with the company that would provide capital to a small community in exchange for the signatories' support for the establishment of the mining project. According to the author, the group felt they had no power to stop the mine and therefore opted for a strategy to secure financial benefits. However, the signatories were not representative of all of the local Aboriginal people with interests in the land, and the terms of the agreement did not allow them to distribute the benefits according to traditional customs. This had consequences for the Aboriginal groups and the mining company. For the Aboriginal group, the arrangement created conflict between the small group of signatories and other Aboriginals with traditional interests in the land who felt entitled to redistributive economic benefits. This undermined the unity of the group. Furthermore, the traditional leadership role enjoyed by one of the signatories within community was damaged and his influence diminished. Due to local pressure, the mining company was forced to expand the scope of benefits beyond the original agreement and ultimately negotiated additional agreements with a legitimate representative Aboriginal group.

In Canada, the mineral development governance regime is typically tri-lateral, involving government as well as industry and Aboriginal groups. But IBAs involve high-stakes, bilateral negotiations that exclude government and are frequently conducted in private. Researchers are beginning to question the effects of a governance system where Aboriginal groups and governments "are bound in an increasingly divorced and disconnected manner" (Fidler and Hitch 2007, p.51). Are there interests at risk when the opportunity to discuss the just distribution of wealth is intentionally circumscribed? In a case like this, when institutions create divisions between Aboriginal from Euro-Canadian society, are our common bonds strong enough to maintain and foster both redistributive and cultural justice? I argue that answers to these questions

are best approached via the concepts of legitimacy, representation, and reciprocity to be discussed below.

### **3.2.1.2 Public Institutions**

To varying degrees, Inuit experience a significant degree of influence over their own affairs through the public government system. At the local level, municipal governments are democratically controlled by the population of each municipality, the majority of whom are Inuit. At the territorial level, Inuit elect their representatives to the Legislative Assembly, who in turn elect their government leaders. At the federal level, the Nunavummiut elect one Member of Parliament to represent their issues on the national stage. In the resource governance arena, each of these levels of government has a different scope of influence over mineral development projects.

The Government of Nunavut (GN) is an Inuit public government and a *de facto* form of self-rule: Inuit are the constituent majority of Nunavut, and thus control the levers of power despite the fact that the government itself is constituted as a public government. Nunavut embodies a form of “adapted federalism” signaling a significant change in the Canadian federation: it represents a new form of public government that exists because of the collective relationship of Inuit to the state (Abele and Prince 2008). The Government of Nunavut is the product of Inuit aspirations for self-government in the eastern arctic. History shows that Inuit groups simultaneously pursued the creation of a homeland in the eastern arctic alongside the goal of settling comprehensive land claims agreements (McPherson 2003, Meritt et al. 1989, Abele and Dickerson 1985). But the history of the division of the Northwest Territories suggests the either/or relationship between land claims agreements and constitutional development in the territorial north was not a product of Inuit desires. In 1981, the Inuit brought forward a motion in the NWT Legislative Assembly to hold a plebiscite on the division of the Northwest Territories. A majority of northerners who responded to the plebiscite registered support for division, and on November 26, 1982 the Minister for Indian Affairs and Northern Development announced the federal government’s conditional agreement (Abele and Dickerson 1985, p.1). The conditions included the requirement that outstanding comprehensive land claims must be settled in the NWT prior to division. Furthermore, any discussion of full provincial status for the territory would be explicitly excluded, the Minister deferring the issue transfer of control over natural resources to a later date (Ibid, p.2). The Inuit agreed to resume negotiating land claims agreements with the federal government while insisting that a settlement would not be finalized without Nunavut (McPherson 2003, Meritt et al.

1989). Ultimately, the land claims settlement was concluded, and included the terms that would lead to the establishment of Nunavut.

The Government of Nunavut is a public government and exists through the democratic consent of Nunavummiut, of which 85% are Inuit. The Nunavut Act sets out the powers of the Executive, Legislative Assembly and Judiciary. Members of the Executive Council are appointed by the Commissioner of Nunavut on the recommendation of the Legislative Assembly of Nunavut. The process of electing members of the Executive Council (including the Premier) from among elected MLAs, combined with other features of the political system such as an absence of political parties, contributes to what is called “consensus government”. Each member of the Legislative assembly is elected to represent an electoral district in Nunavut. The Legislature has the power to make laws in relation to a number of areas, including elections, the administration of justice, municipal and local institutions, and education (Canada 1993b). These factors have led some authors to conclude that Nunavut, despite its origins, is a fairly conventional jurisdiction within the Canadian context (Hicks and White 2000).

Self-rule through public government is circumscribed in two ways. First, unlike the Provinces, the Nunavut Territory is a creature of Parliament, which retains the power to alter the Nunavut Act as it sees fit. However, Nunavut’s place in the federation is secured by the quasi-constitutional nature of the NLCA to which the territory owes its genesis (DIAND 1993a, Article 4). The GN’s powers are also circumscribed by the division of powers outlined in the Nunavut Act; title, administration and control over Crown lands and resources rests with the federal government. This prevents Inuit legislators from passing laws governing resource development on Crown Lands and across the territory. As we shall see, this fact has a profound effect on the politics of resource governance in Nunavut.

Inuit influence of territorial affairs is channeled in a number of ways beyond electoral control. First, Article 23 of the NLCA requires that Government maintain a workforce that is proportionately representative of the population of Nunavut. Thus, Inuit should currently occupy 85% of the positions within the territorial government. The fact that the GN has not managed to achieve greater than 52% employment overall is the subject of conflict between NTI, the GN and the federal government. NTI is suing the federal government for failure to implement the certain provisions of the NLCA, including specific sections of Article 23. Second, NTI and the Government of Nunavut have formalized their relationship through successive protocol

agreements. Signed in 1999, the Clyde River Protocol was the first such agreement, followed by *Iqqanaijaqatigiit* (trans: “Working Together”) in 2004. Both of these agreements are intended to outline working relationships between the two parties based on mutual recognition. For its part, the GN recognizes that NTI has a role in the affairs of Nunavut “as the primary Inuit organization with the mandate to speak for the Inuit of Nunavut with respect to the rights and benefits of Inuit under the Nunavut Land Claims Agreement” (Government of Nunavut 2004). NTI recognizes that the GN is responsible for “exercising its jurisdiction as a democratic and responsible public government” on behalf of all the citizens of Nunavut. *Iqqanaijaqatigiit* provided the framework for GN and NTI to work together by identifying mutual priorities and interests, appropriate working relationships among officials, and a process for dispute resolution. As the most recent version of the protocol, *Iqqanaijaqatigiit* calls for regular meetings between the President of NTI and the Premier of Nunavut, and senior officials. A renewed version of the protocol has not been published since the territorial election of 2008.

The fiscal position of the territorial government largely depends on federal financing. In 2006, federal transfer payments accounted for 93% of GN revenues. At that time, Territorial Formula Financing was based on a “fixed envelope” that increased annually by 3.5%. The GN believes that the initial grant to the territory was inadequate to achieve reasonably comparative levels of services and is lobbying the government for equitable treatment. It recognizes its dependence on the federal government and is focusing on making a case to achieve a fiscal balance among federal, provincial and territorial governments (Government of Nunavut 2006).

### **3.2.1.2 Interdependence**

The concept of relational self-determination for Aboriginal peoples depends on managing the interdependence between Aboriginal people and Euro-Canadian society. But how to structure this interdependence? Murphy (2005) acknowledges that institutions of shared rule (such as representative government) have not always worked to the benefit of Aboriginal people, where majority rule effectively marginalized the voices of Aboriginal Canadians. But, he suggests, in some situations institutionalized forms of shared rule have been created to “govern this interdependence in an effective, democratic manner” (Ibid, p.15). One example of this form of institution is the land and resource co-management boards negotiated as part of many comprehensive land claims agreements, including the Nunavut Agreement. Graham White describes these boards as a “new genus of institutions with Canada’s federal system, existing at the intersection of the three orders of government” (White 2002, p.95).

In Nunavut, the Institutions of Public Government (IPG) are the land claims co-management boards responsible for land use planning, development impact review (a.k.a. environmental assessment) and water licensing. These boards exercise considerable independence from federal and territorial governments while providing constitutionally enshrined mechanisms for Inuit influence in decision-making (White 2002). This is in part due to the nomination structure, where Inuit organizations and public government appoint board members in equal numbers. It is also partly due to Board mandates, which require extensive public consultation before decisions are made. For instance, the Nunavut Impact Review Board must factor “significant public concern” into its (binding) decisions for projects to proceed to a full impact review process (Canada 1993a, A.12.4.4(a)(iii)), which in turn requires public consultations by the project proponent as well as the Board itself. The Board’s recommendation to the federal Minister (by convention the Minister of Indian Affairs and Northern Development) summarizes the potential impacts of the project on the ecosystemic and socio-economic environments, the consultation process used, and its assessment of the whether or not the project should proceed, and if so, under what terms and conditions (e.g. NIRB 2004, 2006). It is up to the Minister to accept the Board’s decision, reject it, or request the Board vary its decision through adjustments to the recommended terms and conditions (Canada 1993a, A.12.5.7).

An important feature of the co-management boards is their status as constitutionally defined entities mediating relationships among governments. For as much as land claims agreements are about treaty relationships, they are also about traditional issues that underpin debates about federalism, such as the division of authority, divided sovereignty and the multiple loyalties (Simeon and Swinton 1994). These issues take on practical significance when one considers the circumstances under which governments interact in the co-management system. For instance, during the impact review process, federal and territorial government departments, Inuit associations including NTI and the relevant Regional Inuit Association intervene to review environmental impact statements and provide expertise and advice to the NIRB. The autonomous organizations become stakeholders like any other, presenting their own perspectives on major development projects and participating alongside individuals and NGOs to express their interests. In this respect, environmental assessment co-management processes become a participatory forum for the resolution of potentially conflicting, plural interests among governments, Inuit and private citizens. In terms of outcomes, it is expected that equity and legitimacy will be promoted through

pluralistic inputs into the management process, where stakeholders have access and influence over decisions (Plummer and Fitzgibbon 2004).

### **3.3 DEMOCRACY AND SELF-DETERMINATION**

This section considers two theories of democracy - pluralist and deliberative – and their conceptual relationship to the idea of self-determination. Both of these political theories come from a rich academic tradition, and it is beyond the scope of this paper to address this history in a meaningful way. Each tradition, however, sheds a different light on the problem of local, democratic control in the context of relational self-determination in Aboriginal-state relations. Pluralist theories are based on the concept of interest aggregation within a representative system of governance where competing interests come together in the political arena to shape laws and make collective decisions (Connolly 2008). The legitimacy of the pluralist system depends on conventional norms of representative politics such as elections and voting. Deliberative theories focus on the process of discussion, where legitimacy is the product of the quality of discussion and the rationality of the argument (Stewart 2001). These two theories are discussed in greater detail below.

#### **3.3.1 Pluralism**

As a political theory, pluralism attempts to explain how decisions are made in the midst of conflict among competing groups in society (Dahl 1978). The conventional theory of pluralism has its roots in American democracy, where it takes on a particularly liberal tone. It evolved in the 1950s to describe a politics where “the system of multiple group pressures provides reasonable assurance that most important problems and grievances will be channeled to government arenas for debate and resolution” (Connolly 2008). Barton (2002) describes pluralism in the conventional sense, asserting that “politics is not the central decision-making of a united public acting through the state, but the result of continuous competition, bargaining and exchange among groups representing different interests”. Conventional pluralism describes a system in which there are no freestanding set of public values, but a constant negotiation of values based on individuals seeking to maximize their satisfaction based on interests. Within this construct, government is less the representative of the public interest but rather its arbiter (Connolly 2008, Barton 2002).

As a political theory, conventional pluralism assumes that actors are coming together to bargain strategically for the interests of their constituents. For Stewart (2001), strategic action is the

manipulation of power, defined in the language of domination. Within a collective decision-making process, theorists such as Giddens (1976) see power as a consequence of social structure, expressed through relations of authority and subordination. Here, power is conceived in terms of acquisition of resources that participants mobilize and use to influence or control the conduct of others (ibid p.112). The generation of power occurs “in and through the reproduction of structures of domination” where these structures of both allocative and authoritative (Giddens 1984, p.258). For Mann (1986), the sources of social power are ideological, economic, political and military. Domination is the result of disproportionate access to these resources, and compliance is attained (or reproduced) through the absence of the means to implement resistance. In the paradigm of power as domination, emancipation means taking control of the resources needed to generate power and work to gain strategic advantage over adversaries within the power-(re)producing institutions. Out of this logic comes the “paradox of emancipation”, in which the emancipation of the subordinate can only be achieved by way of an external agent, who becomes another possible source of domination (Stewart 2001,p.43). For Stewart (2001, p.35), the strategic, hierarchical explication of power privileges relations of domination and precludes emancipation or transformation of power relations.

The way power is exercised within a pluralistic, representative system of governance affects the legitimacy of the system. For Jessop (1997), governance involves “the complex art of steering multiple agencies, institutions and systems which are both operationally autonomous from one another and structurally coupled through various forms of reciprocal interdependence” (p.575). In classical theories of representative politics, the role of the elected representative is to pursue the common interest as he or she sees fit, whether or not it is contrary to the wishes of his or her constituents. The representative is a trustee, relying on unbiased opinion, good judgment and the trust of his or her constituents to make decisions in the common interest (Ball et al, 2006). Burkean models of representative democracy protect against the tyranny of the majority through the separation of the representatives (the governing) from the represented (the governed). In this model, the representative must give due weight to the interests of his or her constituents, but should not give precedence to their wishes over the representative’s own view of what is the right course of action. Burke’s model was also based on a limited franchise and a fear that individuals, if left to govern themselves, would do so in their own personal interests rather than the interests of the many (Ibid, p.86). This model has been criticized for curbing popular democracy and installing elites in positions of democratic control (Meadowcroft 2001). This is made possible

when socio-economic inequalities, such as education, produce power imbalances that undermine the assumption of political equality on which representative models are defended (Ibid).

Legitimacy is also influenced by norms of reciprocity attendant in the system. In a pluralism based on exchange relationships (Orenstein et al. 1980), reciprocity can be conceived as a universal norm based on the belief “that a favor received carries with it an obligation to return a favor” (Ibid, p.69). Political relations between leaders and constituents is characterized by asymmetrical reciprocity, in which ongoing violations of reciprocal relations are socially sanctioned. This is explained in terms of two ideologies devised by the anthropologist Henry Orenstein et al. (1980) based on research into various cultural groups around the world. He suggests that according to either ideology, the relationship between leaders and constituents is based on the flow of goods and services delivered from the political centre to the constituency. In one ideological type, based on Orenstein’s research into Western feudal politics and the politics of Melanesia, the politically eminent have the inherent right to govern and thus are “creditors” who bestow goods and services on the constituent “debtor”. The second ideological type reflects the modern system of Western democratic governance and views the political leadership as the “debtor” who have been given the right to lead by the constituent “creditors”. These creditors expect their leaders to perform according to established norms. In the latter case, it follows that legitimacy is held as long as constituents believe they are being appropriately served by the exchange relationship.

The form of reciprocity discussed until this point is linked to the concept of representative government and strategic action. As Krader’s response to Orenstein et al. (1980) suggests, the concept of reciprocity discussed above is missing a communicative element where acts of distribution are justified on moral grounds through acts of recognition. This is an important conceptual limitation in the complex world of democracy and Aboriginal-state relations for two reasons. First, in Canadian society where Aboriginal people have a separate set of collective rights from non-Aboriginals, the concept of “leaders” and “constituents” is more than a matter of centre and periphery. Institutional structures such as land claims agreements create spheres of autonomy and shared rule for Aboriginal people, whose loyalties and identities may lie within both Aboriginal and Euro-Canadian society. Secondly, a purely distributive view of reciprocal relations does not do justice to the ongoing marginalization experienced by Aboriginal people in the wake of a history of colonialism at the hands of the state. Relations between Aboriginal people and the state are not purely interest based. Mutual empathy and mutual recognition,

expressed in an ongoing fashion, are not fostered through cash payments or land transfers alone. Rather they are fostered through acts of communication. In this light, a different conception of reciprocity is needed. This will be discussed in more detail below, in Section 3.3.2.

Still, the conventional theory of pluralism is useful in explaining how strategic power relations are channeled within a political system. As such, it is vulnerable to a number of other criticisms based on what are considered weak assumptions about the distribution of power in society. For instance, Dahl (1978, p.199) notes that pluralism is not a sufficient condition for equality within society, particularly in regard to the distribution of political resources such as “status, income, wealth, and other key values”. For Dahl (Ibid) this is particularly troubling because pluralistic systems can create stabilities in which marginalized and disadvantaged groups are unable to organize or lack the resources to organize and are therefore relatively powerless to transform their conditions. Other equity problems associated with pluralism are captured by Connolly (2008):

1. Problems with interest aggregation, where important issues may be left out of the process because groups fail to list them as priority issues
2. The system of issue formation and negotiation are biased and discourage efforts to increase the involvement of marginalized groups and bring out previously unarticulated concerns.

Equity problems are particularly troubling where elite become entrenched in roles of authority. For Birch (2007, pp.91-92), authority has three meanings. First, it is the right to give an ultimate decision within a hierarchy. Second, it is the authority enjoyed by representatives who possess and conferred right to speak on behalf of someone else. Third, authority may be possessed by those who are recognized as experts in a certain field and who through this recognition retain the power of influence others. Within the first of these definitions, and as conventionally accepted in the sense of the state, political authority is defined as “a combination of political power and legitimacy, where power is the ability to get things done and legitimacy is the quality of ascribed entitlement to exercise that power” Birch (2007:95). In a political system dominated by ruling elites, the assumption is that a group of people exist who have greater power or influence over other actors in the system (Dahl 1958). This controlling group must be less than a majority in size and must not be an artifact of legitimate democratic electoral rules. The preferences of this group

must “regularly prevail in cases of differences in preference on key political issues” (Ibid, p.464). To test whether a system is indeed governed by a ruling elite, Dahl suggests the following test:

1. Is the ruling elite a well defined group?
2. Is there a sample of cases in which the preferences of the hypothetical controlling group run counter to those of any other group?
3. In these cases, do the preferences of the elite regularly prevail?

This research does not purport to attempt such a test. But the parameters outlined by Dahl (1958, 1978) point to a number of ways groups of elite may form and act to influence a pluralistic political process. In the realm of public administration, there is a growing literature that focuses on the ethical norms and procedural best practices that facilitate meaningful public participation in decision-making. This is often discussed in terms of the minimum requirements of procedural fairness (Illsley 2003). In a narrow sense, the environmental assessment process in Nunavut can be seen as a pluralistic forum. This is because of its origins in quasi-judicial processes grounded in the norms of procedural fairness which are also the foundation of administrative law. As explained by Tollefson (1998), pluralist notions of the public interest generated through compromise among competing interests has resulted in the transformation of the basis of judicial review. Where once the courts were concerned with intrusions on private autonomy, they are now concerned with appropriate and fair representation for affected interests in the exercise of delegated legislative powers (Tollefson 1998, Barton 2002). This transition has had a profound effect on the way that public participation is perceived by law and applied in administrative proceedings. Now, the delegated decisions of administrative tribunals are subject to judicial oversight, where judicial review is commonly sought on grounds including real or perceived bias, decisions that are outside a body’s statutory powers, and breach of procedural fairness (Tollefson 1998, p.241).

In general, the principle of procedural fairness derives from the duty to be fair and applies to administrative and quasi-judicial processes. It requires parties be given adequate notice of process, the right to bring forward evidence, and the right to make argument (Tollefson 1998, p.230). Examples of the application of the principle of procedural fairness include requirements for public hearings, oral hearings, notice of hearings, knowledge of the case to be met, open process and provision of reasons for decisions (Ibid). As a delegated administrative process, environmental assessment practices typically adhered to this principle.

Authors concerned with deliberative equity argue that procedural fairness is only one aspect of a just decision-making process. The environmental assessment literature focuses not only on the procedural requirements of a fair administrative process, but also on the nature of individuals and groups who participate in these processes and the barriers to deliberation that may be imposed by the institutions themselves even when a minimum standard of procedural fairness is applied. For instance, criticisms of processes that are overly dependent on “expert culture” at the expense of local interests and values are well known (Petts 2003). Other studies evaluating various environmental assessment processes in Canada (e.g. Sinclair and Diduck 2001) employ criteria derived from transformative learning theory (Mezirow 1994, 2003). Transformative learning “describes a process by which individuals improve their instrumental and communicative competence and develop more function frames of reference (Sinclair and Diduck 2001). In such cases, the focus is on meaningful communication among participants (Dryzek 2000). The value of this approach to understanding decision-making structures is that it addresses many of the issues associated with conventional pluralism through its reliance on the concept of discourse (Mezirow 1994).

In summary, conventional pluralism is helpful in capturing the motivations and actions of a specific kind of political actor: one who is self-interested and behaves strategically to achieve objectives. In the context of relational self-determination, however, this theory is not sufficient to address the issues of common bonds and mutual empathy that Cairns suggests should be of primary concern for theories of Aboriginal-state relations. Its assumptions about the operation of power and strategic action in the public sphere do not leave space to capture the cooperative, reciprocal qualities that are necessary to foster a healthy society for Inuit and Euro-Canadians. In fact, pluralism tends to shift the focus from that which brings people together to that which pushes them apart. As we see below, alternative ideas about the sources of power and legitimization have given rise to a different theory of democracy.

### **3.3.2 Deliberative Democracy**

The theory of deliberative democracy suggests that democratic processes can be revitalized through a more deliberative style of decision-making. Deliberation can be defined as a dialogue that “induces reflection upon preferences in a non-coercive fashion” (Dryzek 2000, p.2). The process of non-coercive reflection is thought to lead to more legitimate decisions because it gives people a fair chance to have their views heard in a meaningful way (Wiklund 2005). From the

perspective of planning, deliberative theorists argue that deliberation can integrate local knowledge and local concerns into decision-making thereby enhancing the rationality of decisions (Fischer 2003, Hajer and Wagenaar 2003). As a concept, public deliberation emerges from the theory of deliberative democracy. To Chambers (2003, p.308), democratic deliberative theory

begins with a turning away from liberal individualist or economic understandings of democracy and toward a view anchored in conceptions of accountability and discussion. Talk-centric democratic theory replaces voting-centric democratic theory. Voting-centric views see democracy as the arena in which fixed preferences and interests compete via fair mechanisms of aggregation. In contrast, deliberative democracy focuses on the communicative processes of opinion and will formation that precedes voting. Accountability replaces consent as the conceptual core of legitimacy. A legitimate political order is one that could be *justified* to all those living under its laws. Thus, accountability is primarily understood in terms of "giving an account" of something; that is, publicly articulating, explaining, and most importantly justifying public policy. Consent (and of course, voting) does not disappear. Rather it is given a more complex and richer interpretation in the deliberative model than in the aggregative model. Although theorists of deliberative democracy vary as to how critical they are of existing representative institutions, deliberative democracy is not usually thought of as an alternative to representative democracy. It is rather an expansion of representative democracy.

Public deliberation can occur through a number of channels. It may involve the careful exploration of a problem, and judicious argument and critical listening as alternatives are debated and discussed (Gastil 2000, p.22). It may also recognize uncertainty and incompleteness of information when arguments go unanswered by some participants or required information is unavailable (Fishkin 1995, p.41). Finally, public deliberation may be face-to-face (e.g. discussion among citizens in a coffee house) or it may be mediated (e.g. through professional communicators, newspapers, the internet, or other forms communication) (Page 1996:5).

Deliberative theory is based on the concept of empowerment through communicative action. It comes from the work of Hannah Arendt and Jurgen Habermas, who perceive power in relation to "the autonomy of social struggles and practices understood in relation to immanent communities of interest and recognition" (Stewart 2001, p.32). This transformative perspective sees power not

in object-subject relationships, but in terms of intersubjectivity. Power is conceived as collective action, such that it is expressive of “the human ability not just to act but to act in concert” (Arendt 1972, p.143). This concept of power is rooted in the reality of pluralism, in that the construction of common goals arises out of a multiplicity of human difference and opinion (Stewart 2001, p.36). Accordingly, the challenge of politics is to construct community out of diversity through speech and action (Stewart 2001, p.37). For Habermas (1977 as quoted in Stewart, 2001 p.39), “communicatively produced power of common convictions originates in the fact that those involved are oriented towards reaching agreement and not primarily to their respective individual successes”. Here, language is used not to incite subjects to a desired behaviour but rather to establish non-coercive, intersubjective dialogue. According to Stewart (2001, p.39), the Habermasian perspective recognizes the existence of both strategic and communicative action, where strategic action is central to the acquisition, maintenance and exercise of power while communicative action is central to the generation of power. In other words, power is generated through a process of communication, deliberation and rationalization on the part of individuals (Habermas 1984, p.34).

In deliberative political theory, particularly that of Habermas, discourse may be seen as the ideal procedure for democratic decision-making. Discourse aims at ensuring the decision-making process is capable of enabling a process of communicative learning, in which individuals attempt to understand what others *mean*. This often involves a deep processing of values, beliefs and feelings and intentions that are often difficult to approach empirically (Mezirow 1994). Discourse is a rational process that establishes the validity of an argument and allows individuals to understand the justification of beliefs (Ibid). At the centre of the concept lies the view that the legitimacy of an outcome depends on the quality of the argument and the reasons provided in its support (Habermas 1990, p.43-115).

From the deliberative theory of Habermas (1990), Wiklund (2005) distills three sets of rules applying to argumentation that determine the ideal structure of discourse. The first set is based on the notion that “argumentation is designed to *produce* intrinsically cogent arguments with which we can redeem and repudiate claims to validity” (italics in original) (Habermas 1990, p.87). The second set of rules follows from the principle that “arguments are processes of reaching understanding that are ordered in such a way that proponents and opponents...can test the validity claims that have become problematic” (Ibid). Therefore, participants are required to follow procedural rules including honesty in the presentation of arguments and justifications for their

opinions (Ibid). The third set is based on the notion that “argumentative speech is a process of communication that, in the light of its goal of reaching a rationally motivated agreement, must satisfy improbable conditions” (Habermas 1990, p.88-89). This principle attends to coercion and inequality, stipulating that competent individuals should not be excluded from discourse. Based on these principles, Wiklund (2005, p.285) derives four principles against which institutional arrangements can be assessed for their potential to contribute to deliberation. These include:

- **Generality:** this principle stipulates that discourse “shall be open to all competent speakers whose interests are, or will be, affected by a matter of common concern or the norms adopted to regulate a matter”. All actors affected, or at least their interests, shall be included in the process of deliberation;
- **Autonomy:** participants must be granted the right to effective participation. This includes equal opportunities to express views and challenge arguments and counterarguments within the deliberative process;
- **Power neutrality:** participants must be swayed only by the “forceless force of the better argument” and must not be affected by the unequal distribution of power;
- **Ideal role taking:** participants must adopt attitudes of impartiality and reciprocity. Reciprocity requires participants to listen seriously and not act strategically, meaning that sincere attempts are made on the part of participants to view issues from perspectives other than their own.

