



## SUBMISSION TO THE STANDING COMMITTEE ON CANADIAN HERITAGE

## BILL C-38, TO ESTABLISH TUKTUT NOGAI PARK

May 28, 1998

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OPENING REMARKS

Thank you for the opportunity to address this Committee.

The legislation before you represents a matter of great importance to the Inuvialuit and the people of the Beaufort-Delta Region. This Act will set aside in perpetuity 16,340 sq. km of land in the Inuvialuit Settlement Region, the traditional lands of our people. This is a vast area, more than three times the size of Prince Edward Island.

For the Inuvialuit, land is the most important resource: it is central to our way of life, to the wildlife and vegetation that sustains our people and our culture. It is also the source of economic strength and opportunity. Decisions about land, and its future uses, are among the most important that we make. This priority is demonstrated in our land claim agreement, the Inuvialuit Final Agreement, which we concluded with Canada in 1984, and which has since been accorded constitutional protection.

We are here today because we believe it is vital that decisions on the disposition of our land be done right, on the basis of the fullest information available, and with a careful regard for all the interests in the land. We are also here because the land in question is our traditional land, and under the Inuvialuit Final Agreement, the Inuvialuit are guaranteed a real and meaningful role in decisions on these lands.

We are here because Bill C-38, to establish Tukturnogait National Park, as it is now written, compromises the interest of the Inuvialuit, and does not properly accommodate concerns that we have recently brought to the attention of this Government.

We are not here, however, to oppose the legislation as a whole or the establishment of the Park. Our position is that in light of new information received in recent months the western boundary of the proposed park is inappropriate and should be amended in order to serve better the goals of the Inuvialuit Final Agreement (IFA), the long term health of the region and the interests of Canadians generally.

### INTRODUCTIONS

We are here to represent the Inuvialuit of the western Arctic. My name is Nellie Cournoyea, and I chair the Inuvialuit Regional Corporation. Richard Binder is a Resource Analyst with the Inuvialuit Game Council. Ruben Green is Chairman of the Paulatuk Community Corporation, and is a resident of Paulatuk, the hamlet closest to the proposed park. Each of these organisations has a representative function under the terms of the IFA.

### INUVALUIT FINAL AGREEMENT

The Inuvialuit were the first northern Aboriginal People to negotiate and conclude a comprehensive land claim settlement with Canada. With the prospects for oil and gas exploration in the area, we wanted to ensure that our people's interest in the land would be secure, but especially to ensure that activities could be thoroughly regulated to prevent damage to the land and wildlife.

Our delegation today represents the main institutions established under the Inuvialuit Final Agreement, each serving a purpose important to the interests of the Inuvialuit. The Regional Corporation is a representative body elected by the beneficiaries, and charged with administering the affairs of the Inuvialuit in their long-term best interests. The Game Council, which represents the collective Inuvialuit interest in wildlife and the environment, is charged with the responsibility of advising government on environmental and wildlife matters, and has certain wildlife management authorities under the IFA. The Paulatuk Community Corporation represents the Inuvialuit residents in the Hamlet of Paulatuk, with authority to manage its own issues.

### THE INUVIALUIT ROLE IN THE TUKTUT NOGAIK PARK AGREEMENT

Bill C-38 before you is an apparently simple document, and the case for its rapid approval has been described by the Government as straight forward, but deceptively so. Although it is not even mentioned in Bill C-38, the basis of the proposed park is the Tuktut Nogait Park Agreement, concluded by the Inuvialuit, Canada and the GNWT on June 28, 1996. There were six signatories to the Agreement, four of them Inuvialuit organisations.

I assume that you have already had the opportunity to review the TNPA, so I will just draw your attention to three points:

- **Co-management:** Tuktut Nogait will be a co-management park, one of the first in Canada. The co-management principle requires the engagement of Aboriginal people in a full and meaningful way in the decisions and administration of parks established on traditional lands. The proposed park will be situated entirely within the Inuvialuit Settlement Region, our traditional lands. Yet, C-38 makes no reference to either the Park Agreement or the principle of co-management.
- **Review Clause Section 22.1:** A review clause was deliberately included in the Park Agreement. Section 22.1 allows any Party to the Agreement to request a review of any or all of its terms. The Inuvialuit were explicitly told by federal officials that this Section would allow for review of the Park boundaries, and in signing the Park Agreement, we

understood this clause to be as valid and forceful as any of the other terms of the document.

