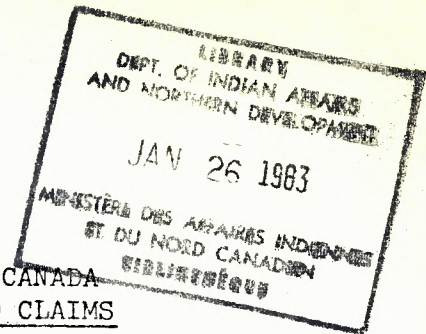


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M43



MEETINGS WITH INUIT TAPIRISAT OF CANADA  
ON MATTERS RELATING TO INUIT LAND CLAIMS

<u>SECTION</u>	<u>SUBJECT</u>	<u>DATE</u>	<u>SUB-SECTION</u>
A	With the Minister	13 February 1974	
B	With Dr. Barber	14 March 1974	1
		21 March 1974	2
		1 June 1974	3
		30 July 1974	4
		18 October 1974	5
		7 August 1975	6
		16 October 1975	7
C	Sub-Committees		
	- Hunting Rights & Game Management	21 November 1974	1
	- Marine Mammals & Fish	6 March 1975	2
		8 May 1975	3

Ottawa, Ontario K1A 0H4  
March 4, 1974.

Mr. A.D. Hunt,  
Assistant Deputy Minister,  
(Northern Affairs Program)

Your file    Votre référence

Our file    Notre référence    N-1400-2-1

Minister's Meeting with I.T.C. - February 13, 1974

- Attached, for your information, is a brief report by Mr. Abrahamson on the meeting held on February 13, 1974, with Messrs. Curley, Cummings, and other individuals associated with I.T.C.. For easy reference I have also attached a copy of the briefing notes which the Deputy Minister sent to the Minister prior to the meeting.

The following points should be drawn to your attention at this time in relation to the meeting:

Brief on Inuit Hunting Rights

The brief questions the Federal Government's constitutional right to delegate the legislation of game matters insofar as Eskimos and Indians are concerned to the Government and Council of the N.W.T. The brief is also critical of successive Federal and Territorial game legislation since the turn of the century which is viewed as diluting the traditional hunting rights of native peoples and also as a "continual chipping away at the rights of native peoples to pursue their ancient livelihood in respect to a limited game supply".

The brief's two major recommendations are:

- (1) "That native peoples hunting rights be formally recognized by Federal legislation. Such special rights would be on the basis that only native peoples could hunt game for food or livelihood. However, the present privilege of non-native residents of the Territories that hunting would be retained during their livelihood, but would not be extended to newcomers."
- (2) "That native peoples must be involved more actively in the process of wildlife conservation and management. The Territorial Government would control game management . . . but more suitable mechanisms would ensure more meaningful participation by communities in game management."

The Minister's response to the brief was that Eskimos already had hunting rights and that legal responsibility for game rested with the N.W.T. Government and Council. He also stated that the Eskimos' elected representatives on the Council were already in a position to influence legislation. The Minister nevertheless welcomed Mr. Cummings' suggestion that "informal" discussions should start on hunting rights and other issues of concern to the Inuit. Such discussions would not be "preliminary negotiations" but simply provide an opportunity to exchange views on matters of mutual concern and interest, specifically Inuit Hunting Rights at this time, during the period preceeding the commencement of formal claims negotiations.

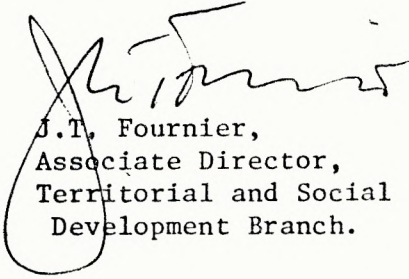
#### Resource Exploration Activities

The Minister agreed with Mr. Curley's suggestion that individuals from Arctic communities affected by resource exploration activities might be brought south, from time to time, for discussions with senior Departmental officials before the commencement of exploration activities.

#### Inuit Land Claims Project

I.T.C. presented its interim report on the Inuit Land Claims Project for discussion purposes and without prejudice. While the Minister agreed that it would be useful to have informal discussions to establish the parameters of a settlement he emphasized that he was not prepared to put a freeze on all development. Apart from formally acknowledging receipt of I.T.C.'s report on land claims we have not responded to the submission.