These principles represent a set of ideal conditions that may never be reproduced in the “real world” of environmental assessment or politics. The existence of strategic action and the disproportionate access many individuals and groups have to resources (especially education and time) create barriers to discourse. As in conventional pluralism, discursive processes are vulnerable to coercion simply because of the reality of existing social inequities. By way of example, the principle of generality depends call into question the competency of speakers. Individuals with little or no formal education may find it difficult to meet process requirements such as written submissions that are often part of environmental assessment processes (Sinclair and Diduck 2001). This is particularly true where participant funding programs have not been established (Ibid). More generally, this issue is salient in Nunavut where democracy depends in

part on the ability of Euro-Canadian institutions adapt to, and accommodate, Inuit cultural norms around communication.

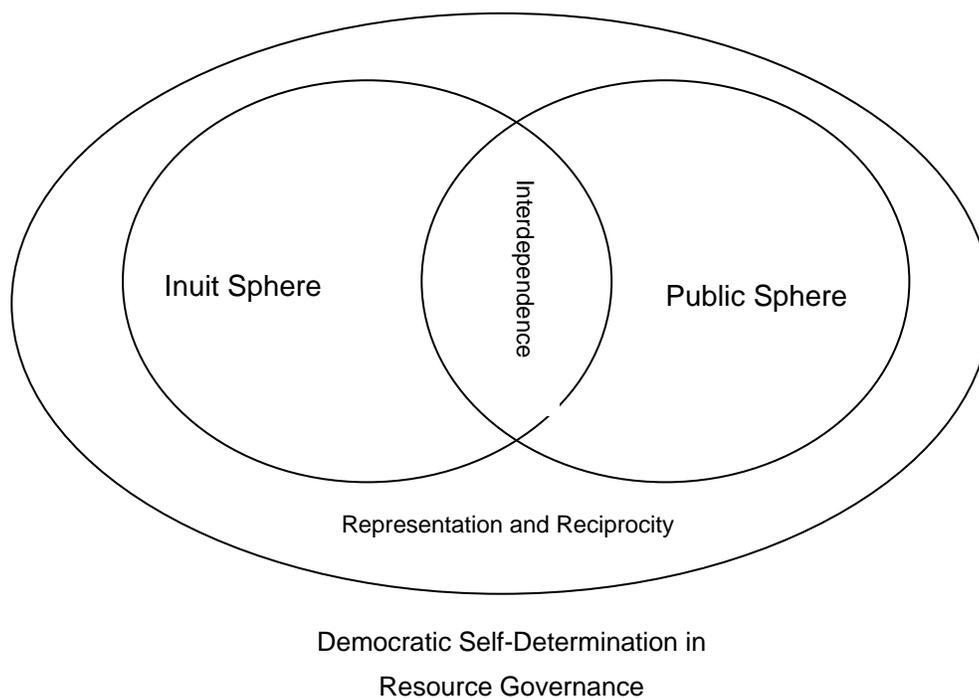
There is another side to institutional adaptation in Nunavut. Democracy also depends on the attitudes of reciprocity held by those engaged in discourse. The ongoing conflict in the Nunavut Land Claims Agreement implementation process between Inuit and the federal government (representing Euro-Canadian society as well as Inuit) raises real questions about the nature of Inuit-state relations in the territory. In ideal discourse, reciprocity depends on “equal recognition of the claims of each participant by all others” (Habermas 1990, p.122). It requires a capacity on the part of those involved to engage in discussion about deep moral disagreements on fair terms (Dryzek 2005). The very recent history of Inuit subjugation to the Crown has been transformed, in part, by the existence of the land claims agreement. But as discussed above, reparation is ongoing through the implementation of the agreement, and Inuit have challenged the honour of the Crown by alleging the federal government has broken its side of the contractual agreement (NTI 2006). This being the case, what is the likelihood that Inuit are willing to maintain individual and collective attitudes of reciprocity in their dealings with the public government? Does it matter that the municipal and territorial levels of government represent Inuit as the majority?

There are those who question the ability of deliberative democracy to process deep differences of identity and values within a divided society. Nunavut is unlike many other places around the world where one ethnic or religious identity exists in violent contradistinction to another. (Think of Israelis and Palestinians, or liberals and Christian fundamentalists in the United States). Violent ethnic conflict between Inuit and other Nunavummiut is not the normal state of affairs in the territory. There are, however, cultural divisions that run deep as a consequence of modern history, and these divisions are the kind that play out when mutually contradictory positions arise in politics. Dryzek (2005) explains the philosophical division among deliberative theorists who believe actors must be open to persuasion by rational argument (e.g. Habermas 1990), and those who question the likelihood that persuasion is in fact a possibility under circumstances of deep division (Mouffe 1999). The solution posed by Dryzek (2005) involves avoiding contests of sovereign authority by creating space between the public sphere (as the source of opinion formation through discourse) and the state. In other words, to process deep difference within a democratic society, venues must be found outside the state apparatus such that the passions that can potentially lead to conflict are able to influence the terms of debate without causing the disintegration of the state.

## SUMMARY

The preceding discussion outlined the conceptual framework used to guide the inquiry into the nature of democratic self-determination in Nunavut. This framework is displayed visually in Figure 1.1 (below). Overlapping Inuit and public spheres in Nunavut society reflect the constitutional relationship embedded in the Nunavut Land Claims Agreement, which establishes Inuit institutions and collective rights (left-hand circle labeled “Inuit Sphere”) that interact with and influence the public sphere (right-hand circle labeled “public sphere”). This influence is two way, and is mediated by an acknowledged interdependence that takes the form of co-management institutions. The principles of reciprocity and legitimate representation are highlighted as features that contribute to the proper functioning of relationships as Inuit exercise self-determination through the unique institutional structures in Nunavut. These are discussed in more detail in the next chapter, with a focus on local influence over resource development decision-making.

**Figure 1:1 Conceptual framework**



## **CHAPTER 4: LOCAL INFLUENCE OVER MINERAL DEVELOPMENT**

### **4.1 INTRODUCTION**

Inuit assert significant influence over resource development in Nunavut. As the following exploration illustrates, this influence is institutionalized through the Nunavut Land Claims Agreement and local (territorial and municipal) public governments. However, upon closer examination it becomes clear that despite numerous opportunities to participate in decision-making, the institutional relationships governing resource development together have a number of potential flaws. First, although local influence is achieved through collective ownership of Inuit-owned lands and resources and co-management institutions, the quality of local control may suffer from certain critiques of pluralist and deliberative forms of democracy. This is illustrated in Section 4.3, which presents two examples in which Inuit have expressed unease over the manner in which resource wealth is distributed. In the first case, some Inuit at the grassroots level in the Kivalliq Region are criticizing Inuit elite for being unaccountable in policy development and conflict of interest in their dealings with mineral development companies. In the second case, reciprocity between the Kitikmeot Inuit Association and municipal governments appears to be challenged by strategic positioning as each organization seeks to negotiate socio-economic agreements with mining companies. Together, these two circumstances illustrate specific, locally grounded issues arising within and between the Inuit and public spheres through the process of land claims implementation.

### **4.2 INSTITUTIONS**

#### **4.2.1 Inuit Institutions**

The Nunavut Land Claims Agreement established a set of collective rights exercised by Inuit Associations on behalf of Inuit beneficiaries. The nature of those rights suggests that significant control exists for Inuit over the course of mineral development in the territory. Under the NLCA, Inuit surrendered their aboriginal claims, rights and title to lands and waters within Canada in exchange for the rights and benefits provided in the Agreement (Canada 1993a, A.2.7.1). The NLCA covers an area of 1,800,000 km<sup>2</sup>, including 353,000 km<sup>2</sup> of surface Inuit Owned Land (IOL) of which approximately 10% includes mineral (or sub-surface) rights. Additional economic measures included a capital transfer of \$1.2 billion (Ibid, A.29) and the right to sign Inuit Impact

and Benefit Agreements with mining companies before Major Development Projects are allowed to proceed with permitting. This right does not depend on the location of the mineral development project relative to Inuit Owned or Crown land, and may include “any matter connected with a Major Development Project that could have a detrimental impact on Inuit or that could reasonably confer a benefit on Inuit...” (Government of Canada 1993a, p.206). McPherson (2003) notes that during land claims negotiations, the specific land parcels were strategically pursued with the express purpose of ensuring Inuit had an economic base from which to run their own affairs. Now, after 16 years of land claims implementation, Inuit remain the primary local land holder while Ottawa retains ownership over Crown lands (outside of municipal lands) in the rest of the territory (see Penikett 2009). In addition to control over IOL, Inuit negotiated the establishment of the Institutions of Public Government, to which Inuit associations nominate or directly appoint members equal in number to those appointed by the public governments.

#### **4.2.1.1 NTI**

Nunavut Tunngavik Incorporated is the constitutionally recognized representative of Inuit. It actively works to protect their rights and implement the 40 Articles of the NLCA. Its mandate is to ensure the Inuit, as land claim beneficiaries, benefit from the rights flowing from the Agreement. Each land claim beneficiary is a shareholder in NTI, which is a private corporation to be constituted and operated “with accountability to, and democratic control by Inuit” (Canada 1993a, A.39.1.6). The implementation of the NLCA has created a number of land claims institutions, whose powers and functions are outlined throughout the NLCA. NTI occupies the centre of this institutional array (Legare 2002).

NTI’s mandate is “Inuit economic, social and cultural well-being through the implementation of the Nunavut Land Claims Agreement” (NTI 2009). The Agreement was negotiated by the Tungavik Federation of Nunavut, the organization that asserted aboriginal title to the Nunavut Settlement Area on behalf of the Inuit of the Eastern Arctic. Between November 3<sup>rd</sup> and 6<sup>th</sup>, 1992, the Inuit held a vote and approved the agreement, authorizing it to be signed by officers of TFN. On April 1, 1993 the Nunavut Tunngavik Inc. (NTI) succeeded the TFN as the organization representing and defending the interests of Inuit in the implementation of the Agreement (McPherson 2003).

NTI is structured and operates in the bureaucratic tradition of Euro-Canadian corporations (Legare 1996). Its decision-making structure is composed of a General Assembly, a Board of Directors,

and an Executive Committee that governs a number of departments who in turn report to an Executive Director. Legare (2003, p.125) explains this cumbersome structure of decision-making in reference to the need to legitimize the institution in the eyes of the federal and territorial governments, and the requirements to comply with federal and territorial laws dealing with private enterprise. This mode of operation has been criticized by Inuit beneficiaries in regard to controversies among members of the Executive, cumbersome or incomprehensible structures, and high salaries (Ibid, p.125).

The administration of Inuit responsibilities under the NLCA is divided among a number of Inuit organizations. Under Article 39, NTI may designate organizations as responsible for any power, function or authority of a Designated Inuit Association under the Agreement. For lands and resources, DIO responsibilities are divided between NTI and the three Regional Inuit Associations. Under Article 19, Inuit gained title to Inuit Owned Lands, held in one of two forms: 1) fee simple including the mines and minerals beneath the IOL, and 2) fee simple except the mines and minerals beneath. NTI retains control over the subsurface parcels, but has delegated to the RIAs responsibilities for managing surface lands located within their regions (the Kitikmeot, Kivalliq, and Qikiqtaani) (NTI 2003, p.vi).

The purpose of Inuit Owned Lands is to provide Inuit with rights in land that promote economic self-sufficiency of Inuit through time, in a manner consistent with Inuit social and cultural needs and aspirations (Canada 1993a, A.17.1.1). To this end, lands selected by Inuit include areas with the following characteristics (NTI 2003, p.vi):

- Areas of value principally for renewable resources reasons
- Areas of value principally for reasons related to the development of non-renewable resources
- Areas of commercial value
- Areas of archeological, historical or cultural importance.

The aim of Inuit land management is to administer IOL on behalf and for the benefit of Inuit so as “to promote the principles of self-reliance and the cultural and social well-being of Inuit” (NTI 2003, p.vii). NTI recognizes that community objectives will differ and that land selection represents potentially competing interests, for example “conservation and wildlife harvesting versus mineral development” (Ibid). Therefore, NTI believes in the active participation of Inuit at

all levels of land management decision-making, which must be “open, democratic and accountable to Inuit” (Ibid).

#### **4.2.1.2 Regional Inuit Associations**

In coordination with NTI, the three Regional Inuit Associations are responsible for surface land administration. Coordination is carried out through the Land Policy Advisory Committee, which advises NTI and the RIAs on land and resource management policy. A common set of rules and procedures were developed to facilitate the coordination required between various bodies (including the IPGs, RIAs and NTI), providing “a degree of consistency across Nunavut” (Ibid:ix). In order to carry out its land management functions, NTI and the RIAs have outlined an Inuit land management policy. The formalization of community participation in decision making occurs through Community Land and Resource Committees (CLARCs) composed of residents representing the beneficiaries of each community. These committees “determine the manner in which land use development proceeds throughout Nunavut” (Ibid, p.viii). In this system it is the RIA, not NTI, that has direct links with communities. According to one KIA official, local people are involved through the committees as elected community representatives, where a total of five members serve for either two or three year terms (Interview 12). The committees report the Board through the Community Liaison Officer.

NTI and the RIAs together participate as interveners in the land use planning, environmental assessment and water licensing processes led by Nunavut’s co-management boards, also known as the Institutions of Public Government (IPGs). According to NTI officials, their role is to “work closely with the lands people in each of the RIAs when it comes to interventions” in environmental assessments and water licensing processes (Interview 9). Often, the work includes developing requests for proposal to give to consultants who look at the environmental impact statements and identify concerns with the proposed project. According to one participant, NTI participates in the EA process in the following manner:

Let’s use mining as an example. The company files a draft [EIS] and we get a copy. We fire out a RFP [request for proposal] to a contractor. We say what our concerns are. The consultant looks through the statement and makes sure our concerns are met and they give us a report. We submit this to the NIRB. When all reports are submitted, the NIRB asks the company to address any shortcomings. The final EIS is given back and copies are given back to the interveners. Then we do a submission for the technical and final

hearings. This is almost the same with the NWB related stuff. After the NIRB issues a certificate, the company has to file an application for a water license and we go through the same process with them. (Interview 9)

Thus, as land owners, as shareholders, as committee members and as participants in IPG processes, Inuit exercise considerable control over mineral development on a policy and project specific level.

NTI has delegated to the Regional Inuit Associations the right to negotiate Inuit Impact and Benefit Agreements with proponents of major development projects. Article 26.3.1 of the NLCA states that a project may not proceed unless an IIBA has been finalized. Any matter connected with a project that could have a negative impact on Inuit or that could confer a benefit on Inuit may be included in an IIBA (Canada 1993a, A.26.3.1). However, this Article places limitations on the right to negotiate. First, an IIBA must “be consistent with the terms and conditions of project approval, including the terms and conditions established pursuant to any ecosystemic and socio-economic impact review” (Ibid, A.26.3.2)<sup>4</sup>. Secondly, among the principles that guide IIBA negotiations, the following are relevant to this discussion:

- benefits shall be consistent with and promote Inuit cultural goals;
- benefits shall contribute to achieving and maintaining a standard of living among Inuit equal to that of persons other than Inuit living and working in the Nunavut Settlement Area, and to Canadians in general;
- benefit agreements shall not prejudice the ability of other residents of the Nunavut Settlement Area to obtain benefits from major projects in the Nunavut Settlement Area.

These limitations suggest that both Inuit and federal negotiators recognized the interdependence that would exist between Inuit and the public in relation to socio-economic benefits. Both sides agreed to take steps to ensure that this interdependence was managed in practice and in principle. In practice, a clear link was established between the public system and the IIBA through the impact review process. In principle, a just distribution of benefits was considered to be dependent

---

<sup>4</sup> Note that Section 12.2.23 limits NIRB’s jurisdiction over socio-economic impacts, preventing the Board from establishing requirements for socio-economic benefits.

on equity between Inuit and Euro-Canadian society. Now it is up to each side to interpret how these sections of the land claim should be implemented. This is discussed in more detail below.

#### **4.2.2 The Public Institutions**

Public control over public resources in Nunavut largely rests with the federal government, which owns, administers and controls the Crown Land in Nunavut. The Government of Nunavut, which is responsible for health, social services, education, justice, and environment (including wildlife) has little control over what happens on Crown Land. Meanwhile, municipalities deliver local services including wellness programming and local infrastructure. This section explains these arrangements in more detail, and concludes that local democratic control over mineral development on Crown Lands is circumscribed by the jurisdictional arrangements.

##### **4.2.2.1 Municipal Government**

There are 25 municipalities in Nunavut, each established by the territorial government under the *Cities, Towns and Villages Act*. Under the *Act*, councilors are elected to a fixed term of three years, and are responsible for carrying out the powers and duties of the municipal corporation – a public entity. Specifically, council members are responsible for considering “the welfare and interests of the municipality as a whole and to bring to the council’s attention anything that would promote the welfare or interests of the municipality” (Government of Nunavut 2007, s.32.1). The areas of jurisdiction of the municipal corporation include the delivery of municipal services (including the provision and operation of municipal programs and infrastructure), planning and making rules for the disposition of municipal lands (transferred to the municipality by the Commissioner), and economic development. Municipalities have no jurisdiction over subsurface lands within the municipal boundaries, and no authority over lands outside municipal boundaries. Inuit Owned Lands may abut or be contained within municipal lands, as set out in the NLCA. Municipalities may, however, make submissions to the Institutions of Public Government in land use planning, environmental assessment and water licensing processes, and thus have input into decision-making on lands outside their immediate footprint. Municipalities have their own planning process under the *Planning Act* for the disposition of land within municipal boundaries.

#### 4.2.2.2 The Government of Nunavut

The GN recognizes the potential costs and benefits that mining can bring to Nunavummiut but has limited jurisdiction with which to control the pace of development or levy rents on the use of Crown land or the extraction of resources. Nevertheless, it has developed a policy framework that it hopes will “prepare Nunavut to ensure the mining industry provides substantive and sustainable benefits to the territory and that negative impacts are minimized” (Nunavut 2007, p.6). *Parnautit*, the Department of Economic Development and Transportation’s Mineral Exploration and Mining Policy, recognizes that governance of the mining industry in Nunavut “largely rests with the federal government who, through Indian and Northern Affairs Canada, is managing the Provincial-like jurisdictional responsibility” until it is devolved to the GN (Ibid, p.13). Lacking jurisdiction over lands and resources, the territorial government has limited legislative authority over the conditions under which resource development projects may legally proceed. Greater control over resource development will only occur after a devolution agreement is reached with the federal government.

In the meantime, the GN has undertaken a number of initiatives to “actively engage Nunavummiut in the mineral exploration and mining industry” (Ibid, p.11). *Parnautit* focuses on four strategic areas, including: a jurisdictional framework to facilitate development consistent with the GN’s vision; ensuring Nunavummiut become participants in mineral development; building infrastructure; and environmental protection. For the GN, a strong and sustainable mining industry would (Ibid, p.9):

- Provide long term social and economic benefits for Nunavummiut
- Contribute to Nunavut’s economic goals
- Work to protect the environment and minimize impacts
- Be attractive to investors

Engagement with the mining industry is an important theme running through *Parnautit*. The GN recognizes that mineral development can contribute “significant and sustainable benefits to Nunavummiut” while having the potential for negative socio-economic benefits, and therefore believes

[it] is essential that strong and functional relationships between developers, government

and communities be established to manage impacts and maximize benefits, and to ensure that the development of Nunavut's mineral resources is beneficial to all Nunavummiut. (Ibid, p.25).

The focus of the GN's commitment to ensuring Nunavummiut are participants in mineral development extends throughout its policy, where there is an emphasis on community benefits<sup>5</sup>. *Parnautit* commits the government to maximizing community benefits through training initiatives (Ibid, p.30), updates to community economic development plans for communities that may be concerned that "they are losing control of their development" (Ibid, p.31), the hub community policy which encourages mining companies to base their activities from within Nunavut (Ibid, p.33), and the Development Partnership Agreement policy which encourages synergism between mining projects and Nunavut's infrastructure goals (Ibid, p.36). All of these commitments are in place until a devolution agreement is reached with the federal government, and therefore the strategic plan "will focus on issues that the GN needs to address...as we move toward more involvement and control of the key drivers of our economy" (Ibid, p.12).

The implementation of these policies is the responsibility of the territorial government, which gains little from resource development beyond a 1% employment tax and fuel taxes. The Government of Nunavut, therefore, must reallocate existing funds or seek assistance from the federal government to finance specific initiatives. Funding may or may not be available through various pre-existing federal funding envelopes such as the Strategic Investments in Northern Economic Development program. Over the long-term, the territorial government continues to pursue a devolution agreement with the federal government, which may ultimately give Nunavummiut the means to control the revenue generated from Crown lands and the tools to respond to the socio-economic demands of mineral development.

---

<sup>5</sup> A related theme running through the policy is community consultation, which is framed in the language of "relationships" (*Parnautit* p.25). The GN commits to building relationships between impacted communities, industry and government through, for example, the development of consultation guidelines and a commitment to consulting with communities where land and resource development activities may have impacts. In the latter case, the GN "will ensure that community concerns are considered in the assessment of mineral development projects" (p.26). In another example, the GN commits to conducting consultations to "hear the views of Nunavummiut" before it develops its specific policy on uranium mining development (p.22).

These circumstances highlight the relatively weak position of the Government of Nunavut relative to the federal government, which controls the purse strings for the territory. Here there are parallels with the position of the Inuit relative to the Crown. In its 2006 Statement of Claim against the Crown for alleged failures to implement provisions of the Land Claims Agreement, NTI made the following assertion:

Various provisions of the Agreement require the Crown to take governmental initiatives in order to fulfill promises made to Inuit in the Agreement. The Crown's power to design, select and implement such initiatives affords it power to control the manner and degree to which the Crown's own obligations under the agreement are performed. As a consequence of the Crown's dominant power in this regard, the Inuit are placed in a correspondingly vulnerable position where obtaining the benefit of the Agreement is dependent of the exercise of discretionary power by the Crown. (NTI 2006, p.5-6).

The territorial government's ability to respond to resource development pressures is, in large part, dependent on the Crown. Relative to the Inuit position, however, and for obvious reasons, the territorial government lacks the clout of a land claims agreement to hold the federal government to account on the public's behalf.

The Government of Nunavut does not have a system to consult with community members before intervening in IPG processes. This knowledge comes from the author's experience coordinating Government of Nunavut interventions in IPG processes. During the Doris North (proposed mine development) impact review process, the Government of Nunavut's current Department of Environment and Department of Economic Development and Transportation were housed under an integrated Department of Sustainable Development. Communication between the NIRB and DSD during the early stages of the review suggest a lack of responsiveness on the part of DSD to requests for comment by NIRB (NIRB 2002). Persistent efforts to better coordinate GN interventions resulted in the establishment of a Deputy Minister's committee (the Deputy Ministers Committee on Environment, Economic and Land Use or DMEEL) and working group. Chaired by the Department of Executive and Intergovernmental Affairs, DMEEL plays a coordinating role within government to ensure interventions reflect a GN-wide, or corporate, perspective. Interventions are developed by representatives from most GN departments, who may

or may not consult with regional offices prior to submitting comments on environmental impact statements.

#### **4.2.2.3 The Government of Canada**

The Government of Canada plays a number of distinct roles in Nunavut relating to environmental protection and mineral development. First and foremost, it is responsible for the administration and control of Crown Lands and the associated environmental protection measures that must be exercised as part of any land use activity. Second, it is responsible for administering its public responsibilities for economic development in the territory. Last and not least it is responsible for implementing many of the Crown's responsibilities under the Nunavut Land Claims Agreement.

The Department of Indian and Northern Affairs is the dominant federal presence in Nunavut in relation to mineral development. It plays a prominent role in the three areas mentioned above through its mandate under the *Department of Indian Affairs and Northern Development Act* and the *Territorial Land Use Regulations*. In addition, until recently its staff in the Nunavut Regional Office administered the *Strategic Investments in Northern Economic Development Fund* (SINED) and other economic development programs. These programs are currently being transferred to the new federal economic development office for northern Canada (CanNor) to be housed in Iqaluit. Other federal departments, such as the Department of Fisheries and Oceans and Environment Canada, are focused more narrowly on environmental protection and wildlife management issues.

The federal government's role in land claims implementation overlaps with its role in regulatory affairs, though in practice these two roles are separated. As signatory to the NLCA, the federal government is responsible for establishing the Institutions of Public Government. The general roles and responsibilities of the IPGs are described in the NLCA (see below), which requires that more specific direction be provided by federal statute (Canada 1993a, A.10). Two reports issued recently indicate that the land claims implementation process is not going smoothly in Nunavut. The first report, was authored by Thomas Berger, who was appointed in on June 5, 2005 to recommend new approaches to the implementation of the NLCA. Negotiations around a new NLCA Implementation Contract had stalled in 2003, resulting in uncertainty over two issues: funding levels for the Institutions of Public Government, and "Canada's responsibility, if any, for further steps to ensure improvement in the level of Inuit employment in the public service of Nunavut under Article 23 of the Agreement" (Berger 2006, p.1). In Berger's Conciliation Report, he notes that while a representative level of employment would be approximately 85%, Inuit

representation in government rested at approximately 45%. To Berger, a successful strategy to achieve a representative level of Inuit employment depended on education attainment, language of work, and social issues that constituted the broader context of daily life in Nunavut. In particular, Berger noted the fact that 75% of Nunavut's labour force do not have a high school diploma. Ultimately, he recommended a comprehensive program of bilingual education in English and Inuktitut be implemented as a solution to the problem. If land claims implementation is going to be anything more than a barren search for avoidance of responsibility, the "broader issues" must be addressed (Berger 2006, p.21). Since Berger's report was issued, NTI has taken the Government of Canada to court for, among other things, failure to implement sections of Article 23.