- **Economic purpose:** One of the seven purposes of the Agreement is economic, to support local employment and business, and to strengthen the local and regional economies (Section 2.4). Furthermore, Section 1.9 is very clear that the Park Agreement must not abrogate or diminish any rights or benefits to the Inuvialuit under the Inuvialuit Final Agreement. The IFA, which has constitutional status, includes explicit requirements for the federal government to assist the Inuvialuit toward economic self-determination.

#### GETTING IT RIGHT: RUBEN GREEN, PAULATUK COMMUNITY CORPORATION

Inuvialuit have a very strong connection with our land and wildlife. People from my community of Paulatuk on the Arctic coast spend long periods of each year on the land: in fact, both Nellie and I are just back from goose season, which is one of the biggest events of the year. Even as some of our people take up jobs in the wage economy, the land continues to be for many the main source of sustenance, for others a valuable supplement.

The Inuvialuit are engaged in a difficult balancing effort. We want to participate in a real way in the economy of our region and territory, while sustaining our personal and community strength through a life on the land, and preserving the health of the land for the future. For us, decisions about land must be made cautiously, thoroughly, based on the fullest knowledge of all the resources of the land, and with full consideration of the interests of all - the land, waters, wildlife and the people. It is vital that we get the decisions right.

#### CAUSE TO REVISIT THE DECISION: NEW MINERAL RESOURCE INFORMATION

We believe that the priority for getting the decision right is greater than the urgency to pass C-38 into law. It was surprising to see the sudden urgency of the Bill, after being dormant for two years - a simple request for an amendment seems to have had a tremendous invigorating effect.

The request by the Inuvialuit is based on new mineral information obtained from an aeromagnetic survey of the area that was conducted in October 1997. This new mineral information substantially increases the assessment of the economic potential of the area on the western margin of the proposed park; it identifies several very prospective intrusive-type targets one of which is just within the western boundary of the proposed park. This is the first aeromagnetic survey conducted on the area since 1973, and was undertaken with geophysical technology that is much more advanced than that used 25 years ago on the last survey.

The 1977 survey provides better detection and resolution than was available for the Government's earlier assessment of mineral resources of the area in 1994. At that time, although Government reports showed some magnetic character overlapping the western boundary, they inferred that the source of that magnetism was at great depth and outside the proposed park (GSC Open File 2789). The other important new result from the 1997 survey is that the mineral targets appear to be reasonably shallow, with certain targets estimated to be within 350 metres of surface. These depths are much less than those estimated by the Government in 1994.

#### DECISION TO REVISIT THE PARK AGREEMENT

As the results of the analysis of the survey became known over the winter months, the people of Paulatuk - who would be closest to the Park and the mineral activity - had to give the matter careful thought. Over the winter we had long discussions among ourselves at the Paulatuk Community Corporation, with the Paulatuk Hunters and Trappers Committee - which is very concerned about wildlife and conservation - with the Hamlet, and all the people of the community. While people still wanted to see the park go ahead, we began to ask whether it would be possible to see a small change in the proposed western boundary that would let cautious, responsible mineral activity go ahead, while still keeping to the purposes of the proposed Park. Finally in February, after carefully going over the new geophysical maps, our Hunters and Trappers Committee drew an alternate boundary that would take out the

exploration target from the proposed park, while keeping to a minimum the land removed. The alternative boundary was drawn to keep as far away as possible from the calving grounds used most heavily by the caribou and from LaRonciere Falls.

The discussions in the community and the region were not easy or quick. Our people take these matters very seriously, and we all wanted to ensure that every opinion was respected and that everyone had a chance to be heard. Some people felt that it is wrong to change our position from the time we signed the Park Agreement in June 1996. Others were very unsure about what the change would mean for the land and wildlife. But eventually, the people of Paulatuk came to the view that the decision on the Park should be amended so that mineral opportunities are not lost forever, just because we didn't have the information we needed at the time of the Park negotiations.

While it is possible that minerals will be found on the land outside the proposed park, it is equally possible that the only economic deposit may turn up on the target within the park. That is just the way geology works. Paulatuk, and other communities in the region, cannot afford to ignore this possibility. The people of Paulatuk are almost entirely dependent on social assistance, supplemented to a small extent by sport hunting. While park jobs are needed, we also need jobs from mineral exploration. The communities of our region have very young populations, with many children coming along who need opportunities and worthwhile job prospects to look forward to and keep them in school. The jobs that have been promised by the Park Management Board are welcome, but as other Inuvialuit have discovered from experience with the Aulavik Park, there are too few park jobs and guiding opportunities to make a real difference to the community. We need more work to get off social assistance and to restore self-reliance to our people. We also know we can use the powers of our land claim agreement to build good working relationships with mineral companies to make sure we get real jobs and benefits from any activity that gets through the environmental approval process.

