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POLITICAL DEVELOPMENT IN NUNAVUT

FOREWARD
BY MICHAEL AMAROOK
PRESIDENT
INUIT TAPIRISAT OF CANADA

Inuit Tapirisat of Canada remains committed to the creation of a Nunavut Territory with a new Nunavut government. This commitment has been part of ITC policy for a number of years and has received widespread support that is increasing both in the North and in the South.

The parts of the existing N.W.T. that are north and east of the treeline form an area that is distinct. Climate, ecology, economy, history and culture share in making this area distinct. It is only logical that political boundaries reflect this distinctiveness.

The process of creating new territories out of an existing one is not new. The N.W.T. once included the areas that are now the prairies of Alberta and Saskatchewan. I am confident that Canadian federalism is flexible enough to accommodate the democratic aspiration of people who live in a distinct part of Canada and who have lived under political arrangements of a temporary, uncertain nature.

To ignore the popular support for the creation of Nunavut and to entrench existing political arrangements that have never been ended by the people of Nunavut would be contrary to the spirit and history of confederation.

The creation of a Nunavut territory will make a large step in the achievement of a satisfactory self-government for the people of Nunavut, both Inuit and non-Inuit.

Evolution of a Nunavut territory into a Nunavut province will take place as considerations of fairness and practicality provide.

A Nunavut government will give the Inuit of Nunavut a territorial government that is sufficiently sensitive and responsive to accommodate the survival of a culture that has endured for more than four thousand years. The attitude of the government of Canada to the creation of Nunavut will say a great deal about the seriousness of its concern for its minorities in general and its aboriginal peoples in particular.

I urge the people of Nunavut to carry-on their quest for a Nunavut territory. I urge Canadians of good faith everywhere to join them in that quest.

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POLITICAL DEVELOPMENT

"IN

NUNAVUT

A report prepared for the Board of Directors of Inuit
Tapirisat of Canada, and discussed at the Annual
General Meeting, September 3 - 7, 1979, Igloolik.

RESOLUTION PASSED AT ANNUAL GENERAL MEETING
OF INUIT TAPIRISAT OF CANADA
IGLOOLIK, NUNAVUT

September 7, 1979

WHEREAS the Inuit of N.W.T. desire to achieve self-government and wish to encourage public discussion on the political future of Nunavut.

THEREFORE BE IT RESOLVED

That the Annual General Meeting of ITC agree to release the document "Political Development in Nunavut" for public discussion, it being understood that this document does not restrict ITC policy, but indicates the seriousness of ITC's commitment to Nunavut, and that through public discussion, Inuit will have an opportunity to explore all options for their political future.

POLITICAL DEVELOPMENT IN NUNAVUT: A SUMMARY

A. MAIN POINTS

- NWT to be divided - area north of the treeline to become a new territory called Nunavut
- Nunavut Territory to have powers roughly equivalent to powers of existing Government of NWT (with additional powers with respect to land use planning and land use controls)
- Nunavut to acquire provincial-type powers over a fifteen year transition period
- Nunavut Territory to become Nunavut Province by end of transition period
- Federal Government to make a commitment to creation of Nunavut either before or as part of a "land claims" settlement - ITC determined not to enter into a "land claims" settlement without assurance of political change
- questions of local and regional government within Nunavut to be left up to new Nunavut Government
- Nunavut Government (like existing Government of NWT) to maintain a relationship with the Federal Government resulting in financial assistance until Nunavut becomes self-reliant

B. SHORT DESCRIPTIONS OF SECTIONS WITHIN POLITICAL DEVELOPMENT IN NUNAVUT

I. Present Political Development

political development in NWT has gone a certain distance but more progress remains to be made

the question that remains is not whether the people of NWT should have self government - the question is what kind of self government

II. The Need for Nunavut

Northern communities have many characteristics that southern Canadian communities do not have

the North forms a part of Canada and political development should be compatible with Canadian experience

the present Government in Yellowknife is remote in distance and attitudes from the people of Nunavut

the Inuit of Nunavut require political representation and procedures that will protect their language, culture and way of life

Although Nunavut is small in population it is nevertheless a distinctive area - numbers alone should not decide political development

a Nunavut Government should reflect the traditions of the people of Nunavut in the way it conducts its business

Nunavut Government to develop in three stages:

:

Stage One:

creation of Nunavut to include most parts of the existing NWT north of the treeline (the COPE area might be included)

creation of a Nunavut Assembly with powers roughly equivalent to powers of existing NWT Council

all residents who are at least eighteen years old and have lived in Nunavut for a specified period to have the right to vote for the new Nunavut Assembly

Federal Government to help pay for new facilities needed by Nunavut Government and to help train Inuit for government services

Stage Two:

various provincial-type powers to be transferred to Nunavut Government according to a gradual timetable

Stage Three:

- Nunavut to be given full provincial status as enjoyed by other Canadian provinces.

III. Human Rights

respect and protection for fundamental rights of all residents

pursuit of social justice and economic opportunity for all

preservation of Inuit culture, language and lifestyle

IV. Jurisdiction and Nunavut

the Constitution recognizes two primary levels of government: the federal government and the provincial governments (territorial and local governments are "creatures" of the other levels respectively and can be changed by them)

both federal and provincial governments have very important powers

Nunavut would ultimately become a province and enjoy the powers of a province over such matters as education, housing, health, land use planning and control, administration of justice, wildlife management, local government

provincial status would give the people of Nunavut self-government with security

alternatives to provincial status are not attractive:

- regional government for Nunavut inside NWT could be changed by Yellowknife
- "Home Rule" along the lines of what has happened in Greenland would be opposed by other Canadian and contrary to Canadian practice

V. Nunavut and Land Claims

the Inuit of Nunavut are determined that land claims be dealt with in a comprehensive way - land claims should proceed with the assumption of a new government for Nunavut

it will be difficult to make much progress on the land ownership and compensation aspects of land claims if political issues are not resolved in a satisfactory way

productive discussion of political change in the existing NWT (including commitment to the creation of Nunavut) is necessary for the successful outcome of "land claims" negotiations

VI. Local and Regional Government

the communities of Nunavut have considerable experience in local government and in such informal regional bodies as Baffin Regional Council and the Central Arctic Area Council

ITC recommends that after the creation of Nunavut the present structure of local government exist for a three year period - during the three year period the Nunavut Assembly could examine and determine the future of local and regional government

VII. Land and Resources

the use of the land and resources of Nunavut is a vital issue

the Inuit of Nunavut hope to exercise some control over use of land and resources through:"

- (1) suitable law-making bodies (Nunavut Government and local/regional government)
- (2) ownership of large amounts of land in Nunavut as a result of aboriginal rights

insofar as the land and resources of Nunavut will be subject of various laws and regulations, ITC proposes that land and resource use be subject to an effective planning process

the planning process should be technically competent, free to consider long-term objectives as well as short-term problems and sensitive to local traditions, preferences and needs

planning bodies could take a variety of forms, but ITC proposes for discussion three bodies: a Nunavut Planning Office and Local Government Planning Offices to carry out planning decisions and a Nunavut Planning Appeal Board to carry out an appeal function

all land use activities (including government operations) to be subject to permit - power to issue permits to be given to 'representative bodies (such as hunting and trapping associations, local and regional governments) where possible

VIII. Financial Aspects to Nunavut

the existing Government of NWT is heavily dependent on the federal treasury

- the Nunavut Government could also expect special assistance until it becomes independent financially

POLITICAL DEVELOPMENT IN NUNAVUT

INTRODUCTION

This document discusses possibilities for political development in Nunavut. It was presented at the Annual General Meeting of Inuit Tapinsat of Canada, September 3-7, 1979, Igloolik.