The federal government is aware of criticisms of the northern regulatory regime and responded with the Northern Regulatory Improvement Initiative. Led by Neil McCrank, the Initiative was intended to address the regulatory complexity that was preventing efficient and effective regulatory oversight of lands and resources in NWT. It also addressed regulatory issues in Nunavut and the Yukon. McCrank's review of the regulatory system in the NWT revealed that objectives of neutrality, consistency, accountability and coordination had not been met by the regulatory system, which involves a series of co-management boards similar to those in Nunavut (Canada 2008b). He also suggested that under the current system in the NWT, the issues of capacity and complexity could not be addressed. For Nunavut, his assessment was different. Compared to the NWT, Nunavut's system is less complex because it has fewer regulatory bodies (NPC, NIRB and the NWB) than the NWT. McCrank recommended that the federal government make the completion of Land Use Plans a priority for the territory and complete the implementation legislation for the Nunavut Impact Review Board and the Nunavut Planning Commission. He also noted challenges with capacity and regulatory timelines (Ibid).

#### **4.2.3 Institutions of Public Government**

Under Article 10 of the NLCA, the Government of Canada committed to establish the institutions of public government (IPGs). The IPGs are land and resource management institutions responsible for conducting specific administrative and policy functions. For the purpose of this discussion, the Nunavut Planning Commission (NPC) and the Nunavut Impact Review Board (NIRB) are relevant. The Nunavut Water Board (NWB) generally conducts a technical licensing process that reflects the decisions made after recommendations by NPC and NIRB.

The Agreement specifies the jurisdiction of government in relation to the IPGs. Section 10.6.1 gives Parliament and/or the Legislative Assembly the right to consolidate or reallocate the functions of the IPGs, or enable the consolidation of hearings conducted by the institutions, without diminishing their combined powers and functions, or reducing “the level of public participation or adversely affect[ing] the ability of members of the public to participate in the proceedings of said institutions”. (Canada 1993a, s.10.6.1(f)). Additionally, Government may not “alter the right of a member of the public to be heard by the said institutions in Inuktitut, or alter the obligation of the said institutions to conduct their business in Inuktitut” (Ibid, s.10.6.1(g)). Section 10.7.1 gives Government the right to vary by statute certain administrative matters, including the authority of an institution respecting officers and experts (Ibid, s.10.7.1 (d)), extension or shortening of deadlines for actions (Ibid, s.10.7.1 (i)), matters concerning the conduct of hearings and by-laws and the list of matters NIRB is required to take into account in reviewing project proposals provided NIRB’s ability to take other matters relevant to its mandate into account is not impaired (Ibid, s.10.7.1 (iii)). Government is required under section 10.8.1 to consult closely with the DIO and the relevant institution before taking any initiative under sections 10.6.1 and 10.7.1. Responsibility for the operation of NIRB, however, is vested in the members of the Board under section 12.2.1.

Together, the IPGs administer resource management functions on behalf of Government with input from Inuit. The co-management relationship is ensured by the composition of the Boards, whose members are nominated in equal numbers by Government and Designated Inuit Organizations. Upon nomination, all members are appointed by the Minister of Indian Affairs and Northern Development and therefore are accountable to the federal government.

#### **4.2.3.1 Nunavut Planning Commission**

The Nunavut Planning Commission is responsible for establishing broad planning policies, objectives and goals for the Nunavut Settlement Area and developing land use plans that guide and direct resource development (Ibid, s. 11.4.1). The NPC is guided by a number of principles, including the requirement that the planning process ensures land use plans “reflect the priorities and values of the residents of the planning regions” (Ibid, s.11.2.1(c)) and that “the public planning process [provides] an opportunity for the active and informed participation and support of Inuit and other residents affected by the land use plans” (Ibid, s.11.2.1 (d)). Section 11.2.1 (f) states that the “planning process shall be systematic and integrated with all other planning processes and operations, including the impact review process contained in the Agreement”.

#### **4.2.3.2 Nunavut Impact Review Board**

The impact review process is conducted by the Nunavut Impact Review Board. NIRB was established under Article 12 to “protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area” (Ibid, s.12.2.5). It does this by screening project proposals to determine whether a review is required (Ibid, s.12.2.2 (a)), gauging and defining the extent of impacts of a project (Ibid, s.12.2.2 (b)), reviewing the potential ecosystemic and socio-economic impacts of proposed projects (Ibid, s.12.2.2 (c)), and determining whether project proposals should proceed and, if so, under what terms and conditions (Ibid, s.12.2.2 (d)) This determination is reported to the government Minister with jurisdictional responsibility for authorizing a project to proceed. While NIRB’s mandate for reviewing ecosystemic and socio-economic impacts is broad, it is limited by section 12.2.3 which states “the mandate of NIRB shall not include the establishment of requirements for socio-economic benefits”.

The issue of socio-economic impacts and benefits has arisen in NIRB’s impact review process and remains contentious today. As discussed below in more detail, there has been conflict between municipalities and the Kitikmeot Inuit Association over who gets to negotiate the socio-economic terms by which mining companies are allowed to operate in Nunavut. The KIA has the right under the land claims agreement, but both municipalities and the KIA agree that IIBAs are not sufficient to cover impacts to public programs, services and infrastructure. The way that these issues are brought out into the public sphere is through the impact review process.

The impact review process is governed primarily by NLCA Article 12 Part 4: Screening of Project Proposals, and Part 5: Review of Project Proposals by NIRB, which set out the broad framework under which NIRB carries out its duties. The screening process is triggered when NPC determines that a project proposal conforms to the land use plan and forwards the proposals with its determination to NIRB (Ibid, s.12.3.1). Upon receipt of the proposal, NIRB screens the proposal to determine whether it has “significant impact potential” and therefore requires further review (Ibid, s.12.4.1). Factors upon which NIRB bases its determination include 1) the potential for significant adverse effects on the ecosystem, wildlife habitat or Inuit hunting activities, 2) the potential for significant adverse socio-economic effects on northerners, 3) whether the project will cause significant public concern, and 4) whether the project involves technologies for which the

effects are unknown (Ibid, s.12.4.2). NIRB then forwards its determination to the federal Minister who is responsible for acting on NIRB's recommendations.

In the event that the Minister accepts NIRB's recommendation that a project proposal requires review, the Minister may refer the project to NIRB for review under Part 5 of the NLCA. Under section 12.5.2, NIRB initiates the process of developing guidelines to issue to the proponent for the preparation of an impact statement. The NLCA broadly outlines the information requirements for an impact statement (Ibid, s.12.5.2) and the matters NIRB must take into account in its review, including whether the project would "enhance and protect the existing and future well-being of the residents and communities of the NSA" (Ibid, s.12.5.5(a)) and whether the project would "unduly prejudice the ecosystemic integrity of the NSA" (Ibid, s.12.5.5 (b)). NIRB may conduct its review by way of correspondence, public hearings or "such other procedures as it deems appropriate to the nature of the project and range of impacts" (Ibid, s.12.5.2). After reviewing the project, NIRB issues a report to the Minister containing its assessment of the project, its determination as to whether the project should proceed, and the terms and conditions under which the project should operate in the event the project were to proceed (Ibid, s.12.5.6). The Minister is then responsible for accepting or rejecting the report on grounds specified in section 12.5.7.

The NIRB has created a set of guides and is drafting rules of procedure providing additional detail about how the impact review process is conducted in practice. The guides cover the impact review process (NIRB 2008), NIRB's public awareness and participation programs for Part 5 Reviews (NIRB 2006a), and suggestions for proponents conducting public consultation in Nunavut (NIRB 2006b). For NIRB, effective public participation "strengthens the quality of the NIRB's review process and helps to avoid potential misunderstandings and conflict" (NIRB 2006a, p.2).

NIRB conducts its own public awareness program to fulfill its obligation under Section 12.2.27 to inform the public for the purpose of encouraging participation in the review process (Ibid, p.2):

All necessary steps shall be taken by way of notice, dissemination of information, and scheduling and location of hearings to provide and promote public awareness of and participation at hearings.

To meet its public participation mandate for hearings, NIRB disseminates information through its online public registry and through local media. It holds public information sessions in the affected communities to “ensure they are aware of the NIRB review process, the project undergoing review, and any relevant information” (Ibid, p.4). Finally, it generally holds two sets of hearings – a Pre-Hearing Conference and a Final Hearing. According to NIRB,

The hearings provide a forum for parties, interveners, and the public to make comments and present information to NIRB regarding the project. Significantly, these hearings are an opportunity for the Board to give due regard and weight to the tradition of Inuit oral communication and decision making, through the participation of Elders and community members.

NIRB will make every effort to ensure that all affected communities are represented at the hearings. Additionally, NIRB makes every effort, within reasonable limits, to ensure hearings are scheduled at appropriate times of the year, respecting times when the public traditionally travels on the land, conducts harvesting activities or participates in celebrations. NIRB will also ensure the hearing proceedings are translated into Inuktitut, Inuinnaqtun and French (if requested).

NIRB also provides guidance on appropriate consultation to project proponents operating in the territory. The Board highlights the importance of early and ongoing consultation that takes place before a project proposal is developed and continues through the EA process, licensing, project operation and closure. NIRB recommends a respectful, two-way communication process between the proponent and the affected community that assists both the communities and the proponent “to understand what effects a project will have on potentially affected communities” and “helps avoid potential misunderstandings and conflict with the public” (NIRB 2006b, p.2). At the review stage, NIRB requires the proponent to conduct pre-project consultations and document the process in the Environmental Impact Statement, which should demonstrate “clear linkages between the results of the consultation process and how the consultation process has influenced project proposal decisions, such as project design, mitigation measures and/or monitoring” (Ibid, p.4). Finally, the NIRB provides a list of the “common Nunavut community interests groups” that should be considered by developers as part of their consultation efforts (see Appendix III).

#### **4.2.3.3 Nunavut Water Board**

The Nunavut Water Board is the final link in the chain. It is responsible for regulating water use in the territory under Article 13 of the NLCA. Though a critical component of the IPG system, it will not be explored in detail in this study.

#### **4.2.4 Summary: Direct Participatory Opportunities in Resource Management**

The very idea that marginalized perspectives exist in Nunavut is perhaps difficult to fathom because of the opportunities for participation offered to Inuit and Nunavummiut through the land claims agreement and public government. As the preceding discussion suggests, Inuit exercise extensive control over territorial affairs through 1) the powers of law making and policy creation afforded by the Inuit majority through the conventional operation of the public government; 2) the constitutionally defined land base, financial resources and negotiating powers Inuit gained through the NLCA; and 3) the powers to appoint representatives to, and participate in, land management decision-making processes governing resource development and land use throughout the Nunavut Settlement Area. As the following discussions illustrates, the number of opportunities to participate in these governance processes is substantial, especially in relation to project level decision-making for proposed major development projects such as mines.

At this point it is worth giving a general overview of participatory opportunities in mineral development governance with attention paid to the *channels* available for individuals to influence government, Inuit associations and co-management institutions. It is assumed that co-management institutions are also influenced by the participation of Inuit associations and government. The intent here is to give a taste of the extent of the participatory opportunities in Nunavut, recognizing the existence of potentially significant barriers to public participation exercises. These barriers may include information deficiencies, lack of resources (including institutional capacity in civil society), lack of motivation or time on the part of participants, or a lack of impact on ultimate decisions, and/or education (Diduck and Sinclair 2002, Sinclair and Diduck 1995). Readers should be advised that this discussion is not intended to evaluate the effectiveness of these public participation exercises in a rigorous manner (Rowe and Frewer 2004).

A number of opportunities exist for individuals to participate in resource management processes on a project-specific basis in Nunavut separate from engagement through employment in Inuit or public administration or by taking on political leadership roles. These opportunities are discussed below, with brief summaries of their institutional foundations.

- 1. Participation as interveners in EA processes:** During the Part 5 review process, NIRB is required to hold public hearings that “emphasize flexibility and informality” giving special weight to local traditions of Inuit oral communication and decision making (Canada 1993a, s.12.2.24(a)). For NIRB, effective public participation “strengthens the quality of the NIRB’s review process and helps to avoid potential misunderstandings and conflict” (NIRB 2006a, p.2). NIRB conducts its own public awareness program to fulfill its obligation under Section 12.2.27 to take all necessary steps “by way of notice, dissemination of information, and scheduling and location of hearings to provide and promote public awareness of and participation at hearings”. To meet its public participation mandate for hearings, NIRB disseminates information through its online public registry and through local media. It holds public information sessions in the affected communities to “ensure they are aware of the NIRB review process, the project undergoing review, and any relevant information” (Ibid, p.4).
- 2. Participation as land claims beneficiaries in local resource management committees:** In order to carry out its land management functions, NTI has outlined the types of procedures developed to carry out the Inuit land management policy. The formalization of community participation in decision making occurs through Community Land and Resource Committees (CLARCs) composed of residents representing the beneficiaries of each community. These committees “will determine the manner in which land use development proceeds throughout Nunavut” (NTI 2003, p.viii). In this system it is the RIA, not NTI, that has direct links with communities. According to one KIA official, local people are involved through the committees as elected community representatives, where a total of five members serve for either two or three year terms (Interview 10). The committees report the Board through the Community Liaison Officer.
- 3. Participation in Multi-Stakeholder Socio-Economic Monitoring Committees:** The Jericho Project Certificate, issued by the Nunavut Impact Review Board and approved by the federal Minister of Indian and Northern Affairs, states that “prior to the commencement of operations,

a Kitikmeot Socio-Economic Monitoring Committee be formed to supplement, not replace, the IIBA. This committee includes GN, INAC, KIA and NIRB's Monitoring Agent and will involve the preparation of an annual report of the impact of the mine on the closest communities, including Inuit who live near the project area" (NIRB 2004b, p.10). Subsequent project certificates for the Doris North mine and the Meadowbank Mine require government or the proponent to establish project socio-economic monitoring committees that "engage" (NIRB 2006d, p.10) or "consult" (NIRB 2006e, p.20) affected local governments. The level of public participation actually occurring through the implementation of these provisions was not investigated as part of this study.

There are a variety of participatory links between local interests and public policy on a project specific basis. Indirectly, NIRB channels local interests through its project certificates to government. MLAs may direct policy development or learning within the bureaucracy may occur through the multi-stakeholder socio-economic monitoring committees (an *ex post facto* engagement process). However, the GN has limited jurisdiction with which to control the pace of development or levy rents on the use of Crown land or the extraction of resources. In addition, although the GN participates as an intervener in IPG processes - it does not have a formal system in place to consult directly with community members about project-level recommendations - neither does the federal government. A link does exist between community members and the Inuit associations through the CLARCs, and between the IPGs and community members.

### **4.3 RESOURCE GOVERNANCE IN ACTION**

The circumstances of broad Inuit control over public policy and economic development discussed above suggest Inuit have significant control over their collective destiny, particularly in relation to land use activities and mineral development. This interpretation, however, is not necessarily consistent with other accounts of resource governance in Nunavut. For instance, Suluk and Blakney (2008) explore the perspective of Inuit who "thought that the settlement of land claims and the creation of a new territory designed to allow northern people to participate in new development of their traditional homelands would be the solution" to a contemporary Inuit dilemma: how to retain a traditional lifestyle while providing opportunities for their youth to participate in Euro-Canadian society (Ibid:65). Rather than empowerment, these authors argue, the experience of land claims implementation has instead been one of alienation from the new government, disempowerment under co-management arrangements, and continued paternalism

resulting from non-Inuit financial management priorities that keep the “ordinary Inuk” from expected per-capital compensation payments. This has created resentment among Inuit who feel that, contrary to the perceived aims of the land claims agreement, people’s livelihoods remain subject to control by outside forces. These factors have led to practices of resistance by the older generation of Inuit involving the strategic use of scientific and traditional knowledge. Suluk and Blakney (2008) discuss subversive practices expressed through irregularities in the tabulation and reporting of harvesting records by local hunters and news reports of traditional knowledge being “strategically created and filtered through politically astute interpreters to keep researchers and government at a distance” (Ibid:67). Their analysis suggests that resistance itself is triggered by the contemporary scientific requirements of Euro-Canadian resource management practices.

This is consistent with other research that identifies the inequitable treatment traditional knowledge receives when employed by Euro-Canadian administrative and political systems dependent of Western scientific knowledge for legitimacy (Nadasdy 2002; White 2006; Tester and Irniq 2008). But the analysis goes further as Suluk and Blakney (2008) interpret the origin of the resistance as the experience of injustice stemming from the unfulfilled promises of land claims institutions. From this perspective, land claims have failed to transform the way knowledge is employed as a form of domination over Aboriginal people; the use of traditional knowledge itself has thus continued to be a strategic tool of resistance motivated by historical, social and cultural experiences of perceived injustice. These findings are significant because they suggest that despite the best efforts of Inuit to secure the means to self-determination, the practices of Euro-Canadian society can be viewed from the perspective of domination and oppression. The following historical and contemporary examples of resource management conflict in Nunavut suggest that local decision-making practices, as well as local histories, work together to construct experiences of disempowerment under pre- and post-land claims resource management regimes.

This discussion is structured around three modes of resistance historically exercised by Inuit in relation to the imposition of Euro-Canadian society: 1) non-confrontational, 2) confrontational, including public protest and practices of subversion, and 3) politically organized resistance (Mitchell 1996). In the first case, methods of non-confrontation include collective movements focused on the maintenance of cultural practices, including harvesting activities and the use of Inuktitut and Innuinaqtun in government and cultural media. According to Mitchell (Ibid, pp.413-419), these movements can be interpreted as acts of resistance to the imposition of Euro-Canadian cultural institutions including the Canadian Broadcasting Corporation and residential schools. The

second form of resistance is confrontational in nature, characterized by determined opposition to specific actions such as proposed major development projects, violations of acceptable land use, and restriction of hunting practices. The third form is politically organized resistance characterized by the ongoing struggle for Inuit self-determination and self-government against the Canadian state. Mitchell (Ibid, p.419,424) points out that, in the latter two cases, Inuit leadership has often chosen to negotiate compromise often at the expense of more radical calls for transformative self-government or outright rejection of industrial development.

#### **4.3.1 Conflict in the Kivalliq**

An example of confrontational resistance is documented by McPherson (2003, pp.171-196), who explores the circumstances of the conflict in Baker Lake over the proposed Kiggavik uranium project in the late 1970s. At that time, the Kivalliq Region (formerly the Keewatin Region) of Nunavut was experiencing a boom in uranium exploration and potentially economic uranium mineralization was identified 80 km west of Baker Lake at the Kiggavik site in 1977. Once it was determined that a mining operation would be feasible, Urangesellschaft (UG), the owner of the property, initiated the permitting process and presented its Environmental Assessment Report to the Federal Environmental Assessment and Review Office (FEARO) in late 1989 (AREVA 2008, pp.1-4).

At the time, there was growing opposition to the project from within the community. A committee composed of regional Inuit groups was formed, with Tagak Curley serving as spokesperson. The list of groups comprising the committee, which would later become known as the Northern Anti-Uranium Coalition (NAUC), included members from the Keewatin Regional Association, the Keewatin Inuit Association, the Health Board, the Wildlife Federation, the Tunngavik Federation of Nunavut (later to become NTI) and the local MLA. In a letter to the federal Minister of Environment, Curley called for more time, intervener funding, and changes to the terms of reference that would ensure meaningful participation by the committee. Meanwhile, the president of TFN challenged Dennis Patterson, the territorial government leader, to explain the GNWT's silence on the uranium issue: "Opposition to the project by Inuit in Keewatin is clearly growing based on moral, environmental, social, cultural and land claim grounds...yet the government of the Northwest Territories has said remarkably little about this proposed development, except to support a public review of it by a panel" (Milortok 1989). Joan Scottie, leader of the Concerned Citizens Coalition of Baker Lake, began to disseminate information to, and document the concerns of, residents of the community.

McPherson's (2003) account confirms that at international, territorial, regional and local levels Inuit organizations were cohesively opposed to the Kiggavik project. Popular opposition was confirmed when on March 26, 1990, a plebiscite revealed 90% of the local population opposed the mine (AREVA 2008, pp. 1-5) and the Kiggavik project was taken off the table. It is possible that changing market conditions unfavourably affected the project. However a number of extenuating factors linked to land claims negotiations have been considered that may have contributed to the project's rejection (Ibid, pp.194-195). First, it is likely that UG had not attempted to negotiate an agreement along the lines of an IIBA, the provisions for which had been initialed in 1988 and included in the Agreement-in-Principle. Second, and perhaps more significantly, the proponent had not demonstrated an understanding of the force of Inuit efforts to ensure their land was protected and their rights (to participation in decision-making and to legal redress for losses incurred by development impacts on harvesting) were recognized. Publicly, however, the reason for its suspension was given by the company's president: "because of concerns raised by the FEARO Panel, the GNWT, and residents of the Keewatin, plans for the mine have been halted indefinitely" (McPherson 2003, p.193).

Since the early 1990s, the uranium industry has benefited from a slow but steady increase in support from government and Inuit organizations. Since the Nunavut Land Claims Agreement was signed, a number of events have moved the territory closer to uranium development, generating conflict between Inuit associations and local interests. This began with the approval of the Keewatin Regional Land Use Plan in the year 2000. The Plan included uranium-specific terms and conditions prohibiting uranium development from taking place unless a set of general conditions were met, including the requirement that "any future proposal to mine uranium must be approved by the people of the region" (NPC 2000).

Meanwhile, Inuit groups and government were organizing to change their longstanding position against uranium mining in Nunavut. As a member of the Inuit Circumpolar Council, NTI had supported a 1983 ICC resolution opposing nuclear weapons testing, nuclear energy production in the Arctic, and the extraction of uranium and other radiogenic elements. However, by the late 1990s times had changed. NTI began working on a uranium mining policy between 1996 and 1999, but it wasn't until March 2006 that it released its draft discussion paper for internal review. This led to the release of a Draft Consultation Document and Draft Uranium policy which was distributed "to several Nunavut organizations for their review" and were incorporated into the

second draft of the policy document (NTI 2006a:4). The final policy, recommended for approval by NTI on June 15, 2007, permits NTI to grant exploration and mining rights to uranium mining companies. It also acknowledges that “its most recent Exploration Agreements give NTI the option of having a direct participating interest (through a mining affiliate) in exploration and mining projects or of receiving a net profit royalty”, and requires NTI to review these terms for future agreements (NTI 2007, p.17). The policy was approved on September 18, 2007 and announced by NTI 1<sup>st</sup> Vice President James Eetoolook, who said, “after several months of careful consultation with communities and various Inuit organizations and regulatory agencies, the NTI Board of Directors reviewed a policy concerning uranium mining and made the decision to approve it “ (AREVA 2008, p.1-7). Meanwhile, the Government of Nunavut released its Six Guiding Principles for Uranium Development on June 4, 2007, which states the GN’s support for uranium mining provided health and safety standards are met, and Nunavummiut benefit from development (Government of Nunavut 2007).

The timing of these events coincided with the Nunavut Planning Commission’s Uranium Mining Workshop, held June 4 – 8, 2007 in Baker Lake. The purpose of the workshop was “to review the issues and opportunities associated with uranium exploration and development in the Kivalliq Region” as required by the Keewatin Regional Land Use Plan (NPC 2007). The NPC had also worked to establish the terms under which a project proposal could be deemed to conform to the uranium-specific conditions of the Plan, indicating they could be satisfied subject to the following (AREVA 2008, pp.1-8):

- The Kivalliq Inuit Association (KIA), as the representative of Inuit in the region, passes a motion in favour of uranium development, and
- Baker Lake plus three or more other communities representing 50% of the remaining population in the remaining Hamlets also pass Hamlet Council Motions in favour of uranium development and mining.

Development continued. Between December 7, 2006 and May 8, 2008, the Kivalliq Inuit Association and seven hamlets in the Kivalliq Region passed motions of support in favour of uranium mining, paving the way for the submission of a project proposal and possible approval of a uranium mining project, subject to the outcomes of impact review. Meanwhile, on February 7, 2008 NTI took a significant step toward direct participation in resource development. It

announced the signing a memorandum of understanding with Kaminak Gold Corp. that included the right to explore for uranium on Inuit Owned Land. The MOU requires Kaminak to spin-out its uranium interests in Nunavut into a new company that will issue 100 000 000 shares to NTI over 36 months. As part of the agreement, Kaminak and/or its spin-off are required to pay NTI \$50 000 a year in advance royalties until a mine commences. Upon completion of a feasibility study, NTI then has the option of taking either a 25% participating interest or a 7.5% net profits royalty in any mine developed further to the study.

These developments caused a backlash across the territory, with complaints registered by Inuit against Inuit associations and their leaders. Joan Scottie, head of the Baker Lake Hunters and Trappers Organization and founder of the Baker Lake Concerned Citizen's Committee, wrote to *Nunatsiaq News* commenting on the behaviour of the Inuit leadership (Scottie, 2006):

It's been almost 15 years since we struggled with our concerns. We made a difference, because of the unity we built. It included Inuit and non-Inuit living in the region, people outside the region, people who earn their living from the land and people who go to the office.

I am not as active as 15 years ago. It's not because my concerns have ceased, or that uranium mining is now less dangerous.

It's just that I feel so defeated when powerful people like James Eetoolook, and NTI who are supposed to protect our rights and our livelihood, as stated in their mission statement, irresponsibly endorse uranium mines, without first consulting with the people, mainly the beneficiaries.

More recently, public debate has emerged in the Legislative Assembly, where MLAs have questioned the government's role in protecting the interests of Nunavummiut affected by mining development projects. On May 27, 2008, Mr. Arvaluk, a Regular Member, questioned the Deputy Premier about the territorial government's response to NTI's agreement with Kaminak Gold. Mr. Arvaluk stated:

One of the rights of Inuit in the NLCA states that the Inuit have ownership of certain lands. However, organizations that hold these lands in trust are only paying lip service to this ownership by Inuit.

He continued:

By virtue of this interest in the mining project, it is quite obvious that they may be in conflict when they are trying to protect the rights of the Inuit under the Inuit Impact and Benefits Agreement.

Who will we regular folks in the communities be able to approach if we have concerns about the development projects...? Who can people turn to, to help advocate their rights under the agreement? All we can do is watch the events unfold as the mineral property is being developed right under our noses.

Can you tell the House, as the Deputy Premier, whom the people of Pond Inlet, Igloolik, Hall Beach, Clyde River, and Arctic Bay can turn to, to represent and protect their rights in regard to the mining and oil development, particularly when their own representatives from Inuit organizations own an interest in these projects?

On June 3, 2008 then Premier Paul Okalik responded to these questions in the House. He explained that the government took the issues of participation and benefits seriously, and identified a number of initiatives undertaken by the government to maximize socio-economic benefits to impacted communities and engage Nunavummiut in the industry. These included educational initiatives, training programs, socio-economic monitoring committees and tax rebates to encourage mining companies to provide lasting benefits to Nunavut communities. With regard to IIBAs, the Premier explained that the government respected the rights of Inuit under the NLCA to negotiate the agreements directly with resource development companies. He clarified that it was not the territorial government's role to comment on how IIBAs are negotiated. He reminded the House of the government's support for the role the Institutions of Public Government in ensuring both Inuit and the public participate in decision-making, and stated:

If Inuit have concerns about these agreements, I suggest they contact their regional Inuit association to voice their opinions.