The people of Paulatuk confirmed their consent to revisit the Park Agreement in resolutions duly passed in February by the Paulatuk Community Corporation, by the Paulatuk Hunters and

Trappers Committee and by the Hamlet Council. At the same time, the IRC and the IGC were discussing the matter and also passed resolutions.

**ENVIRONMENTAL PROTECTION ISSUES: RICHARD BINDER, INUVIALUIT GAME COUNCIL**

We were very concerned to read that some MPs think that our initiative shows a disregard for the environment. The Inuvialuit have a strong sense of stewardship for the land and its resources. It was our concern about environmental damage from Beaufort Sea development and the belief that local people must be engaged in environmental protection that compelled us to work so hard toward a land claim settlement in 1984.

The Inuvialuit Final Agreement places the highest priority on wildlife conservation and ecological protection. This priority is reflected in stringent environmental regulation and co-management regimes that have been commended by international environmental organisations as leading the world. The priority is also reflected in the fact that any Concession Agreements signed with resource companies explicitly require that all activity undergo the regulatory scrutiny required by the IFA.

The priority we place on conservation is also demonstrated by the fact that the Inuvialuit have set aside 29% of our area for parks and protected areas; a proportion unparalleled by any other jurisdiction in Canada. These twelve major commitments are marked on the attached map and include four major parks and three bird sanctuaries.

In bringing forward this request to amend the Park Agreement, the Inuvialuit are not moving away from the commitment to conservation. The matter was discussed at length by the Inuvialuit organisations, including ours. Implication of a boundary change for conservation was our prime concern. But there are good reasons to believe that this area can and will be as well protected as any other in the Inuvialuit Settlement Region, without benefit of park status. The Inuvialuit have confidence in our institutions and in their capacity to regulate to the highest standard for the following reasons:

- The area will be subject to the full force of environmental regulation under the IFA. Our institutions subject any activity to close scrutiny, and stringent conditions are regularly attached to permits to ensure that only activity that is fully compatible with long term ecological health and integrity of the land is allowed to proceed.
- The precise outline of the area to be removed was drawn after long discussion by the Paulatuk Hunters and Trappers Committee, and with their direct participation. Our Inuvialuit hunters know the land and its resources well, and their well-being directly depends on the long-term health of wildlife. The Committee placed the line so as to minimise the area removed from the proposed park, and to keep as far away as possible from LaRonciere Falls and the more heavily-used calving grounds.
- This project is still at the earliest stages of mineral exploration, which is much less intrusive than development. Various conditions can be applied to minimise the impact of exploration. The Project has already been required to undertake caribou monitoring, to carefully schedule activities, and to remove line markers in order to minimise exploration impact. These requirements are already stronger than in any other jurisdiction. It is possible that nothing will be found in the target within the proposed park boundary. But if something is found, and development proposed, regulators have time to prepare thoroughly for a review
- Given the normal pace of mineral exploration, it is unlikely that a proposal for development would come forward in the next five to seven years. This gives us all time to undertake research on the ecological resources of the area, so that decisions on whether development can proceed and if so under what conditions are fully informed decisions.

The main conservation issue is protection of the Bluenose caribou herd. Protection of the herd and its calving and post-calving habitat is a stated purpose of the Park Agreement, and is of vital importance for the Inuvialuit, who - far more than any other Aboriginal people - rely on the harvest of the Bluenose caribou. We are confident however that our regulatory procedures



and system are strong enough to ensure the long term health and integrity of the herd, and that by applying careful conditions on permits, activities can be carefully controlled to prevent impact. In particular, the strong role that Inuvialuit harvesters perform through the Inuvialuit Game Council and the Hunters and Trappers Committees will ensure that caribou issues will be fully addressed. The screening and review procedures also ensure that the views of harvesters from other regions are taken into account in decisions.

The Inuvialuit know the caribou well. We know that while the herd returns each spring to the Arctic Coast for calving, the actual area selected for calving can shift from year to year, sometimes because of difference in weather, or break-up, or ground conditions, or predators. The areas used by caribou for calving are occupied for short periods each year, usually in May to June. These changes in location and timing of the calving season are not predictable from year to year. There are areas that seem to be especially favoured for calving; within the Park this area is generally to the north and east of the Hornaday River. But there are heavily used calving areas outside the proposed park, in the Bluenose Lake area and Bathurst Peninsula, and areas not heavily used within the park.

