



1999

ANNUAL REPORT

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RAPPORT ANNUEL

2000

THE IMPLEMENTATION OF THE
NUNAVUT LAND CLAIMS
AGREEMENT

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LA MISE EN ŒUVRE DE L'ACCORD
SUR LES REVENDICATIONS
TERRITORIALES DU NUNAVUT



Canada

FEATURES OF THE NUNAVUT LAND CLAIMS AGREEMENT

The Nunavut Land Claims Agreement, also referred to as the Nunavut Final Agreement:

- **was signed** on May 25, 1993, in Iqaluit by representatives of the Tungavik Federation of Nunavut, the Government of Canada and the Government of the Northwest Territories;
- **was ratified** by Inuit and the federal government according to the ratification provisions of the Agreement and came into force on July 9, 1993; and
- **involves** the largest number of beneficiaries and the largest geographic area of any land claim agreement in Canadian history.

Today, there are approximately 23,000 Inuit beneficiaries in the Nunavut Settlement Area (NSA), formerly central and eastern Northwest Territories. The area conforms closely to the territory of Nunavut that came into existence on April 1, 1999. This area includes approximately 1.9 million square kilometres (one fifth of the total land mass of Canada), as well as adjacent offshore areas. Inuit constitute approximately 85 percent of the population in the NSA.

In exchange for ceding, releasing and surrendering to Her Majesty the Queen in Right of Canada all their Aboriginal claims, rights, title and interests in and to lands and waters anywhere in Canada, the Agreement provides Inuit of the NSA with constitutionally protected rights and benefits, including:

- **fee simple title** to approximately 350,000 square kilometres (136,000 square miles) of land within the NSA, of which 35,257 square kilometres (14,000 square miles) include mineral rights, and to 572 square kilometres (221 square miles) of land adjacent to but outside the NSA, including mineral rights;

- **representation** with government on joint boards to manage wildlife, conduct environmental assessment and land use planning, and regulate the use of water;
- **the right** to harvest wildlife on lands and waters throughout the NSA;
- **capital transfer** payments of \$580 million in 1989 dollars with interest payable over 14 years (totalling \$1.173 billion less repayment of negotiating loans totalling \$39.8 million);
- **a \$13 million** training trust fund;
- **a \$4 million** implementation fund;
- **the \$500,000** Bowhead Knowledge Study Fund;
- **a share** of government royalties from oil, gas and mineral development on Crown lands;
- **opportunities** to participate in economic development in the NSA, including bidding for government contracts, first refusal on sport and commercial development of renewable resources, negotiation of benefit packages on water development projects in the NSA and on non-renewable resource development wholly or partly on Inuit Owned Lands; and
- **a commitment** that legislation be recommended to Parliament to establish a government of Nunavut and Nunavut territory.



NUNAVUT IMPLEMENTATION PANEL

President of Nunavut Tunngavik Incorporated
Premier of the Government of Nunavut
Minister of Indian and Northern Affairs

The Nunavut Implementation Panel is pleased to submit its Annual Report on the Implementation of the Nunavut Land Claims Agreement pursuant to Article 37.3.3 (h). This report covers the period April 1, 1999 to March 31, 2000.

Reports from the Nunavut Implementation Training Committee, the Nunavut Wildlife Management Board, the Arbitration Board, the Surface Rights Tribunal, as well as the three Nunavut resource management boards – the Nunavut Impact Review Board, the Nunavut Water Board and the Nunavut Planning Commission – are included.

Abraham Tagalik
Nunavut Tunngavik Incorporated

Aideen Nabigon
Government of Canada

John Merritt
Nunavut Tunngavik Incorporated

Terry Audla
Territorial Government



Cover Illustration:

Germaine Arnaktauyok, Igloolik, Nunavut

Waiting in Silence 1993

Etching

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A N N U A L R E P O R T

2000

THE IMPLEMENTATION OF THE
NUNAVUT LAND CLAIMS
AGREEMENT

1

IMPLEMENTATION PANEL REPORT

The Nunavut Implementation Panel is pleased to submit its seventh annual report covering the period April 1, 1999 to March 31, 2000.

The Panel was established pursuant to Article 37, Part 3, of the Nunavut Land Claims Agreement (NLCA). Its primary purpose is to oversee and provide direction on the implementation of the Agreement.

This was a year of change-over of the Panel members. Members included Abraham Tagalik and John Merritt, Nunavut Tunngavik Incorporated; Terry Audla, Government of Nunavut; and Aideen Nabigon, Government of Canada.

During this period, the Panel met four times. The main topic of discussion concerned aspects of the findings of the five-year review team.

Five-Year Review

The NLCA obliges the Panel to arrange for an independent review of the implementation of the NLCA at five-year intervals, and a review of Inuit employment plans and other measures under Article 23 that needs to be completed on the fifth anniversary of the date of ratification and at five-year intervals thereafter or at such other dates as may be agreed on by the Panel.

Avery Cooper & Co., consultants, carried out the independent review of the NLCA and addressed each obligation in detail. The consultants also evaluated Inuit Employment Plans, carried out an impact assessment and evaluated success in meeting the overall spirit and intent of the NLCA. Findings were presented as an independent report card on how NLCA obligations were being delivered. The consultants found that the first five years resulted in a number of successes; however, full implementation requires a sustained effort with attention to better tools for measurement of progress and results, and better project management.

The report recommends major improvements to the management tools used for implementing the NLCA and the Contract Relating to the Implementation of the Nunavut Final Agreement (Implementation Contract). For example, an annual implementation plan should set out the objectives for each year. The Panel's annual

report should describe the successes and failures in meeting these annual objectives. A single data base is required to track the status of all obligations. Finally, the report recommends that the Internet be used to improve communication between implementation managers and to increase available information on implementation to the public.

The report also recommended that the Panel have an independent staff with its own research and administrative capacity.

The Panel is developing a joint action plan which will respond to the recommendations made in the five-year review.

Funding Issues

Financial Guidelines

The Panel has certain responsibilities under the NLCA and the Implementation Contract regarding the financing of Institutions of Public Government (IPGs) and of the Arbitration Board established under the NLCA. Financial guidelines were drafted to provide a greater clarity in the Panel's approach to meeting these responsibilities.

There are four principal areas where the Panel has responsibilities in relation to the financing of the IPGs:



From left to right: John Merritt, Abraham Tagalik, Aideen Nabigon, Terry Audla.

- Reallocation — determining whether or not to re-allocate monies, either from one fiscal year to another for any IPG or from one IPG to another IPG, out of the amounts allocated to the various IPGs in the 10-year period set out in Schedule 2 of the Implementation Contract.
- Public Hearings and Reviews— making recommendations to the Minister of Indian and Northern Affairs with respect to budget proposals associated with the roles played by the Nunavut Impact Review Board (NIRB), the Nunavut Water Board (NWB) and the Surface Rights Tribunal (SRT) in public hearings and reviews.
- Future Funding Levels — making recommendations to the parties to the NLCA for funding periods that follow the initial 10-year period.
- Oversight, direction and monitoring of implementation generally.

The Panel invited representatives from the IPGs to attend the February 28 to March 1, 2000 Panel meeting. IPG representatives gave their recommendations for modifications to these guidelines at that time. The Panel was pleased that the IPGs devoted time to the review of the guidelines and hoped that the positive working atmosphere can be maintained.

Carry Forward of Funding

At the November 30 to December 2, 1999 meeting, the Panel authorized the carrying forward \$2,498,598 for the Nunavut Wildlife Management Board (NWMB) \$184,966 for the NWB and \$174,564 for the Nunavut Planning Commission (NPC).

Public Hearings and Review

The Panel recommended approval of federal funding for the NWB to cover the cost of a written hearing and site visit to renew a water licence at Cullaton Lake. The Panel also recommended approval of costs for a public hearing for the Echo Bay Ulu Project, as well as supplementary funding for hearings for the Municipality of Iqaluit. Both the NWB and the NIRB submitted requests for funding for joint pre-hearings for the Jericho Diamond Project which also were recommended for approval by the Panel.

Annual Report

The Panel oversaw the production of the 1998-1999 annual report which was published and widely distributed in English, Inuktitut and French. It was tabled with the Parliament of Canada, the Legislative Assembly and the Board of Directors of Nunavut Tunngavik Incorporated (NTI).



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S U M M A R Y O F A C T I V I T I E S : N U N A V U T T U N N G A V I K I N C O R P O R A T E D

This summary of activities was prepared by Nunavut Tunngavik Incorporated.

For Inuit, the creation on April 1, 1999, of their own territory and the Government of Nunavut was celebrated as the long-awaited opening of a new and exciting chapter for their society and culture. This also represented putting Article 4 of the NLCA dealing with Nunavut's political development into effect.