There is no reason to think this conflict will resolve itself any time soon. AREVA Resources has submitted a project description to regulators for the recently updated Kiggavik Project Proposal. The company plans to construct, operate and decommission a uranium mine projected to extract 22 M tonnes of uranium ore with a grade of 0.23% over the course of its 17 year mine life. The regulatory submission was deemed by NPC to conform with the conditions of the Keewatin Regional Land Use Plan, and was forwarded to NIRB for screening in early 2009. Comments received by NIRB from the Baker Lake Concerned Citizens Committee, the Baker Lake HTO and the Beverly Qamanirjuaq Caribou Management Board suggest there will be strong opposition to the project.

Conflict in the Kivalliq Region illustrates how divisive the issue of resource development can be among Inuit. But it also emphasizes two other important points about resource development politics. First, that some Inuit place considerable trust in legitimate political representation within the Inuit sphere, as citizens in Baker Lake have identified Inuit leadership and Inuit Associations themselves as unrepresentative of local interests. Second, that the Legislative Assembly does not appear to be seen as a legitimate site for discourse about Inuit participation in resource development.

#### **4.3.3 Conflict in the Kitikmeot**

Similar issues have arisen in the Kitikmeot Region where conflict occurred over the management of socio-economic impacts and benefits. On March 1, 2002, Miramar Hope Bay Limited (MHBL) submitted its project description for the Doris North Gold Project to the Nunavut Impact Review Board for screening. The Project was to be located 110 km south of Cambridge Bay, east of Bathurst Inlet, and it was to be the first gold mine in Nunavut and the first mining proposal to be located on surface and subsurface Inuit Owned Land (NIRB 2006c). The projected mine life was 24 months, and the project was predicted to yield 307,000 ounces of gold. According to the NIRB Final Hearing Report (NIRB 2004) the predicted benefits of the project included:

- the creation of 68 jobs during construction and 149 jobs during operation with approximately 40% Inuit employment.
- increased business opportunities

- revenues to government from taxes
- royalties to NTI

The Doris North Project Proposal was referred to Part 5 Review by the Minister of Indian and Northern Affairs on June 5, 2002. Two years later, from July 11 – 16, 2004, a Final Hearing was held in a number of communities in the Kitikmeot Region. Based on the evidence provided at the hearings, the Board decided it could not approve the Project because of insufficient information in five areas, including the assessment of alternatives to the tailings impoundment facility (a lake), the water quality and management strategy for tailings, jetting design and related aquatic effects, the Wildlife Mitigation and Monitoring Plan, and the socio-economic impact of the project on residents and communities. The Minister of INAC accepted NIRB's recommendation that the project not receive approval (NIRB 2006c).

MHBL submitted an updated project description to NIRB on February 14, 2005, and the Project proceeded to a Part 5 Review following an abbreviated screening process and Minister's decision. The Final Hearing for the project was held in Cambridge Bay from January 30 to February 3, 2006. Public participation was handled by NIRB's Hearing Coordinator, whose *Consultation Action Plan* included: newsletters; facilitating the attendance of municipal and community representatives from the affected communities at the Pre-Hearing Conference and Final Hearings; community meetings to discuss the project and the Final Environmental Impact Statement with community organizations and representatives in affected communities; and a community round-table discussion during the hearings, in addition to the technical sessions (NIRB 2006c, p.11-12).

One of the key issues during the two hearings was the question of socio-economic impacts and benefits. In its 2004 Final Hearing Report, NIRB identified a "lack of consideration of the socio-economic impacts on the residents and communities that will be affected by this project" (NIRB 2004, p.66). The Board cited presentations from the municipalities of Cambridge Bay and Kugluktuk, whose representatives indicated a need to understand existing conditions regarding substance abuse, decline of Innuinaqtun use, high crime rates and low employment levels in the face of existing wage opportunities (NIRB 2004, p.67-68). Mayor Peter Taptuna of the Hamlet of Kugluktuk expressed his concern about the absence of territorial government departments responsible for social program delivery in the community. He argued it was not possible to understand the relationship between the proposed mine and the social issues affecting the community, in part because of this absence. Ultimately, he concluded that:

[t]he public and the institutions that represent us must be in a position to weigh all known positive and negative impacts of the projects, such as the Doris North Project, in order to make an informed decision on whether these projects should proceed to capitalize on the intrinsic mineral wealth of our area. However, we find the consultative process and the structures guaranteed to us have ... only been partly successful in achieving this. (Ibid)

The Final Hearing Report also noted evidence from the Kitikmeot Inuit Association and the Hamlets suggesting NIRB should not rely on the IIBA as the only mechanism for socio-economic impact mitigation. The Hamlet of Cambridge Bay was quoted as stating:

the primary concern is a lack of socio-economic agreement with the Hamlets...we have a concern that the Hamlet was excluded from the training plan development we have been told is part of the IIBA. There has been no involvement with the Hamlets in establishing secondary and tertiary industry opportunities...another concern that we have is the reliance on the IIBA as the only document required to address socio-economic issues. Nunavut is unique, and it is the only region where the impact benefit agreements are negotiated with a body that is not responsible for social or wellness programs. (Ibid, p.70)

The KIA agreed that issues such as community health, in-migration and crime are components of NIRB's review that would not be directly considered by an IIBA (NIRB 2004, p.70).

Ultimately, the Board recommended the project not be approved further to NLCA paragraph 12.5.6(b) "as a result of inadequate information on significant environmental assessment categories which are vital parts of the ecosystem, individually and collectively" (NIRB 2004, p.80). Specifically regarding socio-economic impacts, the Board stated:

On the basis of the evidence provided at the Hearing, in order for the Board to fulfill the requirement in section 12.5.5(a) to take into account whether the project would enhance and protect the existing and future well-being of the residents and communities of Nunavut, the Board requires further and better information on the socio-economic aspects of this Project. In particular, the Hamlets must be consulted on potential adverse socio-economic effects and on related mitigation and monitoring plans. (NIRB 2004, p.75)

A similar set of issues arose during the second Part 5 Review. The Hamlet of Cambridge Bay cited concerns for the absence of regulatory instruments covering socio-economic issues outside the scope of IIBAs (NIRB 2006c, p.43). The Hamlet recommended NIRB, KIA, NTI, INAC, GN and Cambridge Bay develop formal partnerships to ensure Hamlets are involved in the planning process for future projects. The Hamlet of Kugluktuk echoed these concerns, but went further to comment that the KIA does not represent municipal governments who provide community services (e.g. wellness) not only to beneficiaries but to the community as a whole (NIRB 2006c, p.45). Meanwhile, the KIA found that adverse socio-economic effects were likely to be minor, and that the IIBA would enhance positive effects and help “alleviate potential adverse effects of the project on Inuit” through Inuit employment plans, Inuit training, Inuit business opportunities, and financial assistance to help “alleviate the negative social, cultural and health effects on Inuit employees, their families and communities” (NIRB 2006c, p.29). At the same time, KIA acknowledged that the IIBA must be complemented by Government programs (e.g. social services, health, justice) in order for its positive effects to be optimized. Other interveners who commented on socio-economic considerations, including INAC and the GN, recommended the establishment of socio-economic monitoring committees to manage the risks associated with the project. At the time, it was unclear what the explicit purpose or mandate for these committees would be.

During the Final Hearing in July 2006, an exchange occurred between representatives from the Municipality of Cambridge Bay and Nunavut Tunngavik Inc. that directly addressed the issue of overlapping Inuit and public interests in socio-economic impacts and benefits. The problem was expressed one way by the Hamlet of Cambridge Bay representative, who was reacting to the fact that the IIBAs did not cover all potential socio-economic impacts of projects – impacts that would need to be mitigated by municipal governments. At issue was the fact that IIBAs were negotiated between Inuit Associations and the mining company to the exclusion of the hamlets:

While the Hamlet of Cambridge Bay itself represents more than just Inuit, I think we can all agree that the majority of the Inuit in the region are living in one of the communities within the region, so the communities are the ones that are providing the services to the Inuit of the region rather than the KIA or NTI... (Hamlet of Cambridge Bay 2006)

For the hamlet, the issue could be resolved in one of two ways. Either the Inuit Associations could include all of the socio-economic impacts into the IIBA, or the municipality could negotiate a separate socio-

economic agreement with the project proponent. The hamlet wanted to know which option would be supported by the Inuit Associations.

In response, NTI presented its version of the problem. NTI saw the IIBA as a mechanism to benefit Inuit and only Inuit, which posed a conundrum for the partnership model. NTI was apprehensive about committing to provide benefits that would go to non-Inuit in a community, even though most of the benefits would go to Inuit. This was justified in the following way:

In the past, Inuit were being left behind, and you know, just 1960, that's the only time Inuit were allowed to vote, you know. I think to stop that kind of thinking, we negotiated land claims so Inuit can have -- can be equal to other members of the Canadian society. I don't think we should forget that. There will be times that we negotiate IIBA on the projects. This is one of them, and I think, like I said before, even though the IIBA is strictly for Inuit, but Inuit are public as well. So I think nowadays we're getting into a partnership arrangement, let's not stop that. And I think this IIBA will benefit people living in the communities. I think they are part of the public, they need jobs, and I think we're trying to do that. (NTI 2006c)

In the end, the Hamlet of Cambridge Bay requested that the NIRB insert a condition into its project certificate that would force the proponent to sign a socio-economic agreement with municipal governments in the region. Such a measure would set precedent and

send a message to further future proponents that they, like the proponent, deal with the Hamlet of Cambridge Bay and the other affected communities on future projects to ensure that the aspects of a socio-economic -- or socio-economic impacts outside of an IIBA are considered and mitigated. (Hamlet of Cambridge Bay 2006)

In addition to the issue of regulatory gaps, the Kugluktuk Hunters and Trappers Organizations voiced concerns regarding the distribution of benefits and the process used by Inuit organizations to negotiate the IIBA. Quoted in NIRB's Final Hearing Report (NIRB 2006c, p.44), the HTO stated:

[I]f Inuit royalties cannot or will not be invested in Inuit directly affected by the Doris North Mine, we can assume that our residents would find this mine development to be much less supportable.

Further, the HTO tied the need for additional human and financial resources to participate in NIRB processes to the distribution of royalties. It stated that it wished to see NTI provide “meaningful information and consult with the Kitikmeot HTOs’ [sic] on the possible use of royalties from this mine, to assist in the participation in the processes such as this in the future” (Hamlet of Kugluktuk 2006).

The issues presented in the NIRB Part 5 reviews for the Doris North Project illustrate again the contested nature of legitimate representation in Nunavut. In this case, both municipal government and Inuit Association were claiming their positions reflected issues of common concern to Inuit. However, NTI argued that negotiating IIBAs for the benefit of Inuit (to the exclusion of hamlets) would allow Inuit to reach a level of economic equality with the rest of Canadians, while the hamlet argued that service delivery to Inuit would suffer if local governments were excluded from securing benefits. Are both positions legitimate reflections of Inuit interests? If they are, one would think that discussion grounded in attitudes of reciprocity and mutual empathy might lead to a just resolution of the issue.

Unfortunately, NIRB’s decision skirted around the issue of socio-economic benefits and focused instead on socio-economic monitoring. On March 6, 2006 the Board wrote to Jim Prentice, Minister of Indian Affairs and Northern Development with its determination that the project should proceed subject to proposed terms and conditions. According to NIRB, the socio-economic issues from the first review were resolved in two ways. First, evidence suggested that the Hamlet of Cambridge Bay had been adequately consulted by MHL, as the Hamlet had indicated its satisfaction with MHL’s position on socio-economics. Secondly, the issue of regulatory gaps affecting the capture of socio-economic impacts was settled through the Board’s requirement that a socio-economic monitoring committee be established to “supplement, not duplicate, areas covered by the IIBA” (NIRB 2006c, p.67)

#### **4.4 DISCUSSION**

The preceding discussion provides a number of snapshots into the institutional foundations of resource governance and the experiences of Inuit, both individually and collectively, in governance processes. The institutional foundations create the circumstances for Inuit self-determination in the relational sense, where spheres of autonomy and shared rule intersect to

manage both independence *and* interdependence. Autonomous institutions allow Inuit to exercise considerable power in law making, policy development and economic development. Even the lands and resource co-management boards give Inuit considerable power to influence decision-making, although the ultimate authority for activities on Crown lands rests with the federal government. On the other hand, allegations of conflict of interest and lack of accountability on the part of Inuit organizations, and lack of cooperation at the local level between Inuit organizations and local public governments, suggest that the forms of autonomy and shared rule do not necessarily result in equitable local control. Rather, institutional factors such as corporate structure, lack of territorial jurisdiction over lands and resources, and the reality of separate spheres of allegiance may in fact be hindering the resolution of common issues at the local level.

In the Inuit sphere of autonomy, these allegations appear to support Mitchell's (1996) analysis of corporate bias at Inuit associations. To the extent this is true, the assertion that the post-land claims environment "has created a constituency of native leaders who feel empowered to capture the presumed citizenship benefits of resource development" (Stern 2006, p.116) therefore lacks significant critical attention to the concept of legitimate representation of interests. Could it be that Inuit leaders, by virtue of their position, justify resource development by employing the rhetoric of citizenship? The resolution to this apparent contradiction depends on the extent to which Inuit interests and the interests of the Inuit leadership are aligned within the Inuit sphere of autonomy.

In the public sphere of autonomy, Inuit land claims rights weigh the balance of economic power against the territorial and municipal governments, which lack jurisdiction over lands and resources. This complicates the issue of socio-economic benefits in environmental assessment processes, where Inuit organizations (by right) and municipalities (by policy) are asking for socio-economic agreements with mining companies. Despite the fact that both positions are grounded in legitimate concerns for the welfare of Inuit, it is difficult to say whether the tone of the relationship between the Kitikmeot Inuit Association and the Hamlet of Cambridge Bay reflects attitudes of reciprocity and mutual empathy. In some ways, a more confrontational tone is not entirely unexpected: one can imagine how adversarial relationships in land claims implementation might reflect the relationship generated between the two solidarities during the process of land

claims negotiations.<sup>6</sup> But why, in a jurisdiction where Inuit have two autonomous spheres through which they can exercise different forms of self-determination, does this friction exist?

The third and final point of departure revolves around the participatory nature of the co-management arena. Is the co-management arrangement indeed a pluralist forum where competing interests vie to influence the arbiter? Divisions between Inuit and public interests on socio-economic matters suggest that, conceptually, this is a good place to start. But if this analysis holds true, to what extent are the criticisms of pluralism valid in the case of mineral development decision-making in Nunavut? On whose behalf are Inuit associations and governments intervening in the impact review process and which interests are they representing? Are corporate interests acting to marginalize unpopular views? Or is direct public participation in administrative process equitably balancing interests?

In the following chapter, the views of research participants from Cambridge Bay provide additional insight into these questions.

---

<sup>6</sup> For instance, other land claims negotiation processes have been characterized by antagonism, where Aboriginal people view the Department of Indian and Northern Affairs and the federal government “as adversaries, who look after the needs and demands of others” (Hamilton 1995:11 in Cairns (2000, p.195). In another example, Woolford (2004) characterizes the BC land claims negotiation process as one that perpetuates various forms of injustice through unequal power relations and the related ability of the federal government to frame issues of compensation and reparation.

## CHAPTER 5: FINDINGS

### 5.1 INTRODUCTION

This chapter relays the views of research participants about mineral development, Inuit and public institutions and participation in decision-making. In presenting the findings of the interviews, I was required to distill and highlight what I believed were key perspectives on these topics. This was a difficult task, considering the amount of insight and knowledge communicated to me by Cambridge Bay residents in over 25 hours of interviews and 170 pages of transcripts. The goal was to synthesize what could be considered “common” and “alternative” perceptions of different issues. These perceptions are identified in the text using introductory phrases intended to give the reader a general sense of whether there were greater or fewer numbers of similar perspectives among respondents, along with the number of participants who shared the viewpoint. The following sections should give the reader a sense of listening in to a conversation that has been reconstructed using the voices and perspectives of local residents. To maintain the integrity of people’s voices and opinions, I have left as much contextual information as possible within the quotations, which have been transcribed to accurately reflect the colloquial English or that of the interpreter. Where contextual information was lacking in the quotation, I have added it myself in introductory or concluding paragraphs.

Throughout the chapter I leave as much dialogue as possible to the interview participants. However, in the first section discussing Cambridge Bay I have taken the liberty of including my own perspective in describing the community. I do this to introduce the southern reader to certain aspects of the community that residents themselves would not think to communicate but which southern people might wish to understand. I do this also to help the reader understand how my own conceptions and preconceptions about the community (as an outsider) may influence the construction of the following dialogue.

As discussed in the methods chapter, 19 out of 25 participants interviewed for this research were officials from an Inuit organization, municipal or territorial government, or and Institution of Public Government.

## 5.2 CAMBRIDGE BAY, PAST AND PRESENT

Cambridge Bay is a town of approximately 1500 residents nestled into a deep, sheltered bay on the south shore of Victoria Island. The land and water around the community are rich with wildlife – arctic char (iqaluk) migrate between the inland lakes and the ocean in summer and fall, and as they migrate hundreds of bobbing seals align themselves along the coastline to await their meals. If you are lucky enough to borrow a Honda and travel along the sandy beaches toward the Iqaluk River, the inland planes off to the right are resplendent with muskox (umingmak), wolf, hare, fox and the occasional grizzly. In the fall, the caribou (tuktu) work their way down from the northern reaches of the island to the same shoreline, temporarily halting their migration to wait for the ocean to freeze before continuing toward their wintering grounds south of Bathurst Inlet.

Many of the people I met in Cambridge Bay are still intimately tied to the land, which strongly influences the rhythm of their lives. During fishing season (July and August), many people can be found at the river as the tides are changing, or out with their families at their cabins near Mt. Pelly (Uvajuq) or along the coast. Caribou hunting happens in the fall and winter, with people traveling far and wide to harvest the treasured food. As the light improves in springtime, many spend the long evenings at West Arm watching the younger kids do rainbows up and down the edges of the frozen hills. Other people don't spend as much time on the land. Either through choice or circumstance they don't own snowmobiles, Hondas and cabins. Some have no interest in traditional pursuits and would rather spend time at home or with family and friends. Others may not own or use the equipment needed to hunt and travel.

For the most part, people spend the majority of their time in town. Cambridge Bay is the regional administrative center and a hub for transportation in the Kitikmeot Region. This role is a source of employment and wealth for the community, which is home to a number of organizations including: the Hamlet of Cambridge Bay, the Kitikmeot Inuit Association headquarters, the Nunavut Planning Commission, the Nunavut Impact Review Board and the Kitikmeot Economic Development Corporation, regional offices for Nunavut Tunngavik Incorporated (Lands Department) and the Government of Nunavut Departments (including Health and Social Services, Community and Government Services, Economic Development and Transportation, Environment), as well as several private and Inuit-owned firms such as the Kitikmeot Corporation and KitNuna Corporation. According to one participant, "The government is a huge influence on the way we live and respond to things" (Interview 25 p.5).

Cambridge Bay has a unique character relative to other communities and regions in Nunavut. Many residents think of their community as industrious, diverse, and culturally distinct relative to other parts of the territory. One person summarized it in this way:

The people here are more accepting of other people than anywhere else in the other regions. [The community is] knowledgeable about mining and exploration because the majority of the people here speak English. It's not easily influenced by either the eastern region or the Northwest Territories. It's a caring and nice community. But the only way to get in is by air. There's so much exploration and mining happening it seems like we're the focus in Nunavut right now – this region. In this region, we're detached from our capital, so as soon as the mining comes up then we become important to the rest of Nunavut. (Interview 24 p.4)

Cambridge Bay residents often see themselves reflected in a different expression of Inuit culture that dominates in the east. For instance, one Inuit woman said:

In the Kivalliq they're so culture driven that they push the culture and language and the traditional way so much. Here, as long as you know it you don't have to push it. Whenever someone from our region goes east and speaks English instead of Innuinaqtun we are outcast. We don't use [Innuinaqtun] on daily basis and the people we work with are Kabloonaqs so we have to speak English. Sometimes there are no words in Inuinaqtun for English ideas so it's easier to communicate in English. (Interview 24 p.5)

One Inuk participant also saw himself in relation to the rest of Canada:

We are Canadians first and First Canadians. Inuit were here for many generations and governed themselves and justice was within a family or tribe before Christianity came in and Western society played a part in taking our culture away. Today, we have to be proud of our culture and heritage and remember that we are Canadians and that we are entitled to the same level of education and other things... (Interview 13 p.5)

### 5.3 PERCEPTIONS OF DEVELOPMENT

People in Cambridge Bay have always been industrious. Before the Inuit were settled in town, they used to follow the game to survive. Even after they moved into centralized communities there was a period when there was lots of work to do hunting and trapping. But the collapse of the fur trade had devastating effects on people's ability to be self-sufficient.

We've been moved into a central location too fast. There used to be people living in outpost camps – people in Wellington Bay, people at Long Point. They were all over, scattered. They followed the game. Some at Peary River. And I guess in the 1940s, 1930s government told them to come to a central location where they could provide necessary health services. The economy was good at one time in the 1940s and 50s when trapping was good, but the crash came in the early 1970s. The fur industry crashed. As a result of that the people didn't have a wage economy. (Interview 8 p.6)

During the post-war period the arctic was starting to be seen by southern Canadians as an important site of North American strategic defense. When I spoke to residents about the impacts of mining on their community, or how they thought about the pace of mineral development in their region, often the older people would reflect back to the time when the DEW Line site was the biggest industrial player in town:

[The DEW Line Site] gave employment to our fathers and grandfathers. My father was one of them – he built the road to the airport from the old town. He gained experience from mechanics and heavy equipment operators from the south. He only had a grade two education. He learned English from them as well. The RCMP, the missionaries, and the DEW line workers were the first white people here. (Interview 11 p.2)

For some people, their work at the DEW Line has been an important source of income and pride. Other people, however, associate difficult memories with the time when the site was contributing to a shift from a lifestyle of hunting and trapping to one dominated by the capitalist wage economy. People were aware of the negative environmental impacts arising from the use of PCBs and poor environmental management practices on the sites. But some also remember profoundly negative social experiences:

Every DEW line site in the north was equipped with a bar. Our people...fathers and parents...started drinking alcohol from the DEW line sights. It was available daily – 5pm to midnight – and I’ve seen a lot of problems come out of that...family violence...death. Fires on the DEW line from people passing out with cigarettes after the bar closed. Children taken away. Sadness. Anger. Lots of anger for me right now and my family. The people. Sexual abuse. That went on a lot because the Air Force and DEW line had no women so the teenage girls were abused a lot from that. (Interview 11 p.3).

In some cases, a person’s perceptions of past industrial development influences the way he or she thinks about it now, both in terms of negative impacts as well as benefits. The Elders in particular expressed historically informed views reflecting a deep understanding of how the mining industry has changed over time. On environmental matters, the Elders recognized that new mining technologies have improved industry’s ability to manage its impacts, resulting in cleaner camps. They believed that mining companies are handling wildlife interactions better than they used to. Also, the effort of companies to conduct traditional land use studies before construction begins gave some elders comfort that their concerns are taken seriously (Interview 7).

On socio-economic matters, the elders expressed support for the mining industry because of how much worse industry’s record was in the past relative to today. In the past, companies employed people for longer periods than people were able to cope with, and separation between family members resulted in serious problems, including substance abuse. Nowadays, however, many people including the elders believe the region is on the right track with mineral development:

The mining companies are sort of on the right track simply because NTI, KIA, and elders have told them that please, if you are employing Inuit try not to separate their families for too long a period of time because there is too much stress on both sides. So therefore the mining companies have adopted a system that is about 2 weeks on and 2 weeks which the people really like now because they’re not spending too much time separated, whether they are men or women, home or gone to work. (Interview 7 p.2)

Perhaps more importantly, mining companies offer opportunities for youth that the Elders never had:

Concerning the land, we elders used to be very protective of the land simply because we didn't know how to be employed and we never knew what kind of employment we Inuit could get out of it. About forty or fifty years ago, hunting and trapping was only our way of living. We had no training of any kind, there were no jobs available and no prospect of getting jobs anywhere – so therefore we used to be protective of the land and its animals ... but nowadays we are trying to encourage the companies to find more mine sites because at the present time our young people are not able to go hunting and trapping and it is very expensive to start an outfit for going hunting and trapping and our younger people don't know how to hunt and trap but they know how to get training for any kind of jobs that are going to be available from the mines (Interview 7)

The importance of employment was highlighted again, this time relative to the pressing needs of a young, growing, and increasingly educated population in Cambridge Bay:

...when the people were living a traditional nomadic life there were many people then. They would set camps along the way and meet up with another camp but that's the way it was in the old days when our ancestors moved around to look for game for their food consumption. But by the time the missionaries came they were settling into the settlements or where the Inuit camped, that's when the population started to decrease when there was a lot of people who died from illnesses or perhaps starvation at some point. But it was mainly people dying from being sick: pneumonia or TB....It started around the time the missionaries started to settle in around the camps. Whereas now the population is starting to increase and we have a lot of young people in our communities now. This is a concern now because there are more young people who are going through the education system and when they start to graduate they will need jobs and with the population there is also a critical need for housing. (Interview 7 p.3)

Similar perspectives were expressed in one way or another by many of the people in Cambridge Bay when asked how the mining industry should contribute to the community. For example, mining is important because it brings much-needed jobs and training to the community (Interview 1,2, 12, 18), it provides a way for youth to participate in the wage economy (Interview 7), and it has the potential to generate new infrastructure (Interview 9, 11, 13, 18).

For some, however, the ability of local people to take advantage of development opportunities is undermined by its rapid pace (Interview 1), poor community planning (Interview 1), an undereducated population (Interview 18, 23), few training opportunities (Interview 22), and other social problems (Interview 10, 20). As one participant familiar with wellness services in Cambridge Bay said:

...it seems like the demand for workers and the demands on the community may be greater than people or the community can handle right now because I don't think people are educated and trained for the positions that might be coming up...prosperity brings demand for different types of services...and somehow I don't think we're ready yet for a whole lot of expansion right now. (Interview 1 p.2)

These services, such as substance abuse and family violence counseling, are expensive. This puts pressure on the public government and the Inuit associations to respond in different ways. According to many participants, the job of the public government is to provide the services needed for people to participate in economic development. The role of the Inuit associations is to secure benefits for Inuit, and defend its distinct role in relation to the public government. This is explained in more detail below.