The document is divided into 8 sections.

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The basic premise is that the present political development of the Inuit of the NWT is inadequate because it fails to provide structures within which the Inuit can achieve political participation reflecting their aspirations. The document proposes the creation of a territory called "Nunavut" which, after some years under territorial status, will progress maturely to provincehood and take its rightful place within Confederation.

"The document outlines the need for Nunavut, and discusses the institutional and political structures essential to its creation. In addition, a timetable for Nunavut is sketched from the date of a formal agreement creating the territory to eventual provincehood. A fifteen year period is proposed to accommodate the transition from territorial to provincial status.

1 PRESENT POLITICAL DEVELOPMENT

Political development in the Yukon and the NWT has been slow and uneven. Until 1953 the North had been governed almost absent-mindedly by the federal government. Decision-making affecting the lives of Inuit and other Northerners lay directly in the hands of the RCMP and other government agents and indirectly in those of the missions and trading companies. The creation of the Department of Northern Affairs and Natural Resources in 1953 began the contemporary period of administrative, regulative and political control of Inuit by the federal government. ITC described this course of political change to the Parliamentary Special Joint Committee in Ottawa, August 30, 1978: "Over the most recent two decades, Government presence in our homelands has greatly intensified. External authority has encroached into virtually every aspect of our lives".

It is important when considering future political development for Inuit in the NWT to examine the North as a whole. It is generally agreed that the Yukon bears most similarity to southern Canada. It has had a long history of mineral and resource extraction. Its economy is more sophisticated. It has had a form of local council and administration for many years. Its population is predominantly non-native. Under these circumstances, the offer of Prime Minister Clark during the 1979 election campaign, to let Yukoners decide through a referendum the question of provincial status, is not a dramatically radical suggestion.

In the case of the NWT, political development and resource extractive economic activity are more recent. From the establishment of territorial government in Yellowknife in 1967, the NWT has progressed so rapidly that in March 1979, the Legislative Council called for provincial status with eventual ownership of resources and responsibility for native rights.

To assess the validity of the Legislative Council's claim to provincehood requires some understanding of general political developments in the NWT since 1967. These can be viewed with respect to powers of the Legislative Council and to the role of local government which will be discussed in Section II.

The powers of the Council are delineated in the NWT Act, that is, limited by federal statute. The territorial Council of 15 members (which became 22 in 1979) has the semblance of authority of a provincial assembly, which is particularly significant now that all members are elected. An executive committee, which is made up of elected members and federally appointed civil servants, acts in an advisory capacity for the Commissioner. The Commissioner is not obliged to act on the advice of either the executive committee or the Council; as a result, the powers of both are restricted.

A further significant restriction on the powers of the Council is the fact that the Commissioner in Council has no authority over mineral rights and has limited authority over Commissioner's lands. In practice, the GNWT has a consultative rather than an authoritative role in mineral rights; the federal government retains authority in that area. Without control of land and resources, the GNWT'S ability to raise revenue, through taxation, royalties, and the like, is very limited. In fact, the GNWT budget depends heavily on federal subsidies.

The most important restriction on the council is that the Commissioner has absolute control over the budget. The Council cannot vote money for purposes not approved by the Commissioner. The combined effect of these restrictions is that the federal government has veto power over the popularly elected Council. As such, there is no such thing as "responsible government" of the NWT, that is, government ultimately answerable to the people of the NWT. Clearly then, as conditions change in the NWT, the need for responsible government will be pressed increasingly firmly by the Council and by many residents of the NWT. The question in NWT though is not whether responsible government, but responsible government for whom?

-11 THE NEED FOR NUNAVUT

A. Major Arguments

The creation of Nunavut is based upon several strong arguments:

1. Northern communities in Canada and elsewhere exhibit conditions and problems that differ from those of southern communities.
2. Although Northern communities have many characteristics in common, Canada's North is best considered as several sub-regions with differing socio-demographic and geographic problems which require separate solutions.
3. Northern communities collectively form an integral part of Canada and, therefore, solutions to northern problems should for the most part be derived from Canadian experience.
4. The North, particularly the NWT, has experienced two types" of population: the transient residents who work in the North for several months or a few years; and the permanent residents who are born in the North or who are fully committed to making a life in the North.
5. The NWT contains both native and non-native cultures and languages. This should be reflected in future political development throughout the NWT.
6. Although political development in the North will grow from the Canadian experience, it should be recognized that forms of government and institutions vary considerably within Canada. Those thinking about political development in NWT can draw upon a wide variety of practices, non-native and native, northern and southern.
7. Inuit have just as much at stake in the development of the lands and water upon which they depend for their livelihood as do Canadians as a whole. Inuit require institutions whereby their participation will ensure orderly use of these lands and waters so as to preserve Inuit livelihood and to benefit Canadians generally.
8. Although the population of the proposed Nunavut is sparse, its sparseness reflects the harsh climatic conditions and dispersed sources of sustenance. Small numbers alone should not be an impediment to the viability of Nunavut within Confederation. Canada's history is itself a ringing testimony to the survival of the dedicated few in face of the many south of the 49th parallel.
9. Present political structures in the NWT do not provide for adequate participation by Inuit. The present government and Council in Yellowknife are physically removed from Inuit inhabited areas. To some extent, the decentralization of government services to places such as Frobisher Bay has alleviated this remoteness, but the major functions of government remain isolated. Although the Inuit voice may be louder in the enlarged 22 seat Council that will exist after October 1979, the Council will be as physically remote as ever.

10. Local government has witnessed changes over the years from advisory councils to elected settlement councils with control of local issues, similar to municipalities in southern Canada. These councils are restricted in their power under the present status of the NWT. Under provincehood, the local councils would be creatures of the new provincial government. Local councils, then, are not the best way for Inuit to gain control over the issues which affect them most.
11. It is possible at the present to distinguish three distinct regions in the NWT: the Mackenzie Valley region, the western arctic region and the central/eastern arctic region. The Mackenzie region is the home of the Dene and a large number of non-native people. The western arctic is the home of the Inuvialuit. A representative organization of the Inuvialuit (Committee for Original People Entitlement - COPE) has entered into a comprehensive agreement with the federal government that colours discussion of political change in the western arctic. The central/eastern arctic is populated mainly by Inuit. Neither the Dene nor the Inuit of the central/eastern arctic region have made comprehensive agreements with the federal government.
12. The view of ITC is that a different solution should be formed for each of these regions of the NWT. A first step has been the COPE agreement, although it is possible that Inuvialuit may wish to work out a political future within Nunavut at a later date. A second step could be placing the Mackenzie region on the road to planned provincehood. A third step could be the creation of Nunavut in the central/eastern arctic, as proposed by the Inuit in their draft agreement-in-principle of 1977. The second and third steps could, of course, vary in sequence.

B. Steps to Nunavut

The timetable for political development in Nunavut depends at this point upon the completion of the land claims negotiations. Until those are concluded successfully, it is unlikely that any of the stages outlined in Section I could be proceeded with. At this stage, it is uncertain as to when a final agreement will be signed with the federal government. The preliminary and rough timetable below is measured as time subsequent to an agreement (i.e. "A" day plus 1 year).