As you know, we are to meet with Professor Cummings and other representatives of I.T.C. on March 14 to discuss I.T.C.'s hunting rights brief. A memorandum is being prepared for the Deputy Minister which deals specifically with the March 14 meeting.

  
J.T. Fournier,  
Associate Director,  
Territorial and Social  
Development Branch.

Attch.





OTTAWA, Ontario K1A 0H4  
February 26, 1974

Mr. A. Stevenson,  
Chief,  
Social Development Division.

Your file    Votre référence

Our file    Notre référence

N 1400-2-1

Minister's Meeting with Tagak Curley - February 13, 1974

At the request of Tagak Curley a meeting was arranged in the Minister's House of Commons' office on February 13, 1974. The meeting began at 4:20 PM with the following in attendance:

Minister

Jean T. Fournier, Associate Director, Territorial and Social  
Development Branch

Bruce Amos, Executive Assistant to the Minister

Paul White, Special Assistant to the Minister

Gunther Abrahamson, Assistant Chief, Social Development Division.

Tagak Curley, President, Inuit Tapirisat of Canada

Peter Cummings, Director, Inuit Land Claims Project

Sam Raddi, President, C.O.P.E., Tuktoyaktuk

Peter Thrasher, C.O.P.E., Aklavik

Jose Kusugak, Project Officer (Land Claims), I.T.C.

Connie Hunt, Project Officer (Land Claims - Legal), I.T.C.

Desmond Brice-Bennet, Executive Assistant to President of I.T.C.

Jennifer Farris, Editor-Consultant, "Inuit Monthly", I.T.C.

Mary Otis, Assistant Editor, "Inuit Monthly", I.T.C.

Brief on Inuit Hunting Rights

Tagak Curley asked the Minister whether the Government was now in a position to respond to the brief on Inuit Hunting Rights recently submitted by I.T.C. The Minister indicated that he required time to study the brief but emphasized that the legal responsibility for game in the N.W.T. rested with the Territorial Government and Council whose elected representatives had a mandate to speak for their constituents and were thus in a position to influence legislation.

Peter Cummings said it was timely to discuss hunting rights as the Territorial Game Ordinance was currently under revision. The Minister reiterated the Territorial Government's responsibility for game, and stated that although he had the power to veto Territorial legislation he had never done so and that such action would be regarded as interfering with the democratic process. He suggested that I.T.C., as a political organization, was free to make representation to Commissioner Hodgson, and that he, the Minister, would be pleased to facilitate discussions between them.

#### Resource Exploration Activities

Tagak Curley expressed concern that resource development activities at Sachs Harbour, Resolute Bay, Bathurst Peninsula and Southampton Island were creating some confusion in the minds of residents and stressed the need for an improved program of consultations. He suggested that problems could be avoided if Inuit from the communities affected could come south for discussions with responsible Government officials.

Sam Raddi indicated that representatives of the Communities of Sachs Harbour and Tuktoyaktuk would like to meet with the Minister soon to talk to him about developments in their areas.

The Minister replied that he was always ready to listen and would make time for a meeting.

In response to Tagak Curley's concern about exploration activities and the lack of information on the ground the Minister explained the policy with respect to exploration permits. He agreed that I.T.C. should be kept in the picture so that they in turn could inform their membership. He thought that Tagak Curley's suggestion to bring people south for briefings and discussion had considerable merit and invited Curley to make the necessary arrangements with Jean Fournier.

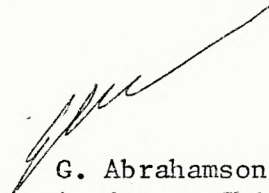
#### Inuit Land Claims Project

The Minister accepted I.T.C.'s interim report on the Inuit Land Claims project. (copy attached) It was presented on the understanding that it was given without prejudice and for discussion purposes. Peter Cummings explained that the paper attempted to set forth the quality rather than the quantity of an eventual settlement and that the principles set out were subject to ratification by the Inuit. In the meantime he was anxious to begin confidential exploratory discussions which would allow I.T.C. to develop a final position. The Minister agreed that it would be useful to have informal discussions to establish the parameters of a settlement. He expressed appreciation for I.T.C.'s positive and constructive attitude. He said that the Government had a responsibility to develop the North for all Canadians but that he, as Minister responsible for Northern Affairs, also had a responsibility to ensure that this development could take place without destroying Inuit society and values. He stressed that while it was the Government's responsibility to make decisions it was his policy to involve the Inuit in decisions affecting them. The Minister affirmed that he understood the Eskimos' attachment to the land but that, at the same time, he was not prepared to put a freeze on all development.