#### **5.4 THE ROLE OF INUIT ASSOCIATIONS**

The Nunavut Tungavik Incorporated and the Kitikmeot Inuit Association have offices in town. The NTI Lands Department works to promote the development of mineral resources on Inuit Owned Lands within NTI's broader mandate of "promoting Inuit economic, social and cultural development through the implementation of the NLCA". Although NTI is an important employer in town, the Lands Department has a territory-wide focus. Thus the KIA is more in touch with the communities. The KIA is the Regional Inuit Association in the Kitikmeot Region and retains Designated Inuit Organization (DIO) status for the administration of surface lands. These two organizations each act as environmental stewards and economic developers:

As Inuit, we are conservationists. We like to make sure we have enough wildlife, and conserve them for future generations. At the same time, we are land owners and encourage development, and as conservationists we make sure that development is done so it doesn't harm the environment (Interview 23 p.3)

Through (surface) land ownership and the right to negotiate Inuit Impact and Benefits Agreements, the KIA has powerful tools to impose its will on mineral development companies in the region. In this way it acts on behalf of Inuit to define how Inuit and mining companies interact. In particular, IIBAs ensure the mining companies provide the employment, training and business opportunities promised in exchange for rights to access the land. This quid pro quo that is so important to the elders (Interview 7 p.3). The KIA is thus an important voice for Inuit in relation to the mining sector:

The KIA has been representing the Inuit in regards to social and economic opportunities for the Inuit by negotiating with the mining companies for job opportunities for the impacts of exploration and mining...Since the establishment of KIA...the KIA has always represented the people in the region. KIA is the voice of the Inuit in the region in terms of negotiating, especially with mining companies, because the KIA looks after the Inuit owned lands. (Interview 7 p.4)

According to some Inuit organization officials, the value of the IIBA is its ability to regulate almost any aspect of the relationship between mining companies and Inuit. Article 26 states that any matter agreed upon between the Inuit and the company can be included in the agreement. This allows Inuit organizations to treat each project as a unique entity. Even social issues should be on the table.

Aside from addressing employment, training, business opportunities and potentially other social issues, the Inuit associations need revenues to sustain themselves. This was clearly stated by a number of officials from KIA and NTI, one of whom made the following comment:

We need to make revenue out of our lands in order to sustain our people. Looking at it from that point of view, controlled sustainable development is the way to go. It's creating revenues for our organizations so that the future of our peoples will be held in a sacred trust and guaranteed for the future. (Interview 23 p.2).

In discussions with both Inuit and non-Inuit, people felt it was important to distinguish between the role of the Inuit associations and the role of the public governments in responding to the social requirements of people as a result of mineral development. People acknowledge the challenges

faced by individuals and families in reaping the benefits of employment, and some believe these challenges are expected (Interview 8 p.3). But solving these issues is not the responsibility of Inuit associations. As one participant observed, this issue arose out in the Doris North hearings:

The family, wellness, and health and wellbeing are left out or limited in the [NIRB] process. It's not the KIA or NTI that look after these issues. It's the GN and Feds that look after them. (Interview 25 p.3)

People at the Inuit associations were even more adamant about keeping the distinction between the role of the Inuit organizations versus the role of the public government. In the view of one participant, it was the government who took the Inuit people off the land promising education and health care, and these promises were not extinguished with the signing of the land claims agreement:

We have to keep reminding the government that the land claims money is not to take over the existing programs and services provided by the government. Some of the government people say we should take over this or that program, but that's not the way it works. (Interview 8 p.5).

In fact, the land claims agreement plays an important role in the way people see the relationship between the government and the Inuit organizations. Inuit organizations are able to trade political support for projects for significant benefits, aided by the rules of the land claim. Said one former IIBA negotiator:

We're real estate owners, not miners. We know nothing about mining. But what do the mining guys know about land claims? We're prepared to rent the land and resources and if they wanted the road we'd sell them the gravel and the water and we had that calculated. We said that our political support would come at a cost, too. The governments would have to listen to the Inuit political organizations. We used all this to advance our ideas. (Interview 16 p.7)

The relationship between the local government and Inuit regarding local socio-economic interests is also seen through the lens of the land claim. An Inuit association official identified a number of

programs and projects that Inuit support through the Hamlet, but when it comes to benefits such as employment, he said:

I don't want to have anything to do with the hamlet. They are a certain level of government and I guess we have to find a way to work with them. But if we do that, we're only supposed to be representing Inuit only. That's a big difference. It's hard to get away from that, because the land claim was signed between the Inuit and the government of Canada. Nobody else. (Interview 8 p.5).

One participant who had worked on behalf of the Kitikmeot Inuit Association in the past offered a different perspective:

The KIA represents the beneficiaries in the Kitikmeot. The beneficiaries are residents of the community. It is important for the KIA to ensure they've consulted with the hamlet, any hamlet, to get their input and see what they want....The KIA is legislated to be the negotiators under the land claims agreement. It would be in everyone's best interest to make sure we're all on side. It's hard to keep everybody happy because when you're negotiating the [communities] may have competing interests. This hamlet wants that, that hamlet wants this...and then the mining companies are asking what people want. Somehow the KIA has to figure it out...(Interview 16 p.9)

Although senior Inuit officials and elders were comfortable with the role played by Inuit associations in negotiating with mining companies, a number of criticisms were leveled against the Inuit associations. Two participants did not believe the promises of employment and training were adequate (Interviews 2, 22): they were concerned that "pick and shovel" jobs are being promoted by mining companies and the KIA over higher level jobs that people could also do. Mining companies and Inuit associations should work to ensure these higher level jobs are also accessible to Inuit (Interview 22 p.2). Another criticism was launched by two separate youths concerned with the rapid pace of development in the region; for them, mining might not be the only way to sustain meaningful lifestyles (Interviews 13 and 19). Yet the Inuit association, as well as the federal government and mining companies, are constantly applying pressure to fully develop the mineral resources as the solution to unemployment and other socio-economic challenges. This view held strongly for one participant from an eastern Nunavut community who

was interviewed because of the role he plays in youth issues at a territorial level. He was concerned about the environmental and social impacts of mining, suggesting that:

[I]f there was less attention on promoting mining, there could be ways of establishing bartering systems or job core programs that could address social needs or other ways of injecting resources into the economy. (Interview 19 p.2)

His position on the role of Inuit associations was clear:

As Inuit organizations – as people trying to work for Inuit - we're always talking about Inuit power. I referred to mining as prostitution and I think a lot of people have the attitude that it's going to be done anyways so we might as well benefit from it, so we're taking over the pimp positions. I think the people who would be the most closely affected by it are the ones that need to play a strong role in this and those are the ones who continue to use traditional lands to lead healthy lives. (Interview 19 p.3)

Three other community members (Interviews 11, 18, and 25) who were not IA officials criticized IA officials for lack of accountability and transparency. For instance, one participant said:

We don't know what's going on with KIA and NTI. They don't have meetings. They're too busy spending our money...on luxury and personal gain. [They should be] doing more work in all areas of Inuit life. You can't rely on government all the time, they wouldn't understand anyways. I've asked for many years for NTI to hold workshops on the land claims – all they do is pass the land claim out and say 'read it'. The elders can't read that. They haven't done dick. They haven't done very much for me. I am not a happy beneficiary. (Interview 11 p.6)

This was echoed by another participant who spoke about lack of transparency in IIBA negotiations:

There are many people who don't know what [IIBAs] are. There is no excuse for ignorance, but there is no excuse for withholding information either. This explains how

little the public is involved in decisions making. There are a select few making decisions for the region. It is hard to back their position if we don't know what it is. (Interview 18)

In summary, some participants saw Inuit associations playing a dual role with respect to mineral development: as stewards they protect Inuit-owned lands from the negative environmental impacts of development while at the same time supporting the use of that land for the purposes of revenue generation and Inuit employment (Interview 3, 7, 23). Negative social impacts were recognized as a potential side effect of development by people working for the IAs, but these issues are the responsibility of the public government to look after (Interview 8, 12). The control wielded by the Inuit associations is historically relevant as well as future oriented, and is viewed by Elders and older Inuit as a right worth protecting, especially from the abuses of government (Interviews 7, 8, 12, 23). A different viewpoint emerged from arose from the two youth participants who believed in the need to consider different economic models for the territory (Interview 13, 19)

## **5.5 THE ROLE OF THE PUBLIC GOVERNMENTS**

Of the three levels of public government operating in the territory, Cambridge Bay is home to only two: the municipal and territorial governments. Regional administrative offices for the Government of Nunavut operate out of a number of buildings in town, while the Hamlet runs the municipal building, the youth centre and the wellness centre. Most Government of Canada offices are located in Iqaluit, where the Department of Indian Affairs and Northern Development has the largest presence among federal departments. The federal government has no appreciable presence in town, and many participants believed the focus of both orders of government in Iqaluit was federal-territorial relations. As we shall see, however, the federal role in resource development is significant at the local level.

Participants had clear and relatively consistent perspectives on the role of the public government in relation to mineral development: the government provides services needed by people in communities to take advantage of the opportunities created by the industrial sector. For instance, programs in education are tailored to suit the needs of the people seeking employment in the mines and exploration camps:

because mining and exploration is the trend, we try and gear our programs and services towards mining. (Interview 24 p.3).

There was a perception among Hamlet and Government of Nunavut officials, as well as other participants, that programs and services in areas such as health and wellness were needed to help people take advantage of economic development opportunities (Interview 1, 10, 18).

Responsibilities for these programs and services are shared at the local level between the Hamlet of Cambridge Bay and the Government of Nunavut, particularly the Department of Health and Social Services. Participants identified problems with meeting these health and social service demands including the design of service contracts, communication, financial planning, jurisdiction, and administrative structures blocking local control of resource allocation (Interview 1, 4, 20, 27).

Regarding the design of service contracts, Hamlet officials expressed concern with the funding agreements in place for services contracted by the territorial government (Interview 1, 4). In relation to mineral development, the agreements are not flexible enough to accommodate the demands placed on social services:

The GN has contracted the hamlet through transfer agreements (transfer of service agreements). Hamlet provides services in the community on their behalf. Federal programs and territorial programs exist. There are 20 contracts for services to a certain standard. The problem is that these are set amounts of funding, and they are not a pay for service agreement. If we have 20 or 200 clients we get the same dollar amount. When a project comes along that is going to put an impact on the services, there is no additional money from the federal or territorial governments. One or two person increase in use is not a big deal, but with more and more employment the impacts will become significant and there will not be the financial remuneration for those services (Interview 4

The same problem was identified by Government officials when discussing the resources required to respond to the increasing demands of resource development on service delivery. Financial planning was identified as one source of the problem in Government:

Some of the direct effects it has on [the Department of Health and Social Services] is the support and service that may be needed by the people that come such as medical support, dental support, and the safety of the camps, which fall under the mandate of a number of Acts like the Water Act and the Public Health Act. But if we don't have the funds

because we didn't know [the camps] were coming, so how can we follow the mandate of those acts? So in their budget it should be that some of these moneys are coming back to the department... (Interview 20 p.2)

Even if the local and administrative systems were adjusted to fix the contracting and financial planning problems, Nunavut's public system does not recoup the costs of development. This is because the administration and control of public lands and resources has not been devolved to the Territorial Government. The GN receives transfer payments from the federal government who owns the resource, but these payments are tied to a formula that does not factor in the need for services created as a consequence of resource development projects. This was explained by one Hamlet official:

You have NTI and the RIAs representing the beneficiaries, but in terms of the delivery of government programs that's being handled by the Government of Nunavut and through the local municipalities. So we have a situation here that's different than it would be in any other jurisdiction. If you're outside the territories, the provincial government would receive royalties and revenues from mineral resource development and that would go through their transfer payments to the affected communities indirectly, or there would be an increase in the dollars available to municipalities because of projects within the affected area. In the territories that's not the case. In the territories the royalties go the federal government and the federal government makes transfer payments back to the territories. The numbers are not based on projects going on. There isn't any mechanism for how to get royalty dollars back to the affected communities. (Interview 4 p.9)

According to one participant familiar with devolution issues from the Inuit perspective, the transfer of administration and control is unlikely to occur before Nunavut's mining industry is firmly established. He compared Nunavut to a vehicle, and the mining industry as its engine: "you want to turn over a running engine and not a bunch of parts on the floor" (Interview 2 p.4). But the present jurisdictional arrangements are affecting the relationship between public service delivery agents and Inuit administration. As an example, the Hamlet of Cambridge Bay was prompted to seek alternative mechanisms to recoup service delivery costs in the form of a socio-economic agreement negotiated directly with the mining company:

The RIAs have their own boards and they are elected by their beneficiary members and they have policies they put into place and they direct their own staff – but their staff’s focus is not on service delivery the same way a municipality’s is – there’s no overlap of services, so that’s the reason there’s the distinction. That’s why we’re pushing for more of a socio-economic agreement and we’re trying to get the federal government to discuss this as well. (Interview 4 p.10)

This approach does not sit well for some Inuit who see such moves as contrary to a regional, collective approach to impacts and benefits. For instance, when discussing another community’s move to negotiate directly with mining companies, one participant stated “they shouldn’t be thinking only of themselves. They should be thinking of the region as a whole” (Interview 14 p.6). One elder put it this way:

...the hamlet has no authority and they have nothing to do with the mining aspect. Their responsibility is to look after the community within the hamlet boundaries. Regardless of what NIRB and the mining companies negotiate, the Hamlet of Cambridge Bay should not be involved in the process because they are responsible for the community and not where the mining is going on. (Interview 7 p.3)

Another Inuit organization official responded to the Hamlet’s proposal in this way:

If the hamlet [negotiated a separate agreement] then each of the hamlets would then want to negotiate their own agreement which would make it very difficult for the company. This is why the KIA is the body that represents the communities and are the ones that should negotiate the impact and benefit agreement. (Interview 9 p.7-8)

Participants identified instances where partnerships in service provision do occur between public and Inuit administrations, often in the form of grants from Inuit associations to individuals (to participate in training initiatives) or to public programs. In the latter case, Inuit contributions to public programs were predicated on proof that Inuit were benefiting directly from the funds delivered to the program. There were mixed views of how that relationship is working. Some participants, including senior managers in both Inuit and public administrations, believed the relationship to be working well (Interviews 8 and 16). At the working level, however, things were different, as discussed by one Government of Nunavut official:

We try to have a good working relationship, but sometimes the Inuit associations don't communicate with us very much because it's not in their best interest. It's usually about how the Government should have more money than the DIOs to run programs. (Interview 24 p.2)

An official from NTI had a different perspective. Speaking of the relationship between Inuit associations and municipalities in regard to mineral development, the participant said:

The relationship is working right now. If the hamlet has a concern they can go to the Inuit association [KIA] and they can come to an agreement if they have the same concerns...In the end, the Hamlets always come to the same conclusions which is that the issues are the same for both parties. (Interview 14 p.6)

These relationships have changed over time. According to one GN employee, Inuit associations and the territorial government used to have good working relationships and pursue the same goals, such as training and education. But new senior management in the department had a different opinion about the relationship between government and Inuit associations that contributed to a change in that relationship at the working level (Interview 24).

A final administrative barrier to the implementation of public programs and services was identified as the centralization of decision-making power in Iqaluit (Interview 1, 24). This makes it difficult to respond flexibly to local needs imposed by mineral development. One participant who was working for the Government of the Northwest Territories prior to division in 1999 said that before transition occurred, things were different. At that time, regional health boards had authority to allocate resources provided by the government and people felt like they could make decisions locally based on local needs. But shortly after the GN was established

...they wiped out the boards and it became a GN department. I don't think it works that well because they try to treat everybody, each region, the same. You had differences in the weather and the communities and the people, so I don't think it works very good. (Interview 1 p.8)

After transition it became very difficult to make decisions locally. Autonomy became limited, and although there is some flexibility now...

if it doesn't fit within the norm then you have to ask somebody else. It goes up the food chain. (Interview 1 p.8)

In summary, officials from IAs and public governments (municipal and territorial) as well as the Elders, see the public government as a service provider at the local level. The Hamlet's role is the provision of infrastructure and social programming, while the GN's role is to provide health and social services, and resources for hamlets to operate (Interview 1, 7, 8, 23, 24, 27). The federal government was discussed in relation to its land claims implementation responsibilities (Interview 21). But where the Inuit associations were able to secure economic benefits (including rents, jobs and training) from mineral development, the hamlets and territorial government are unable to recoup the costs associated with increased service delivery that may be caused by resource development. Additional barriers to institutional responsiveness included financial management practices (Interview 4, 20), government control located at a distance from the Kitikmeot Region (periphery) (Interview 4, 20), and poor leadership in managing Inuit-public government relationships despite the existence of internal guidance documents.

## **5.6 THE ROLE OF THE CO-MANAGEMENT BOARDS**

The co-management boards, particularly NIRB, link stakeholders together in the decision-making process. Different participants explained the role of NIRB differently, with reference to specific functions of the Board. One participant reminded me that the role of NIRB is exactly as outlined in Article 12 of the NLCA. In this respect, NIRB is seen as the gateway in the regulatory process:

They're the gateway for the exploration companies because the project proposal has to go to the NIRB. They have a staff that deals a lot with the exploration companies. They decide whether the project should go ahead or not...They are the fulcrum in the process. (Interview 9 p.6-7).

Other people, however, provided more personal insight. Some discussed the Board in relation to its role ensuring negative impacts are mitigated and projects are monitored for environmental and socio-economic impacts over the life of the project (Interview 9, 14). Others discussed how NIRB

ensures public participation occurs through direct consultation by the Board during reviews, and by making sure companies follow a process that includes consultation with local communities (Interview 18). One NIRB staff member highlighted actions undertaken by the Board to ensure consultation is meaningful, including: the use of distribution lists to all levels of government, elders and youth groups, HTOs, Inuit associations and special interest groups; the hiring of a hearing coordinator to liaise with communities and educate people about projects and process. According to this official, the Board makes these efforts in the face of limited resources because it improves the overall decision:

The more [the public] participates, the more they're heard, the more their information is used, and the more the decisions are based on that information. It's not just the 9 members of the Board that are going to be accountable but the public as a whole. And that's what you want because those are the best decisions. When everyone has a piece of the action, only good decisions can come from that. (Interview 25 p.6)

The principle of accountability also involves the mining companies, because through the Board the public's wishes are documented and transferred as responsibilities to the mining company, who must ultimately comply with the Board's conditions and local wishes:

Also, in regards to the mining company and the Doris North project, where Miramar is trying for another stab at it, as long as Miramar and NIRB have negotiated and come to an agreement in terms of the impacts on the land itself...the NIRB can go ahead with the project... (Interview 7 p.3)

Some participants valued NIRB's ability to act as a signal to community members that a certain project should be taken seriously. One participant discussed the issue of "consultation fatigue", and suggested that people should only attend the important meetings. When asked what makes a meeting important, she said:

If there was a mine going to open and through NIRB they were applying for a land or water license. Also if it's going to affect any wildlife. (Interview 24 p.4)

One participant believed NIRB was successful in navigating substantive issues such as socio-economic impacts, despite the fact that the land claim limits the ability of the Board to make decisions about socio-economic benefits:

[NIRB is] good at ensuring that the public's issues are used in their decisions as showed in the NIRB's DN decision. It would be nice if they had a stick in terms of socio-economics. (Interview 4 p.4)

The fact that Board members are Inuit is important to one participant:

A lot of times the Inuit, especially the elders, they try to keep away from politics and government and non-government stuff. But having a board that's all Inuit – this is good. Thumbs up. They're the experts. Working with the board the professionals should work together for a healthy community and healthy Nunavut. (Interview 11 p.7)

A number of participants from Inuit associations and NIRB cited concerns with the cost of NIRB processes (Interviews 16, 3, 25). From NIRB's perspective, the size of the territory and the costs of travel prevent a deeper level of consultation from occurring during the impact review process. From the Inuit association's perspective, the costs of participating in the process are high, especially considering the costs of hiring consultants to review the technical information presented in environmental impact statements. But the costs of consultation are even higher, according to one participant who valued the role of an educated public in the decision-making process (Interview 19). He, like other participants (Interview 17, 18, 19, 24, 25), felt that the level of education among the population prevented people from participating effectively. When asked whether the public felt its needs were adequately met by NIRB, one participant said:

I think we need to go back to the education level of some of the residents of our region. The NIRB technical hearings are very very technical. They use a lot of scientific terms, they use a lot of big words and graphs and stuff that people aren't really capable of comprehending. I think a lot of times the issues go way beyond the residents' heads and they don't understand some of the things they're talking about, so they hope and trust that these agencies are working on behalf of them, using their best practices in the interests of the community residents. So I think it is a very technical process that a lot of times I don't think people understand... (Interview 19)

While the NIRB plays an important role ensuring the public participates in its impact review process, the Boards are also seen to be slowing down the permitting process. One participant described the amount of effort Government and Inuit associations put into marketing the territory's resources when Nunavut was established (Interview 16). Unfortunately, the sales pitch was different from the reality created by a complex, nascent regulatory system:

We took it upon ourselves to present to other countries that Nunavut is open for business. We'd be talking to mining officials and telling people that Nunavut is open. Then they believed us and then they came up here. It wasn't what they expected. We said it was open and expected, when the companies came north they found that it wasn't what they thought. They ran into the Boards and committees that were learning the process and shaking out the kinks. It was a time consuming process – there are boards, community interests, land claims interests. It became a bit bureaucratic (Interview 16 p.2)

In summary, NIRB plays an important role in ensuring consultation occurs at the local level on projects and related impacts. Its process is designed to be open and transparent. Many participants (Interviews 4, 7, 9, 13, 16, 21) believed that the Board was an important mechanism to ensure system-wide accountability: of mining companies to local communities and resource management decisions to the public. However, participants raised concerns about the ability of communities to respond to consultation demands, either because of “consultation fatigue” (Interview 24) or low levels of education among much of the population (Interviews 17, 18, 19, 20, 24, 25). The length of time it takes for companies to progress through the regulatory system was another criticism registered by a minority of participants (Interview 16, 18, 21).

## **5.7 EFFECTIVE DECISION MAKING: CONSULTATION AND DIRECT PARTICIPATION**

Participation was obviously important to the participants interviewed for this study. This was exhibited in the enthusiastic way people spoke about how they perceived the decision-making system and the importance people placed on ensuring decision-making processes were open to the public, transparent and fair. Many people believed there were many opportunities to participate in decision-making, both through consultation processes and direct participation on boards and in government. Consultation occurs in many ways: through direct interaction with the Boards as

well as through representative organizations. Mining companies must also conduct extensive consultations to obtain approval for their projects. Elections to office and appointments to Boards and Committees were also important avenues for participation in decision-making. Many participants noted the importance of education and proper consultation practices as vital to ensuring effective consultation occurs.

### **5.7.1 Consultation and Individuals**

When discussing consultation, participants distinguished between participation by individuals and participation by representative organizations and/or regulatory groups. Many people believed there were ample opportunities for both types of groups to participate in resource management decision-making:

Decision-making participants need to be the experts in the fields. These are the regulatory agencies as well as the people in the affected region. One of the foundations of Nunavut is involving the people in the decisions of the territory. This is being done, there are many consultations and opportunities for input. (Interview 4)

For many participants, it was clear that the distinction between individual participation and representative participation was required by the demands of the environmental assessment process (Interview 3, 4, 9). For one participant, the distinction can be thought of in terms of capacity:

Effective participation by one group may not be appropriate or feasible for another group. For example, you can't expect every resident of Nunavut to hire a consultant to put together a submission to NIRB on their behalf, but you'd expect that from the GN or the RIAs. (Interview 3 p.5)

At the same time, the number of consultations occurring in the community may be a drain on individuals' resources:

There's so many consultations and meetings. Who's going to attend them? Some elders don't have time to go or don't feel good. Maybe [people should attend] just the important ones. (Interview 24 p.4)

A number of participants acknowledged that participation required agency on the part of individuals who should contribute to their communities by taking an active interest in local affairs (Interview 3, 22, 18). The Nunavut Land Claims Agreement provides many opportunities to do so:

Effective participation for a normal resident could be they take interest in mineral development around their community or region, to make their interests known and their concerns known to the other participating members, whether that's through NIRB or not, so that their interests and their concerns have to be recognized and addressed. That's the idea of everyone else, too. Whether you're a regular guy on the street or NTI, that goes (Interview 3 p.5)

Although many people believed there were many opportunities available for participation to occur, it was difficult to obtain an overall impression about the decision-making structures themselves. For some, they are confusing (Interview 16). Others believed people are inadequately informed about the process (Interview 13, 19, 24) However, beyond inadequate information and confusion, a number of participants identified a lack of education as a fundamental barrier to effective participation:

The Inuit they have to work more at getting their education up. They have to go into post secondary so they can make decisions for the community and for Nunavut. The key is education. Hopefully we will have a lot of young people going to post secondary and coming out as researchers – like what you do. So that they can come back and work up here and assist elders in making the right decisions about what's right for our community and our region. Inuit don't have the education that the non-Inuit have. (Interview 24 p.5)

In fact, the role of education in decision-making was highlighted by a number of participants who believed that effective participation could not occur unless people became more knowledgeable about substantive issues and the decision-making process itself. The decision-making process was characterized by many participants as complex, and the information provided during the process highly technical:

It's easy to say everyone should be involved, but everyone should. There are so many levels of bureaucracy and a lot of times they are just consulting each other. There's not

enough effort to get real, honest community input. A lot of times the information presented by them is not necessarily presentable and people don't understand. The info is not people-friendly (Interview 19 p.3).

But how to ensure that honest community input is included in decision-making? For this participant, an honest medium (one that is free from economic dependency) is difficult to find because government and Inuit organizations rely on resource revenues to support operating costs.

### **5.7.2 Consultation and Representation**

Many of the research participants acknowledged the important role played by representative bodies and regulatory agencies in the environmental assessment process, particularly the Nunavut-based groups.

I can't name a community and say there's no one in that community involved in the process. Between CBCs, MLAs, NIRB Board members, NTI Board members, RIA Board members and all that, you probably couldn't point to a community and say there isn't several people in that community involved in land and resource management in Nunavut. It's spread pretty good. (Interview 3 p.9)

Different organizations had different ways of receiving input regarding their participation in mineral development decision making. For the Inuit associations, there appeared to be a clear process through which community members could participate in project-level decisions. Each community has a Community Beneficiary Committee (a.k.a. Community Lands and Resources Committee) that advises the Regional Inuit Association on land use decisions:

The RIAs get their info from the CBCs their boards of directors, their executive members, and their staff. They might hold a public meeting or two for the beneficiaries in the impacted community. Sometimes they'll grab other participants, getting a representative from a community to sit in on negotiations or be a chief negotiator. (Interview 3 p.5)

At NTI, local input is provided through the RIA. Lands staff are trained and have the knowledge to develop and implement policies, often with the assistance of consulting firms (Interview 9 p.4). There is a strong bureaucratic/technical component to NTI's work. For instance, the Lands Department has an environmental assessment unit that reviews project proposal applications to the

IPGs and provides comments. To do this, the department issues a request for proposal for consulting firms to review the Environmental Impact Statements and provide comments to NTI on the project. This information becomes part of the NTI/RIA submission.