This achievement brought into clearer relief the considerable extent to which other important obligations under the NLCA had not yet been met – some were long overdue. People in Nunavut asked why rights owed to them under the NLCA, and for which they had in good faith exchanged their Aboriginal title, were still not being provided. In reflecting on the apparent inability of the all-party Nunavut Implementation Panel to get things moving, Nunavut Tunngavik Incorporated shared this sense of frustration.

As noted in last year's annual report, the NTI placed its hopes for improvement in the outcome of the five-year review of the NLCA required under Article 37. This was contracted to an independent consulting firm, Avery Cooper & Co. To contribute an Inuit perspective and provide a report card on implementation to Nunavut's Inuit beneficiaries, the NTI prepared and released its own report, entitled *Taking Stock: A Review of the First Five Years of Implementing the Nunavut Land Claims Agreement* in late 1999. This report examined the status of the NLCA provisions, stated the NTI's positions on these provisions and discussed the issues the NTI believed required priority attention.

The release of the Avery Cooper & Co. review in March 2000 represented, from the NTI's point of view, a wake-up call for all the parties to renew efforts in meeting their obligations under the NLCA. While acknowledging that progress had been made in some areas, the review concluded that, considering the time available and the resources invested, "Better progress should have been achieved." In discussing the conclusions with the other parties, the NTI put forward Avery Cooper & Co. recommendations as the basis for a joint action plan to get implementation back on track. Within Nunavut, the NTI endeavoured to give the five-year review suitable

profile, making presentations on it at the NTI's annual general meeting and board meetings. At the end of the year, NTI President, Paul Quassa, was formulating a major presentation on the five-year review during his first meeting with the Standing Committee Ajauqtiit of the Nunavut Legislative Assembly in early April.

While encouraging a strong positive all-party response to the Avery Cooper & Co. review, the NTI also recognized it needed to re-invigorate its own efforts in implementing the NLCA. To this end, the Board of Directors mandated and approved resources for a number of important initiatives:

- an expansion of the NTI's Implementation Department to carry out this agenda;
- a program to assist the Regional Inuit Associations in meeting their responsibilities as Designated Inuit Organizations for over 100 specific NLCA obligations;
- a program to help the Nunavut Social Development Council clarify its responsibilities under Article 32;
- development of a computer-based implementation monitoring system to track the status of all NLCA obligations; and
- replenishment of the Inuit Implementation Fund by \$1.8 million over two years to assist Inuit organizations to carry out their NLCA responsibilities.

The NTI also worked directly with the other parties to advance particular NLCA obligations that had been languishing.

In the fall, under the political framework of the new bilateral Clyde River Protocol, the NTI and the Government of Nunavut (GN) established a working group to negotiate a new GN contracting policy that would meet the requirements of Article 24. This resulted in the GN's adoption in March of the Nunavummi Nangminiaqqtunik Ikajuuti (NNI) Policy. The NTI and GN also resumed their efforts to start long overdue negotiations for Inuit Impact and Benefit Agreements (IIBAs) for territorial parks in Nunavut, as required by Article 8. By the end of the year, they agreed to begin negotiations over the summer.

In regard to the federal government, the NTI continued to press for agreement on the conclusion of outstanding implementation legislation, particularly the Nunavut Waters and Surface Rights Tribunal proposed legislation, so that it could be tabled in the House of Commons. The failure to conclude and enact this legislation, and other implementation legislation required by the NLCA, has had an effect on the ability of the IPGs to carry out their roles and responsibilities. The NTI could report no breakthrough on this important matter, although there had been a modest narrowing of outstanding problems. With regard to the IIBAs required for conservation areas, the NTI and the Canadian Wildlife Service (CWS) renewed their efforts to narrow differences. By the end of the year, progress was being made toward an agreement on the start of negotiations, expected to begin during the summer or early fall.

Against the background of the five-year review and this internal and bilateral work on implementation, work within the Panel continued through the year to be frustrating, although less acrimonious than in the past. In the summer and fall respectively, the NTI appointed John Merritt and Abraham Tagalik as its Panel members, replacing Bruce Gillies and Tagak Curley. In the fall, the parties agreed to establish a working group of staff to provide part-time support to the Panel's activities in an effort to deal with a mounting backlog of work. For NTI members on the Panel, this support was provided by the Director of Implementation.

Much of the Panel's work at this time was related to its responsibilities to the IPGs. Recognizing that relations between the Panel and the IPGs had deteriorated, partly as a result of poor communications, staff turnover and a lack of clarity about the Panel's role, the NTI drafted a set of financial guidelines in the fall. These were expected to contribute to a better understanding and operational efficiency. By the end of the year, the Panel had held an "air-clearing" meeting with the IPGs and received input on the draft guidelines; adoption was expected by the summer.

During the second half of the year, the major focus of the NTI's work within the Panel was reform of the Panel itself. In its review, *Taking Stock: A Review of the First Five Years of Implementing the Nunavut Land Claims Agreement*, the NTI had concluded that the Nunavut Implementation Panel was not playing the role demanded of it under the NLCA, and needed to be either reformed or replaced. The independent Avery Cooper & Co. review reached a similar conclusion; major reform of the Panel was recommended, notably the appointment of an independent chairperson and the establishment of a small staff to support the Panel's work.

In early 2000, the NTI took up this challenge and prepared a draft proposal to put the Avery Cooper & Co. recommendations into effect. The proposal, while recognizing that an independent chair might be considered at a later time, stated that support staff were crucial for the effective functioning of the Panel. The NTI's proposal was reviewed by the Panel, as well as by the newly formed Nunavut Senior Officials Working Group, comprising the NTI's executive directors, the federal Deputy Minister of Indian and Northern Affairs, and the GN's Deputy Minister for Executive and Intergovernmental Affairs. By the end of the year, differences over the idea of Panel reform and the support staff proposal were being narrowed, raising hope that an agreement would be reached over the summer. The NTI regards reform as essential to getting the Panel back on track as the body entrusted by the NLCA to oversee its implementation.

The year ended with cautious optimism that the five-year review process would rejuvenate implementation, that Panel reform would be embraced by the other parties, and that all parties would get down to tackling the many outstanding implementation challenges identified by the review.



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SUMMARY OF ACTIVITIES : GOVERNMENT OF NUNAVUT

On April 1, 1999, the GN assumed the role of territorial government for all appropriate obligations identified under the NLCA. This meant the considerable transfer of information and experience from the Government of the Northwest Territories (GNWT) to the GN, and special thanks is needed to recognize the assistance and extra work provided by the staff of the GNWT Department of Aboriginal Affairs. During the period leading up to April 1999, efforts were made to provide briefings and materials, and to present an opportunity for GN staff to observe the operation of the Nunavut Implementation Panel. That work has proven valuable and is much appreciated.

3.1 DEPARTMENT OF COMMUNITY GOVERNMENT AND TRANSPORTATION

Transfer of Titled Lots

It has been suggested in earlier reports that the transfer of titled lots to the municipalities was almost 90 percent complete. This percentage referred to the titled lots within the built-up area of existing municipalities at the time of the signing of the Agreement (1993), which was originally viewed as the extent of their responsibility. However, the number of titled lands within municipalities continues to grow as more and more lots are surveyed each year. In consideration of this, the Department of Community Government and Transportation views the transfer as an ongoing process – one that will need continued support. As of April 2000, 3,003 titled lots have been transferred to the municipalities.

Lands Administrator Training

The Department of Community Government and Transportation provides ongoing training to graduates of the Community Land Administration Certificate Program who are employed by the GN as well as by municipal corporations. Training includes that provided by educational institutions (International Right of Way Association) and annual workshops headed by the Department to ensure the adoption of current land administration processes.

3.2 DEPARTMENT OF EXECUTIVE AND INTERGOVERNMENTAL AFFAIRS

In its initial year of implementing the NLCA, the Department of Executive and Intergovernmental Affairs formalized relations with the NTI through the negotiation and signing of the Clyde River Protocol. This arrangement established the principles of a working relationship that is to be co-operative and constructive for the benefit of all Nunavummiut.

Territorial government contracting procedures have been amended in close consultation with the NTI to work toward fulfilment of the obligations within Article 24 of the NLCA. The Department of Executive and Intergovernmental Affairs coordinated the consultation process with the NTI. This involved the formation of a working group composed of GN and NTI senior officials, and has set a pattern for the close co-operation anticipated in the Clyde River Protocol. The end result of this consultative process was the approval of the new GN purchasing policy, the NNI Policy.

A major review of existing territorial government legislation has been undertaken through the establishment of Maligarnit Qimirrujiit, or the Law Review Commission. This Commission, after seeking input from Nunavummiut, will be recommending amendments to the nearly 100 existing pieces of legislation to better reflect existing realities within Nunavut and the NLCA.