The Minister pointed out that the benefits resulting from pipelines, roads and resource development were for all to share and that he wanted the Eskimos to participate at all levels. To this end he was prepared to discuss not only employment, but also such matters as payment of royalties, representation on Boards of Directors, as well as input from I.T.C. into the revisions of the Land Use Regulations. He was anxious that informal discussions begin to explore and clarify these and other issues of concern to the Inuit. He advised Tagak Curley and Peter Cummings to communicate with Mr. J.T. Fournier who would make the necessary arrangements and that they could meet as soon as I.T.C. was ready.

Minister invited to Attend I.T.C. Board of Directors Meeting

At the close of the meeting Tagak Curley invited the Minister to come to a meeting of I.T.C. directors to be held in Ottawa on March 11. The Minister replied that he would be pleased to attend.



G. Abrahamson,  
Assistant Chief,  
Social Development Division.

Record of a Meeting with I.T.C. Re Hunting Rights

At the request of Inuit Tapirisat of Canada a meeting was held on March 14, 1974 to discuss informally and without prejudice I.T.C.'s brief on "Inuit Hunting Rights in the N.W.T."

The meeting, held in room 1501, Centennial Towers, began at 9:40 a.m. with the following in attendance:

L. Barber	Indian Claims Commissioner
B. Pratt	Executive Director, Indian Claims Commission
T. Curley	President, I.T.C.
S. Anderson	President, Inuit of Labrador Association
P. Cumming	Director, Inuit Land Claims Project
C. Hunt	Project Officer, (Land Claims - Legal) I.T.C.
J. Arvaluk	Director of Communications, I.T.C.
A. D. Hunt	Assistant Deputy Minister, Northern Program, I.A.N.
D. A. Davidson,	Director, Territorial & Social Development Branch, I.A.N.
J. T. Fournier	Associate Director, Territorial & Social Development Branch, I.A.N.
P. Girard	Director, Policy, Planning & Research Branch, Indian Affairs, I.A.N.
A. Stevenson	Chief, Social Development Division, I.A.N.
G. Abrahamson	Assistant Chief, Social Development Division, I.A.N.
W. Morgan	Director-General, Ottawa Bureau, Government of the N.W.T.

Chairman: Dr. L. Barber

Secretary: Mr. G. Abrahamson



1. Purpose of Meeting & Procedure

Action by

The Chairman in opening the meeting explained that this meeting and subsequent meetings were being held informally and without prejudice to provide the parties represented with a forum to exchange ideas, to determine positions, and to discuss issues of immediate concern. It was agreed by those present that at these meetings no commitments would be made by either side although where unanimous agreement might be reached on minor issues there would be no need for later formal negotiations. It was further agreed that, since discussion on some issues might take longer than others, separate issues might be discussed as they arose, and that smaller working groups might be formed as necessary to deal with specific topics.

It was also understood that while neither side had a mandate to speak for its principals, if mutually acceptable solutions were found these could be referred to the parties' principals for ratification. It was agreed that the meetings would develop mechanisms for the handling of issues and problems, and would concern themselves with specifics and priorities.

2. Relations with the Media

On the subject of statements to the press it was agreed not to draft rigid rules but, wherever possible, to contain controversial questions within the group and to issue joint statements where merited. It was understood that with respect to these discussions Mr. Curley had an obligation to keep his membership informed and that Mr. Chrétien might have to answer questions in the House of Commons.

3. Frequency and Location of Meetings

After considerable discussion it was agreed that the frequency and locations of meetings, the number of people involved and the use of sub-committees would depend on the subjects to be discussed and that either party could request the Chairman to call meetings as issues arose.

Regarding the location of meetings it was agreed that Ottawa was the most convenient and economical but that meetings might be convened in Yellowknife if issues of direct concern to the Territorial Government were to be discussed.

Action

4. Records of Meetings

In order to avoid later misunderstandings it was agreed that records of this and subsequent meetings be kept; that the Department would provide a secretary to record the proceedings and that the draft record would be circulated for approval before being put into final form. The Chairman suggested that there was no need to quote names.