Of course, there is still much to learn about the Bluenose herd. Just last week, scientists received DNA results that confirm that the herd that has been called the Bluenose actually consists of two distinct herds. (This was not all that surprising to local people, who have observed for many years that there is a difference between the coats of the two groups of animals). We do not understand with certainty the sensitivity of the Bluenose or any other herd to interference. At the same time, there is not evidence to warrant a ban on mineral activity. The caribou is a resilient animal, enduring year after year the most extreme conditions on earth. With care, by considering new techniques to manage activity, by incorporating fully the traditional knowledge of local people, by learning from scientific research done both within the new park and outside, we have the opportunity to learn more about caribou. We are not afraid of what we may learn, and will not avoid any hard decisions that this new knowledge may present. Development will only be permitted if the project can be undertaken without damaging the long term health and integrity of the wildlife and natural resources of the area.

In closing, I want to point out that the Inuvialuit have demonstrated commitment to caribou protection many times over. The Inuvialuit have set aside more protected areas for caribou than any other jurisdiction; the Iuvavik National Park for the Porcupine herd, Aulavik National Park for the Peary herd, and now Tukut Nogait National Park for the Bluenose herd. No other Canadians have done as much to protect caribou as the Inuvialuit, at a considerable cost already in foregone economic opportunity.

This initiative is for a modest change in the western boundary of the proposed park that will have minimal effect on the overall degree of protection of the caribou or representation of the Tundra Hills eco-region. The amendment would affect about 2.5% of the proposed park. Given the immense commitment that the Inuvialuit have already made to caribou protection, the suggestion that this initiative puts the Bluenose caribou at risk is both uninformed and offensive.

**REQUEST FOR AMENDMENT: NELLIE COURNOYEA, INUVIALUIT REGIONAL CORPORATION**

On the strength of these resolutions, IRC requested a review pursuant to Section 22.1 of the Tukut Nogait Park Agreement, in order to modify the western boundary of the proposed park. We believe that this adjustment will better serve the long term balance of interests in the region. Our request has the support of five out of the six signatories to the Agreement. These include the Inuvialuit Regional Corporation, the Inuvialuit Game Council, the Paulatuk Hunters and Trappers Committee, the Paulatuk Community Corporation, and the Government of the Northwest Territories. We also invoked Section 16 of the Inuvialuit Final Agreement to request the direct issuance of the mineral rights by the Minister of Indian Affairs and Northern Development to the Inuvialuit.

The Inuvialuit request to the Secretary of State (Parks) was submitted on February 19, followed by correspondence and representations by Inuvialuit representatives in Yellowknife and Ottawa and at considerable expense to our organisation. These materials are provided in the appendices.

Yet, in spite of the support of five out of six signatories, in spite of the pertinence of the matter to several current public policy statements, the Secretary of State (Parks) without warning rejected the request on March 25, 1998. The Government moved at once to accelerate the Bill through Parliament in an effort to foreclose any further consideration of our petition. So insignificant was the matter to Ottawa that CBC North had the information on the Government's decision on the news before I or the people of Paulatuk had been told.

So insignificant was our request that it did not even deserve mention by Mr. Mitchell in his statement to Parliament. The clear impression given by that statement is that all is in order, uncontested, requiring only a quick glance by Parliament and this Committee.

We are here today to tell you that this is wrong. This is an extremely important matter for the Inuvialuit. Our position and that of others has been misrepresented to you. Our request for a boundary adjustment is grounded in long, serious discussion in Paulatuk and the Settlement Region. This Government has done a disservice to the Inuvialuit people in rejecting our request pursuant to a legitimate section of a co-management park agreement.

At Second Reading debate, some speakers suggested that park establishment is sacrosanct, that this and similar Bills are beyond scrutiny; that the recommendations by Parks Canada are beyond reproach. We are here to urge the Committee and Parliament to reject that view, refuse to be a rubber stamp - and instead look hard at the foundations of park legislation. These decisions set aside land forever. It will be impossible to change even if important new information on the natural resources comes to light. Decisions on land must be sound, based on the fullest information, must consider the need for flexibility - and must consider fully the interests of all - the land, the wildlife, the natural resources and the people of the region. If new information comes forward, it is better to take the time to incorporate that information than to stick to a flawed arrangement.