It should be pointed out that ITC is aware that certain features of responsible government as they have developed at the provincial level in southern Canada might not be desired for Nunavut. It is quite possible, for example, that the people of Nunavut would like to avoid such southern political norms as the party system and cabinet secrecy. The people of Nunavut could easily prefer an elected Assembly that, in its manner of carrying out executive and legislative functions, more closely resembles local government councils as they exist in southern Canada and the North. In the final analysis questions relating to many matters such as the use of the party system would be determined through a process of institutional evolution.

Stage 1 (territorial status)

1. The creation of a new territory, Nunavut, with boundaries reflecting the extent of Inuit land use patterns in the Kitikmeot, Keewatin and Baffin regions as outlined in the 1974 Inuit Land Use and Occupancy Project*. Nunavut to include most parts of the existing NWT north and east of the treeline. The boundaries of Nunavut to be approximately co-ordinated to the boundaries of the electoral district of Nunatsiaq. The boundaries to be part of the final agreement.
2. The appointment of a territorial Commissioner acceptable to representative Inuit organizations. The territorial Commissioner to be appointed within three months.
3. The creation of a Nunavut Assembly, the number of seats to be determined in a final agreement. The Assembly to have powers roughly equivalent to those now held by the Yukon and NWT Councils, Assembly elections and first sitting within six months.
4. A Nunavut executive council to be chosen by the Assembly. The Executive Council to be chosen once the Assembly meets.
5. The establishment of a government of Nunavut with the necessary administrative resources and facilities for the powers of Nunavut. The government of Nunavut to begin operation after the executive council has been chosen, and will be fully operational by "A" day plus 18 months.
6. All those residing in Nunavut at least 18 years old, for a specified period, to have the right to vote in municipal and territorial elections. An electoral list will be drawn immediately after "A" day.
7. The Government of Canada to provide support similar to that provided for the Yukon and the NWT, the support being subject to demographic and geographic considerations. The Government of Canada will provide support starting on "A" day.
8. Canada to assume the expenses for the installation of all facilities and services required for the Nunavut government including those listed in a final agreement. Canada will assume the expense necessary to make Nunavut government fully operational in so far as facilities and services are concerned.
9. Canada to assist Nunavut in the training of Inuit for government service in Nunavut. Canada's training program for Inuit will commence "A" day plus 3 months.

* Inuit Land Use and Occupancy Project
(3 volumes), edited by Milton M.R.
Freeman, Thorn Press Limited, 1974

Stage 2 (territorial status to provincial status)

Although a timetable for such steps would certainly be the subject of extended discussion, ITC envisages Steps 10 through 14 taking place between the 5th and 7th years after "A" day.

10. The Commissioner to be replaced by a Lieutenant Governor, and Nunavut to become a province with partial provincial powers. Inuvialuit may wish to opt in as Nunavut approaches full provincehood.
11. The Executive Council to become the Lieutenant Governor in Council (cabinet).
12. The Premier of Nunavut to be the leader of the party with the greatest number of seats in the Assembly, and the cabinet to be recommended to the Lieutenant Governor.
13. The Premier and his cabinet to be responsible to the Assembly for government administration in Nunavut.
14. "Legislative officers and public agencies necessary for responsible government to be created.

Stage 3 (provincial status)

Step 15 could take place between the 12th and 15th year after "A" day.

15. Nunavut to be accorded full provincial status with powers such as are engaged by other Canadian provinces.

III HUMAN RIGHTS

Nunavut would affirm the will of all its inhabitants, regardless of origin, to live and determine their future together in a territory/province based on the consent of its peoples and on the principles of democracy and responsible government.

Nunavut would honour the contribution of Inuit in founding the territory/province and in enriching the cultural inheritance of Nunavut.

Nunavut would welcome the more recent contributions to Nunavut of non-Inuit which have further enriched Nunavut's inheritance.

Nunavut would respect human rights in accord with Canadian practice and with the following goals:

1. protection of the fundamental rights of all inhabitants and promotion of the conditions of life under which their legitimate aspirations and essential worth and dignity may best be realized
2. full respect for every inhabitant's liberty, security and well-being
3. pursuit of social justice and economic opportunity for all through the balanced use of the land the preservation of its richness and beauty

4. preservation of Inuit culture, language and lifestyle
5. respect for the languages of non-Inuit, and their cultures and lifestyles
6. respect of Inuit and non-Inuit for their respective languages, cultures and lifestyles
7. endorsement and application of present and future charters of rights and freedoms passed by the Parliament of Canada

IV JURISDICTION AND NUNAVUT

A. The Concept

The concept of jurisdiction (range of authority) in a federal system is not always clearly understood by Canadians. Federalism involves the division of political powers between two levels of government. In Canada political powers are effectively divided between two levels of government, the federal and the provincial levels.

According to the Constitution of Canada, some political powers are reserved for the exclusive use of the federal government while others are reserved for the exclusive use of the provincial governments. Some powers may be exercised by both federal and provincial governments. The powers of the federal government to make law, change law and administer law with respect to certain subject matters such as the postal service, national defence, external affairs and criminal law, constitute the jurisdiction of the federal government. The jurisdiction of provincial government covers other subject matters, such as education, roads, property and civil rights and municipalities. In general, the jurisdiction of the federal government is exercised throughout Canada while the jurisdiction of provincial governments is exercised only within their boundaries.

It is important to remember the constitutional practice provides for some flexibility with respect to jurisdiction, for example, the ability of federal government to delegate responsibility for the carrying out of some of its laws to provincial agencies. Agricultural marketing boards are examples of such agencies. Similarly, provincial governments may delegate some regulatory and enforcement functions to federal agencies. The RCMP is an example of a federal agency carrying out some provincial functions in eight provinces.

Additional constitutional flexibility is achieved through the ability of the federal government to spend money on matters that are of provincial jurisdiction. The federal government has exercised this spending power in the past by entering into many cost-sharing programmed and block funding agreements with provincial governments. Half the costs of the various provincial health care schemes throughout Canada are borne by the federal government through the use of its spending power. This ability of the federal government to spend money in areas of provincial jurisdiction has caused much opposition on the part of some provincial governments.

It is also important to remember that the Constitution divides all effective political power between the federal and provincial governments. The Constitution does not grant a separate field of jurisdiction to any other form of government. Other forms of government are the creatures of either the federal government or a provincial government. For example, the existing GNWT has been created by the federal government through its own legislation. The federal government has the ability to change the powers of the GNWT by amending federal legislation. Similarly, a provincial government may alter the size, shape or powers of municipal governments located within the province.

B. Relation to Nunavut

ITC is advocating the creation of Nunavut within Canadian federalism. A first objective is the identification, through federal government legislation, of Nunavut as a new political entity covering a geographically defined area. Second, the government of Nunavut should have powers that approximate the powers exercised by the existing GNWT. A long-term objective, third, is the transformation of Nunavut into a political entity having the powers that are enjoyed by the existing ten provinces.