Secretary

5. Representation at Meetings & Link with I.B.N.W.T. Discussions

It was recognized that the Government could send to these meetings whom it wished, and that there was merit in having representatives from Indian Affairs and the Territorial Government. I.T.C. requested, however, that other native political organizations be excluded to prevent these meetings from becoming unwieldly.

The Chairman explained his role in relation to similar discussions being held between representatives of the Department and the Indian Brotherhood of the N.W.T. He suggested that as there was a commonality of certain issues and overlap in some areas he would endeavour to provide a communication link. Mr. Curley agreed to provide the Indian Brotherhood of the Northwest Territories with a copy of I.T.C.'s Hunting Rights Brief.

I.T.C.,

6. Brief on Inuit Hunting Right in the N.W.T.

At the Chairman's invitation Professor Cumming reviewed the key points of the brief's conclusions. He emphasised the importance of game to the Inuit in terms of its practical importance as a means of livelihood, its importance in terms of cultural significance, and the dangers threatening the survival of game in a changing northern economy.

Professor Cumming stated that the brief asks that the hunting rights of the Inuit be enshrined in Federal legislation, and that while the total society should have control over game management the Inuit should decide who in a community is to be allowed to hunt. To this end mechanisms are required to ensure participation by the communities in the decision making process.

The brief also recommends special provision to increase the number of Inuit game officers and a restriction on hunting by non-native residents of the Territories.

In response to a question concerning exclusive hunting rights for native people and the aspect of contracting out the sports hunting for example of certain species Professor Cumming indicated that the Inuit were unanimous in their wish to see hunting rights limited to native people. He felt, however, that this issue was not important at this point. The important principle being that of the Inuit of a community deciding who would be allowed to hunt.



A general discussion followed on eligibility to hunt, criteria for membership in the Inuit society with particular reference to a negotiated settlement. Mr. Morgan stated that the N.W.T. Council had a good record in consulting the native people and in considering their rights when drafting game legislation. He pointed out that General Hunting licences were issued almost exclusively to native persons.

In agreeing with this point Professor Cumming suggested that if the composition of the Council changed there could be a danger of a further erosion of native hunting rights. It was for this reason that I.T.C. wished to ensure that the present position was protected.

A discussion followed on the question of sports hunting in isolated areas as a facet of game management in the harvesting of surplus game. Professor Cumming reiterated that I.T.C. did not question the right of the Territorial Government to pass legislation to ensure a supply of game for native people. By this means the total community decides where, who and how much is hunted but the specific native community decides who will be allowed to hunt. He commented that the Migratory Birds Convention Act worked to the detriment of northern native people in that the open season effectively reserved the right to hunt migratory game birds to sportsmen in the south for whom the game birds were being conserved. Mr. Hunt agreed with Professor Cummings that the Migratory Birds Convention Act required re-interpretation by Parliament and suggested that they jointly explore this possibility.

ITC  
IWA

There was considerable discussion about the meaning of "effective prior hunting rights" as against "exclusive prior hunting rights".

Mr. Morgan speaking for the Territorial Government said that he could accept the concept of prior right but not of exclusivity.

Mr. Hunt wondered whether this issue could be resolved outside of a formal settlement. He asked that if exclusivity were arranged would I.T.C. see this as applying to unoccupied crown-lands or would they wish to freeze the present situation.

Professor Cumming replied that I.T.C. would not envisage a freeze on habitat but that they would ask for exclusive rights to game where it existed. He agreed that hunting might be compromised by development activities but then such activities would only take place with the concurrence of the native people.

A general discussion followed on the issue of exclusive hunting rights as an element of settlement. There was some agreement that in terms of settlement there would be little difficulty in implementing hunting rights for native people. Such recognition, it was suggested, required a political decision which would appeal to the liberal element of public opinion.

Mr. Hunt commented that in resolving this issue the government would be faced with two problems:

1. To convince the public that circumstances in the north differed from those in the south and that therefore different rules had to apply as, for example, in the matter of sports hunting rights.

Action

2. The denial of hunting rights to the descendants of non-native individuals who by reason of long residence, or birth in the north had been entitled to hunting priveleges.

Mr. Morgan stated that the Territorial Council which always felt strongly on game issues would react strongly to any imposed direction in the matter of exclusive hunting rights. He felt that the meeting should as a priority develop a mechanism for dealing with the issue.

The Chairman is asking whether those present believed in the native's prior right to hunt and fish suggested that discussion go forward on the basis that there existed prior rights as expressed in the brief.