This is not a vast, empty wilderness for the taking: this is our home. Inuvialuit have travelled the area designated for Tuktut Nogait, living in it, sometimes thriving, sometimes struggling, and sometimes starving to death in the rough and barren reaches of the Tuktut Nogait area. Our

stake in this land is recognized and protected by the Constitution Act of this country and we are determined that this stake will not be compromised.

## ISSUES FOR PARLIAMENT

We submit that C-38, A Bill to establish Tuktut Nogait National Park raises several matters that warrant Parliament's attention. These are issues both of substance and of process in park decision making.

### 1. CO-MANAGEMENT PRINCIPLES

The Tuktut Nogait Park Agreement (1996) stipulates that this will be a co-management park, subject to the Inuvialuit Final Agreement. Yet in spite of the explicit support of five out of six signatories to the Park Agreement, our request was rejected. Bill C-38 does not even mention the Park Agreement, nor the fact that this is a co-management park. The issue of what "co-management" means and the role of co-management parks in the national parks system need to be examined, both for the public interest as a whole and for any Aboriginal people, not only ourselves, who may be entering such agreements.

### 2. ROLE FOR THE INUVIALUIT IN DECISION MAKING

This new park will sequester an enormous area, 16,340 sq. km., from our traditional lands. These are lands we negotiated hard for during the long years of claims discussions. The Inuvialuit Final Agreement, that Canada signed, sets out as a central goal the full and meaningful engagement of Inuvialuit people in the economy of the region and the country. This objective has been further endorsed by the Government's Gathering Strength initiative.

In this case, while the Inuvialuit were indeed participants in the discussions toward the Park Agreement, we now find ourselves shut out. We are told this matter is final - that the review clause is not available to us. Yet it is the opinion of the Inuvialuit that adjustment of the boundary is in the long term best-interests of the region. We also have the means through the

institutions of the IFA to ensure that if any development is one day proposed, it will proceed if and only if it meets the needs of the natural environment and the people of the region. It seems to us that this initiative is entirely in keeping with the Government's statements on sustainable northern development and Aboriginal economic self-reliance.

This Government's stated commitment to full Aboriginal participation in the economic life of this country does not show in their treatment of the Inuvialuit on this matter.

### 3. NEW MINERAL INFORMATION

All Federal and Territorial policy positions on protected area emphasise the importance of using sound information on all the natural resources of the land when making decisions to set aside land. Yet the fact is that knowledge is constantly evolving with new technologies, new understandings. Moreover the land and the resource base can change, for example as animals alter their migrations in response to climate or range conditions.

This is also true of mineral information. Geologists can walk over the same territory many times over many years before anything is found. New technology, new exploration theories can transform a mineral-barren area into a productive one. Ten years ago, the Slave geological province, which has hosted the most dramatic mineral rush this century, was considered barren by the best geologists in the country. Later this year, the country's first diamond mine will start operations, creating new jobs and a new industry.

Mineral wealth must not be dismissed lightly. It too is a scarce resource. Mining is the single largest private sector activity in the NWT, but over the past winter four mines have shut down, and four others are likely to close in the next few years. The Inuvialuit appreciate how rare and fleeting opportunities can be, having seen the promise of Beaufort development come and go. The Darnley Bay exploration project is the only mineral prospect known in our region. New mineral information on this project cannot be lightly dismissed.

This new information suggests that the western boundary proposed by Bill C-38 is inappropriate and will foreclose long term economic opportunity to an extent that is out of proportion to the small degree of incremental protection that park status may provide to the segment of land. We believe that the balance of interests would justify a different boundary line. Had this information been available at the time of the negotiations, the position of the Inuvialuit signatories would have been different.

This matter raises another policy issue. Northern Canada remains much less well explored than other parts of the country and there may be decades before knowledge of its mineral potential is as advanced as in southern Canada. Perhaps the inflexibility of national park status, unable to adjust to new mineral information, is simply not appropriate for northern Canada. There are other instruments of protection available to policy makers; perhaps it is time to consider the need for flexibility.

As much as this thought is anathema to some parks advocates, let me put an example before you. Caribou often alter their grazing and calving patterns; what if a national park is set up to protect a particular area that has been favoured for calving and then, for whatever reason, the caribou move over a few seasons to an area many miles off in another watershed?

In the case of Tuktut Nogait, the calving region for which the caribou herd is named, Bluenose Lake, is not even within the proposed park! And the proposed boundaries encompass some areas that are regularly used for calving, and some that are rarely used.