ITC is aware that the powers of the existing provinces vary slightly from one to the other at present and have varied even more significantly in the past, particularly with respect to the ownership and control of natural resources. ITC is also aware that the acquisition of provincial status by any part of Canada now under a territorial form of government could be affected by the special problems that face the Canadian North and by changing attitudes as to the direction of constitutional reform. It should be stressed, however, that awareness of such matters is indicative only of open-mindedness as to the form and timing of provincehood for Nunavut; ITC is fully committed to its long-term objective of obtaining the substance of provincial status for Nunavut.

C. Significance of Provincial Status

A variety of factors have already been cited in this paper in support of the creation of Nunavut. Further arguments are available in favour of the evolution of Nunavut to provincial status.

The Constitution affords a provincial government the power to decide many of the issues that directly affect the well-being of a populace. The range of provincial jurisdiction extends to such important topics as education, housing, health, land use planning, civil law and the administration of justice.

In a broad sense, a provincial government is able to effect significant control over the nature, scale and direction of economic activity within provincial boundaries.

The capacity of Nunavut to become a new province is attractive for more than the extent of jurisdictional authority that accompanies provincial status. A province, unlike a governmental or non-governmental organization that exercises only delegated authority, enjoys security of jurisdiction. The basic constitutional documents that serve to define the shape of political institutions in Canada acknowledge the existence of the provinces and identify their powers. The Constitution recognizes the provincial governments as being, up to a certain level of jurisdictional competence, the focal points of local self-government. The people of Nunavut seek such a focal point.

Developments in Canadian constitutional traditions over the last few decades have revealed a further advantage to the acquisition of provincial status: it is generally accepted that the provinces, individually and collectively, have roles to play in the evaluation of any proposals for constitutional reform in the nation.

D. Alternatives to Provincial Status

It has been argued from time to time that the political aspirations of the people of Nunavut could be best answered through the creation of political entities that are substantially different from provinces as they exist in Canada. In particular, two alternatives have been advanced to the evolution of provincehood: (a) a regional government for the Nunavut area within a NWT enjoying provincial status; or (b) some form of home rule that would involve substantially greater powers than currently held by provincial governments. Each of these options warrants some discussion.

(a) Regional Government for Nunavut

Regional government within a province having boundaries that conform to those of the existing NWT has a number of weaknesses. Its fundamental weaknesses rests in its inability to meet the aspirations of the people of Nunavut to achieve self-government through a political entity of considerable jurisdictional status, competence and durability. A regional government would almost surely represent a form of municipal structure charged with limited, circumscribed power. In all likelihood, it would take life by way of laws enacted in Yellowknife and would be subject to unilateral modification on the part of Yellowknife.

Is it conceivable that the existence and powers of a regional government in the area of Nunavut could in some way be enshrined as a condition to the acquisition and continuance of provincial status on the part of Yellowknife? This option presents many difficulties. It is uncertain whether or not the Constitution could be stretched so as to accommodate a political entity with a distinct field of jurisdiction existing within a province. Such an entity could prove unacceptable to many provinces for a variety of political reasons. In any event, the aspirations of the people of Nunavut for self-government could only be met by the transfer of so many powers to a regional government as to leave the provincial authorities in Yellowknife emasculated and, consequently, "superfluous.

Other arguments weigh against a regional municipal approach to self-government. Such an approach would result in a four-tier structure of government - local, regional, provincial, federal - in an area with a modest population and resource base. It would confuse the political loyalties of the population and obscure the political accountability of elected leadership. In addition, this approach would work against a successful outcome to land claims negotiations with the federal government. The Inuit of Nunavut would be reluctant to compromise claims to private ownership to virtually all the land surface of Nunavut if ownership of public lands would ultimately devolve to a provincial government that derived its outlook and objectives from Yellowknife.

(b) Home Rule for Nunavut

Arguments can also be raised against a home rule option for Nunavut. Such an option would require the creation of a Nunavut with powers akin to those now enjoyed by the people of Greenland. These powers would require Nunavut to deal with the federal government outside the context of Canadian federalism. It is difficult to foresee the viability of this approach. In holding out the possibility of an eventual assumption of sovereignty by Nunavut, this approach would undoubtedly and rightly be construed by a majority of people in Canada as a threat to the geo-political integrity of Canada and, hence, unacceptable. In addition, the constitutional complexities involved in creating some form of direct link between the federal government and Nunavut outside the accepted federal-provincial constitutional arrangements would arouse the opposition of the existing provinces. This option would, in effect, contradict a continuing role for the people of Nunavut in the development of a viable Canadian federalism.

The notion of home rule is rejected by ITC as being inconsistent with the fundamental desire of the people of Nunavut to work out their political future within Canada in co-operation with their fellow citizens of Canada.

E. Timetable

ITC has identified the following priorities in relation to Nunavut:

- (1) identification of Nunavut as a separate political entity
- (2) vesting of powers in the government of Nunavut that are roughly equivalent to the powers exercised by the existing territorial government

- (3) acceptance of the eventual evolution of Nunavut into provincehood
- (4) agreement as to a timetable for the transfer of provincial-type powers to Nunavut

The above priorities proceed from a belief that it is important to decide upon the nature and focal points of political allegiances in the existing NWT before bringing about any further transfer of power by the federal government to existing political institutions. ITC believes that fundamental decisions should be made as to where political powers should be transferred before devising a timetable for such transfer. The desirability of finding targets for transfer before commencing a process of transfer may seem elementary. After all, this was the approach followed in creating the provinces of Alberta and Saskatchewan out of the NWT in 1905. It is interesting to note, however, that the Legislative Council recently published a document concerning political change in the existing NWT* advocating the acquisition by the NWT of provincial status and, if necessary, subsequent resolution of the question of division of the NWT through the process of referendum. ITC suggests that this position constitutes a reversal of the proper steps to self-determination. A process of referendum subsequent to the creation of a province that would encompass the entire area of the NWT contemplates an inevitably fractious, bitter and expensive route of corrective action.

ITC recognizes that the drafting of a timetable for the transfer of provincial jurisdictional powers involves examination, on a sector by sector basis, of the technicalities, expense and consequences of transfer. Any such timetable will have to be flexible enough to allow for the modification of the timing of sectoral transfer according to changing economic, administrative and political circumstances.

F. Initial Responsibilities

The initial responsibilities of a new government of Nunavut should be guided to some extent by the kind of authority currently exercised in Nunavut by the GNWT. Given the familiarity of the people of Nunavut with the kind of governmental services currently provided by Yellowknife, it is logical to see the existing political powers of the GNWT as a starting point in the discussion of the authority to be vested in the government of Nunavut at the time of its creation. In addition, the particular concerns of the people of Nunavut lead to the identification of the following areas for initial transfer:

- (1) a joint role in any kind of unified land and resource planning regime as envisaged in Part VII
- (2) authority to adopt a charter relating to the definition and protection of linguistic and cultural rights
- (3) the administration of the courts and police
- (4) taxing powers consistent with fiscal arrangements between the government of Nunavut and the federal government

ITC foresees the transfer of additional provincial powers to Nunavut according to a workable timetable. The details of the timetable could conform to the general timetable towards provincial status outlined in Part II.

*Position of the Legislative Assembly on Constitutional Development in the Northwest Territories

G. The Continuing Federal Role

ITC contemplates the movement of Nunavut to provincial status through several stages. ITC recognizes that in the period between the creation of Nunavut and its achievement of provincehood the federal government will continue to carry out many provincial-type functions as it has in the past.

The federal government now has the opportunity to act both in the interests of the people of Nunavut and of all Canadians in bringing responsible government to Nunavut.