In Doris and Meadowbank, NTI administers those lands and we have an interest in those projects succeeding. We receive the reports they produce. All the information that comes from the properties comes here. We work the the RIAs knowing what's happening on the mineral rights side. We'll make a presentation, along with the env. presentation, we'll describe the mineral admin structure and discuss the leases we have with this property. This way people will know exactly what the mineral admin is and how much we will benefit. We make public what we will gain. (Interview 3 p.6)

As Inuit organizations, NTI and the RIAs work together during the NIRB review process "to ensure that the land is brought back to a clean and pristine condition before the land was developed and reclaim as best as possible. It will never be back the way it was, but you want it to be as close". (Interview 9 p.8) But more than one research participant expressed criticisms of the Inuit Associations, suggesting that people believed representation required a measure of accountability in the face of old boys' clubs and nepotism :

I don't think the KIA represents all people or all Inuit fairly. It is an old boys club, and the same group of people making decisions for everyone, making money and lining their pockets. In the end we suffer. In order to effectively make decisions, everyone must participate. All those positions should be elected. Too many of [the Inuit association] committees are appointed. People must be held accountable. (Interview 18 p.8).

According to one participant, this creates problems for the NIRB, whose members rely on agencies for input into their process. These agencies must be legitimate representatives of their constituents:

I think there needs to be a stronger force put in place to ensure that those organizations are consulting appropriately and adequately to get decisions that are based on a community and/or a region or a territory, as opposed to an organization. Quite often as NIRB, KIA and NTI will make presentations to us and we know that they have not gone around and

asked the opinion of those communities about some of those presentations (Interview 25 p.3)

According to one municipal official, the Hamlet of Cambridge Bay received input from their community members through the community economic development planning process. This process involved community consultations and public meetings. Based on community input, the Hamlet acts in two ways as a representative of the community in relation to mineral development: as an information provider to mining companies, and as an intervener in IPG processes. Speaking about the latter role, the official had this to say:

Municipalities are given intervener status and we can be as involved as we wish in the review process. The Hamlet of Cambridge Bay has adopted a policy where we are going to limit our involvement to issues related to socio-economics only, except in the situation where a project affects our watershed or affects our municipal boundaries, and in that situation we will become involved in the environmental issues (Interview 4 p.6)

For one participant, it was clearly important that the territorial government speak with one voice to the Institutions of Public Government. He described the scenario that occurred during the first Doris North hearings when two Government of Nunavut departments – the Department of Environment and the Department of Economic Development and Transportation - had different perspectives on the project. There was no legislation governing the GN's involvement in the process and no one knew who spoke for the GN as a whole. This led to confusion:

I was at the meeting and got cornered by Miramar and got cornered by the KIA and some other people [wanting to know] what was going on with the Government. Who's speaking for the Government here? Where is the Department of Health? It wasn't even there.... (Interview 16 p.8)

In fact, when asked whether the Department of Health and Social Services had participated in the NIRB process, a senior official stated that nobody from the regional office reviews environmental impact statements and that, regarding public hearings, "I have never been and no one I know has attended or been asked to attend" (Interview 20 p.6).

## 5.8 SUMMARY

People in Cambridge Bay are proud of their community and see it as an industrious, culturally distinct place where people are accepting of one another. Mining and mineral development is seen as an important source of jobs for the community, which suffers from high unemployment. Training and business opportunities are also important so that people are able to participate in the benefits mining can bring to the community and region. This participation is seen as a right, especially for people who remember times when Inuit were promised jobs as they were simultaneously forced to settle in communities. For minority of participants, however, mining might not be the positive force others think it to be. This was especially true for one person who recalled negatively the social disruption caused by DEW Line construction and operation early on in Cambridge Bay's history (Interview 11). Two youth did not think mining was the only way to bolster the local economy, nor was a capitalist economy necessarily the answer for Nunavut (Interviews 13 and 19). Finally, four participants did not believe that the decision-making system was easily understood for reasons of institutional complexity or lack of education among citizens (Interviews 3, 13, 19 and 24).

Community members' attitudes toward Inuit associations are diverse. The Inuit organizations are the primary vehicle through which Inuit maintain an independent relationship with the mining industry. These organizations exercise land claim rights on behalf of beneficiaries and work to ensure those rights lead to maximum benefits for Inuit. There was a sense of strong allegiance to Inuit Associations among the elders and officials, as well as many people within the population who said they would go to the Kitikmeot Inuit Association if they had concerns about mining (e.g. Interview 2). At the same time, some participants (both Inuit and non-Inuit) did not believe the Inuit organizations were properly accountable to Inuit, laying the foundation for nepotism and paternalism (Interviews 11, 18, 19, 25).

The public governments were generally seen as delivery agents for the programs and services required to support the mining industry. These services come at a cost which cannot be recovered by the territorial government because it lacks jurisdiction over lands and resources. This creates tension at the local level, where Inuit organizations are under pressure to fund local programs and services while the Hamlet is under pressure to find alternative cost recovery strategies. Many Inuit, including Inuit organization officials, were not comfortable with these arrangements because those programs and services are seen to be the responsibility of government. Furthermore, from the

perspective of some Inuit officials, municipalities asking for compensation in the form of socio-economic agreements amounts to greed and the pursuit of a narrow set of interests.

The co-management boards are seen as an important mechanism for ensuring individuals and organizations are able to articulate their positions on projects. According to NIRB officials and officials from other organizations, NIRB makes efforts to be open, transparent and inclusive. The Board also provides an important check on resource development companies and government agencies through its incorporation of substantive mitigation and monitoring measures into project certificates. These measures are the direct result of participation in the EA process, and thus provide a measure of accountability that many people were aware of. At the same time, NIRB's process is expensive, technical, bureaucratic, complex and difficult to understand, creating two sets of circumstances: 1) a regulatory process that is slower than many people would like to see, and 2) a regulatory process that disadvantages individuals with little education and/or financial resources.

Overall, the majority of participants believed there were ample opportunities to participate in resource development decision-making. These opportunities arose through participation on Boards and committees and by participating in consultation exercises. Transparency, accountability, and education were all factors identified as requiring attention to improve the system. One participant, however, believed that financial motivations of Government and Inuit Associations would prevent honest communication about the costs and benefits of resource development.

The next chapter discusses these findings in the context of democratic self-determination at the local level.

## CHAPTER 6: THE LIMITS OF RECIPROCITY IN RESOURCE GOVERNANCE

### 6.1 INTRODUCTION

In the previous chapters we have seen that Inuit exercise relational self-determination through Inuit and public spheres and institutions of shared rule. The Inuit sphere flows from Aboriginal rights to lands and resources obtained on a constitutional basis and exercised collectively by NITI in right of Inuit. The public sphere is in many ways similar to other territorial jurisdictions in Canada, where residents have rights as Canadian citizens to make laws and policy through democratic processes. The difference in Nunavut is that 85% of the population is Inuit, creating the circumstances for *de facto* Aboriginal self-government at this time. For resource governance, the intersection of public and Inuit spheres is institutionalized through co-management boards overseeing land use planning, environmental assessment and water licensing.

The question this thesis asks is how Inuit are experiencing local, democratic self-determination in resource governance in Nunavut. The conceptual framework recognizes the importance of relationships between Inuit and Euro-Canadian society in fostering common bonds and shared empathy. Meanwhile, democratic deliberation depends, in part, on legitimate representation and attitudes of reciprocity among those involved in discourse. This chapter explores whether reciprocity is reflected in individual attitudes toward institutions, and whether collective relationships act to foster common bonds and shared empathy at the local level. The following analysis constructs local perspectives into four cross-cutting themes : *solidarity and empowerment, dependency, marginalization and trust*. Taken together, these themes suggest the ability of Inuit to exercise self-determination in an equitable, democratic manner is circumscribed in the resource management arena.

### 6.2 AUTONOMY AND SOLIDARITY

*The KIA has been representing the Inuit in regards to social and economic opportunities for the Inuit by negotiating with the mining companies for job opportunities for the impacts of exploration and mining...Since the establishment of KIA...the KIA has always represented the people in the region. KIA is the voice of the Inuit in the region in terms of*

*negotiating, especially with mining companies, because the KIA looks after the Inuit owned lands. (Interview 7 p.4)*

*I'm Inuk...I identify with certain Inuit values and I think having IIBAs or Inuit specific groups to look at these things makes me feel like there's more of a possibility to have my views not only listened to but that they carry some weight. Whereas it would be more difficult to do that in a more public arena. I think the more public arena is important because I recognize that as an Inuk I'm not the only person here... (Interview 19, p.6)*

For many Inuit, resource development represents economic opportunity and the means to self-determination. Opportunity comes by way of wage employment and business contracts that have the potential to improve the local standard of living for Inuit. These opportunities are in distinct contrast to previous experiences of economic development. For many research participants, the history of industrial development and colonialism colour their current perspectives on mineral development and governance. Many people, including the elders, still remember the failed promises of health care and employment Euro-Canadian society made to the Inuit while families were being forced off the land and into settlements. Others remember the negative effects of the DEW Line site on their families and the community. These recollections were woven through discussions with many older Inuit, and their experiences have left lasting impressions that influence their current perspectives. At the same time, high unemployment, overcrowded housing and the growing number of youth in the community contributed to a sense of urgency about the need for jobs and new infrastructure. Elders in particular were concerned about the lack of opportunities for a growing demographic of young Inuit, who are being taught about the benefits of a Euro-Canadian education and individual wages and labour. Elders spoke frankly about the fact that today youth are unable to live a traditional lifestyle of hunting and trapping and deserve the employment they are now taught to expect. Mineral development should therefore be welcomed as long as it helps to solve these locally manifest social problems.

But the benefits of mineral development are perceived to be more than an opportunity; they are a collective right. And that right is exercised by NTI and the KIA within a collective, Inuit sphere of decision-making. In light of the failed promises that propped up past colonial policy toward Inuit, the land claims agreement allows Inuit to intervene directly into the circumstances of development and negotiate improved working conditions for Inuit labourers. The rights to negotiate IIBAs (Canada 1993a, A.26) and water compensation (Ibid, A.20 Part 3) ensure Inuit

have an advantage in negotiations with mining companies when projects impact on Inuit Owned Land (IOL). In addition, the very reality of land ownership gives Inuit a measure of independence from government hand outs and foreign control over local livelihoods. Because control over IOL now rests with Inuit associations, Inuit have confidence that their land will be managed with as little harm to the environment as possible. In this respect, the common quid pro quo of industrial development is the same in Nunavut as it is elsewhere in Canada: access to land in return for socio-economic benefits and minimal environmental impacts. The major difference is that Inuit are now in the drivers' seat.

In order to maximize the benefits of resource development, the Inuit in the Kitikmeot region have chosen to engage a development strategy that emphasizes collective solidarity. An example of this is the strategy used to negotiate the IIBA. IIBAs are seen as private agreements between Inuit associations and developers. Public interests have not been included in those negotiations in a significant way. In fact, the logic of IIBA negotiations is to maintain privacy in order to ensure that precedent does not get in the way of better terms in future agreements. This privacy comes at the expense of cooperation and discussion with public governments, especially hamlets, who provide the services and infrastructure that make possible many of the potential benefits.

Another example of the strategy of solidarity is the way Inuit associations portray themselves during interventions into environmental assessment processes. During the Doris North (I) hearings, one KIA submission stated, "KIA is also broadly representative of Inuit beneficiaries of the NLCA in the Kitikmeot Region. KIA's Board includes representatives elected from all Kitikmeot Communities..." (KIA 2003 p.3). The submission then goes on to detail the collective rights exercised by the KIA on behalf of Inuit, as expressly written in the NLCA or as delegated by the NTI Board. These statements are intended to sway the Nunavut Impact Review Board in light of the broadly representative nature of the Inuit association. The KIA is suggesting that its presence is somehow representative of the interests of its principal – the Inuit of the Kitikmeot Region - and that its position is somehow legitimized by the elected nature of the Board. This intention is supported by KIA's conclusion that, prior to concluding IIBA negotiations and positive determinations by the NIRB and the NWB, it "is too early in the process for KIA to endorse the Doris North Project" (Ibid).

The strategy of solidarity reinforces the collective ability of Inuit to benefit from economic development. In this way there exists a form of economic empowerment within the Inuit sphere.

But what of local political empowerment? Ultimately, the findings suggest that the pro-development interests of Inuit associations are broadly similar to the interests expressed by the majority of the people interviewed for this study. So in this regard, the assertion that Inuit leaders are legitimately representing the interests of their constituents as they act to “capture the presumed citizenship benefits of resource development” (Stern 2006, p.116) has not been controverted by the research findings. It is likely for this reason that the charges of elitism and unaccountability have not escalated in the Kitikmeot Region beyond the charges leveled against the Kitikmeot Inuit Association at the Doris North (II) hearings. But in the event that interests do conflict, the question of representation will become far more significant. Perhaps this describes what is occurring in the Kivalliq Region, where uranium interests are creating public conflict between local Baker Lake residents and the NTI leadership. Although further research would be required to understand the particular political dynamics in the Kivalliq, it would be fair to ask whether a sense of collective marginalization relative to both Inuit associations and the public government is growing in the face of uranium development.

Inuit solidarity around a pro-mineral development policy has a number of potential consequences. First, it is likely to reinforce feelings of marginalization among Inuit who do not share the same pro-development view. Second, it may reinforce attitudes among Inuit administrators and leadership that corporate objectives can be pursued with a minimum of consultation. Third, the basis upon which opportunities have been won – in this case, solidarity in negotiating the land claims agreement – may prevent opportunities that could arise through cooperation between Inuit and public spheres of autonomy. This cooperation is especially important in circumstances of individual and collective dependency.

### **6.3 INDIVIDUAL AND COLLECTIVE DEPENDENCY**

*I don't want to have anything to do with the hamlet. They are a certain level of government and I guess we have to find a way to work with them. But if we do that, we're only supposed to be representing Inuit only. That's a big difference. It's hard to get away from that, because the land claim was signed between the Inuit and the government of Canada. Nobody else. (Interview 8 p.5)*

Relationships between Inuit and public spheres of autonomy are characterized by collective and individual dependency. On an individual basis, for example, there is a dominant view that Inuit

must be prepared to take advantage of the opportunities offered by mineral development. A number of research participants identified the need for more education and training as necessary if Inuit are going to participate fully in the industrial economy. In the area of social services, concerns were also raised about the impact of rotational work on families and the need for programs and services to assist in mitigating potentially negative socio-economic impacts. Negative social impacts of mineral development on individuals and families were believed by many to be a potential by-product of wage employment at remote sites. Mitigating these side effects depends in part on access to government-funded social programs. This constructs a particular relationship between Inuit and the public government characterized simultaneously by the liberation of Inuit from historical dependency on Euro-Canadian society through the exercise of land claims rights, and a contemporary reliance on the public delivery of social services.

Jurisdiction over education, health care and social service delivery may clearly lie with the territorial government, but the division of responsibility between Inuit associations and the public governments is far from clear cut in practice and in motivation. Inuit organizations fund local programs, a practice which could be interpreted as a pragmatism born out of necessity. As discussed previously, the Government of Nunavut is chronically under funded and has no mechanism to recoup the costs of associated with the increasing pace of mineral development. Other frustrations were expressed in this regard, including 1) a system of social service delivery centralized under the Government of Nunavut, whose policy-making functions are far removed geographically, politically, and culturally from the Kitikmeot Region and Cambridge Bay, 2) the lack of jurisdiction over Crown lands and resources preventing the territorial government from receiving the benefits of resource development in the form of royalties and land leases thereby removing the possibility of redistributing resource wealth based on local needs arising from mineral development, and 3) service contracts between municipalities and the territorial government based on standards of service rather than per-capita use of services.

These frustrations are also expressed in the reactions to policies intended to fill land claims implementation gaps. An example of this is Hamlet of Cambridge Bay's attempt to negotiate socio-economic agreements directly with mining companies. The mandate of the NIRB includes the review of socio-economic impacts, the NLCA precludes the Board from establishing requirements for socio-economic benefits (Canada 1993a, s.12.2.3). Responsibility in this regard falls to the Inuit associations who retain significant power to negotiate IIBAs directly with the mining companies. Meanwhile, s.26.3.2 states that "an IIBA shall be consistent with the terms

and conditions of project approval, including those terms and conditions established pursuant to any ecosystemic and socio-economic impact review”. A process for establishing this consistency, however, is not described in the Agreement. In fact, it is under the auspices of the Board’s public requests for complete socio-economic information that the Kitikmeot Inuit Association revealed certain sections of the IIBA-in-principle for the Jericho and Doris North projects. According to one official, the KIA would rather the Agreements remain private to ensure Inuit are able to maximize their benefits for the next project without worrying about the issue of precedent. Complicating matters is the fact that language dealing with socio-economic impact mitigation is absent from the NLCA beyond the mitigation measures proposed by the mining company (see for example Canada 1993, s.12.5.2 (d) and s.12.5.5 (d)). Interestingly, many public servants and Inuit administrators interviewed for this research believed the public government bore some responsibility for responding to socio-economic effects. Judging from the territorial government’s policy response to mineral exploration and mining (Government of Nunavut 2007), the GN also believes it has some responsibility to respond to the socio-economic impacts of mining.

These factors have together resulted in distinct policy responses by the public and Inuit regimes. At the local level, the attempt by the Hamlet of Cambridge Bay to seek socio-economic agreements through direct negotiations with mining companies could be interpreted to stem from the structural and jurisdictional barriers to efficient and effective public administration described above. The position taken by the Inuit association to negotiate IIBAs to the exclusion of Hamlet participation may act only to further prevent municipalities from securing scarce resources. Significantly, the ability of public governments to negotiate independent socio-economic agreements is not precluded through the land claims agreement: Article 26.3.3 (e) clearly states that IIBAs “shall not prejudice the ability of other residents of the Nunavut Settlement Area to obtain benefits from major development projects in the Nunavut Settlement Area”. In fact, IIBAs and socio-economic agreements coexist for the same project in other jurisdictions. In the Northwest Territories, for example, impact and benefit agreements are negotiated alongside socio-economic agreements, where the former “catch benefits-related issues” while the latter “fulfill government responsibility to regulate socio-economic impacts” (Galbraith 2007, p.36).

However, the notion that hamlets should negotiate directly with mining companies is not a popularly held opinion. For some, doing so is contrary to collective interests of the region and undermines the strategy of solidarity employed by Inuit associations. For others, it is the prerogative of the public governments to respond to socio-economic impacts as they see fit. In

general terms, there is a strong protectionist sentiment among Inuit that despite the intersecting interests of both Inuit and non-Inuit in Nunavut society, the public government must use its own resources to meet the programming demands imposed by mineral development. In effect, dependency on government services and the policy responses it triggers act to reinforce attitudes of solidarity that already exists among some Inuit, especially elders.

A similar situation is occurring at a higher level of land claims implementation, where Inuit acknowledge dependency on the federal government to implement its obligations under the NLCA. As discussed in more detail below, the Inuit are suing the federal government for failure to implement specific sections of the Agreement. In its 2006 Statement of Claim against the Crown, NTI made the following assertion:

Various provisions of the Agreement require the Crown to take governmental initiatives in order to fulfill promises made to Inuit in the Agreement. The Crown's power to design, select and implement such initiatives affords it power to control the manner and degree to which the Crown's own obligations under the agreement are performed...As a consequence of the Crown's dominant power in this regard, the Inuit are placed in a correspondingly vulnerable position where obtaining the benefit of the Agreement is dependent of the exercise of discretionary power by the Crown. (NTI 2006b, p.5-6).

Thus, we can see dependency operating between the public and Inuit spheres of autonomy, and also within the public sphere of autonomy. Between spheres, individuals are framed as dependent on government programs and services, while collectively Inuit depend on the federal government's commitment to implement the spirit of the Agreement. The difference is that in the former case, Inuit remain subject to federal policy and financing, while in the latter case the relationship is, at least nominally, co-equal. Within the public sphere of autonomy, dependency operates in the sense that territorial financing depends on the federal purse, while municipal operations depend on the whims of the territorial government to implement local programs and services to support Inuit (economic) participation in mineral development.

#### **6.4 PARTICIPATION AND MARGINALIZATION**

*I can't name a community and say there's no one in that community involved in the process. Between CBCs, MLAs, NIRB Board members, NTI Board members, RIA Board*

*members and all that, you probably couldn't point to a community and say there isn't several people in that community involved in land and resource management in Nunavut. It's spread pretty good. (Interview 3 p.9)*

*I don't think the KIA represents all people or all Inuit fairly. It is an old boys club, and the same group of people making decisions for everyone, making money and lining their pockets. In the end we suffer. In order to effectively make decisions, everyone must participate. All those positions should be elected. Too many of [the Inuit association] committees are appointed. People must be held accountable. (Interview 18 p.8).*

While Inuit (as individuals) depend on their Inuit associations to work with mining companies to maximize the benefits of resource development, institutional factors act to marginalize the interests of those who would like to see development slowed or stopped altogether. Perhaps this is surprising, considering the opportunities for participation discussed in Section 4.2.4. For instance, at the Nunavut Impact Review Board, Inuit participate as Board members and directly as interveners in screenings and reviews. Inuit organizations set mineral development policy and influence Board decisions as interveners, and have a system established to receive community-level input into their own decision-making processes through the election of Board members and Community Land and Resources Committee members. But while Inuit are collectively empowered through their Inuit associations to work with mining companies and maximize the benefits of resource development, the politics of representation at the local level may act to marginalize certain interests.

Research findings suggest that, in some respects, Inuit may not feel properly represented by their own organizations. Legitimate representation of some land claims institutions was challenged on two levels by research participants. First, the ability of government and Inuit associations to fairly represent a balance of interests was thought to be compromised by a structural dependency on mineral development revenues. This structural dependency prevented the true cultural value of the land to be taken into account, contributing to project approvals that misrepresented the true impacts of development on lands and wildlife. Rather than focusing on ways to support alternative, more traditional lifestyles, structural dependency caused decision-makers to focus on conventional objectives of wealth creation instead.

Second, a minority of Inuit interviewed for this research were critical of the way Inuit organizations actually made decisions. For example, the criticisms of mostly younger (<40 years) Inuit who were active participants in community and Inuit affairs focused on the nature and behaviour of an elite Inuit leadership that was at best uncommunicative and at worst unaccountable to Inuit. This was fueled by charges of poor consultation practices by Inuit associations and recurring references to a population that was perhaps not educated enough to meaningfully take advantage of participatory opportunities. Ultimately, this caused some participants to question the legitimacy of the decisions taken by Inuit associations in relation to the distribution of benefits and the positions they take with them into the environmental assessment process. Specifically, the critical perspectives expressed by research participants included 1) a perceived lack of communication between the KIA and individuals, 2) lack of support for promising policies by some individuals, 3) elitism, and 4) lack of accountability for political representatives. These findings reflect public criticisms in the media of “powerful” elected NTI representatives who “irresponsibly endorse uranium mines, without first consulting with the people, mainly the beneficiaries” (Scottie 2006), and similar statements in 2008 in the Legislative Assembly about potential conflicts of interest that arise when Inuit associations act simultaneously as resource developers and agents of environmental protection.

Local interests are further marginalized, both individually and collectively, because the Government of Nunavut lacks control over non-renewable resource development policy in the territory. Instead, this is the responsibility of the federal government. Notably, calls for greater transparency and accountability in the Legislative Assembly suggest a democratic ethic is alive within territorial politics. But without the power that comes with ownership of Crown lands – including the jurisdiction to approve projects and legislate appropriate land use activities – the democratic potential that exists within the territory is absent from the framework of resource management. This is not to say that opportunities do not exist to influence mineral development decision-making at the project level. Elected officials can bring (and have brought) issues to the attention of the public through the legislative forum, and peripheral controls over land use activities could be enacted through, for example, wildlife management legislation. This is an area of GN jurisdiction where direct influence could be exercised over development activities across the territory. But additional avenues for direct citizen participation in project-level public policy formation in the public sphere of autonomy (through the Hamlets, the Government of Nunavut, and the federal government) are limited. For instance, it does not appear that public governments have an ongoing, formal process - beyond electing public representatives - for incorporating

grassroots input into their interventions in land use planning and impact review processes. It is safe to say the same for the Government of Canada. Further research is required to understand how organizational norms and substantive considerations act to influence individual, project-specific decisions within public governments.

Inuit associations are structured as corporations and have no direct control over lands and resources except on Inuit Owned Land, where their influence over development is extensive. But unlike the public sphere of autonomy, the Inuit sphere does not have a forum like the Legislative Assembly in which representatives are held accountable for policy decisions on an ongoing basis, and whose positions are tracked by the media in its role as government watchdog. In fact, it is not clear whether the governance structure at the Inuit associations and the norms by which they operate satisfy the expectations of land claim beneficiaries or Inuit implementation responsibilities that compel “the Tungavik and every Organization [to be] constituted and operate with accountability to, and democratic control by Inuit” (s.39.1.6). This research has not provided new information about the democratic norms of governance at Inuit associations, and additional study is required before even tentative conclusions could be reached about the subject. Suffice it to say that given the corporate structure and the nature of bureaucratic institutions, questions about accountability and transparency at Inuit associations are legitimate and should be taken seriously.

Finally, political marginalization may be a result of low levels of education among individual Inuit. This issue has been raised by one Inuit woman who said:

The Inuit they have to work more at getting their education up. They have to go into post secondary so they can make decisions for the community and for Nunavut. The key is education. Hopefully we will have a lot of young people going to post secondary and coming out as researchers – like what you do. So that they can come back and work up here and assist elders in making the right decisions about what’s right for our community and our region. Inuit don’t have the education that the non-Inuit have. (Interview 24 p.5)

This issue has arisen in other contexts in Nunavut, specifically in the current dispute between NTI and the federal government over the implementation of the Nunavut Land Claims Agreement (Berger 2006).