Caribou protection is extremely important. We believe it is too important to allow sweeping generalisations and misinformation about the range and habits of the herd to override sensible conservation and park decisions. The tools selected for protection must be up to the job.

#### 4. AN UNFINISHED NATIONAL PARK

Tuktut Nogait National Park, even with our amendment, will be one of Canada's largest national parks, three times the area of Prince Edward Island. Our initiative would remove 100,000 acres, about 2.5% of the current quantum of the proposed park.

Some speakers have suggested that this request is outrageous – a massive land grab. This is nonsense. Had it not been for the Inuvialuit generosity, there would be no park at all.

It is especially hard to comprehend the Government's attitude to the Inuvialuit when we remember that at the time of the Park negotiations, there were plans for huge additions of land from the Sahtu and Nunavut region. These would have increased the Park quantum to 28,000 sq. km – dwarfing the segment that the Inuvialuit are requesting. No mention has been made of these exclusions in the Government's statements, even though parts of these areas are at least as heavily used by caribou as is the northern region of Tuktut Nogait.

It seems to us that if issues of such vast additions are left open, there is no need to press into legislation a western boundary that is a subject of such contention. If the southern and eastern boundaries of the proposed park are still uncertain, then there should be no objection to reconsidering the western boundary.

#### 5. DID THE GOVERNMENT OF CANADA NEGOTIATE SECTION 22.1 IN GOOD FAITH?

At the time of the park negotiations, the Inuvialuit parties were aware that the Darnley Bay area generally to the west of the proposed park had some mineral potential. Some of us were worried that if new information showed even better mineral prospects then the western boundary could prove to be an obstacle to responsible economic activities. However, the Inuvialuit negotiators were specifically told by Parks Canada that Section 22.1 would be available to revisit the issue of the western boundary, should new information be obtained. On this understanding, the Inuvialuit negotiators persuaded Darnley Bay Resources Limited to cede the prospecting permits to 472,461 acres of Crown land within the proposed park, which they

did voluntarily and without compensation. The area that the Inuvialuit are now requesting is about one-fifth of that area, roughly 100,000 acres.

The Government's decision, therefore, came as a great surprise. Had the Company not ceded the land, the Park Agreement would have been several years delayed but the mineral opportunity would not have been lost. Had the Inuvialuit not believed that the review clause would be sufficient, our decision on the western boundary would have been different.

If it was the position of the negotiators for Canada that 22.1 would not be allowed to accommodate a boundary adjustment, then they were negotiating in bad faith. Or, if the Government has decided to disregard co-management and the spirit of the Inuvialuit Final Agreement, then the Secretary of State is acting in bad faith.

#### 6. EXPROPRIATION OF INTERESTS WITHOUT COMPENSATION

A central principle of Canadian justice is the requirement for the Crown to compensate fairly those who have lost rights or interests through expropriation.

It is true that Darnley Bay Resources Limited ceded voluntarily the prospecting rights to 472,461 acres of land within the proposed park, and waived compensation, in order that the Park Agreement could proceed without a delay of five or more years. But it is also true that the Company did so at the Inuvialuit request, and on the understanding that should the mineral prospectivity of the area improve, the position of the boundary could be adjusted under Section 22.1. Effectively, the Crown in the right of Canada obtained 472,461 acres of permit lands held in good order by an exploration company without paying a penny compensation.

This is a very serious matter. The Inuvialuit have worked hard to build a co-operative, constructive relationship with the Government of Canada. We have asked only for our due under the Inuvialuit Final Agreement. It is difficult for a small community and region (population of Paulatuk approximately 270, of the Inuvialuit Settlement Region approximately 5,700) to rally against the armies of bureaucrats and negotiators after our land. We deserve better



treatment. Likewise, mineral exploration companies must be able to take land positions, pursuant to the law of the land, in the confidence that such rights cannot be lost through false pretences.

## CONCLUSION

Before concluding, I would like to thank the Committee for taking the time to hear us, and for paying our expenses to be here. I appreciate how costly it is - we recently incurred the same costs bringing our concerns to the attention of federal departments here and in Yellowknife. The cost also illustrates just how far away Ottawa is from the Inuvialuit Settlement Region, and from the people who will bear the brunt of the decisions on Bill C-38.

With respect, the distance and the unfamiliarity with the realities of life on the Arctic Coast showed in Second Reading Debate, in misapprehensions about the social, the geographic, the ecological and the economic context of the region. I had hoped that the Committee would hold its hearings in Inuvik and Paulatuk, so the people who are most affected by the decision could represent themselves, and so you could gain an insight into the realities of our lives and our land. Unfortunately, our request was turned down.