V NUNAVUT AND LAND CLAIMS

A. Background

Discussion of the relationship between land claims and political change in the area of Nunavut requires an initial recital of a number of well-known facts. The Inuit of Nunavut are the descendants of the original inhabitants of Nunavut. The Inuit of Nunavut continue to constitute a majority of people living in Nunavut. The Inuit of Nunavut have never been conquered by military force. The Inuit of Nunavut have never entered into an agreement with the British Crown, the Government of Canada, the GNWT or any other non-Inuit political body giving up any of the rights and privileges of a free people. Despite the absence of conquest or agreement, a number of political bodies have claimed to exercise authority over the area and people of Nunavut. At the moment, two political bodies claim to share jurisdiction over the area and people of Nunavut: the Government of Canada and the GNWT.

The people of Nunavut seek to participate in the wider political life of the northern half of the continent as citizens of Canada. The people of Nunavut recognize the need to maintain north-south links to the population centres of Southern Canada as well as to keep up close, continuous and supportive contacts among the communities of Nunavut. At the same time, the people of Nunavut see the need to work out an agreement that will serve to define the position of the people of Nunavut within the Canadian federation. In short, the people of Nunavut are seeking to create a contractual relationship with the Government of Canada. This relationship will entail a voluntary acceptance on the part of the people of Nunavut of the principles, objectives and framework of the Canadian federation. This relationship will also entail a commitment on the part of the Government of Canada to accommodate the legitimate aspirations of the people of Nunavut to control their own affairs through the creation of a Government of Nunavut and to defend their well-being through a variety of institutional and administrative arrangements.

B. The Question of Land Claims

As indicated in the above paragraphs, the Inuit of Nunavut are seeking to reach an accord with the Government of Canada that will in large measure shape their collective future. It is widely recognized among the Inuit that the achievement of a satisfactory, long-term relationship with the Government of Canada requires progress to be made on at least three fronts:

- (1) recognition of the rights of original peoples in general, and the Inuit specifically, in any reformed version of the Constitution of the Canadian federation
- (2) creation of a separate Nunavut in a part of the NWT that is distinct according to climatic, ecological, linguistic, historical, and other factors

- (3) negotiation of a settlement with the Inuit of Nunavut that, proceeding from recognition of historic, current and projected Inuit land use and occupation, will clarify existing Inuit property rights over land and resources and will compensate for rights lost through past government policies.

Traditionally, the Inuit of Nunavut have seen the three matters specified in the preceding paragraphs as being very much inter-related. Unfortunately, the experience of the Inuit of Nunavut has been that the Government of Canada has been slow to appreciate the close connection among these matters. As a result, the Government of Canada has maintained that discussion relating to "land claims" cannot involve discussion of the need for modification of the Constitution of Canada and of political structures in the existing NWT. The reluctance of the Government of Canada to acknowledge the connection between "land claims" and political change has been emphasized in the recent past by the insistence that Inuit proposals relating to the future of the people of Nunavut be divided between two separate agencies according to their contents: the Office of Native Claims for "land claims" negotiations, and the Office of the Special Representative for Constitutional Development in the Northwest Territories, headed by Mr. C.M. Drury, for submissions as to political change in the existing NWT.

"The ITC, speaking for the Inuit of Nunavut, has resisted the attempt 'to direct discussion of political change in the NWT to the Office of the Special Representative. Since the inception of the Office of the Special Representative, ITC has taken the position that the closely related proposals of ITC as to "land claims" and to political change in the NWT should be directed to the Minister of Indian Affairs and Northern Development. ITC is convinced that "comprehensive claims" should be negotiated in a comprehensive fashion. ITC is determined to maintain the logic and integrity of its position as to the inappropriateness of the role played by the Office of the Special Representative in determining the future of Nunavut.

C. Priority of Objectives

ITC recognizes that progress as regards to the related issues of reform of the constitutional underpinnings of the Canadian federation, political change within the NWT and "land claims" will be made at varying rates.

This is not due to the unwillingness of ITC to negotiate an all embracing contractual relationship with the Government of Canada defining the place of Inuit, both within Nunavut and outside Nunavut, in Canadian society. ITC understands, however, that complex factors of intergovernmental conflict and political posturing prevent negotiation of all the priorities of ITC before a single government agency and according to a single timetable. ITC is well aware, for example, that discussion of the domiciling and jurisdictional re-definition of the BNA Act has taken place for many years with few concrete results and may continue to take place for a long period of time to come.

While ITC shall continue to articulate the concern of the Inuit of Canada with respect to amendment of the Canadian constitution, ITC appreciates that meaningful progress may be achieved on the issues of political change in the NWT and "land claims" in the area of Nunavut before similar progress is achieved in relation to the reform of the Constitution of Canada.

D. Political Change and Land Claims

ITC considers the creation of a Government of Nunavut and the settlement of "land claims" within Nunavut to constitute different aspects of a single process. The term "land claims" may usefully be employed to describe discussions as to such topics as the extent and form of direct Inuit ownership of land and resources within a new Nunavut and economic compensation for privileges extended in the past by government agencies to non-Inuit land and resource users. ITC recognizes, however, that discussions of such a nature will only be productive within the context of general

agreement between ITC negotiators and the Government of Canada negotiators as to the establishment of a new Government of Nunavut. It will be impossible to make very much headway on topics such as Inuit land ownership within the area of Nunavut if the whole question as to the creation of a separate political entity, the Government of Nunavut, remains up in the air. It is for this reason that ITC intends to emphasize the following points in talks with officials of the Government of Canada:

- (1) ITC remains committed to a Government of Nunavut
- (2) ITC believes that the aspirations of the people of Nunavut shall only be met through a process that speaks to the structure of political institutions in Nunavut as well as the property rights and financial compensation due the Inuit of Nunavut
- (3) any agreement on topics that are not directly related to political structures, such as land- entitlement, is conditional on the satisfactory resolution of political topics.

ITC is making its over-all objectives known with regards to political change in the NWT at the same time that it is preparing for the next phase of "land claims" negotiations with the Government of Canada. In doing so, ITC is conveying to the Government of Canada its assessment that productive discussion of political change in the existing NWT is necessary for the successful outcome of "land claims" negotiations.

VI LOCAL AND REGIONAL GOVERNMENT

A. Introduction

The basic assumption in this section is that the structures of local and regional government currently existing in that part of the NWT which would become Nunavut should be assessed by the Nunavut Assembly and the Nunavut government. This section reviews the development of local and regional government, describes their operation at present and outlines some possible changes. The important question of change, however, should be studied at length by the new Assembly and government.

In the South, local government has generally been a response to the needs of new communities and the types of local government vary amongst the provinces. In the North, however, local government has been imposed upon Inuit by non-Inuit who felt that there should be a system of self-government in the North along the lines of that system in the South.

One major function of the imposition of local government in the North was to provide non-Inuit with a form of government suited to their need to reassure themselves that southern-directed government was "fair" to the original people - the Inuit. Another function was as an instrument of control in the "development" of the North. Local government in NWT has provided a Southern forum of communication from the Inuit community to Yellowknife. Unfortunately, it has proven to be a forum that does not necessarily provide Inuit with their best means of self-government.

B. Background

In 1954 northern service officers were sent from Ottawa to educate Inuit about local government. The traditional flexible and consensus-seeking Inuit form of local decision-making was replaced by a rigid hierarchical and bureaucratic structure. The formation of advisory councils to assist the area administrators was the next step.