Following discussion about the probable position of a new and totally elected Territorial Council, and the importance of involving Territorial Councillors in informal discussions about hunting rights it was suggested that such discussions might take place in Yellowknife in May at which time I.T.C. would be in a position to present its Game Management brief. Mr. Morgan indicated that in the meantime the Territorial Government could provide I.T.C. with a list of the proposed revisions to the Game Ordinance.

N.W.T

Mr. Hunt stated that since the Government of Canada had yet to decide on the issue of hunting rights he would have to reserve the Department's position on a meeting with N.W.T. Councillors. He

Acton

agreed that in view of the changes proposed to the Game Ordinance I.T.C. should now seek input at the Territorial level. Mr. Hunt asked whether to advance the concept of exclusivity at this stage might not be premature, and whether it might not be better to advance it in the context of a total settlement.

Professor Cumming asked for the Federal Government's reaction at this point in time to the concept of "prior right". Mr. Hunt replied that the term was acceptable but beyond that he would have to seek direction. The Chairman observed that a further meeting on the subject of "prior rights" would have to be called but that in the meantime the Federal and Territorial governments would prepare papers outlining their view points and reactions.

INA  
NWT

At 1:00 p.m. the Chairman adjourned the meeting till 2:15 p.m.

The meeting having reconvened, Mr. Hunt commented that the papers to be prepared would be in the form of further questions arising from the Hunting Rights brief which would warrant further discussion.

Mr. Morgan agreed to obtain the reaction of the Territorial Government. He suggested that in view of the Territories' objection to the main principle set out in the brief it might be better not to approach Territorial Councillors formally or semi-formally until the mechanism for handling the issue had been developed. The Territorial Government was ready, however, to discuss a memorandum of proposed changes to the Game Ordinance with representatives of I.T.C.

NWT



It was agreed that at the next meeting on the hunting rights issue, to be called for perhaps mid-April, I.T.C. would present its Game Management discussion brief, and that Deputy Commissioner Parker would be invited to attend. Also that subsequent discussions might be moved to a sub-group of specialists.

ITC

7. Time and Place of Next Meeting

It was agreed that the next meeting be held in Room 1501, 400 Laurier Avenue West, Ottawa, at 9:30 a.m. on Thursday, March 21, 1974 to discuss the Territorial Land Use Regulations.

Secretary

8. Meeting adjourned at 3:20 p.m.

G. Abrahamson,  
Secretary.

DRAFT

30/7 A.M. Hunt  
still with Minister  
for permission  
to discuss  
with interested  
parties

Record of Meeting with I.T.C. Re: Territorial Land Use Regulations

At the request of Inuit Tapirisat of Canada a meeting was held on March 21, 1974 to discuss without prejudice ITC's brief "A Model for Community Participation Under the Territorial Land Use Regulations".

2

The meeting was held in room 1501, Centennial Towers, and began at 10:00 a.m. with the following in attendance:

B. Pratt	Indian Land Claims
F.J. Joyce	Director, N.N.R.&E. Branch
P. Cummings	Director - Inuit Lands Claim Project
A. Lucas	I.T.C. <sup>30/7</sup> to meet with the appropriate people after
S. Raddi	President COPE
C. Hunt	Project Officer (Land Claims Legal) I.T.C.
J. Fournier	Associate Director, Terr. & Social Div. I
J. Kusugak	I.T.C.
J. Arvaluk	I.T.C.
M.J. Ruel	A/Director WLF & E, IAND
B. Gunn	DIAND
R. Goudie	Land Administration, WLF & E
I. Petrie	Land Management, WLF & E
E. Cotterill	Gov't of the N.W.T.
A.D. Hunt	(for latter part of meeting) - ADM North

Program 1

Chairman Mr. B. Pratt

Recorder Mr. I. Petrie

1. Purpose of meeting was to provide an opportunity to discuss a brief presented by I.T.C. which referred to the application of the Territorial Land Use Regulations and the need for more effective participation by Native Communities in decisions regarding the Regulations.