## 6.5 TRUST

*Also, in regards to the mining company and the Doris North project, where Miramar is trying for another stab at it, as long as Miramar and NIRB have negotiated and come to an agreement in terms of the impacts on the land itself...the NIRB can go ahead with the project... (Interview 7 p.3)*

*It's easy to say everyone should be involved, but everyone should. There are so many levels of bureaucracy and a lot of times they are just consulting each other. There's not enough effort to get real, honest community input (Interview 19 p.3).*

At the community level there was a sense that people could trust their institutions. There was evidence that people believed the Nunavut Impact Review Board could be trusted to manage the environmental assessment process in a way that protected Inuit interests. For one person, that trust was grounded in the fact that the people on the Board were Inuk and therefore understood what it meant to work toward a healthy community (Interview 11 p.7). Another person suggested that the NIRB was important because when it became involved in a project people were alerted to the fact that something potentially important was going on (Interview 24, p4). This is in fact an important function considering the amount of consultation that often goes on within the small communities in Nunavut. There was also evidence that Inuit felt strongly about having organizations representing distinctly Inuit interests. Even for the respondent who took an explicitly anti-mining position, the fact that there was a group such as the KIA whose interests were solely focused on Inuit affairs was significant for him (Interview 19, p.6). However, the same participant was also concerned by the fact that the decision-making process boils down to bureaucrats consulting bureaucrats, without any real effort to receive community input.

## 6.6 SUMMARY

In Nunavut, relational self-determination involves overlapping spheres of autonomy and a managed form of interdependence between Inuit and Euro-Canadian society. In Nunavut, where the sphere of Inuit autonomy (exercised through land claims based Inuit associations) has considerably more leverage over mineral development than the local sphere of public autonomy (territorial-municipal public institutions), co-management processes can play an important role in

managing relationships among autonomous institutions, and between individuals and their institutions. The analysis, however, suggests that the Inuit strategy of solidarity, local dependency on public services, and political marginalization may act to disempower marginalized groups rather than creating processes of shared rule that “govern...interdependence in a democratic manner” Murphy (2003:15).

Earlier in this paper, we saw how co-management could be conceptualized as a political process in which stakeholders come together to bargain and compete to satisfy their interests. However, the existence of power imbalances is one of the theoretical weaknesses of the deliberative theory of EA. In Wiklund’s (2005) analysis, the deliberative potential of the EA system depends on four principles: generality (all affected shall be included), autonomy (everyone shall have the right to participate), power neutrality (power distortions must be neutralized) and ideal role taking (participants must adopt attitudes of reciprocity and impartiality). Therefore, whether the co-management/EA forum is viewed through the lens of deliberative or conventional pluralistic theories of democracy, it is likely that co-management boards in Nunavut are challenged to fulfill their potential as democratic arbiters of the public interest. The following discussion focuses on the principle of ideal role taking because it is potentially the most affected by the characteristics of the Inuit and public spheres of autonomy: solidarity, dependency, marginalization and trust.

The ability of organizations to adopt attitudes of reciprocity and impartiality may be affected by the strong sense of solidarity within the Inuit sphere. First, there were indications that collective interests were at play within the Inuit and public spheres in the mineral development governance arena, particularly when it came to socio-economic benefits through IIBAs. The fact that the negotiation of separate socio-economic agreements with the hamlets was not a popularly held policy option suggests reciprocity between Inuit and public spheres may not be entirely expansive. The Weberian character of Inuit and public administrations may also favour positional bargaining over reciprocity in deliberation within the EA process. Depending on the norms at play during negotiations, this is often the case in situations where a representative is locked into his or her position as an advocate for the people he or she represents (Birch 2007). Thirdly, the continued dependency of Inuit on government services and the explicit frustration expressed by Inuit administrators about the lack of government responsiveness suggested that attitudes of reciprocity may be difficult to achieve.

Of course, the motivations behind the attitude of solidarity is understandable. So too is the strategy of solidarity in light of the play between the Inuit and federal government. Why *should* Inuit be impartial to attempts by the local public government to further distribute the benefits of resource development, when many of the issues faced by the hamlet can be traced to issues with the federal and territorial provision of public services? In order for collective reciprocity to be cultivated, perhaps the issue of impact mitigation and benefits should not be couched in terms of Inuit benefits versus public sphere costs and mitigation. Instead, a concerted effort by Inuit associations and public governments to perform cooperative, holistic project appraisals could help both sides maximize the potential contribution of each project to local communities. In order for this to occur, the positioning that comes with claims to representation would have to be set aside in favour of substantive, impartial discussion.

It is unlikely that the formal impact review process is the forum in which substantive, impartial discussion between collectivities can take place. By the time organizations come together in public hearings it is too late to approach issues from a standpoint of collaboration, particularly when the stakes are high and the process is quasi-judicial in form and adversarial in nature. Unless stakeholders make efforts to interact outside the formal boundaries of the impact review process, the focus of the process will remain on the terms of project approval negotiated separately between the mining company and each sphere of autonomy. This is, in fact, the logic of the impact review system: the terms of regulatory compliance are negotiated between the project proponent and the agency responsible for a specific environmental or socio-economic component. If both the proponent and the agency are satisfied with these terms, they are brought before the Board as binding commitments (often on the part of the proponent) that can be written into the Project Certificate as terms and conditions of project approval. In cases where these terms and conditions are accepted by the federal Minister, they are then written into force through specific regulatory instruments. This is not to say that the Nunavut Impact Review Board is powerless to act on its own to ensure significant environmental and socio-economic impacts are mitigated, but rather that it is likely a matter of choice for the Board to rely on government and Inuit associations to advise on matters of public policy.

Similarly, for socio-economic impacts and benefits, the IIBA is negotiated privately between the project proponent and the Inuit association to the exclusion of the public governments and the terms of the agreement are tabled before the Board as a proxy for the proposed terms of development. In the case of Doris North (I) when the Hamlets complained that the proponent had

not consulted them appropriately on socio-economic matters, the Board chose to acknowledge the fact that the IIBA would not cover all socio-economic issues (NIRB p.70). NIRB then forced the proponent to improve its consultation methods by including socio-economic impacts as an issue that would have to be addressed should the proponent decide to resubmit a project proposal. The new terms of development would then be re-evaluated by the Board during the second review process. The problem with this system of conflict resolution is that the onus is on the proponent to consult and negotiate on its own terms. There is nothing keeping it from approaching Inuit associations, Hamlets and other stakeholders individually using a strategy of divide and conquer. Thus, the potential of the impact review process to foster deliberation between Inuit and public spheres of autonomy at the local level is limited.

To address this shortcoming, an alternative venue is needed where the stakes are reduced and officials from different organizations are able to brainstorm and deliberate in advance of tabling positions before the Board. For socio-economic issues, these organizations might include hamlets, Inuit associations, the territorial government and project proponents. But for an exercise of this nature to be successful and equitable, the benefits of collaboration would have to be seen to outweigh the costs. This will be discussed in more detail in the next chapter.

Attitudes of reciprocity among *individual* Inuit may also have been affected by divergent values. Evidence suggests that individual perspectives on mineral development did not uniformly align with the collective interests framed by some Inuit along economic lines. In the interviews, middle aged Inuit and elders were often the ones to emphasize the importance of economic and employment opportunities for youth. However, for a few participants (mainly youth) there was a sense that the maintenance of traditional lifestyles was an important feature of Inuit identity. One youth from Cambridge Bay acknowledged the importance of supporting alternative, more traditional lifestyles, while the other youth from the Eastern Arctic was explicitly anti-mining because of the potential impacts to the land and wildlife. A third Inuit woman from Cambridge Bay also expressed an opinion that suggested she saw mining and traditional lifestyles as incompatible. Based on the interview findings, those who opposed mineral development for reasons of ethics or values may not be willing to adopt attitudes of reciprocity or impartiality if the discussion is constructed around the traditional lifestyle – wage economy dichotomy.

## **CHAPTER 7: CONCLUSIONS AND RECOMMENDATIONS**

### **7.1 INTRODUCTION**

This chapter discusses the implications of the key findings of the primary research for the theory and practice of Inuit-state relations, and the implications for local democratic self-determination in resource management in Nunavut. It also addresses some of the shortcomings of the approach taken to this research, both strategically and methodologically. The chapter concludes with suggestions for further research.

### **7.2 CONCEPTUAL FRAMEWORK**

This paper has explored one instance of Inuit-state relations in Nunavut by focusing on the issue of non-renewable resource governance, and particularly the relationships that form around the issue of socio-economic impacts and benefits of mineral development. In Nunavut, Inuit exercise considerable control over the pace of mineral development and the economic benefits it brings through the collective rights flowing from the Nunavut Land Claims Agreement and the rights that Inuit have as Canadian citizens. Meanwhile, municipalities and the territorial government have disproportionately less influence and access to redistributive benefits when compared to both the Inuit sphere and the federal government. Relationships between the Inuit and public spheres are mediated by provisions of the land claims agreement including the Institutions of Public government that represent institutions of shared rule (Murphy 2005). Relationships are also mediated by agreements between the NTI and the Government of Nunavut. Given the extent of control exercised by Inuit in all three institutional forms (Inuit, public and shared rule institutions), an observer would be justified in assuming that Inuit at the local level are experiencing a significant degree of self-determination within the federal state.

The conceptual framework used to guide this research emphasized two important aspects of self-determination: relationships between Inuit and public spheres, and accountable representation in democratic process. The concept of relational self-determination (Murphy 2005) acknowledges autonomy and interdependence for both Aboriginal people and Euro-Canadian society. Applied to the resource governance arena in Nunavut, it required the research to consider the nature of self-determination in each “sphere” of governance (the Inuit sphere and the public sphere) as well as the space between spheres created by the Institutions of Public Government (in this case the

Nunavut Impact Review Board). The problem with the concept of relational self-determination on its own, however, is that it does not provide a normative framework for considering the second important aspect of self-determination – democratic control. The model of democratic control advocated here focuses on the process of democratic deliberation, which depends on open, meaningful dialogue among individuals and/or their representatives. Termed ideal discourse (Habermas 1990; Wiklund 2005), this dialogue has a number of features: that all stakeholders are included in discussion, that all stakeholders can have their say, that unequal power relations are balanced, and that actors adopt attitudes of reciprocity and impartiality. Thus, the democratic ideal would demand that stakeholders in each sphere are able to enter into meaningful discourse. In the context of relational self-determination, it would also require that there be open and honest discourse between spheres.

The conceptual framework was developed iteratively over the course of the research. A cursory view of the resource management institutions suggested that political representation was complex and conflict may have been playing out as a consequence of the institutional arrangements. Three years of work in the territory has corresponded with a growth in this conflict in other parts of the territory, confirming the relevance of this aspect of the conceptual framework. But while legitimate representation is important, it is not the only issue that arises in resource governance. Cooperation, and the institutional space to accommodate deliberation, is equally relevant locally, which was confirmed through the ongoing analysis of literature and interview data. The conceptual framework has accounted for this by linking the practice of resource governance to the consequences of Canada's northern version of democracy and federalism.

### **7.3 DEMOCRATIC SELF-DETERMINATION IN RESOURCE GOVERNANCE**

Despite the considerable opportunities for Inuit to participate in resource governance, this research suggests there is considerable potential for local interests to be marginalized in the decision-making process. Inuit-state relations are described in the context of relational self-determination. From this perspective, Inuit enjoy a number of rights and privileges through the land claims agreement including land and resource ownership as well as influence over resource management decisions through Institutions of Public Government. Meanwhile, the public government system, at the municipal and territorial levels, is controlled by the 85% Inuit majority and maintains its traditional function overseeing the resolution of issues of common concern. But from the perspective of local democratic control, the analysis changes: the Inuit sphere has collective

influence over mineral resources on Inuit Owned Land (and Crown Land through the IPG process), but it lacks parliamentary style democratic process. The local public sphere consisting of the territorial and municipal governments operate according to conventional democratic norms, but have little influence over resource development (except through the IPG process). Meanwhile, the federal government is democratically controlled and has significant influence over resource development, but local influence over federal decisions is minimal (except through the IPG process). Thus, despite the significant rights and responsibilities achieved by Inuit through the land claims agreement, their quest for self-determination could be considered democratically circumscribed.

This problem is compounded when we consider the issue of reciprocity. There have been indications in the local media (Scottie 2006, 2008) that discourse within the Inuit sphere has been challenged when it came to mineral development. Inuit associations in the Kivalliq region were being criticized for failure to consult with land claims beneficiaries on mineral development policies, and for adopting policies that jeopardized their legitimacy as arbiters within the Inuit sphere (Nunavut 2008b, Scottie 2006, 2008). In effect, these individuals were identifying a significant democratic gap in the resource governance system. This research revealed that this gap has been identified by Inuit in Cambridge Bay, where some community members expressed concern with elitism and the impartiality of the Inuit corporate system. It also lends weight to the conclusions of Suluk and Blakney (2008), who identified feelings of resentment among Inuit in Nunavut who feel that, contrary to the perceived aims of the land claims agreement, peoples' livelihoods remain subject to control by outside forces.

But these sentiments were not expressed by the majority of people interviewed. Just as Stern (2008) identified land claims agreements as the source of pride and common economic citizenship expressed by Inuvialuit leadership, so too this research indicated attitudes of solidarity among the majority of Inuit interviewed in Cambridge Bay. These Inuit, many of whom were Inuit association officials and elders, justifiably believed that the employment and economic benefits of mineral development were a matter of collective right. For this reason, it cannot be concluded that Inuit interests in Cambridge Bay are marginalized.

Meanwhile, this research has also revealed a breakdown in reciprocity between the Inuit and public spheres. There were indications in the impact review process that conflict between the Inuit and public spheres was occurring as municipalities, excluded from the IIBA negotiation process,

considered negotiating separate socio-economic agreements with mining companies in the Kitikmeot Region. In this situation, instead of exhibiting reciprocity, the Inuit sphere was drawn inward. The findings of interviews suggest that among elders and some officials from the Inuit associations themselves, this is a legitimate position that can be justified for a number of reasons including past individual and collective experiences of colonialism; a belief that the private negotiations between Inuit and mining companies helps future negotiating positions; a perceived lack of engagement and responsiveness by the local territorial administration, and center-periphery effects caused by distance (both geographically and culturally) between the Kitikmeot Region and Iqaluit. The orientation toward solidarity is expressed in policies that favour the exclusion of the public governments from IIBA negotiations. Among others, however, the Inuit associations should be able to consult with the hamlets when exercising their rights to negotiation IIBAs. Thus despite a strong tendency among Inuit to let the government handle the issue of social programs and services needed to support mineral development, there was certainly a belief among some observers that cooperation should occur.

#### **7.4 LONG TERM AND SHORT TERM SOLUTIONS**

It is possible that anti-reciprocal attitudes in local policy development in the area of socio-economic impacts and benefits will persist. It may always be beneficial to keep IIBA negotiations between Inuit organizations and mining companies private, and capacity issues within the territorial government may be a detriment to responsiveness at the community level. But this is a pessimistic assessment, and it is also unlikely. The distinct difference in tone between the two Inuit youth interviewed for this study and the older generation suggests that feelings of marginalization caused by a history of colonialism, in some ways, may be fading. In the short term, changes at the level of policy and internal coordination suggest that the Government of Nunavut is beginning to take the issue of resource development more seriously as a policy concern. But in the longer term, the prospects for improved deliberation at the local level increase.

The devolution of lands and resources to the territorial government would signal a significant shift in the locus of deliberation. Presently, all of the significant decisions are taken by the federal government in Ottawa and by the Inuit associations for Inuit Owned Lands. It is all the Legislative Assembly can do to discuss the issues that arise as mineral development proceeds across the

territory, without the power to affect legislative or policy changes. But in the event that Nunavut receives the right to control the where, why and how of mineral development, the meaning of local control will change in the public sphere. At that time, when the issue of impacts and benefits arises in the Legislative Assembly, there will be a greater sense of collective ownership and accountability over resource management decisions.

Until this occurs, the NIRB will remain firmly in the middle of the issue. This research has shown that NIRB's responsibility for co-management of the impact review process is critical for bringing out issues of common concern. But its ability to resolve conflict is limited by the norms of Board behaviour. To address this shortcoming, an alternative venue is needed where the stakes are reduced and officials from different organizations are able to brainstorm and deliberate in advance of tabling positions before the Board. For socio-economic issues, these organizations might include hamlets, Inuit associations, the territorial government and project proponents. But for an exercise of this nature to be successful and equitable, a number of factors would have to be achieved simultaneously:

- Inuit and public organizations would need to be convinced that the value of collaboration exceeds the benefits of entrenchment and exclusion.
- Project proponents would have to be assured that 1) collaboration and dialogue among socio-economic stakeholders would not negatively affect the viability of their projects (a minimum standard), or 2) collaboration and dialogue would result in overall benefits to the company or the project (a higher standard)
- Inuit associations and public governments would need to acknowledge that a transparent and accountable process would be required before cooperative positions could legitimately be tabled.

A number of conclusions have been reached about the relationship between the IIBA and the environmental assessment process in Nunavut. First, the IIBA has been used strategically to maximize Inuit social and economic gains from mineral development. For some research participants, the fact that the negotiations occur behind closed doors and funds are dispersed by, and through, a complex bureaucracy is contrary to their belief in accountable, representative governance. This highlights the second conclusion, which is the important role NIRB plays in

enhancing the transparency of the resource decision-making process. By flushing the IIBA out into public view, NIRB allows anyone paying attention to scrutinize the document and assess its contribution to distributive justice in the territory.

One may conclude the distributive justice in the territory is satisfied by the combination of Inuit and local public institutions. The land claim provides a framework of institutions promoting Inuit self-reliance through economic measures, land ownership, and additional collective rights. Meanwhile, the public system promotes a conventional set of government institutions mandated to provide everything from healthcare to education to infrastructure, all without the benefits of an “economically productive” (i.e. non-renewable resource-rich) land base. This perpetuates the dependency of all Nunavummiut, including Inuit, on the federal government for programs and services. It could be argued that these arrangements favour Inuit at the expense of all Nunavummiut, and Inuit solidarity could thus be considered a barrier to economic progress and social justice for the territory. On this basis, why not negotiate a series of cash transfers from the Inuit of Nunavut to Nunavut’s public government, as suggested by Mifflin (2009)?

A distinction must be made between a discursive approach to problem solving and ongoing economic subjugation of Inuit through Canadian federalism. First, as a practical solution to Nunavut’s continued reliance on federal transfers, the cash transfer proposal is unworkable. The idea that Trust money could be used to meaningfully assist the territorial government in resolving Nunavut’s social problems is questionable. The \$1.14 billion transferred to Inuit by the federal government as part of the land claims settlement is almost equal to the annual sum transferred to the territory through Territorial Formula Financing. For NTI to transfer revenues generated through royalty payments, or Regional Inuit Associations to transfer other revenues from mining companies, is more logical, but still insufficient. The boom and bust of the resource economy does not make for stable revenues, and there is the underlying question of real resource wealth to address. Just what is the resource potential sitting under Inuit Owned Land, and how likely is it that these resources will become economic in time for this generation of Nunavummiut to benefit from them? The same questions apply to the logic of the “devolution solution”. Management and ownership of mineral resources may eventually devolve to the territorial government, but what is the likelihood that these resources will soon turn into jobs for Nunavummiut and revenues for the public government? Lastly, should the programs and services provided by NTI and the RIAs be cut in order to fund already existing public services? These are important public policy questions that must be answered before decisions are made about the just distribution of scarce resources.

More importantly, however, the idea that Inuit could achieve distributive justice through collective financing of the public government should be rejected on ethical grounds. Inuit relinquished their Aboriginal title for the rights and benefits bestowed on them through the Nunavut Land Claims Agreement. These rights and benefits are a pittance compared to the sovereignty of nationhood and self-government that eroded through the historical and ongoing oppression enacted by Canadian state. To suggest that Canada (represented by the federal or territorial governments) take away the resources Inuit were given only 16 years ago is historically misinformed and ethically dubious.

The reason this suggestion has any relevance is because the territorial government is resource-starved. In the face of development pressures, the territorial government is being called on to respond to infrastructure needs, social services, and education and training programs in impacted communities when these programs and services may be equally necessary elsewhere. The just resolution to this problem is found by tracing the public resource revenues to their logical destination, the federal government. Until the federal government is able to channel resources back to the territory on a project-by-project basis (a job for a renewed Territorial Formula Financing contract?), Inuit finances may continue to be the object of a misinformed public's desire for equality. If this situation is not resolved, the rest of Canada will continue to be complicit in the subjugation of Inuit, and northerners, at the hands of the state.

## **7.5 THEORETICAL CONTRIBUTIONS AND FUTURE RESEARCH**

What can be concluded about this situation? For Cairns (2000), Aboriginal and Euro-Canadian societies need to address the institutional arrangements that generate the common bonds and mutual empathy of shared citizenship. Otherwise, he fears, our two societies will lack the foundation for a healthy, meaningful co-existence in which Aboriginal people are full participants in Euro-Canadian society under the rubric of "Citizens plus". For treaty federalists, Aboriginal state relationships are structured through comprehensive land claims agreements which set the terms by which the two societies co-exist. Interestingly enough, however, this research suggests that the existence of land claims agreements do not, by default, nurture those common bonds. As a vehicle for treaty federalism, land claims require ongoing care in their implementation to nurture those bonds. This is already well known in the case of Inuit-state relations at the federal level,

where NTI has joined with other land claims groups to criticize the federal government's handling of land claims implementation. But interactions between NTI and the Government of Canada are only one component of the relationship. The effects of land claims agreements on the structure of local relationships are also significant..

While the concept of relational self-determination (Murphy 2003) acknowledges the competing claims to autonomy and interdependence between Aboriginal and Euro-Canadian society, this research suggests that more work is required to fully understand the consequences of Inuit-state relations for local democratic control. What are the democratic norms operating within the Inuit sphere? Inuit associations use a corporate structure to make policy decisions keep beneficiaries informed. But how does democratic control happen in practice, and how is it experienced at the local level? On the public side, are there examples where public governments have gone over and above in their efforts to fulfill the requirements of land claims implementation? Can success stories be found? Finally, where local values diverge from the corporate interests of Inuit and public organizations, what kinds of strategies would be most effective in influencing the resource governance agenda? Each of these questions leads to an area of research that has received little attention in the literature on Aboriginal-state relations.

## REFERENCES

- Abele, F. and Prince, M.J. (2006). Four Pathways to Aboriginal Self-Government in Canada, *American Review of Canadian Studies*, 36(4) 568-595.
- Abele, F. and Prince, M.J. (2002). Alternative Futures: Aboriginal Peoples and Canadian Federalism, H. Bakvis and G. Skogstad (eds.), *Canadian Federalism in the Millennium: Performance, Effectiveness, and Legitimacy*, Toronto: Oxford University Press, 220-237.
- Abele, F., and Dickerson, M.O. (1985). The 1982 Plebiscite on Division of the Northwest Territories: Regional Government and Federal Policy, *Canadian Public Policy*, 9(1), 1-15.
- Amagoalik, J. (2000). Wasteland of Nobodies, J. Dahl, J. Hicks, P. Jull (Eds) *Nunavut: Inuit Regain Control of Their Lands and Their Lives*. Copenhagen: International Work Group for Indigenous Affairs.
- Armitage, D. (2005). Environmental Impact Assessment in Canada's Northwest Territories: Integration, Collaboration, and the Mackenzie Valley Resource Management Act, K.S. Hanna (ed.), *Environmental Impact Assessment: Practice and Participation*, Toronto: Oxford University Press.
- Arendt, H. (1972). *Crises of the Republic*. New York: Haughton Mifflin Harcourt.
- AREVA Resources Canada Inc. (2008). *The Kiggavik Project: Project Proposal*, URL: <ftp.nirb.ca/screenings/activescreenings>
- Association of Canadian Universities for Northern Studies (2003). *Ethical Principles for the Conduct of Research in the North*, URL: <http://www.acuns.ca/EthicsEnglishmarch2003.pdf>
- Awashish, P. (2005). From Board to Nation Governance: The Evolution of Eeyou Tapay Tah Jeh Souwin (Eeyou Governance) in Eeyou Istchee, M. Murphy (ed.), M. Murphy (ed.) *Canada: The State of the Federation 2003 – Reconfiguring Aboriginal-State Relations*, Montreal and Kingston: McGill Queen's University Press, 3-38.
- Barton, B. (2002). Underlying Concepts and Theoretical Issues in Public Participation in Resource Development, D. Zillman, A.R. Lucas, G. Pring (eds.), *Human Rights in Natural Resource Development: Public Participation in the Sustainable Development of Mining and Energy Resources*, Toronto: Oxford University Press, 77-122.
- Ball, T., Dagger, R., Christian, W. and Campbell, C. (2006). *Political Ideologies and the Democratic Ideal*, Canadian Edition, Toronto: Pearson Longman.
- Bennett, J., and Rowley, S. (2004). *Uqalurait: An Oral History of Nunavut*. Montreal & Kinston: McGill Queens University Press.
- Berger, T.R. (2006). *Nunavut Land Claims Agreement Implementation Contract Negotiations for the Second Planning Period 2003-2013 Conciliator's Final Report: "The Nunavut Project"*.

- Berger, T.R. (1988). *Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry*, Revised Edition, Toronto: Douglas and McIntyre.
- Berkes, F., Colding, J. and Folke, C. (2003). *Navigating Socio-Ecological Systems: Building Resilience for Complexity and Change*. New York: Cambridge University Press.
- Birch, A. (2007). *The Concepts and Theories of Modern Democracy*, Third Edition, New York: Routledge.
- Cairns, A.C. (2000). *Citizens Plus: Aboriginal Peoples and the Canadian State*, Vancouver: University of British Columbia Press.
- Canada (2009). Department of Indian Affairs and Northern Development. *General Briefing Note on Self Government and Claims Policy of Canada and the Status of Claims*, Indian and Northern Affairs Canada.
- Canada (2008a). Senate Standing Committee on Aboriginal Peoples. *Interim Report: Special study on the Implementation of Comprehensive Land Claims Agreements in Canada*. 39<sup>th</sup> Parliament, 2<sup>nd</sup> Session. Ottawa: Public Works and Government Services.
- Canada (2008b). Department of Indian Affairs and Northern Development, Report to the Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development. Neil McCrank, *Road to Improvement: The Review of the Regulatory Systems Across the North*, Ottawa: Minister of Public Works and Government Services Canada.
- Canada (1996). Report of the Royal Commission on Aboriginal Peoples. *Volume 3: Governance*, Ottawa: Canada Communication Group Publishing.
- Canada (1993a). Department of Indian Affairs and Northern Development. *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada*, Ottawa: Department of Indian Affairs and Northern Development and the Tungavik.
- Canada (1993b). Parliament. *Nunavut Act*, Ottawa: Queen's Printer, URL: <http://laws.justice.gc.ca/en/showdoc/cs/N-28.6//20090805/en?page=1>
- Chambers, S. (2003). Deliberative Democratic Theory, *Annual Review of Political Science*, 6, 307-326.
- Clarke, A. E. (2005). *Situational Analysis: Grounded Theory After the Postmodern Turn*, Thousand Oaks: Sage Publications.
- Connolly, W.E. (2008) The Challenge of Pluralist Theory, S.A. Chambers and T. Carver (eds.), *William E. Connolly: Democracy, Pluralism and Political Theory*, New York: Routledge, 15-36.
- Creswell, J.W.(1994). *Research Design: Qualitative and Quantitative Approaches*, Thousand Oaks: Sage Publications.
- Dahl, R.A. (1978). Pluralism Revisited, *Comparative Politics*, 10(2), 191-203.