3.3 DEPARTMENT OF JUSTICE

All divisions of the Department of Justice provided advice, assistance and administrative support to many departments and GN officials during this unique establishment year. The Department of Justice was involved in a variety of matters, including those listed below.

Inuit Impact and Benefit Agreements

The NLCA require the IIBAs for territorial parks to be concluded by 1997. Legal counsel assisted staff of the Department of Sustainable Development as they attempted to address the IIBAs for territorial parks and preferential contracting rights (NLCA Articles 8.4.8 and 8.4.9), and to deal with the impact on negotiation of severe GNWT funding cuts to the parks program prior to April 1, 1999. This matter will continue in 2000-2001.

Nunavummi Nangminiqagtunik Ikajuuti Policy

The Government of Nunavut Bathurst Mandate and Article 24 of the NLCA require the GN to give priority to reviewing and revising Nunavut's preferential contracting policies for Nunavut business and Inuit firms. Legal counsel assisted the Department of Public Works and Services and the Department of Sustainable Development in preparing an interim plan to deal with the 1999 construction season. In the fall of 1999, legal counsel assisted a joint working group of GN and NTI representatives to consolidate the GN's preferential contracting policies into a single document. Legal counsel assisted GN negotiators, and provided legal reviews of draft policy documents and other legal support.

Nunavut Waters and Surface Rights Tribunal Proposed Legislation

The NLCA requires federal legislation to set forth substantive powers, functions and objectives of Section 10.1.1 Institutions (Implementation Legislation). The NWTB and the SRT are two such institutions. In October 1999, negotiations suddenly went forward with a very short time frame for GN and NTI consultation. Legal counsel quickly completed the necessary review of the proposed legislation, consulted with all affected GN departments, advanced amendment proposals addressing not only consequential changes to GN interest in effective monitoring and enforcement but also technical changes needed to protect GN interests. Legal counsel also confirmed the GN's support and legal interest in promoting parallel amendments proposed by the

NTI. Discussions shifted to the political level in early 2000, and this matter will continue in 2000-2001.

NLCA Implementation and Funding Negotiations

After the NLCA was ratified in 1993, the GNWT administered it, receiving funding from the federal government to assist in carrying out its obligations based on the Contract Relating to the Implementation of the Nunavut Final Agreement (Implementation Contract). These funds were intended to enable the territorial government to fulfil its obligations stemming from the NLCA.

Justice counsel supported the Department of Executive and Intergovernmental Affairs in a pre- and post-division review of NLCA obligations, which disclosed outstanding territorial government obligations scheduled to be fulfilled before 1999 (Year 7 of the Implementation Contract). There were unfunded costs involved – regardless of whether the solution chosen for these problems was record transfer, training, reproduction of previously funded work, or some combination of all of those solutions. Justice counsel also assisted the Department of Executive and Intergovernmental Affairs in negotiations with the Department of Indian and Northern Affairs Canada (INAC), and drafted a bilateral funding agreement intended to address these concerns.

Expropriation Act Consistency and Other Implementation Issues

Legal counsel made a preliminary assessment of the need and means for amending the territorial *Expropriation Act*, to bring it into compliance with the NLCA, particularly Section 21.9.4. The GNWT had received funding for the amendment of territorial legislation to ensure compliance; however, this amendment had not been made prior to April 1, 1999. It is the Department's view that amendment is required.

Interim Approval Process for Archeological Research and Specimens

In 1998, INAC advised the Office of the Interim Commissioner of Nunavut that Archeological Regulations required amendments to reflect new roles and responsibilities resulting from division of the Northwest Territories (NWT), to modernize the wording to meet current archeological standards and practices, and to deal with a decision of the Yukon territorial court which indicated that certain aspects of the GNWT Archeological Regulations were *ultra vires*. Legal counsel provided

advice on the requirements of Article 33 of the NLCA, and assisted in the establishment of an interim approval process involving dual federal and Nunavut signatures.

Wildlife Implementation

Legal counsel provided opinions regarding the appropriate structure for funding Regional Wildlife Organizations (RWOs), identified and provided advice regarding conflicts between the NLCA and the proposed Thelon Wildlife Sanctuary Management Plan, and advised on the development of a new Nunavut Wildlife Act in compliance with the NLCA.

Nunavut Impact Review Board Implementation

In July 1999, the Executive Director of the NIRB served the GN with a notice of withdrawal of all quarry and land use permits from the NIRB screening process which is otherwise required by Article 12 of the NLCA. Counsel for Nunavut objected to this categorical exclusion of quarries and many land uses as an improper interpretation of Schedule 12-1(3) and Article 12 as a whole. Following discussions, a limited hearing allowing all parties to speak to the interpretation of Schedule 12-1(3) was suggested. Meanwhile, the NIRB and the GN were able to negotiate an interim arrangement to deal with the 1999 project and construction season, which observed the spirit of Article 12.

Additional Matters

Because this was an establishment year, the Department of Justice was also engaged in educational efforts, both as learners and presenters regarding the interpretation and implementation of the NLCA, and its impact on program administration in Nunavut. The Department was also involved in a long process to negotiate the transfer of files from the GNWT Legal and Constitutional Law Division in Yellowknife.

The Policy and Planning Division of the Department also engaged in ongoing consultations with the Nunavut Social Development Council throughout 1999-2000. There was a significant investment of time in preparing for and engaging in these consultations.

3.4 DEPARTMENT OF PUBLIC WORKS AND SERVICES

Nunavummi Nangminiaqtunik Ikajuuti Policy

The Department of Public Works and Services implemented a new government purchasing policy that properly reflects the requirements of the NLCA, Article 24. Following the process suggested by the Clyde River Protocol, a working group was established consisting of representatives from the Department, the Department of Executive and Intergovernmental Affairs and the NTI. In addition, consultants and direct input from Nunavut businesses, the public and various Nunavut organizations contributed to the process which resulted in the development of the new contracting and procurement policy. Cabinet adopted the NNI Policy during the winter of 2000.

The Department of Public Works and Services, as the department responsible for the implementation of the new policy, must monitor and report the effects of the policy as it relates to Inuit business involvement with GN contracts. In addition, the Department must continue to assist businesses with information sessions on contracting with the GN, registration of Nunavut companies with the Incentive Policy data base, and the development and revision of GN contracting forms and documents.

3.5 DEPARTMENT OF SUSTAINABLE DEVELOPMENT

Inuit Impact and Benefit Agreements

In 1999, the Department of Sustainable Development and the NTI developed a document to set out a framework and identify matters for negotiation of an umbrella IIBA for all existing and new territorial parks, in order to address issues as the Nunavut park program grows. The Department and the NTI also recognized constraints with existing IIBA implementation funding and presented a new approach for funding the IIBAs for territorial parks to the Nunavut Implementation Panel for consideration and comment.

The proposed umbrella IIBA will provide for joint Inuit government planning and management committees for territorial parks, and outlines an approach to park management planning in keeping with a new Nunavut Park Program and System Plan. This is being developed by the Department to recognize and implement land claims obligations as an important component of all parks planning processes.

The Department of Sustainable Development continues to represent the GN and people of Nunavut in IIBA negotiations and discussions related to national parks, national wildlife areas, migratory bird sanctuaries and other conservation areas as defined in the NLCA.

Contracting Procedures

In keeping with its obligations identified in Article 8, the Department of Sustainable Development prepared an approach to contracting procedures in territorial parks and conservation areas. This approach builds on accepted government standards and policies providing preferential treatment to Inuit on park development and operations projects, and first right of refusal on any business opportunities related to territorial parks and conservation areas.

Conservation Legislation

The Department completed the review of existing conservation area legislation in conjunction with the CWS and the NTI. Recommendations contained in the report identified potential improvements to, and gaps in existing policy and legislation. A review committee was established. It includes representatives from the NTI and each federal and territorial department with legislated mandates for protected areas. The committee has reviewed proposed recommendations and will develop initiatives to be supported collectively.

Thelon Wildlife Sanctuary

The Department of Sustainable Development co-ordinated the final review of the Thelon Wildlife Sanctuary Management Plan with the Kivalliq Inuit Association, the NWMB, INAC and the NTI. Final technical review of the plan is completed. The Department will work with INAC and the GNWT Department of Resources, Wildlife and Economic Development to facilitate necessary approvals for the Plan in both NWT and Nunavut, and for federal approval.

Park Information

The Department continues to ensure all publications, signs, kiosks and interpretation material related to parks are produced in Inuktitut and one or more of Canada's official languages. It has prepared the *Territorial Parks Signage Manual* to guide the development of signs to ensure consistency in information and interpretation at territorial parks and conservation areas throughout Nunavut. The Department also is

working closely with Parks Canada, the CWS, and other federal and territorial partners to identify and communicate the roles for parks and conservation areas in Nunavut.