2. Formalization of Consultation Process

Discussions centered around the I.T.C. proposal for formalization of a consultation procedure to insure active participation by native groups during all land use application assessments. The I.T.C. emphasized that this formalization was not a device for a land freeze but to ensure an understanding by the local people of the processes and procedures utilized during the application assessments. The I.T.C. representatives submitted that this would necessitate the inclusion on the Land Use Advisory Committee of at least two representatives appointed by I.T.C. and C.O.P.E. and two by the N.W.T. Indian Brotherhood and N.W.T. Métis Association. Department representatives explained that a (regularized) consultation procedure with communities is in place and operating now and that the Land Use Advisory Committee is not a full time occupation. However, it was agreed that, although a consultation process has already been established by the Department, the comments of the members present at the meeting would be taken under advisement and the present procedures reviewed.

3. Environmental Impact Statements

I.T.C. proposed that each application for a Land Use Permit must be accompanied by an assessment of the impact of the contemplated activity in relation to other resource uses such as hunting and trapping. There is a requirement to know the ecological characteristics of the land base as well as what resources are in the area, and be aware of the impact a proposed operation may have on these resources. Departmental representatives suggested that evidence of past performance could be used as criteria in assessing impact of any particular operation. Past experience could also be used as part of the assessment process, which would include the opinion of local natives who have hunted and trapped in the area.

There was some question by Department officials as to what discretion could be built into the proposed mechanism and what order of magnitude environmental statements would require.

I.T.C. suggested that if a community requests a hearing on any particular land use operation, a hearing by all members of the Land Use Advisory Committee should be held in that community. I.T.C. emphasized that the natives must participate



in the formulation and details of management of lands in order to better understand the total process and also to assist in the training of natives to become competent administrators. It was suggested by Department officials that any changes agreed to would probably be made over a particular time period and would not be instantaneous.

This matter was also noted by Departmental officials and taken under advisement.

4. Application for Land Use Permit

I.T.C. noted that the time element built in for opportunity for comment by communities was in many cases insufficient. Also, the documentation forwarded to the community does not always contain sufficient information upon which to base a decision on whether to allow the operation to proceed or request a hearing. The Oil industry have been made aware of the need to allow for a reasonable planning time frame coupled with prior consultation with the affected communities. This process is currently being pursued and continuously improved upon. However, the mining industry, is more difficult to deal with when imposing any restrictions on their activities. If the fundamentals of mining practice are to be changed it cannot be done overnight. This does not necessarily preclude the types of control suggested by I.T.C.

5. Monitoring

I.T.C. suggested that stronger monitoring practices be employed when operations proceed against the advice of the community. Also a formal auditing or evaluation process should be employed after the operation has been completed. (e.g. as has been done on Banks Island)

Department response was that the offer has always been open to accept monitors and that no problems should be presented with formalization of the monitoring process.

6. Enforcement

I.T.C. suggested there should be a separation of the decision making and enforcement aspects of the Regulations. The Land Use Advisory Committee should have inputs into enforcement aspects such as when to prosecute. There should be at least a forum for discussion of this nature as for example when communities may suggest that inspections are being lax. I.T.C. would like these matters to be public in some cases.

Department response indicated that the Land Use Advisory Committee possibly should be given an opportunity to advise on enforcement. The point that justice must not only be done but must be seen to be done was evident in the I.T.C. proposal. It was decided that DIAND would note the point put forward by I.T.C. and take it under advisement.

7. Summary

Department officials summarized the meeting by stating that the decision making process would be reviewed bearing in mind that after balancing the various uses, the Minister must ultimately make the final decision, which of course, must be supported by the decision making groups (who may or may not completely agree). It was suggested that a too rigid organization structure may in fact impede progress. Further discussions among Departmental officials will be necessary prior to providing I.T.C. with the Department's official position on the foregoing points which will be used as a base for further discussions with I.T.C. From a workability point of view the Department must get the views of industry bearing in mind the suggestions of I.T.C.

8. Time and Place of Next Meeting.

To be determined.

9. Meeting adjourned at 12:45 p.m.

I.G. Petrie

RECORD OF A MEETING WITH I.T.C. RE: GAME MANAGEMENT BRIEF

At the request of Inuit Tapirisat of Canada a meeting was held on June 1, 1974 to discuss informally and without prejudice I.T.C.'s brief on "Game Management" prepared as part of the Land Claims Project of the Inuit Tapirisat of Canada.