- Dahl, R.A. (1958). A Critique of the Ruling Elite Model, *The American Political Science Review*, 52(2), 463-469.
- Delage, D., and Warren, J.-P. (2006). The Meeting of *Bourgeois* and Aboriginal Ethics: Modernity, Postmodernity and Aboriginality, G. Christie (ed.) *Aboriginality and Governance: A Multidisciplinary Perspective*, Penticton: Theytus Books, 79-140.
- Denzin, N.K., and Lincoln, Y.S. (2000), Introduction: the discipline and practice of qualitative research, N.K Denzin, and Y.S. Lincoln, (eds.), *Handbook of Qualitative Research*, London: Sage Publications, 1-28.
- Diduck, A. and Sinclair, A.J. (2002). Public Involvement in Environmental Assessment: The Case of the Nonparticipant, *Environmental Management*, 29(4), 578-588.
- Dryzek, J. (2005). Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia, *Political Theory*, 33 (2), 218-242.
- Dryzek, J. (2000). *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, Toronto: Oxford University Press.
- Esterberg, K.G. (2002). *Qualitative Methods in Social Research*, Toronto: McGraw Hill.
- Fidler, C. and Hitch, M. (2007). Impact and Benefit Agreements: A Contentious Issue for Environmental and Aboriginal Justice. *Environments Journal*, 35(2), 49-69.
- Fischer, F. (2003). *Reframing Public Policy: Discursive Politics and Deliberative Practices*. Toronto: Oxford University Press.
- Fishkin, J. (1995). *The Voice of the People*. New Haven: Yale University Press.
- Fitzpatrick, P., Sinclair, J.A., and Mitchell, B. (2008). Environmental Impact Assessment Under the Mackenzie Valley Resource Management Act: Deliberative Democracy in Canada's North? *Environmental Management*, 42, 1-18.
- Fraser, N. (1997). *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition*. New York: Routledge.
- Galbraith, L., Bradshaw, B., and Rutherford, M.B. (2007). Towards a New Supraregulatory Approach to Environmental Assessment in Northern Canada, *Impact Assessment and Project Appraisal*, 25(1), 27-41.
- Gastil, J. (2000). *By Popular Demand*, Berkley: University of California Press.
- Geertz, C. (1973). Thick Description: Toward an Interpretive Theory of Culture in *The Interpretation of Cultures: Selected Essays*, New York, Basic Books, 3-30.
- Gibson, R.B. (2005). *Sustainability Assessment: Criteria and Processes*. London: Earthscan.
- Giddens, A. (1984). *The Constitution of Society. Outline of the Theory of Structuration*. Cambridge: Polity.

- Giddens, A. (1976). *New Rules of Sociological Method: A Positive Critique of Interpretive Sociologies*. London: Hutchinson.
- Habermas, J. (1990). *Moral Consciousness and Communicative Action*, Cambridge, MIT Press.
- Habermas, J. (1984). *The Theory of Communicative Action, Vol. I, Reason and the Rationalization of Society*. trans. Thomas McCarthy, Boston: Beacon Press.
- Habermas, J., and Rehg, W. (2001). Constitutional Democracy: A Paradoxical Union of Contradictory Principles? *Political Theory*, 29(6), 766-781.
- Hajer, M.A. and Wagenaar, H. (2003). *Deliberative Policy Analysis: Understanding Governance in the Network Society*, Cambridge: Cambridge University Press.
- Hamlet of Cambridge Bay (2006). Comments to the Nunavut Impact Review Board, Doris North Project Final Hearing, Transcripts Vol. 3, February 1, 2006.
- Hamlet of Kugluktuk (2006). Submission to the Nunavut Impact Review Board, Final Hearing, January 4.
- Henderson, A. (2007). *Nunavut: Rethinking Political Culture*. Toronto: UBC Press.
- Heubert, R. (2009). Canada and the Changing International Arctic: At the Crossroads of Cooperation and Conflict, F. Abele, T.J. Courchene, F.L. Seidle, and F. St-Hilaire (eds.) *Peoples, Powers and Prospects in Canada's North*, Montreal: The Institute for Research on Public Policy, 77-106.
- Hicks, J., and White, G. (2000). Nunavut: Inuit Self-Determination Through a Land Claim and Public Government? J. Dahl, J. Hicks, P. Jull (eds.) *Nunavut: Inuit Regain Control of Their Lands and Their Lives*. Copenhagen: International Work Group for Indigenous Affairs.
- Hipwell, W., Mamen K., Weitzner, V., and Whiteman, G. (2002) *Aboriginal peoples and mining in Canada: Consultation, participation and the prospects for change*. A background discussion paper. The North-South Institute.
- Howitt, R. (2001). *Rethinking Resource Management: Justice, Sustainability, Indigenous Peoples*. New York: Routledge.
- Illsley, B. M. (2003). Fair Participation: A Canadian Perspective, *Land Use Policy*, 20, 265-273.
- Jaccoud, M. (2006). Aboriginal Criminal Justice: From Imposed Justice to Power Transfer, G. Christie (ed.), *Aboriginality and Governance: A Multidisciplinary Perspective*, Penticton: TheytusBooks, 203-216.
- Intergovernmental Working Group on the Mineral Industry (2008). *Aboriginal Engagement in the Mining and Energy Sectors: Case Studies and Lessons Learned*, Report to the Energy and Mines Ministers.
- Jaccoud, M. (2006). Aboriginal Criminal Justice: From Imposed Justice to Power Transfer, G. Christie (ed.) *Aboriginality and Governance: A Multidisciplinary Perspective*, Penticton: Theytus Books, 203-216.

- Jessop, B. (1997). Capitalism and its Future: Remarks on Regulation, Government and Governance, *Review of International Political Economy* 4(3), 561-581.
- Johnson, R.G. III (2009). *A Twenty-First Century Approach to Teaching Social Justice: Educating for Both Advocacy and Action*, New York: Peter Lang.
- Jull, P. (2000). Inuit and Nunavut: Renewing the World. J. Dahl, J. Hicks, P. Jull (eds.) *Nunavut: Inuit Regain Control of Their Lands and Their Lives*. Copenhagen: International Work Group for Indigenous Affairs, 118-137.
- Jull, P. (1985). The Dangers of Turning Inward. Why Subsistence is Not Enough, *Northern Perspectives*, 13(4), 1-12.
- Kennett, S.A. (1999). *A Guide to Impact and Benefits Agreements*. Calgary: Canadian Institute of Resource Law.
- Kitikmeot Inuit Association (2003). Submission to the Nunavut Impact Review Board, Final Hearings for the Doris North Gold Project.
- Lajoie, A., Gelineau, E., Duplessis, I., and Rocher, Guy. (2006). The Integration of Aboriginal Values and Interests into Canadian Judicial and Normative Discourses, G. Christie (ed.) *Aboriginality and Governance: A Multidisciplinary Perspective*, Penticton: Theytus Books, 313-347.
- Land Claims Agreement Coalition (2006). *Four-Ten Declaration of Dedication and Commitment*, Ottawa, URL: <http://www.tunnjavik.com/category/publications/landclaims-agreements-coalition/>
- Legare, A. (2002). The Construction of a Regional Collective Identity in the Canadian Arctic, *Wicazo Sa Review*, 17(2), 65-89.
- Legare, A. (1996). The Process Leading to a Land Claims Agreement and its Implementation: The Case of the Nunavut Land Claims Settlement, *The Canadian Journal of Native Studies* XVI, 1, 139-163.
- Lincoln, Y., and Guba, E. (1985). *Naturalistic inquiry*. New York: Sage
- Loukacheva, N. (2007). *Legal and Political Autonomy of Greenland and Nunavut*, Toronto: University of Toronto Press.
- Macklem, P. (2001). *Indigenous Difference and the Constitution of Canada*, Toronto: University of Toronto Press.
- Macklem, P. (1995). Normative Dimensions of an Aboriginal Right of Self Government. *Queens Law Journal*, 21, 173-219.
- Macklem, P. (1993). Distributing Sovereignty: Indian Nations and Equality of Peoples, *Stanford Law Review*, 45(5), 1311-1367.

- Macklem, P., and Gordon, E. (2000). Indigenous Rights in the Inter-American System: The Amicus Brief of the Assembly of First Nations in *Awas Tingni v. Republic of Nicaragua*, *Human rights Quarterly*, 22(2), 569-602.
- Mann, M. (1986). *The Sources of Social Power: Volume 1, A History of Power from the Beginning to AD 1760*, Cambridge: Cambridge University Press.
- Marcus, A.R. (1995). *Relocating Eden: The Image and Politics of Inuit Exile in the Canadian Arctic*, Hanover: Dartmouth College
- Marecic, C.J. (1999). Nunavut Territory: Aboriginal Governing in the Canadian Regime of Governance, *American Indian Law Review*, 24(2), 275-295.
- McAllister, M.L. and Alexander, C.J. (1997). *A Stake in the Future: Redefining the Canadian Mineral Industry*. Vancouver: UBC Press.
- McCracken, G. (1988). *The Long Interview*, Newbury Park: Sage Publications.
- McPherson, R. (2003). *New Owners in the Own Land: Minerals and Inuit Land Claims*. Calgary: University of Calgary Press.
- Meadowcroft, J. (2001). Community Politics, Representation and the Limits of Deliberative Democracy, *Local Government Studies*, 27(3), 25-42.
- Merritt, J., Ames, R., Fenge, T., Jull, P. (1989). *Nunavut: Political Choices and Manifest Destiny*, Ottawa: Canadian Arctic Resources Committee.
- Mezirow, J. (2003). Transformative Learning as Discourse, *Journal of Transformative Education*, 1(1), 58-63.
- Mezirow, J. (1994). Understanding Transformative Theory, *Adult Education Quarterly*, 44(4), 222-232.
- Mifflin, M. (2009). The Prince and the Pauper: Nunavut Tunngavik Incorporated and the Government of Nunavut, *Policy Options*, July-August 2009.
- Milortok, D. (1989). GNWT Silence is 'unwarranted', 'disturbing' [letter]. *Nunatsiaq News*, February 24, p.4.
- Mitchell, M. (1996). *From Talking Chiefs to a Native Corporate Elite: the Birth of Class and Nationalism among Canadian Inuit*, Kingston: McGill-Queens University Press.
- Mouffe, C. (1999). Deliberative Democracy or Agonistic Pluralism? *Social Research*, 66, 745-758.
- Murphy, M. (2001). Culture and the Courts: A New Direction in Canadian Jurisprudence on Aboriginal Rights? *Canadian Journal of Political Science*, 34(1), 109-129.
- Murphy, M. (2005). Relational Self-Determination and Federal Reform, M. Murphy (ed.) *Canada: The State of the Federation 2003 – Reconfiguring Aboriginal-State Relations*, Montreal and Kingston: McGill-Queen's University Press, 3-38.

- Nadasdy, P. (2003). Reevaluating the Co-Management Success Story, *Arctic*, 56(4), 367-380.
- Neumann, W. L. (2003). *Social Research Methods: Qualitative and Quantitative Approaches*, Toronto: Pearson Education Inc.
- Notzke, C. (1995). *Aboriginal People and Natural Resources in Canada*. Toronto: Captus Press.
- Nunavut, Government of (2007). Department of Economic Development and Transportation. *Parnautit: Nunavut's Mineral Exploration and Mining Strategy*. Iqaluit: Department of Economic Development and Transportation.
- Nunavut, Government of (2006). Department of Finance. *Fiscal and Economic Outlook Fall Update*, Iqaluit: Department of Finance, URL: <http://www.gov.nu.ca/finance/publications/ef2006.pdf>
- Nunavut, Government of (2004). *Iqqanaijaqatigiit: Government of Nunavut and Nunavut Tunngavik Incorporated Working Together*. Iqaluit: Government of Nunavut and Nunavut Tunngavik Incorporated, URL: [http://www.gov.nu.ca/documents/iqqanaijaqatigiit/Iqqanaijaqatigiit\\_eng.pdf](http://www.gov.nu.ca/documents/iqqanaijaqatigiit/Iqqanaijaqatigiit_eng.pdf)
- Nunavut Impact Review Board (2008). *Guide to the NIRB Review Process*, Guide 5, Cambridge Bay: Nunavut Impact Review Board.
- Nunavut Impact Review Board (2006a). *Guide to NIRB's Public Awareness and Participation Programs: The Review Process*, Guide 6a, Cambridge Bay: Nunavut Impact Review Board.
- Nunavut Impact Review Board (2006b). *A Proponent's Guide to Conducting Public Consultation for the NIRB Environmental Assessment Process*, Guide 6b, Cambridge Bay: Nunavut Impact Review Board.
- Nunavut Impact Review Board (2006c). *Final Hearing Report for the Doris North Gold Project*, File #05MN047. Cambridge Bay: Nunavut Impact Review Board.
- Nunavut Impact Review Board (2006d). *Doris North Project, Project Certificate No. 003*. Cambridge Bay: Nunavut Impact Review Board.
- Nunavut Impact Review Board (2006e). *Meadowbank Project, Project Certificate No. 004*. Cambridge Bay: Nunavut Impact Review Board.
- Nunavut Impact Review Board (2004a). *Final Hearing Report for the Doris North Gold Mine Project*, File #02MN134. Cambridge Bay: Nunavut Impact Review Board.
- Nunavut Impact Review Board (2004b). *Jericho Diamond Project, Project Certificate No. 002*. Cambridge Bay: Nunavut Impact Review Board.
- Nunavut, Legislative Assembly (2008a). *Hansard*. 2<sup>nd</sup> Assembly, 4<sup>th</sup> Session, Day 62, May 27, Iqaluit: Legislative Assembly of Nunavut, 4178-4249.

- Nunavut, Legislative Assembly (2008b). *Hansard*. 2<sup>nd</sup> Assembly, 4<sup>th</sup> Session, Day 67, June 3, Iqaluit: Legislative Assembly of Nunavut, 4447-4530.
- Nunavut Planning Commission (2000). *Keewatin Regional Land Use Plan*. URL: <http://www.nunavut.ca/files/Keewatin%20Regional%20Land%20Use%20Plan.pdf>
- Nunavut Tunngavik Incorporated (2009). Website Accessed on June 30, 2009, URL: [www.tunngavik.com](http://www.tunngavik.com).
- Nunavut Tunngavik Incorporated (2007). *Policy Concerning Uranium Mining in Nunavut*. URL: <http://www.tunngavik.com/category/publications/land-and-resources/>
- Nunavut Tunngavik Incorporated (2006a). Department of Lands and Resources. *Background Paper on the NTI Uranium Policy*. Cambridge Bay: Nunavut Tunngavik Incorporated, URL: <http://www.tunngavik.com/category/publications/land-and-resources/>
- Nunavut Tunngavik Incorporated v. R. (2006b). Statement of Claim. Iqaluit: Nunavut Court of Justice.
- Nunavut Tunngavik Incorporated, (2006c). Comments to the Nunavut Impact Review Board, Doris North Project Final Hearing, Transcripts Vol, 3, February 1, 2006,
- Nunavut Tunngavik Incorporated (2003). *Rules and Procedures for the Management of Inuit Owned Lands*. Iqaluit: Nunavut Tunngavik Incorporated.
- Obed, N. (2009). Inuit Values and the Implementation of Land Claims Agreements, F. Abele, T.J. Courchene, F.L. Seidle, and F. St-Hilaire (eds.) *Peoples, Powers and Prospects in Canada's North*, Montreal: The Institute for Research on Public Policy, 511-514.
- O'Faircheallaigh, C. (2007). Environmental Agreements, EIA Follow-Up and Aboriginal Participation in Environmental Management: The Canadian Experience. *Environmental Impact Assessment Review*, 27, 319-342.
- Orenstein, H., Ake, C., Cooper, E., Holzberg, C.S., Krader, L., Kurtz, D.V., Liep, J., Oshima, K., Wrong, D.H. (1980). Asymmetrical Reciprocity: A Contribution to the Theory of Political Legitimacy, *Current Anthropology*, 21(1), 69-91.
- Page, B.I. (1996). *Who Deliberates? Mass Media in Modern Democracy*. Chicago: University of Chicago Press.
- Palys, T. (2003). *Research Decisions: Quantitative and Qualitative Perspectives*, Toronto: Nelson.
- Pennikett, T. (2009). A Fog Hangs Over Arctic Waters, F. Abele, T.J. Courchene, F.L. Seidle, and F. St-Hilaire (eds.) *Peoples, Powers and Prospects in Canada's North*, Montreal: The Institute for Research on Public Policy, 545-560.
- Petts, J. (2003). Barriers to Deliberative Participation in EIA: Learning from Waste Policies, Plans and Projects, *Journal of Environmental Assessment Policy and Management*, 5(3), 269-293.

- Plummer, R. and J. Fitzgibbon (2004). Co-management of natural resources: A proposed framework, *Environmental Management*, 33(6), 876-885.
- Rowe, G., and Frewer, L.J. (2004). Evaluating Public-Participation Exercises: A Research Agenda, *Science, Technology, and Human Values*, 29(4), 512-557.
- Scottie, J. (2008). NTI, Inuit associations do not serve Inuit [letter]. *Nunatsiaq News*, November 11.
- Scottie, J. (2006). Is NTI irresponsibly endorsing uranium mines? [letter]. *Nunatsiaq News*. June 30.
- Simeon, R. and Swinton, K. (1994). Introduction: Rethinking Federalism in a Changing World, Knop, K, Ostry, S., Simeon, R. and Swinton, K (eds.) *Rethinking Federalism: Citizens, Markets, and Governments in a Changing World*, Vancouver: UBC Press, 3-14.
- Sinclair, A.J. and Diduck, A.P. (2001). Public Involvement in EA in Canada: A Transformative Learning Perspective, *Environmental Impact Assessment Review*, 21, 113-136.
- Sinclair, A.J. and Diduck, A.P. (1995). Public Education: An Undervalued Component of the Environmental Assessment Public Involvement Process, *Environmental Impact Assessment Review*, 15, 219-240.
- Sinclair, M. (1997). Aboriginal Peoples and Euro-Canadians: Two World Views, J.H. Hylton (ed.) *Aboriginal Self-Government in Canada: Current Trends and Issues*, Saskatoon: Purich Publishing, 19-33.
- Snape, D., and Spencer, L. (2003). The foundation of qualitative research. J. Ritchie and J. Lewis, (eds.) *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, London & Thousand Oaks: Sage, 1-23.
- Stark, S., and Torrance, H. (2006). Case Study, B. Somekh and C. Lewin (eds.) *Research Methods in the Social Sciences*, Thousand Oaks: Sage Publications, 33-40
- Stern, P. (2006). Land Claims, Development, and the Pipeline to Citizenship, P. Stern and L. Stevenson (ed.), *Critical Inuit Studies: An Anthology of Contemporary Arctic Ethnography*, London: University of Nebraska Press, 105 – 118.
- Stewart, A. (2001). *Theories of Power and Domination: The Politics of Empowerment in Late Modernity*, Thousand Oaks: Sage Publications.
- Suluk, T.K., Blakney, S.L. (2008). Land Claims and Resistance to the Management of Harvester Activities in Nunavut, *Arctic*, 51 (1), 62-70.
- Tester, J.T., Irniq, P. (2008). *Inuit Qaujimagatuqangit: Social History, Politics and the Practice of Resistance*, *Arctic* 61(1), 48-61.
- Timpson, A.M. (2006). Stretching the Concept of Representative Bureaucracy: The Case of Nunavut, *International Review of Administrative Sciences*, 72(4), 517-530.

- Tollefson, C. (1998). Public Participation and Judicial Review, E.L. Hughes, A.R. Lucas, and W.A. Tilleman. (eds.), *Environmental Law and Policy*, Second Edition, Toronto: Edmond Montgomery Publications Limited, 235-276.
- United Nations (1987). General Assembly. *Our Common Future*. Report of the World Commission on Environment and Development. URL: <http://www.undocuments.net/wced-ocf.htm>
- Waltner-Toews, D., Kay, J., Murray, T.E., and Neudoerffer, C. (2004). Adaptive Methodology for Ecosystem Sustainability and Health (AMESH): An Introduction. *Community Operational Research: Systems Thinking for Community Development*, G. Midgley and A. E. Ochoa Arias (eds.), New York: Kluwer Publishers.
- White, G. (2009). Nunavut and the Inuvialuit Settlement Region: Differing Models of Northern Governance, F. Abele, T.J. Courchene, F.L. Seidle, and F. St-Hilaire (eds.) *Peoples, Powers and Prospects in Canada's North*, Montreal: The Institute for Research on Public Policy, 545-560.
- White, G. (2006). Cultures in Collision: Traditional Knowledge and Euro-Canadian Governance Processes in Northern Land-Claim Boards, *Arctic*, 59(4), 401-414.
- White, G. (2002). Treaty Federalism in Northern Canada: Aboriginal-Government Land Claims Boards, *Publius*, 32(3), 89-114.
- Wiklund, H. (2005). In Search of Arenas for Democratic Deliberation: A Habermasian Review of Environmental Assessment, *Impact Assessment and Project Appraisal*, 23(4), 281-292.
- Wutzke, J. (1998). Dependent Independent Application of the Nunavut Model to Native Hawaiian Sovereignty and Self-Determination Claims, *American Indian Law Review*, 22(2), 509-565.
- Yin, R. (1994). *Case Study Research: Design and Methods* (2<sup>nd</sup> ed.), Thousand Oaks: Sage Publishing.
- Young, I.M. (2000). *Inclusion and Democracy*. Oxford: Oxford University Press.

APPENDIX I: COMPLETE LIST OF QUESTIONS

Theme	Question
Self-identification	Please describe your roles within the community
	Please describe for me your role within your organization
Role of Organization	Please describe for me the role of your organization in the community
Mineral Development	What are your thoughts on the pace of mineral development in Nunavut?
General Decision Making	<p>What constitutes effective participation in resource decision making in Nunavut?</p> <p>Who should participate in decision making?</p> <p>Should participation occur in all aspects of resource decision making?</p>
Community	Who makes up the community of Cambridge Bay?
	How should the mineral development industry contribute to the community?
	In this community, are the hopes and concerns of the Inuit the same as the hopes and concerns of the non-Inuit?
Organizational Relationships	What role does your organization play in administering health and social services?
	Please describe for me your organization's relationship with the Hamlet/NTI/KIA/GN/Federal Government.
	In your view, how should the interface between municipal/GN and Inuit jurisdictions operate with regard to mineral development? Is it operating as it was intended?
Representation	How does your organization receive input from the community regarding its role in mineral development and its mineral development policies?
	Do you think the public feels its needs are adequately met by IIBAs?

	Do you think the public feels its needs are adequately met by NIRB?
	Do the institutional structures effectively represent people in the north?
Participation in EA	How does your organization/do you participate in the EA process?
	When reviewing the EIS, what do you look for specifically with regard to socio-economic issues?
	What are your organization's responsibilities during the NIRB review process?
Participation in IIBA	How does your organization/do you participate in the IIBA process?
	Have you been consulted by the Inuit associations?
	What responsibilities are shared between the Hamlet and the Inuit associations? How are these responsibilities similar?
Role of IIBA and NIRB	What is the role of the IIBA in mineral development?
	Should provisions for social services be included in IIBAs?
	What is the role of the NIRB in mineral development?
Doris North	In their submission to the NIRB's Doris North Final Hearing, NTI and KIA state that socio-economic impacts are mitigated by the IIBA. Do you believe socio-economic impacts are accounted for adequately under the current arrangements?
	During the DN hearings, some of the hamlets have suggested that the IIBAs do not address certain socio-economic issues affecting them. Why do you think they said this? What do you think of this position?
	In the same hearings, the Hamlet of Kugluktuk stated that social impacts will be accentuated by the project and that the proponent, government, and Inuit agencies must work together to address negative social and cultural impacts. How might this co-operation be organized?
	The Hamlet of Cambridge Bay has proposed that separate socio-economic agreements be negotiated between themselves and industry. What are your thoughts on that?

	What do you believe the role of NIRB should be with regard to representing the public on socio-economic matters?
	Were there any issues that were not addressed effectively in the Doris North review process?
	Generally speaking, is there an inherent difference between socio-economic issues and biophysical issues in terms of the way they are dealt with in the NIRB review process? Please explain.
	What is the official role of the IIBAs in NIRB's EA process?
	Do you see the Inuit association as being a broader representative body for the Hamlets?
	Do you believe the IIBAs are able to be understood by the majority of local community members?
	Do you believe the impact review regime is able to be understood by the majority of local community members?
Learning	What, if anything, has your organization / have you learned through the Doris North experience?
	What, if anything, have you learned through your experience with the Doris North hearings?
Research Details	Have I left anything out that you think I should be asking?
	Can you recommend other individuals with whom you think I should be speaking about these issues?

## **APPENDIX II: NIRB LIST OF ORGANIZATIONS TO BE CONSULTED IN THE ENVIRONMENTAL ASSESSMENT PROCESS**

The following is a list of the “common Nunavut community interests groups” that NIRB encourages developers to consider as part of their consultation efforts in Nunavut. The list is taken from NIRB’s 2006 *A Proponent’s Guide to Conducting Public Consultation for the NIRB Environmental Assessment Process* (NIRB 2006b).

- Regional Inuit Association (RIA) Liaison Officer
- Regional Inuit Association Community Lands and Resource Committee (CLARC)
- Community Beneficiary Committees (CBC)
- Hamlet Council
- Hunters and Trappers Organization (HTO)
- Wildlife Officer
- Women’s Group
- Youth Group
- Elders Committee
- Elementary School Principal
- High School Principal
- Arctic College Dean
- Community Liaison Officer (CLO)
- Economic Development Officer (EDO)
- Local Development Corporation
- Senior Administrative Officer (SAO)
- Interagency Committee
- Housing Association
- Royal Canadian Mounted Police (RCMP)
- Member of the Legislative Assembly (MLA)
- Health Centre