Wildlife Legislation and Regulations

One of the largest projects initiated by the Department of Sustainable Development's Wildlife Division was the development of a new Nunavut Wildlife Act. The existing Act is outdated and requires revision to reflect the terms of the land claim, as well as the needs of Nunavut as a whole. Initial background research has been completed over the last 18 months. This detailed research suggests that at least one third of the topics that require attention during consultation and revision of the Act are directly related to rights and obligations flowing from the NLCA. A working group has been formed with the NWMB and the the NTI to oversee consultation on the Act and a consultation plan has been drafted. In addition to this major review of wildlife legislation, the Department has continued to work with NWMB, NTI and other co-management partners to address other legislation or regulatory issues such as assignment of rights and guide qualifications.

Co-Management of Wildlife

The Department of Sustainable Development continues to work closely with the NWMB, the RWOs, Hunters and Trappers Associations (HTAs) and the NTI on wildlife management activities. Staff attend all NWMB meetings and provide written reports and recommendations to the NWMB on specific topics. Staff also regularly attend RWO and HTA meetings to provide assistance and input.

One of the Department's main objectives in wildlife management continues to be the establishment of inter-jurisdictional agreements to cover the shared management of transboundary wildlife populations. In accordance with the NLCA, the Department has been working to ensure the involvement of the NWMB and the NTI in the development of these agreements. Most recently, these parties have been involved the development of agreements for polar bears in western Hudson Bay and caribou in the Bathurst herd.

The Department of Sustainable Development and the NWMB continue to collaborate on a number of projects designed to increase both public access to wildlife management information and the effectiveness of Inuit in all aspects of wildlife management. A joint communications position has been established to assist in the distribution of wildlife management information to communities as a support to

planned consultations. A joint library and resource centre established in 1998 in conjunction with the NWMB, the Nunavut Research Institute and Department of Fisheries and Oceans (DFO) now contains over 5,000 catalogued documents relating to wildlife in Nunavut, including traditional knowledge documents. This data base is publicly available and will soon be accessible via Web pages.

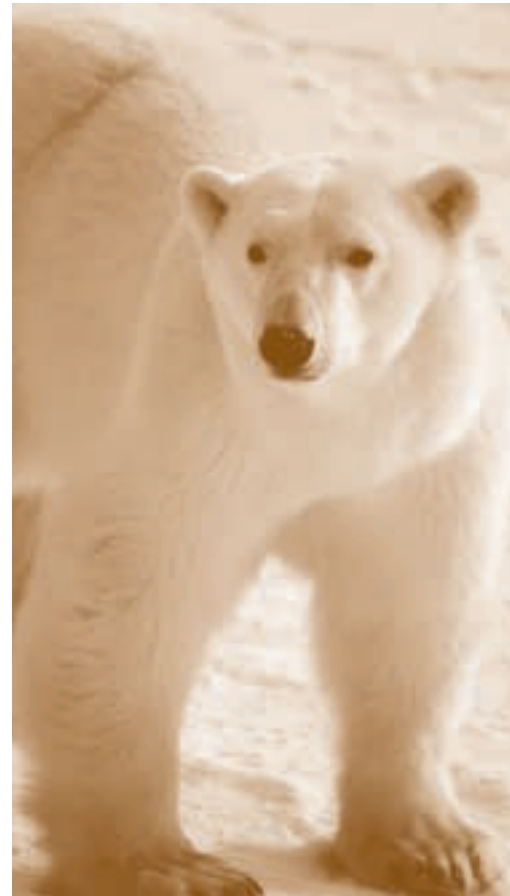
The Department continues to promote an increased role for beneficiaries in wildlife research. Three research trainee positions have been established, one in each region of Nunavut. These trainees work with, and will eventually replace, research staff hired in term positions as trainers.

Regional Implementation Co-ordinators

The Department of Sustainable Development continues to meet ongoing claim obligations such as right of first refusal, assignment of rights and assistance to HTAs and RWOs, through regional implementation co-ordinators. These co-ordinators also support consultation activities relating to specific projects such as the Wildlife Act.

Land Use Planning

On behalf of the GN, the Department of Sustainable Development co-ordinated the review of the Kivalliq and North Baffin Land Use Plans prepared by the NPC with other GN departments and agencies. Both plans required revisions to better reflect the new GN and their roles in wildlife management, environmental protection, cultural and natural heritage resources, parks and tourism, research and other legislative mandates. Both plans have been reviewed, and it is anticipated that they will be approved in 2000.



4

S U M M A R Y O F A C T I V I T I E S : G O V E R N M E N T O F C A N A D A

4.1 DEPARTMENT OF FISHERIES AND OCEANS

Narwhal Community-based Management System

The first year of the three-year trial management regime for narwhal in the NSA began in July 1999. Meetings have taken place with the four communities that are currently participating in the trial management system. The IPGs, the RWOs and the Keewatin Wildlife Federation co-operate in co-ordinating the narwhal harvest in all western Hudson Bay.

Bowhead Hunt 2000

The community of Coral Harbour applied for a total allowable harvest of one bowhead whale to take place in the summer of 2000. The hunt will be held on August 8.

Research Funding

The DFO received \$374,900 for stock assessment research in Nunavut from the Nunavut Research Trust Fund. In addition, \$285,000 was funded for 2000-2001 from the Nunavut Implementation Fund.

Nunavut Legislation

The Nunavut Regulatory Review Committee met in Iqaluit on May 30-31, 1999. This committee comprises members from the NWMB, the NTI, the DFO and the GN Department of Sustainable Development. The purpose of the committee is to develop the new Nunavut fishery regulations. The signing of the draft terms of reference was recommended by the committee members. The next meeting will take place in fall 2000.

Meetings

The DFO attended many of the annual general meetings held in Nunavut during 1999-2000. The Iqaluit Office attended the Northern Sustainable Development Strategy meeting held in Rankin Inlet on May 30-31. A meeting during the first week of June

was held in Ottawa with representatives from the NTI, the NWMB, the GN Department of Sustainable Development and the DFO to discuss fisheries development in Nunavut.

Partnerships

The DFO is committed to partnership with the GN Department of Sustainable Development, the Nunavut Research Institute and the NWMB for the joint Resource Centre Coalition. The DFO continues to work in partnership with the World Wildlife Fund and the IPGs with the Southeast Baffin Beluga Committee, and is part of the Nunavut Fisheries Working Group. At present, the DFO is discussing a memorandum of understanding with the GN Department of Sustainable Development for a program to share training, equipment and patrols.

Employment Plans

An employment equity workshop was held in Iqaluit which the DFO attended. Staffing initiatives are being undertaken at both local and regional levels to meet land claims obligations. The DFO is currently working with Natural Resources Canada on joint training initiatives.

4.2 DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

The Environment and Conservation Division continued to support NLCA implementation activities. The Nunavut Land Use Planning Co-ordinator, on behalf of INAC, attended NPC meetings and participated in the workplan activities. The Co-ordinator also provided continuing input and support to departmental officials in headquarters who were finalizing the Memorandum to Cabinet required for the approval of the North Baffin and Keewatin Regional Land Use Plans. Also, the Nunavut environmental scientist continued to work cooperatively with the NPC on planning, developing and implementing the Nunavut General Monitoring Program.

The Water Resources Division, working in conjunction with the Nunavut Region, continued to provide technical and procedural advice on projects in Nunavut. These included the Jericho Diamond Project, the Lupin and Ulu water licence renewals, and other municipal and exploration project reviews. In addition, input was provided to the NWB for its draft guidelines for the discharge of treated municipal wastewater in Nunavut. The NWB and Water Resources Division will be co-operating on a revision of the abandonment and restoration guidelines for mines in Nunavut and the Northwest Territories.

Under the Contaminants Division, the clean-up of Resolution Island continued. Approximately \$5 million was allocated to the second year of the clean-up and to training approximately 40 Northerners from nearby communities in related work. Another \$40,668 was allocated to the Hamlet of Sanikiluaq to finish site restoration at South Camp.

The Northern Contaminants Program allocated approximately \$1.16 million to contaminants projects in Nunavut, including research projects, dietary studies, community workshops in six Nunavut communities, a new Nunavut environmental contaminants committee and funding for a regional contaminants co-ordinator for the NTI.

The Land Administration Division is responsible for the administration of Crown lands. This includes issuing permits and leases for land use and quarries. In addition, under the Canada Mining Regulations, 42 prospecting permits were granted and 703 mineral claims were issued.

In the last year INAC attempted, through a number of meetings with the GN and the NTI, to arrive at Nunavut Waters and Surface Rights Tribunal legislation that had all-party support. Senior members of the parties met at the end of March 2000 to try to resolve outstanding issues. The NTI suggested, with the support of the GN, that the parties engage a mediator to assist in the resolution of problems. Consideration is being given to that initiative and the parties are working toward solving their differences.