It worries me that decisions with such consequences for the Inuvialuit will be made by people who may be deeply unfamiliar with our realities. You must remember that our people have already suffered from decisions that were made "for our own good". Such attitudes have already cost our people a way of life: in my mother's and father's generation, families should still make a good living from the land by fur trapping. The destruction of the fur industry destroyed a land-based way of life, and by leaving no option but dependence on government, has debilitated our society and culture.

Decisions to set aside vast areas may give comfort to some southern Canadians, bombarded by well-funded environmental organizations, and unlikely ever to risk keeping body and soul together through a winter on the Arctic Coast. Decisions to use parks to protect caribou

calving grounds, in spite of the fact that caribou have an inconvenient trick of moving those grounds across set boundaries, may give comfort to the prim diplomats at External Affairs. But it is the Inuvialuit and the people of Paulatuk who will bear the costs of this smug comfort.

Although we are here today on behalf of the Inuvialuit, we are not arguing for our interests against those of other Canadians. I have spent many years in the service of the public, in various portfolios and finally as Premier of the Northwest Territories. I do not believe that sound public policy favours one group to the detriment of another. I do not believe that Canadians are served by bad public policy, however comforting and easy the decision may be. I believe that all Canadians deserve sound and accountable policy and decision making.

#### SUMMARY OF THE ISSUES

The Inuvialuit signatories to a co-management park are asking that the western boundary be modified to remove a modest area, about 100,000 acres or 2.5%.

This request is pursuant to section 22.1 of the Tukturnogait Park Agreement of 1996, to which the Inuvialuit were signatory, which allows any party to the Agreement to ask for review. At the time of the park negotiations the Inuvialuit were given to understand by Canada that this section would be available to adjust the boundary, should new mineral information warrant an adjustment.

The request is based on new mineral resource information obtained since October 1997 from a new aeromagnetic survey, which reveals several strongly prospective exploration targets, one of which is just within the proposed park boundary. At the time of the park negotiations, government reports implied that any minerals were at depth and outside the park boundary. The new information also suggests much more shallow and therefore more economic targets. Had this information been available at the time of the Park negotiation, the position of the Inuvialuit on the specific outline of the western boundary would have been different.

This request is based on long and serious discussions in Paulatuk and the Inuvialuit Settlement Region.

The lands involved are Crown lands within the Inuvialuit Settlement Region, and are subject to the Inuvialuit Final Agreement, a constitutionally protected land claim agreement.

The Inuvialuit signatories believe that the area can be removed from the proposed park without detracting from the conservation purposes of the park. We have confidence in the regulatory processes and co-management institutions under the IFA to ensure any mineral activity is only conducted in a way that protects the environment.

The area requested is on the western edge of the park, and the alternate boundary was drawn by those people with the most extensive knowledge of this area and its wildlife, members of the Paulatuk Hunters and Trappers Committee, in such a way that it would avoid any of the environmentally sensitive features of the proposed park- in particular to leave LaRonciere Falls and the most heavily used calving grounds of the Bluenose Caribou.

The area requested is approximately 2.5%, 100,000 acres, on the western edge of the proposed park. This area was originally part of the 472,461 acres of prospecting permits held by a mineral exploration company. The company ceded these permits, without compensation, at the request of the Inuvialuit signatories on the understanding that if new mineral resources were indicated the boundary could be revisited under Section 22.1. Effectively, the Government obtained these interests at no cost by making false assurances.

This initiative is not asking the federal government to deviate from existing policy: it is consistent with several major policy commitments of this Government:

- **Gathering Strength**, which commits Canada to a renewed partnership with aboriginal peoples; to support community based initiatives; to support initiatives toward economic self-reliance for Aboriginal people; and to support sound working partnerships between Aboriginal people and mineral companies.

- **1998 Federal Budget** commitment to northern economic diversification;
- **The Inuvialuit Final Agreement**, which commits Canada to equal and meaningful participation of Inuvialuit in the northern and national economies and society.
- **The Minerals and Metals Policy of Canada, the Whitehorse Mining Leadership Accord, and the NWT Protected Areas Strategy**, each calling for the use of sound and current mineral resource information when protected areas decisions are made. This was also a requirement of Paulatuk's own Conservation Plan (1990) which was the foundation of the Tuktut Nogait Park Agreement.