These councils had no power and could not guarantee effective participation of Inuit in self-government. The councils were a rubber-stamp for the area administrator. With the creation of territorial government in 1967, a new process of increasing local control was set in motion. This process failed to meet traditional Inuit forms of self-government, as local autonomy continues to vary considerably according to the degree of responsibility allocated to each community under the present system.

C. The Present System

The NWT Municipal Ordinance provides for five types of local government; settlements (26), hamlets (18), villages (2), towns (4), and cities (1). Briefly, the responsibilities of these are:

1. Settlements - next to no responsibilities. Not required to raise revenue through taxation. The Councils are not incorporated, and have an advisory role. Services are financed by GNWT.
2. Hamlets some responsibilities. Incorporated according to Municipal ordinance. Not required to raise revenue through taxation, but some do to some extent through permits and fees, and community service charges. All major expenditures subject to Yellowknife.
3. Villages - more responsibilities. Raise local revenue, have own employees, can finance capital projects, but need GNWT approval for some actions.
4. Towns and
 Cities - more responsibilities. Like Southern towns/cities, set own budgets, raise revenue, receive GNWT grants, approval needed for capital borrowing, land use regulations.

An important point to remember is that the eastern arctic has not been granted as much local autonomy as the western arctic. In the eastern arctic, approximately 17,000 people (35% of NWT) live mostly (84%) in Hamlets, Settlements or unorganized communities. The rest live in Frobisher Bay, the one village. The greater responsibility evident in the western arctic is the result of the greater concentration of population (75% of western arctic live in 6 centres) and also the greater contact with white and southern Canadian society.

In addition to the local government system, there are advisory committees which provide the GNWT with some assessment of local feeling. These include the education advisory committees, hunters and trappers associations, housing associations and drug and alcohol committees. Apart from the housing associations, which have some administrative functions, these committees are not structures of Inuit self-government.

Recently, regional councils have become a new means of "development" in the NWT. Their purported purpose is to advise the GNWT on issues which are of concern to the GNWT, and also to raise community concerns with GNWT. The Baffin Regional Council (BRC) has been in operation since April 1977 and makes recommendations to the GNWT and to the NWT Council. It is expected that BRC will be granted some administrative powers in the future. The Central Arctic Area Council (CAAC) is an informal group of community councils which meets to discuss common concerns and to lobby GNWT. At present CAAC is not a regional council. Finally, the Western Arctic Regional Municipality (WARM) has been proposed by COPE as a means to increase COPE's autonomy within NWT. WARM could be expected to assume a wide range of administrative and some legislative functions.

D. Local and Regional Government in Nunavut

The present system in the NWT has promised autonomy at the local level. The actual operation of local government, however, has discouraged local control and brought about centralized control. The operations of BRC are too new to assess for effectiveness. CAAC is only an informal body. WARM aspires to be an autonomous territory within the NWT.

In keeping with the above observations, ITC advances the following recommendations:

1. It is recommended that, under a Nunavut government, the present structure of local government continue for three years. The roles of BRC and CAAC should remain advisory for this period.
2. It is recommended that the Nunavut Assembly establish a Special Committee to investigate the future of local government in Nunavut. The terms of reference should be broad and should include the following matters:
 - (a) functions of local government
 - (b) forms of local government - settlements, hamlets, villages, etc.
 - (c) criteria for the establishment of local government boundaries
 - (e) administrative problems related to the carrying out of local land and resource planning functions as contemplated in Part VII
 - (f) the financial needs and resources for local governments
 - (g) the role and purpose of advisory committees on such topics as education, hunting and trapping, housing and drug and alcohol abuse
 - (h) examination of the need for and possible function of regional governments within Nunavut
 - (i) election procedures for local governments
3. It is recommended that the various advisory committees - the education advisory committees, hunters and trappers associations, housing associations, drug and alcohol committees - continue to exist while the Special Committee carries out its general examination of local government.

In addition to these recommendations, ITC identifies the following matters as worthy of some consideration by the Special Committee carrying out its research tasks:

1. It is suggested that local government boundaries be drawn in such a way as to give local governments a sufficiently large surface area to carry out administrative responsibilities with efficiency. If, as seems logical, local governments are given responsibility over water supply and waste disposal, then local boundaries should extend to a radius of five or ten miles from the community (depending on local topography).

2. It is suggested that local government boundaries extend no further than is necessary for the carrying out of local government functions. It is important that the government of Nunavut retain control over a land and resource base commensurate with its responsibilities.
3. It is suggested that ownership of lands within local government boundaries be confined to the federal government, the government of Nunavut, the local government and the agencies of these levels of government. Corporations, institutions and individuals could be given legal rights over surface rights by way of long-term or short-term lease. Retention of residual ownership rights on the part of the various levels of governments could prevent inflexibility of land use planning over the long haul.
4. It is suggested that any examination by the Special Committee of a possible role for regional government within Nunavut devote some attention to the creation of relatively informal regional groupings of local government officials. Such regional groupings could be made up of senior local government leaders, and could meet to discuss particular subject matters such as education, legal aid, etc. Baffin Regional Council should provide some useful experience with respect to relatively informal regional groupings with respect to problems that touch a number of communities.

VII LAND AND RESOURCES

A. Background

It is impossible to discuss the economic, social and environmental issues confronting the people of Nunavut without addressing an issue that goes to the root of all the others: the future of the land and its resources.

The land and resources of Nunavut have been viewed in radically different terms by different groups. In the traditional Inuit culture, the land was the basis of life itself. The land provided a home for the wildlife and fish that offered sustenance for the Inuit. The connection between the land and the Inuit was immediate, intimate and harmonious. Southern Canadian society has often viewed the land of Nunavut in a very different way. Many southerners have imagined the land north of the treeline as a barren expanse of emptiness, valuable only as the storehouse of mineral wealth awaiting extraction through the application of modern technology.

Differences in attitudes towards the land between southern Canadians and the Inuit have been evident with respect to control of the land and its resources. The traditional Inuit way of life developed widely-understood, widely-respected customs regulating collective and individual use of the land and resources. Unlike southern Canadians, the Inuit have not governed access to the land and its resources according to a complicated system of statutes, regulations and property laws. The southern Canadian view of the land and its resources as being the objects of legislative enactments and the subjects of private property rights is one that conflicts with long-held Inuit values.

ITC recognizes that the creation and viability of Nunavut within the general constitutional context of Canadian federalism would require the people of Nunavut to come to terms with the distinct concepts of (1) legislative control over the land and its resources and (2) private property rights to the land and its resources. ITC sees the creation of Nunavut as the first step in the transfer of legislative control of the land and its resources to the people of Nunavut. The transfer of various fields of jurisdiction to the Government of Nunavut, whether immediate or by stages, would give significant legislative control to the Government of Nunavut. The vesting of private property rights to land and resources in Inuit communities, corporations and individuals by way of an equitable land claims settlement and the transfer of ownership of Crown land from the Government of Canada to the Government of Nunavut would result in a division of property rights in a way satisfactory to the Inuit of the eastern and central arctic.