To better serve the residents of Nunavut and better comply with the spirit and intent of the NLCA, INAC established a Nunavut Regional Office. A Nunavut transition management team worked on the transfer of resources, shared services arrangements, communication plans and human resource plans. The Nunavut Land Use Planning Co-ordinator and related resources will be transferred to the Nunavut

Regional Office by the end of 2000-2001. Over time, more implementation responsibilities will increasingly be managed by the Nunavut Region.

INAC officials also participated at the Nunavut Senior Officials Working Group meetings.

4.3 ENVIRONMENT CANADA

Environment Canada opened its Nunavut office in Iqaluit in 1999. An Environment Canada corporate position and the CWS Nunavut habitat biologist position have been staffed. More staff are being hired on an ongoing basis.

Article 5

The objectives of Article 5 are to create a system of harvesting rights, priorities and privileges, and wildlife management, including establishment of the NWMB. Environment Canada continued to fulfil its obligations relating to the NWMB. A summary of Environment Canada's wildlife research in Nunavut was presented to the NWMB.

Article 9

Article 9 outlines obligations relating to conservation areas in Nunavut, including conservation and management of existing and new conservation areas, and the IIBAs.

A study to determine the need for amendments or new legislation to designate and manage land and marine conservation areas in Nunavut, as outlined in Section 9.3.1, was conducted under contract. On the basis of the final report, *Review of Conservation Area Legislation in Nunavut*, the federal and Nunavut governments and the NTI agreed to formulate a list of common priority recommendations, which individual parties will act on as appropriate. This list was to be completed by the end of 1999; however, the NTI asked for more time to consult with the Regional Inuit Associations. The NTI has not yet provided government with a response.

Negotiations for an IIBA for the proposed National Wildlife Area at Isabella Bay on Baffin Island (Iqaligtuuq) were initiated as required by the NLCA. A draft IIBA for Iqaligtuuq was produced in 1998. Negotiations stalled because Inuit called for more economic benefits to be provided by government.

Negotiation and implementation of the IIBAs for Iqalituuq and nine existing conservation areas in Nunavut will require substantially more resources than are available in current operating budgets. The CWS has applied to the Treasury Board Implementation Reserve to access funds for IIBAs. Meanwhile, at meetings in October 1999 and March 2000, the NTI and the CWS agreed to pursue an umbrella IIBA that would cover all CWS conservation areas in Nunavut. The Iqalituuq IIBA will be negotiated as part of the umbrella IIBA.

The community of Qikiqtarjuaq has proposed the creation of conservation areas at the Cape Searle and Reid Bay sea bird colonies. The CWS, the NTI and Qikiqtarjuaq have begun discussions and will follow the process laid out in Article 9 for creation of these conservation areas.

4.4 HUMAN RESOURCES DEVELOPMENT CANADA

Human Resources Development Canada (HRDC) is committed to supporting the people of Nunavut in assuming greater control over their affairs by training Inuit for HRDC positions in the NSA.

Significant progress has been made in this area as the HRDC has exceeded its employment target of 50 percent Inuit staff for its Nunavut offices in Iqaluit and Rankin Inlet. Currently, Inuit occupy four of the seven positions in Nunavut. Five additional positions will be created in the near future; four will be directed toward Inuit.

4.5 NATIONAL DEFENCE

As required in the Nunavut Final Agreement, the Canadian Forces of the Department of National Defence (DND) provide the NTI and the Regional Inuit Associations with a yearly training plan and a notice of exercise approximately one month before the exercise. At the same time, affected communities are advised of forthcoming activities in their areas. Most exercises performed in the Nunavut Territory are in the form of Ranger patrols and cadet corps/squadrons activities.

DND has a program to clean up the Distant Early Warning radar sites which have been closed. There are 15 sites to be cleaned up. The tentative clean-up schedule is as follows:

Cape Hooper	completed
Cambridge Bay	completed
Cape Dyer	2003 to 2006
Hall Beach	2004 to 2006
Pelly Bay	2001 to 2003
Dewar Lakes	2006 to 2008
Broughton Island	2001 to 2003
Mackar Inlet	2002 to 2004
Gladman Point	2003 to 2004
Shepherd Bay	2002 to 2003
Longstaff Bluff	2004 to 2006
Jenny Lind Island	2004 to 2005
Lady Franklin Point	2002 to 2003
Byron Bay	2005 to 2006
Cape Young	2007 to 2008.

Negotiations to establish an economic agreement for the clean-up of sites are ongoing. Work has been completed at Cape Hooper and Cambridge Bay, while preliminary investigations will be carried out at several other sites during the summer of 2000.

4.6 NATURAL RESOURCES CANADA

Section 19.8.8

Natural Resources Canada is surveying the rectilinear boundaries of Inuit Owned Lands parcels as depicted in the Descriptive Map Plans. Approximately 950 parcels (80 percent) have been surveyed to isolated boundary standards to date. Survey plans are being prepared and, as they are ratified by the parties, are being recorded in the Canada Land Survey Records and delivered to the Registrar of Land Titles.

Survey Projects

Approximately \$2,400,000 was contracted out in survey projects and other related activities for the survey program in 1999-2000. The program surveyed 95 parcels (600 corners) through the following projects: one in Baker Lake-Kivalliq Region, one near Gjoa Haven, one in Cambridge Bay, one in Pelly Bay-Kitikmeot Region, one in Arctic Bay and one in Igloodik-Qikiqtani Region.

Inuit Involvement

Through its survey contracts, Legal Surveys Division requires mandatory Inuit involvement. This normally results in the provision of services, employment and training for individuals and businesses from the community where the project is located, and for registered Inuit businesses across Nunavut. This year, Inuit involvement amounted to 43.7 percent of the total dollar value of the survey projects.

4.7 PARKS CANADA AGENCY

The Nunavut Field Unit of Parks Canada Agency manages the national parks and other Parks Canada operational responsibilities in Nunavut. In addition to the existing operational centre in Pangnirtung, a new field unit office in the Government of Canada Building in Iqaluit will be established in the summer of 2000 to facilitate working with the GN and NLCA organizations. A new operational facility will be established in Pond Inlet to manage the new Sirmilik National Park.

Article 8 of the Agreement provides for the establishment of Auyuittuq and Ellesmere Island National Park reserves as national parks and for a new national park on northern Baffin Island. The IIBA was signed in a ceremony in Pond Inlet, August 12, 1999. The parks are now known as Auyuittuq, Quttinirpaaq and Sirmilik National Parks, respectively.

Parks Canada and the Kivalliq Inuit Association continued to negotiate an IIBA for the proposed national park at Wager Bay. Several negotiation sessions were held in Rankin Inlet and Winnipeg, and progress was made. It is expected that the IIBA will be finalized in 2000.

The new park feasibility study continued for the proposed national park on northern Bathurst Island.

Parks Canada is providing funding to two community organizations to share the costs of two national historic sites. The management cost of the Fall Caribou Crossing National Historic Site is being cost-shared with the Hamlet of Baker Lake and the Arvia'juaq National Historic Site is being cost-shared with the Arviat Historical Society.

Parks Canada, in co-operation with many partners, continues to prepare the annual publication, *New Parks North*. All information relating to Nunavut is presented in an Inuktitut version.

4.8 PUBLIC WORKS AND GOVERNMENT SERVICES CANADA

Whenever practicable and consistent with sound procurement management, Public Works and Government Services Canada (PWGSC) used the bid evaluation criteria set out in Section 24.6.1 of the NLCA.

The PWGSC continues to assist Inuit firms in becoming familiar with the bidding and contracting process of the federal government as and when requested. The PWGSC continues to notify the NTI of bidding opportunities in the NSA and faxes copies of the notices of proposed procurements posted on the government electronic tendering system, MERX.

In addition to ongoing activities related to the implementation of the NLCA, the PWGSC together with Treasury Board Secretariat, provided input for the government response to the report on the five-year review of the implementation of the NLCA. The PWGSC will participate in any interdepartmental working group proposed by the Secretariat to address a response to the report.

4.9 FEDERAL CO-ORDINATION OF IMPLEMENTATION ACTIVITIES

The Implementation Branch of INAC is responsible for monitoring federal government activities to ensure Canada meets its obligations under the NLCA. The Acting Director of the Implementation Management Directorate serves as the federal representative on the Nunavut Implementation Panel.

During 1999-2000, the Branch was active in all aspects of implementation of the NLCA – including working with Treasury Board officials to develop a flexible transfer payment instrument which allows the implementing bodies to retain surpluses at year end instead of returning them to the Department. The termination clause was also removed. On February 10, 2000, Treasury Board authorized use of the flexible transfer payment instrument.

The Branch assisted Avery Cooper & Co. with gathering and retrieving information for the five-year review of the implementation of the NLCA. The Branch also developed, in concert with other government departments, a federal action plan in response to the recommendations in the five-year review.