On its own merits and because of its relevance to these government policies, our request should have been granted. The principle of co-management alone demands that a request by five out of six signatories to a co-management park agreement receive positive consideration. Yet the Secretary of State for Parks rejected our request out of hand, accelerating legislation to foreclose further discussion even while both the southern and eastern boundaries remain in limbo.

Instead of considering this an issue of substance, of importance to the Inuvialuit people, the Government is acting on short term political convenience. Signed commitments to Aboriginal people pale next to threats from southern environmentalists. Furthermore, Mr. Mitchell had the temerity to raise against us the concern over the Porcupine caribou herd, even though the Inuvialuit through the commitment to Ivavik Park have done more to protect that herd than any other Canadians.

We are here to ask the Standing Committee and Parliament to redress a serious disservice to the Inuvialuit. Having made a massive commitment to Canadian conservation by giving up 16,340 sq. km, we are admonished, our motives impugned, and our request for a modest adjustment of the western boundary of the proposed park refused. This is not an established park. We had understood that the foundation of this park was the Tuktut Nogait Park

Agreement, yet the Bill makes no reference to the Agreement. Now that Parks Canada has our land, clearly the federal government sees no need to honour the Agreement - notably the inconvenient Section 22.1.

We believe this situation illustrates very serious faults in this Government's decision-making on protected areas, faults in both the substance of the decisions and the processes by which lands are obtained. For this Government, clearly the ends justify the means: obtaining new parks justifies almost anything - from violation of stated policy, expropriation without compensation, negotiating agreements in bad faith, and even violation of the spirit of constitutionally - protected land claim agreements.

We object. The Inuvialuit deserve and demand respect and a true role in decisions affecting our land and our lives. All Canadians deserve better, more honest, more accountable decision making on protected areas.

### RECOMMENDATIONS

We ask you to rectify this failure by recommending the following:

1. Amendment of Bill C-38 to modify the western boundary of the proposed park as requested in the February 19, 1998 request from the Inuvialuit Regional Corporation. Recommended wording is attached.

OR

2. Suspend consideration of C-38 until the final boundaries to the west, south and east are firmly agreed and three requirements have been met:
  - a. A full review by all signatories pursuant to Section 22.1 of the Tukut Nogait Park Agreement to deal with the Inuvialuit request for the modification of the western boundary.

- b. Conclusion of a co-management park agreement with Nunavut on the appropriate eastern boundary of the proposed park;
- c. Conclusion of a co-management park agreement with the Sahtu on the appropriate southern boundary of the proposed park.

Until all these boundaries have been fully and finally considered, it is not possible for anyone to assess the trade-offs between environmental protection, economic potential and social and cultural well-being. Without this assessment, it is premature to expect Parliament to judge the balance of interests.

Our definite preference is for Option 1. The Inuvialuit have committed more land to protected areas and to the caribou herds of the north than any other Canadians. We are asking for a small change in a proposed park, to serve the interests of the people of our region and in keeping with the terms and spirit of the Inuvialuit Final Agreement. We negotiated many years for our land claim: we should not be forced into spending so much time and resources fighting to keep the Federal Government and its bureaucrats honest to their commitments.

Thank you Mr. Chairman.

#### ATTACHMENTS

1. Wording for Amendment 1.
2. Map of boundary adjustment requested by the Inuvialuit.
3. Map of protected area commitments in the Inuvialuit Settlement Region.

ATTACHMENT 1

RECOMMENDED AMENDED WORDING FOR BILL C-38

After the line reading "Thence northwesterly in a straight line to a point having a latitude of 68 degrees 30 minutes north and longitude 123 degrees 20 minutes west;" insert the following:

*Thence north along longitude 123 degrees 20 minutes west to a point at the intersection with latitude 68 degrees 55 minutes north;*

*Thence easterly along latitude 68 degrees 55 minutes north to the intersection with longitude 122 degrees 49 minutes west;*

*Thence northeasterly to the intersection of longitude 123 degrees west and latitude 69 degrees 13 minutes north;*

*Thence westerly along latitude 69 degrees 13 minutes north to the intersection with the surveyed boundary of Paulatuk lands at longitude 123 degrees 10 minutes west;*

Delete the next two clauses, starting again with "Thence northerly along the surveyed boundary of the Paulatuk 7(1)(b) and 7(1)(a) lands to the surveyed corner of the 7(1)(b) lands at approximate latitude 69 degrees 19 minutes north and approximate longitude 123 degrees 10 minutes west; ...