Also on the agenda:

Minutes of Previous Meetings  
Proposed Repeal of the Land Titles Act  
Further discussion on the Inuit Hunting Rights Brief

The meeting was held in the Arthur Laing Building, Yellowknife, N.W.T., and began at 10:45 a.m. with the following in attendance:

L. Barber	Indian Claims Commissioner
B. Pratt	Executive Director, Indian Claims Commission
E.M.R. Cotterill,	Assistant Commissioner, Government of N.W.T.
P. Kwaterowsky	Superintendent of Game, Government of N.W.T.
H. Monohan	Game Management Division, Government of N.W.T.
A. D. Hunt	A.D.M., Northern Affairs Program, I.A.N.D.
J. T. Fournier	Associate Director, Terr. & Social Dev. Branch, I.A.N.D.
G. Abrahamson	Assistant Chief, Social Development Division, I.A.N.D.
T. Curley	President, I.T.C.
P. Cumming	Director, Inuit Land Claims Project, I.T.C.
C. Hunt	Project Officer, (Land Claims - Legal), I.T.C.
J. Kusugak	Project Officer, (Land Claims - Legal), I.T.C.
Mr. Kadlutsiak	Director, (Igloodik), I.T.C.
S. Raddi	(Inuvik) C.O.P.E.
Judy Jacobson	(Tuktoyaktuk) C.O.P.E.

1. Record of Meetings

Dr. Barber suggested that since it was difficult to provide a record of meetings satisfactory to all parties it might be preferable that from now on each party keep its own notes and to circulate those which recorded conclusions.

Ms. Hunt tabled corrections to the minutes of March 15 and 21. She suggested that for this meeting the Indian Claims Commission accept responsibility for keeping notes.



Dr. Barber agreed on the understanding that the notes produced would have no official standing and would be provided merely to record positions and arguments.

## 2. Repeal of Land Titles Act

Mr. Hunt presented as an information item the Government's intention to repeal the Land Titles act to enable the Governments of the Yukon and Northwest Territories to assume the administration of land titles. Mr. Hunt emphasized that the changes involved were basically administrative and would have no bearing on Crown or Indian lands or the surface rights in town sites. He said that the Dominion Land Titles Act would be replaced by a Territorial Land Titles Ordinance which has no bearing on land itself but operates only when land is sold.

Mr. Cotterill agreed with the position outlined by Mr. Hunt and advised that the Territorial legislation would not likely be passed until January 1975. Mr. Curley indicated that he had no comment at this time. Mr. Cumming gave notice that at a later date he would like to discuss the mechanics of title registration.

## 3. Game Management Brief

Ms. Hunt reviewed the main points of the Game Management Brief. These were that:

- a) the consultation of native people on game management matters is still inadequate and requires a formal structure to ensure that consultation takes place.
- b) Inuit are not given an opportunity to participate in wildlife research, are not shown the results and are not consulted about what research should be done. The Federal Government should undertake a training program for wildlife research workers to ensure Inuit participation.
- c) Inuit are not generally represented at any level of the federal and territorial departments responsible for game management and that their employment be assured by legislation.

In response Mr. Cotterill said that he recognized the need to involve native people, especially those who live by game, at the grass roots level. He suggested that the Hunters and Trappers Associations on a Territorial basis might provide a better vehicle than the formal, rigid structure suggested in the Brief.

Mr. Curley expressed some reservations about the effectiveness of Hunters and Trappers Associations. He said that in his experience the Inuit are not consulted and informal consultation did not work.

Mr. Cotterill gave as an example of how associations could work the development of the Association of Municipalities of the N.W.T. The Association had no statutory authority but exercised considerable influence on Territorial Councillors and Government. He suggested that the Government of the N.W.T. would give priority to the further development of Hunters and Trappers Association so that these could play an increasingly effective role in the consultation process.

Mr. Hunt stated that the concept of compulsory consultation diminished the role and effectiveness of elected representatives. He urged that Hunters and Trappers Association as an acceptable compromise be given an opportunity to work.

Dr. Barber, in summing up the discussion to this point, said that the mechanisms for consultation must be set up and assurance given that they be used.

Meeting adjourned for lunch 12:30 - 1:50 p.m.

After lunch a discussion ensued on a statutory approach to involve Inuit in research and employment in game management. I.T.C. maintained that the Game Management Brief implied a measure of benign discrimination which during a transitional period might involve some unfairness to a small group of individuals on a temporary basis.

The Territorial Government felt that a statutory approach for the employment of Eskimos in game management might lead to racial polarization. It was their view that many young people were not attracted to the Game Management Service and preferred employment opportunities in industry. Mr. Cotterill indicated that the Territorial Government would be prepared, however, to review the qualification levels of Game Management staff, and to study - perhaps jointly with I.T.C. - why native people have not been attracted by opportunities in Game Management.