Briefings on implementation issues were prepared for the Deputy Minister to attend the Nunavut Senior Officials Working Group meeting in Iqaluit on March 30, 2000.

Funding arrangements were made with all implementing bodies established by the NLCA. Consultations were held in September with all the implementing bodies to assess funding requirements to year-end, and recommendations to the Nunavut Implementation Panel were made on funds to be carried forward to 2000-2001. The Branch also ensured that capital transfer payments to the Nunavut Trust were made in accordance with the NLCA.

Regular contact on at least a quarterly basis was maintained with all federal government departments and agencies in order to track the status of obligations on the automated Land Claims Obligation System. The Branch processed 22 ministerial appointments of members and chairpersons to the NWB, the NIRB and the NPC, and is processing appointments for the nine-member Arbitration Board.

Staff members of the Branch provided administrative services, as well as co-ordination for the Nunavut Implementation Panel members by organizing the Panel agenda, receiving and distributing material to Panel members, scheduling presentations, taking minutes, preparing records of decision, and following up on action items from the regular Panel and teleconference meetings. The Branch also co-ordinated the preparation of the 1998-1999 annual report on the implementation of the NLCA.

CAPITAL TRANSFER PAYMENTS

NUNAVUT TRUST

capital transfer payment (net of loan repayment) (Section 29.1.2)	\$84,825,841
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RESOURCE ROYALTIES

NUNAVUT TRUST

resource royalties during 1999 (Part 2 of Article 25)	1,303,944
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IMPLEMENTATION FUNDING

GOVERNMENT OF NUNAVUT

to fulfil its responsibilities under the Agreement and Implementation Contract (Parts 5.7 and 5.8 of Implementation Contract)	1,334,442
land administration activities	1,125,000

NUNAVUT ARBITRATION BOARD

to fulfil its responsibilities under the Agreement and Implementation Contract (Section 38.1.7)	26,856
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NUNAVUT IMPACT REVIEW BOARD

to fulfil its responsibilities under the Agreement and Implementation Contract (Section 12.2.31)	1,460,522
public review (Section 5.14 of the Implementation Contract)	14,400

NUNAVUT PLANNING COMMISSION

to fulfil its responsibilities under the Agreement and Implementation Contract (Section 11.4.3)	3,882,000
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SURFACE RIGHTS TRIBUNAL

to fulfil its responsibilities under the Agreement and Implementation Contract (Section 21.8.1)	190,432
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NUNAVUT WATER BOARD

to fulfil its responsibilities under the Agreement and Implementation Contract (Section 13.3.17)	1,570,219
public hearings (Section 5.14 of the Implementation Contract)	459,270

NUNAVUT WILDLIFE MANAGEMENT BOARD

to fulfil its responsibilities under the Agreement and Implementation Contract (Section 5.2.19)	4,221,331
Nunavut Wildlife Harvest Study (Article 5.4.4)	1,286,603



5

IMPLEMENTING BODIES

5.1 NUNAVUT IMPACT REVIEW BOARD



The NIRB is an environmental impact assessment agency established under Article 12 of the NLCA. Proponents submit proposals to the NIRB for projects within the NSA. These are screened by the staff who make recommendations to the NIRB which in turn submits its decision to the Minister of Indian and Northern

Affairs. The NIRB bases its decision in writing on the four options in accordance with Section 12.4.4.

- 1) The proposal may be processed without a review under Part 5 or 6: the NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5.
- 2) The proposal requires review under Part 5 or 6: the NIRB shall identify particular issues or concerns which should be considered in such a review.
- 3) The proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification.
- 4) The potential adverse impact of the proposal is so unacceptable that it should be modified or abandoned.

The NIRB continues to implement its responsibilities of promoting and protecting the ecosystem integrity of the NSA.

Eighty-six projects have been screened in the fiscal year 1999-2000, and two reviews are scheduled for this fiscal year – Resolution Island Clean-Up and the Jericho Diamond Project. Budgets for these reviews will be submitted in the near future.

A three-year work plan has been submitted for approval by the Nunavut Implementation Panel.

Nunavut Impact Review Board Web site:
<http://ipg.nunavut.ca/IPG/eng/NIRB.html>

5.2 NUNAVUT IMPLEMENTATION TRAINING COMMITTEE

The Nunavut Implementation Training Committee (NITC) adopted its mission statement in January 1999 to “ensure full participation of Inuit in the implementation of the NLCA.”

The NITC Client Manual provides information on NITC eligibility criteria, resources available through the NITC, and how to gain access to NITC resources. It was distributed to NITC client organizations in October and November 1999.

The NITC committed over \$500,000 toward training Inuit responsible for implementing the NLCA. In 1999-2000, opportunities have been provided for individuals to be promoted to senior management trainee positions, for an individual to obtain a senior management position, and to train almost all the local HTAs in Nunavut in program management and general office procedures.

The NITC also administers the Nunavut Beneficiaries Scholarship Fund, which awarded 33 scholarships (19 continuing from the fall and 14 new awards in the winter) in the 1999-2000 school year, with disbursements totalling almost \$50,000.

The NITC will continue to provide resources and assistance for training and development of Inuit human resources to organizations responsible for implementing the NLCA.



- **notify** all relevant agencies of changes via the Internet; and
- **give** the proponent the option of generating an initial environment report with custom-produced maps showing the project location relative to other environmental information, once a project is registered.

PLANNER is designed to eliminate inefficiency that could result in millions of dollars in lost mining revenue or unnecessary damage to the priceless Arctic ecosystem. For example, it includes maps of caribou calving grounds, traditional musk-ox hunting areas or sacred sites. At its core, *PLANNER* is an extensive geographic information system (GIS) data base about the Canadian Arctic environment. Much of this information has been obtained from community consultations with Inuit elders.

Geographic Information System

The NPC has successfully moved its GIS to Cambridge Bay. Co-operative work with the NTI Lands Department has been done on satellite imagery, and on Inuit Owned Lands land use mapping. Differential Group Positioning System (GPS) base stations have been installed in the Kitikmeot and Keewatin Planning Regions to ensure that the data being collected are the most accurate and up-to-date in Nunavut. Another unit is planned for the Baffin Planning Region next year. The National Topographic Database Conversion Program has been completed and the NPC has distributed the data on CD-ROM with a user-friendly operations manual. This means that Nunavut has a fully digital and accurate 1:250,000 topographic map base.

The South Baffin Place Names Project published an Inuit place names map. The Keewatin Archeological Field Work Program co-ordinated work and consulted with Inuit elders to identify archeological sites in the Keewatin Planning Region. The NPC has continued to support the only Adopt-a-School program in Nunavut in Baker Lake. This program has given students an opportunity to work with the land use data base and GIS. The Commission is also in the process of setting up a summer work program for students to get involved in the GIS in the Cambridge Bay office.

**Nunavut Planning Commission Web site:
www.npc.nunavut.ca/**

5.4 NUNAVUT WATER BOARD



The NWB is responsible for regulation, use and management of water in the NSA. The composition of the NWB is set out under Part 3 of Article 13 of the NLCA.

The NWB receives its funding from the Government of Canada through an annual contribution agreement; the level is set for a 10-year period in the Contract Relating to the Implementation of the Nunavut Land Claims Agreement. The 1999-2000 contribution agreement contained conditions which were unacceptable to the IPGs, such as a termination clause and the repayment of surplus at year end. During the year, the IPGs held discussions with INAC regarding the replacement of the present agreement with a funding mechanism that would more accurately reflect the roles, responsibility and autonomy of the IPGs. The result was that INAC was successful in obtaining a more flexible arrangement which will be in place for next fiscal year.

Board Meetings

The official opening of the new NWB office took place in Gjoa Haven on July 9, 1999.

The NWB usually meets three to four times a year, but holds regular conference calls to deal with applications and other matters pertaining to its mandate. In 1999-2000, the NWB also conducted public hearings in Iqaluit on an application for the renewal of the Town of Iqaluit's municipal licence dealing with water supply, sewage treatment and solid waste disposal: a written hearing on the renewal of Homestake Canada Inc.'s Cullaton Lake licence for the abandonment and restoration of the former Cullaton Lake gold mine; and two consecutive public hearings in Kugluktuk on the renewal of Echo Bay Mines Limited's licences for the Lupin gold mine and the Ulu Advanced Exploration Project.

Applications under Section 13.7.1

The NWB received applications and issued approvals for 20 various projects.