ITC acknowledges that the separate questions of legislative control and property rights need to be addressed in any discussion of the future structures and jurisdictional responsibilities of the Government of Nunavut. At the same time, ITC is convinced that traditional Inuit appreciation of the critical importance of the land and its resources as the medium of all economic endeavors in Nunavut, that is, hunting, fishing, trapping, tourism, mineral, oil and gas development, transportation, etc., offers some lessons of value.

ITC proposes a land use and resource planning and management regime that is effective: a regime that is capable of effective evaluation, planning and administration of land and resource use within the four comers of Nunavut. ITC recognizes that the rights of property owners, be they governmental, corporate or individual, should be secondary to the ability of an independent, non-partisan and technically highly-competent body to carry out and implement long-term land use and resource planning and management within Nunavut.

Given the need for a strong planning regime, ITC notes that any planning regime should have the authority to determine the extent, timing and conditions of land and resource use. A broad planning responsibility with respect to land and resource use should necessarily take in transportation, housing and a wide variety of social topics. In short, ITC foresees the need for a land use and resource planning and management regime that would discharge planning responsibilities that are met in southern Canada by a variety of federal, provincial and municipal planning bodies.

B. Necessary Features

ITC believes that a planning regime for Nunavut should reflect the following:

1. an awareness that the land and its resources determine the location, pace and quality of human activity in Nunavut
2. an awareness that all human activity in Nunavut is intimately related to the land and its resources
3. an awareness that all human activity that makes use of the land and resources of Nunavut is intimately related to the other forms of human activity that make use of the land and its resources
4. an awareness that use of one type of resource may not only conflict with use of other resources but may sometimes threaten the continued existence of other resources
5. an awareness that Nunavut contains a variety of renewable and non-renewable resources

6. an awareness that ensuring comparability between renewable resource use and non-renewable resource use is difficult, sometimes impossible
7. an awareness that the ecology of Nunavut is a fragile one
8. an awareness that the fragile ecology of Nunavut has resulted in a small population distributed among communities that are located over a wide geographic area
9. an awareness that the people of Nunavut enjoy cultural characteristics that differ in many ways from the cultural characteristics of southern Canadian communities
10. a recognition that the primary objective of the planning regime of any area is the enhancement of the well-being of the people of the area
11. a realization that decisions as to how the land and resources of Nunavut are used will shape the economic, social and cultural well-being of the people of Nunavut
12. a realization that the opportunity to create an entirely new planning regime gives the people of Nunavut the chance to avoid many of the problems that have been caused in southern Canada by lack of proper land and resource planning
13. a realization that the importance of land and resource planning in Nunavut requires the creation of planning organizations that are (a) technically competent, (b) free to consider long-term objectives as well as short-term problems and (c) sensitive to local traditions, preferences and needs
14. a realization that a single planning regime should be able to make the critical planning decisions associated with all existing and all future land and resource use - including hunting, fishing, recreation, tourism, mining, oil and gas activities, transportation projects, community sites, etc.

C. Proposals

A planning regime may take a variety of forms. In order to add some clarity to its general observations as to the need for an effective planning structure, ITC advances the following proposals:

1. Planning Bodies

ITC proposes the creation of the following planning organizations within Nunavut:

(a) A Nunavut Planning Office (NPO)

- to carry out planning responsibilities with respect to Nunavut as a whole

(b) Local Government Planning Office (LGPO)

- establish in each area of local government to carry out planning responsibilities at the local level

(c) A Nunavut Planning Appeal Board (NPAB)

- to carry out an appeal function in the planning process

2. Organizational Features of Planning Bodies

(a) Nunavut Planning Office (NPO)

a Director to be appointed by the Nunavut Assembly for a renewable term of 10 years

appointment of Director to be subject to approval of Nunavut Assembly

Director to act as chief administrative office of NPO: to propose budgets, recruit staff, assign workloads, set deadlines, etc.

all employees of the NPO to be responsible to the Director

budget of the NPO to be set directly by Nunavut Assembly or a committee of Nunavut Assembly

Director to be answerable directly to Nunavut Assembly or a committee of Nunavut Assembly

Director to file an annual report detailing activities and progress of NPO with Nunavut Assembly or a committee of Nunavut Assembly

(b) Local Government Planning Offices (LGPO)

each LGPO to be headed by a Local Government Planning Board

each Board to be made up of either the full membership or a committee of members of the Local Government Council

each Board to operate within a budget set by its Local Government Council

each Board to supervise the administrative activities of the LGPO: drafting of budgets, recruitment of staff, assignment of workloads, identification of objectives, etc.

(c) Nunavut Planning Appeal Board (NPAB)

NPAB to consist of a Chairman and a panel of 10 to 20 members

Chairman to be appointed by the Nunavut Commissioner for a renewable term of 10 years

appointment of Chairman to be subject to approval of Nunavut Assembly

each member to be appointed for a renewable term of 10 years

appointment of each member to be subject to approval of Nunavut Assembly

- Chairman to act as chief administrative officer of NPAB: to propose budgets, recruit support staff, etc.
- budget of the NPAB to be set directly by Nunavut Assembly or a committee of Nunavut Assembly
- Chairman to be answerable directly to Nunavut Assembly or a committee of Nunavut Assembly
- Chairman to file an annual report detailing activities of NPAB
- Chairman to appoint members to panels and distribute workload among panels

3. Functions of Planning Organizations

(a) Nunavut Planning Office (NPO)

- preparation within a period defined by legislation of a Nunavut Official Plan (consisting of text and maps), setting objectives and guidelines relating to land use, resource use, social and educational matters in Nunavut as a whole
- prohibition or restriction of land or resource use in any area of Nunavut pending preparation and approval of a Nunavut Official Plan
- the periodic review of the Nunavut Official Plan as dictated by good planning procedures
- assistance in preparation of each Local Government Official Plan
- processing of any application for a land use permit relating to any land use in Nunavut that is proposed for an area outside local government boundaries
- processing of any application for a land use permit relating to any local use that is proposed for an area that is inside a local government boundary prior to the approval by the NPAB of a Local Government Official Plan for that area

(b) Local Government Planning Offices (LGPO)

- preparation (in a manner consistent with the Nunavut Official Plan or with any interim planning decision of the NPO) of a Local Government Official Plan, consisting of text and maps, setting objectives and guidelines relating to land use, resource use, social and educational matters, within the local government boundaries
- the periodic review (in a manner consistent with the Nunavut Official Plan or with any interim planning decisions of the NPO) of the Local Government Official Plan as dictated by good planning procedures

the processing of any application for a land use permit relating to any proposed land use within the local government boundary subsequent to the approval by the NPAB of a Local Government Official Plan for the area

(c) Nunavut Planning Appeal Board (NPAB)

the Nunavut Official Plan and any interim planning decision of the NPO to be submitted to a panel consisting of the Chairman and all members - the panel to review and then (1) approve in entirety, (2) approve with amendments or (3) reject

each Local Government Official Plan to be submitted to a panel of the NPAB to review then (1) approve in entirety, (2) approve with amendments or (3) reject

each applicant for a land use permit, the appropriate Local Government Planning Office, the Nunavut Planning Office (and other defined parties) to be awarded the right to appeal the decision of a LGPO or NPO as to the (1) issuance, (2) issuance subject to conditions or (3) non-issuance of a land use permit

a majority of a panel consisting of the Chairman and all members to adopt (and subsequently to amend as necessary) the procedures for appeal - including such matters as size of panel on appeal, public hearings on appeal, time limits for appeal, places of appeal, etc.

4. Permit System

- **all** land use activities (including use of inland waters and of the subsurface) to require the securing of a land use permit from the proper planning authority
- requirements for land use permits to extend to all parts of Nunavut - including lands held by the Crown
- classes of permits to be established by legislation to cover various kinds of land use activities - separate classes of permits for such matters as:
 - erection of fixtures (buildings, fences, stakes, etc. on land)
 - removal of rock, soil, water, oil and gas
 - subdivision of real property holdings
 - access to wildlife and fish
- planning authorities to be given the power to issue permits to representative bodies (such as hunting and trapping associations, regional bodies, local governments)
- planning authorities to be given the power to delegate the issuing of permits to certain defined bodies (such as hunting and trapping associations, regional bodies, local governments)

5. Interim Measures

- Government of Canada to negotiate the transfer of planning responsibilities to Nunavut planning bodies according to a timetable consistent with the transfer of jurisdictional powers to the Government of Nunavut
- Government of Canada to negotiate interim arrangements as to appointment of planning officials

6. Off-Shore Areas

- Government of Canada to contemplate the creation of a unified planning regime similar to that of Nunavut where the Government of Canada retains any control of the land use and resource planning and management function in off-shore areas
- Government of Canada to negotiate the involvement of members of the NPO and NPAB in any regime for off-shore areas
- Government of Canada to contemplate the eventual merger of the Nunavut planning regime and the off-shore planning regime as jurisdiction over off-shore area is transferred, in part or completely, to the Government of Nunavut

VIII FINANCIAL ASPECTS TO NUNAVUT

A. Background

Discussion of the process of political change in the existing NWT is often accompanied by reference to a continuing reliance upon the federal purse. Concerns as to the financial viability of any new political institutions are appropriate and deserve attention.

To some extent, the unique nature of budgetary, tax and programme arrangements between the GNWT and the federal government preclude direct comparison with the relative reliance of the provinces. Recent disagreements between the government of Quebec and the government of Canada suggest that the balance sheet of contributions and benefits stemming from participation in the Canadian federation is not entirely clear even with respect to provinces. It is obvious, however, that for a number of years the amount of money flowing to the GNWT from the federal treasury has exceeded the amount of money flowing to the federal treasury from the NWT by way of the taxation of corporations and individuals and by way of the disposal of rights with respect to federally controlled lands and resources.

Figures from the official financial statements detailing the activities of the GNWT during the fiscal year ending in 1978 substantiate the allegation of financial dependence. In the fiscal year ending in 1978, 45% of the revenues of the territorial government came by way of direct operating grant from the federal government. The federal government of Canada made further contributions amounting to 21% of revenues in the form of capital grants and amounting to 11% of revenues in the form of cost shared programme grants. Estimates for the fiscal year ending in 1979 projected slightly greater reliance on the federal treasury as a source of territorial funding.

— - It should further be noted that federal contributions to the territorial budget represent only the direct financial assistance of the federal government. In addition, the government of Canada pays the costs attending the maintenance of a bureaucratic apparatus in Ottawa (chiefly in the guise of the various sections of the Department of Indian Affairs and Northern Development) that carries out many governmental responsibilities within the NWT. Most of these responsibilities are carried out by provincial governments in Southern Canada without cost to the federal government. While the size and role of this bureaucratic apparatus in Ottawa has been the subject of debate in the past, its expense cannot be denied.

B. The Financial Position of Nunavut

ITC is under no illusions that the government of Nunavut could be financially self-supporting at the time of its creation, even if a number of provincial-type responsibilities remained entrusted to Ottawa on a temporary basis. The same factors that prevent the existing territorial government from being financially self-reliant would also affect the government of Nunavut in its early years: (1) a limited utilized resource base; (2) a rapidly growing population generating heavy educational, health and other social expenditures; and (3) the high costs of transportation and communications in the North.

At the same time, ITC does not anticipate that the creation of Nunavut would necessarily result in net additional federal expenses with respect to the areas that now make up the NWT. Employees of the existing territorial government currently carrying out duties in the area of Nunavut would simply continue in their jobs as employees of the government of Nunavut. It is true, of course, that some initial expenses would be incurred in the transfer to Nunavut of some governmental responsibilities that are performed at the moment in territorial offices in Yellowknife. The expenses involved would be mitigated to some extent, however, by the likely continuance of Yellowknife as a political and administrative centre for all or part of the Mackenzie Valley. While the establishment of an administrative structure for the government of Nunavut would necessarily coincide with the creation of Nunavut, the federal government could minimize its relocation expenses by transferring some of its employees currently working in Yellowknife to Nunavut on a gradual basis.

It is important to remember that, over the long-term, many governmental services could be provided more efficiently and more effectively by a government of Nunavut than by a government headquartered in Yellowknife. After all, Yellowknife is a city that is at a great distance (both literally and figuratively) from many communities of Nunavut. Substantial transportation costs, always a significant factor in the North, could be saved by bringing government closer to the people. More importantly, many of the enormous costs associated over the long-term with political unrest, social dissatisfaction and cultural alienation would be radically reduced if the people of Nunavut were given the opportunity to shape their collective future through political institutions of considerable jurisdictional maturity.

C. Nunavut: The Long Term

The apparent financial burden imposed upon the federal government by the people and problems of the existing NWT has persisted for a number of years. While the consequences of this relationship of financial dependence have been substantial, both on the people of southern Canada and the people of northern Canada, it should be emphasized that the continuing, highly visible presence of the federal government in the North has involved significant benefits for the nation as a whole. Two benefits in particular should be identified.

First, efforts by the federal government to provide basic levels of government service and economic well-being in the North have helped to reaffirm the commitment of native and non-native people in the NWT the basic tenets of Canadian federalism. This commitment has been particularly important to Canada in view of the strategic importance of the North in the international order. It should be noted that the federal government has also made similar efforts to provide basic levels of government service and economic well-being in other parts of Canada that lag economically. Secondly, although forecasts as to the extent and utility of resources in the North have varied widely, particularly with respect to non-renewable resources, there is reason to believe that southern Canadians may someday be extremely thankful to have access to a northern resource base. Viewed against the background of these two factors, the existing relationship of financial dependence has not proven unduly burdensome to the federal government. Similarly, a continuation of financial dependence on the part of the government of Nunavut for a number of years would not seem inappropriate.

Reference to the resources base of the "North is relevant to the discussion of the long-term future of Nunavut. ITC acknowledges that a newly emergent Nunavut, like the present territorial government, would need to negotiate a financial agreement with the federal government involving financial support on the part of Ottawa exceeding the kind of financial support extended to the existing provinces; at the same time ITC is as anxious to secure financial self-reliance for Nunavut as it is to secure provincehood within Canada. In the long-term, ITC is confident that development of the resource base would not only allow Nunavut the degree of self-sufficiency enjoyed by most Canadian provinces but would also allow Nunavut to make material contributions to Confederation beyond its demographic weight.

Discussion of the concepts of economic self-reliance and political self-determination leads ITC to note that fulfillment of basic political aspiration should not be predicated on the achievement of fiscal autonomy. ITC supports the proposition recently advanced by the Legislative Council of the NWT that provincial status should not be equated with fiscal self-sufficiency. ITC believes that the test of fiscal self-sufficiency is particularly unhelpful in examining a proposal for political development that does not envisage the immediate acquisition of provincial status.