Current Licences

Several licences and permits are currently active in the NSA. Valid water licences are held for three operating mines – Nanisivik, Lupin and Polaris – and three advanced

explorations – Ulu, Boston and Jericho. The Cullaton Lake mine is in the last phase of abandonment and restoration. These licences impose terms and conditions on the licensees, and the NWB must ensure that these are met and enforced. While the enforcement of most terms and conditions contained in licences and permits issued by the NWB is the responsibility of INAC, the NWB reviews and approves several reports and studies required under these licences: abandonment and restoration plans, contingency and emergency plans, operation and maintenance plans, water quality studies, waste rock disposal plans, acid rock drainage monitoring plans, monthly surveillance network program data, quality assurance and quality control plans, annual reports, geotechnical studies, inspection and compliance reports, and any other studies or reports requested by the NWB to address a specific matter in a licence.

Pending Applications

In November 1999, the NWB received an application from Tahera Corporation for the development of the Jericho diamond mine at Carat Lake, and associated processing facilities and tailings disposal at the Lupin Mine.

Guidelines for Effluent Discharge in Nunavut

The NWB has started developing new guidelines for effluent discharge in Nunavut. In the interim, the NWB is using the GNWT Water Board Guidelines. New guidelines for Nunavut should be in place this fiscal year.

Legislation

The Nunavut Waters and Surface Rights Tribunal legislation is not in place yet despite repeated requests to the Government of Canada. The absence of legislation to govern the NWB creates unnecessary uncertainty and confusion, and adds costs to its operations.

Nunavut Marine Council

The members and organizations of the Nunavut Marine Council have not been able to activate the Council due to the absence of funding. INAC's view is that this obligation is discharged through the provision of annual allocations to the institutions that are members of the Nunavut Marine Council.

Nunavut Water Board Web site:
<http://ipg.nunavut.ca/IPG/eng/NWB.html>

5.5 NUNAVUT WILDLIFE MANAGEMENT BOARD



The NWMB has completed six years as the main instrument of wildlife management in the NSA pursuant to Article 5 of the NLCA.

The NWMB's participation in an independent five-year review of the NLCA was among its major activities this year.

Others centred around the development of a number of management plans or regimes. These included work on management plans for Bathurst caribou, Bluenose caribou, walrus, the Thelon Game Sanctuary and bowhead conservation. New management regimes for narwhal and southeast Baffin beluga were implemented. Interest in the offshore Atlantic fishery continued to be extensive during the year.

Wildlife Management Highlights

Two new initiatives this year were the establishment of working groups to develop a walrus management plan for Nunavut and to make recommendations to the NWMB regarding big game guide qualifications.

The establishment of the Walrus Working Group (WWG) was initially approved by the NWMB in the fall of 1998. The WWG is composed of representatives from the communities of Sanikiluaq, Coral Harbour, Hall Beach, Igloolik, Cape Dorset and Arctic Bay, and from the DFO, Makkivik and the NWMB. A very productive initial three-day meeting was held in October 1999. The WWG outlined a number of action items, including research requirements and community consultations that needed to be undertaken to complete the management plan.

Under Sub-sections 5.2.34 (h) and 5.6.41 (b) of the NLCA, the NWMB may establish qualifications for guides for big game hunters. After receiving a consultant's report on this issue in 1998, the NWMB established the Big Game Hunting Guides Working Group in 1999. It has a one-year mandate to report back to the NWMB with recommendations on minimum qualifications for big game guides in Nunavut.

Nunavut Wildlife Research Trust

More than \$942,000 was made available in 1999-2000 to government departments to carry out research that was a high priority to the NWMB. Funding proposals are considered by the NWMB annually at the March meeting. Projects funded included the following:

Canadian Wildlife Service (\$89,000)

- polar bear population studies, western Hudson Bay (\$8,000);
- polar bear movements, western Hudson Bay (\$25,000);
- common eider distribution and abundance, south Baffin (\$22,000); and
- king eiders productivity and survival, Karrak Lake Kitikmeot (\$34,000).

Department of Fisheries and Oceans (\$427,600)

- ringed seal status, western Hudson Bay (\$123,000);
- narwhal movement and behaviour, Baffin Bay (\$25,000);
- beluga summer survey, Cumberland Sound (\$65,000);
- beluga movement and behaviour, south Baffin (\$22,800);
- whale sampling and stock identification, Nunavut (\$59,000);
- bowhead habitat selection and behaviour, Foxe Basin (\$27,800);
- Arctic char population studies, Cumberland Sound (15,000);
- walrus population studies, Foxe Basin (\$37,000); and
- walrus satellite tagging, Grise Fiord (\$53,000).

Department of Sustainable Development (\$425,800)

- Caribou Inuit Knowledge Study, North Baffin (\$59,000);
- caribou monitoring, Qamanirjuaq herd, Keewatin (\$16,200);
- caribou distribution, northeast mainland, Keewatin (\$35,200);
- caribou sustainable harvest, Dolphin-Union, Kitikmeot (\$64,000);
- musk-ox population inventory, Keewatin and Kitikmeot (\$41,400);

- polar bear inventory, central Arctic (\$140,000); and
- polar bear inventory, Davis Strait (\$70,000).

Nunavut Wildlife Management Board Study Funding

More than \$325,000 was made available to non-governmental organizations to carry out studies. The following funding proposals were considered by the NWMB at the March meeting.

Amarok Hunters and Trappers Association

- Arctic char traditional knowledge study, Sylvia Grinnell River (\$30,000).

Arviat Hunters and Trappers Association

- snow and Ross' goose habitat monitoring (\$10,240).

Beverly Qamanirjuaq Caribou Management Board

- caribou movement studies, Keewatin (\$28,000).

Gjoa Haven Hunters and Trappers Association

- Arctic char tagging project (\$11,000).

Kurtairojuark Hunters and Trappers Association

- muskox and caribou ground count, Kitikmeot (\$15,000).

Nattivak Hunters and Trappers Association

- benthic survey, Qikiqtarjuaq (\$10,000).

Qikiqtaaluk Wildlife Board

- Greenland halibut survey, Davis Strait (\$120,000);
- caribou population studies, south Baffin (\$14,000); and
- polar bear traditional knowledge project – with other Regional Wildlife Organizations (\$20,000).

Sanikiluaq Hunters and Trappers Association

- common eider winter ecology (\$27,000); and
- river trenching for fish migration (\$10,000).

Tuktu and Nogak Project

- caribou traditional knowledge, Kitikmeot (\$30,000).

Nunavut Wildlife Harvest Study

The five-year Nunavut Wildlife Harvest Study began in June 1996. Data are being collected and compiled into a comprehensive data base to calculate the current Inuit harvest of wildlife and to determine spatial and temporal patterns of Inuit harvesting. This information will help the NWMB to make sound wildlife management decisions and ensure that Inuit receive priority quota allocations.

During the last four years of the field work, the three RWOs were contracted to collect harvest data from Inuit hunters. The study currently provides employment for 37 individuals. The data collection phase will continue until May 2001. Data analyses and the preparation of a final report will then begin. The final report is expected to be finished by March 31, 2003. In the meantime, requests for information from government departments and Inuit organizations continue to be filled, whenever possible.

Inuit Bowhead Knowledge Study

The Inuit Bowhead Knowledge Study has been undertaken "...to record sightings, location and concentrations of bowhead whales in the NSA...", in compliance with Section 5.5.2 of the NLCA. From 1995 to 1997, 257 individual interviews and eight small-group workshops were carried out with Inuit elders and hunters in 18 Nunavut communities. A final report, documenting Inuit knowledge of the population ecology and the cultural significance of bowhead whales, is progressing. Publication and release are expected in the spring of 2000.

**Nunavut Wildlife Management Board Web site:
www.nunanet.com/~nwmb/**

5.6 ARBITRATION BOARD

The Arbitration Board was created under Article 38 of the NLCA. The role of the nine-member board is to resolve disputes among the parties arising from any matter concerning the interpretation, application or implementation of the Agreement.

The Board held its annual meeting from April 6-9, 1999, in Iqaluit. The members reviewed the Board's rules and procedures which have been translated into French

and Inuktitut. In recognition of Innuinnaqtuun's adoption as a fourth official language of Nunavut, the Board's rules and procedures are now also being translated into Inunnaqtuun.

A brochure describing the role of the Board is being printed in the four official languages; it will be distributed to the Designated Inuit Organizations, government departments and agencies, and news media.

5.7 SURFACE RIGHTS TRIBUNAL



The SRT is one of the IPGs established under the land and resources management regime of the NLCA.

The SRT is responsible for settling disputes over access to lands, compensation payable to the surface titleholder for access, wildlife compensation claims and rights to carving stone or specified substances in the NSA. The Tribunal's goal is to provide the fairest possible mechanism for resolving disputes within the context of the NLCA and draft legislation.

Tribunal members were appointed in April of 1996 and will each hold the term until three years after the Nunavut Waters and Surface Rights Tribunal legislation is in place.

Over the last year, the SRT has concentrated its efforts in finalizing the tasks required for its maintenance, and on setting out plans for the remainder of the planning period. The Tribunal has yet to hold a hearing; no applications have been received to date.

Operations

The SRT has completed all of the administrative processes required for its set-up. The members have passed motions to adopt the rules of procedure, by-laws and operational manuals. The Tribunal's rules of procedure have been presented to various organizations for comment; they have also been circulated and advertised. Members have welcomed comment from various land and resource management organizations in Nunavut.



*Back row, left to right: Emile Immaritok, Peter Katorka, Tom Sammurtok (Vice-chairperson)
Front row, left to right: Patricia Angnakak (Interim chairperson), Eva Adams-Klaassen*

The Tribunal has also developed a work plan which covers the remainder of the 10-year planning period. This plan has been submitted to the Nunavut Implementation Panel. This last year has also seen a closer working relationship among the IPGs in addressing common concerns and in fostering joint efforts among these institutions.

Traditional Knowledge

The Tribunal has also held a workshop on traditional knowledge in preparation for incorporating this important resource into its decision-making processes for hearings.

Communications

The Tribunal has continued to promote awareness of its role and functions to industry and the people of Nunavut through the production of promotional materials, meeting presentations and magazine articles.

**Surface Rights Tribunal Web site:
www.nunanet.com/~nsrt/**



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A P P E N D I X 1 : A C R O N Y M S A N D I N I T I A L I S M S

CWS	Canadian Wildlife Service	NITC	Nunavut Implementation Training Committee
DIAND	Department of Indian Affairs and Northern Development	NLCA	Nunavut Land Claims Agreement
DFO	Department of Fisheries and Oceans	NNI	Nunavummi Nangminiqqtunik Ikajuuti (Policy)
DND	Department of National Defence	NPC	Nunavut Planning Commission
GIS	Geographical Information System	NSA	Nunavut Settlement Area
GN	Government of Nunavut	NTI	Nunavut Tunngavik Incorporated
GNWT	Government of the Northwest Territories	NWB	Nunavut Water Board
HRDC	Human Resources Development Canada	NWMB	Nunavut Wildlife Management Board
HTA	Hunters and Trappers Association	NWT	Northwest Territories
IIBA	Inuit Impact and Benefit Agreement	PWGSC	Public Works and Government Services Canada
INAC	Indian and Northern Affairs Canada	RWO	Regional Wildlife Organization
IPGs	Institutions of Public Government	SRT	Surface Rights Tribunal
NIRB	Nunavut Impact Review Board	WWG	Walrus Working Group

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A P P E N D I X 2 : M E M B E R S H I P O F I M P L E M E N T I N G B O D I E S (as of March 31, 2000)

ARBITRATION BOARD

(Appointed April 7, 2000)

Marius Tungilik, Interim Chairperson
Mark Evaluardjuk
Violet Ford
David McCann
Letha MacLachlan
Fred Pedersen
Ludy Pudluk
Robert Stanbury
Andre Tautu

NUNAVUT IMPACT REVIEW BOARD

Larry Aknavigak, Chairperson
Peter Akkikungnaq
David Aglukark, Sr.
Elizabeth Copland
Duncan Cunningham
Henry Kablalik
Pauloosie Paniloo
Ryan St-John
Kane Tologanak

Makivik Corporation Nominees

Jusipi Agma
Donald Watt

NUNAVUT IMPLEMENTATION TRAINING COMMITTEE

Peter Kritiqiluluk, Chairperson
Kenny Adams
David Kattegatsiak
Simon Okpatauyak
David Omilgoitok
Johnny Manning
Gabriel Nirlungayuq

SURFACE RIGHTS TRIBUNAL

Patricia Angnakak, Interim Chairperson
Tom Sammurtok, Vice-chairperson
Eva Adams-Klaassen
Emile Immaritok
Peter Katorka

NUNAVUT PLANNING COMMISSION

Bob Lyall, Chairperson
Bob Aknavigak
Malachi Arreak
Paul Emingak
Allen Maghagak
Suzie Napayok
Peter Suwaksiork
Tanya Tagaq Gillies

Makivik Corporation Nominees

Putulik Papigatuk
Donald Watt

NUNAVUT WATER BOARD

Thomas Kudloo, Chairperson
Robert Hanson
Thomas Kabloona
Guy Kakkianion
Jackie Nakoolak
Joe Ohakannoak
George Porter
Kono Tattuinee
Lootie Toomasie

Makivik Corporation Nominees

Jusipi Agma
Putulik Papigatuk

NUNAVUT WILDLIFE MANAGEMENT BOARD

Ben Kovic, Chairperson
David Alagalak
Harry Flaherty
Moses Koono
Gordon D. Koshinsky
Kevin Joseph McCormick
Meeka Mike
Makabe Nartok
Joan Scottie

Makivik Corporation Nominees

Johnny Peters
Paulusie Novalinga

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A P P E N D I X 3 : S C H E D U L E O F P A Y M E N T S

CAPITAL TRANSFERS TO NUNAVUT TRUST

(Net of Loan Repayment)

Date

May 25, 1993	\$ 79,307,736
May 25, 1994	50,895,504
May 25, 1995	67,860,673
May 25, 1996	84,825,841
May 25, 1997	84,825,841
May 25, 1998	84,825,841
May 25, 1999	84,825,841
TOTAL	\$ 537,367,277

RESOURCE ROYALTY PAYMENTS

1993-1994	\$ 1,260
1994-1995	53,060
1995-1996	1,089,078
1996-1997	1,018,000
1997-1998	1,034,221
1998-1999	1,170,572
1999-2000	1,303,944
TOTAL	\$ 5,670,135

IMPLEMENTATION PAYMENTS

Implementation payments, pursuant to the Implementation Contract, made to the NTI, the GNWT and implementing bodies for fiscal years 1993-1994 to 1999-2000 are listed below. Annual payments to individual recipients are available in previous Nunavut Implementation Panel Annual Reports.

1993-1994	\$ 26,295,640
1994-1995	6,320,187
1995-1996	12,434,589
1996-1997	13,306,032
1997-1998	13,670,874
1998-1999	13,988,681
1999-2000	15,097,405
TOTAL	\$ 101,113,408

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A P P E N D I X 4 : A M E N D M E N T S

The following is a cumulative account of all amendments to the NLCA and to the Implementation Contract.

(Effective April 26, 1995)

NUNAVUT LAND CLAIMS AGREEMENT	IMPLEMENTATION CONTRACT
<ul style="list-style-type: none"> ■ 5.4.2: extension to January 1, 1996 from July 9, 1994 for the start of the Nunavut Wildlife Harvest Study; and ■ 5.6.25: extension for the Nunavut Wildlife Management Board to establish the basic needs levels for beluga, narwhal and walrus within 24 months, rather than 12 months, from the establishment of the Nunavut Wildlife Management Board. 	<ul style="list-style-type: none"> ■ 5.2: extending funding provided to the transition teams to year three of implementation; ■ Schedule 1, Page 5-6: extending the time frame for the Nunavut Wildlife Management Board to develop the methodology and design of the wildlife harvest study (to October 1, 1995), to identify the Designated Inuit Organization required to collect data (to January 1, 1996), and to prepare a multi-year budget for the study (to July 1, 1995); ■ Schedule 1, Page 5-13: extending the time frame for establishing Hunters and Trappers Organizations and Regional Wildlife Organizations from the first anniversary of the Agreement (July 9, 1994) to the second anniversary (July 9, 1995); ■ Schedule 1, Page 19-13: deleting the Department of Energy, Mines and Petroleum Resources as a responsible agency respecting the rights to carving stone; and ■ Schedule 2, Part 2: transferring funding from the Nunavut Water Board and Nunavut Impact Review Board Transition Teams to the territorial government to provide additional funding for the training of municipal land administrators.

(Effective September 17, 1996)

NUNAVUT LAND CLAIMS AGREEMENT	IMPLEMENTATION CONTRACT
<ul style="list-style-type: none">■ 5.6.25: extension of the deadline for the establishment of the basic needs levels for beluga, narwhal and walrus to March 31, 1997;■ 8.2.2: extension to negotiate and conclude an IIBA for Auyuittuq National Park by July 9, 1997;■ 8.2.3: extension to negotiate and conclude an IIBA for Ellesmere Island National Park by July 9, 1997; and■ 35.5.7: extension to the deadline for the Appeals Committee to hear and determine appeals to July 9, 1996.	<ul style="list-style-type: none">■ Schedule 1, Page 8-2: replacing the entry under the heading "Timing" to July 9, 1997;■ Schedule 1, Page 8-3: replacing the entry under the heading, "Timing" to July 9, 1997;■ Schedule 1, Page 24-1: replacing the first entry under the heading, "Referenced Clauses" by 24.2.1; and■ Schedule 1, Page 35-6: replacing the entry under the heading, "Timing" for the second activity by July 9, 1996.