Dr. Barber suggested that there was general agreement that the degree of employment participation that all parties adhered to had not been achieved in Game Management. He asked what mechanism should be developed to obtain the common objective.

Mr. Hunt, speaking for his area of responsibility, said that he was not opposed to compulsive measures to ensure employment participation. He thought that while absolute quotas might be counter-productive there were nevertheless offsetting benefits. He suggested that a sub-committee might study the issue.

After discussion it was agreed that a sub-committee of two, Ms. Hunt of I.T.C. and a representative of the Territorial Government, come up with "an action plan for more native employment at all levels of Game Management. It was further agreed that the sub-committee would report back to the next meeting of this group scheduled for July 30, 1974.

#### 4. Inuit Hunting Rights

I.T.C. circulated an addendum to the Hunting Rights Brief submitted to the Government in December 1973. The addendum elaborates on the history of native game preserves in the N.W.T.

Mr. Hunt suggested that a discussion of Inuit Hunting Rights furthered understanding but that a resolution of the issue was a matter of negotiation and beyond the mandate of the group.

Mr. Cumming elaborated on the concept of "prior rights". I.T.C. accepts the regulation of game matters by the whole society (Government) but the game itself is the natives' to use or sell - that is the prior right at issue and this is non-negotiable. Mr. Cumming emphasized that the legal system accepts the proposition of property rights in caribou, for example. He felt that at this point the issue was for discussion between I.T.C. and the Territorial Government.

Mr. Cotterill stated that while under certain conditions he could accept the concept of "prior rights", the Territorial Government had responsibility for the preservation of the game resource for all the people of the N.W.T. and this position was reflected in the Territorial Government's comments on the I.T.C. Hunting Rights Brief.

Dr. Barber suggested that the number of people involved and any pertinent data would help to understand the magnitude of the problem.

The Territorial Government agreed to provide this information for the next meeting.

#### 5. Native Claims Negotiating Unit

Mr. Hunt advised the meeting that work on claims by native people would henceforth be handled by Mr. Phil Girard's group. Funding of research projects and negotiations would be continued by the Northern or Indian Programs as appropriate.

6. The Meeting adjourned at 3:30 p.m.

G. Abrahamson,  
Recorder.

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PA  
6/1

Corrections to Minutes of March 21 meeting about Land Use Regulations - Submitted by I.T.C.

p. 1. P. Cumming Resource person, ITC Land Claims Project  
A. Lucas " " " " " "

p. 2.#2 Add. "It was explained that the Department is currently considering certain amendments to the Land Use Regulations. These amendments would allow for the inclusion of the Keewatin under the Regulations, and also extend the time in which a decision on a land use permit application must be made. Otherwise, the contemplated revisions do not specifically deal with the points raised in the I.T.C. brief".

1st sentence - replace "native groups" with "native people"  
2nd sentence - after "land freeze" add "(which is a continuing request, but a separate matter)"

After 2nd sentence, add "It was emphasized that the decision-making on land use applications should be removed from the present, discretionary process, to a formalized process which ensured adequate involvement and consultation of native peoples. This would involve eight new steps. Firstly, . . ." 3rd sentence.

After 3rd sentence add "It was stated that native participation on the Committee is necessary because the people possess an expertise about their land, and also because this would help to develop their present expertise".

4th sentence - after "explained that" add "in their view".  
After 4th sentence, add "The I.T.C. felt that the informal nature of the existing 'consultation process' had often led to unsatisfactory results, e.g. Banks Island and Bathurst Island."

p. 3 #3 Add: "The 2nd step proposed by I.T.C. was that the Regulations specifically set out a requirement that affected settlements be notified, in Inuktitut, of pending land use applications. Thirdly". . .

3rd para: Add "Fourthly, the settlements should have access to a qualified independent resource person to help them assess the application and the impact statement. They should be given a chance to reply, and, if a community requests. . ."

p. 4 Add at end: "Following a public, on-the-record hearing by the committee in the community (if requested), the Committee would produce a report and recommendation. A decision would then be made, as at present, as to whether the application should be allowed. In the event that an application is approved contrary to the Committee's recommendations, reasons would have to be given.

Following a decision to issue a land use permit, a short period of time (e.g. two weeks) should elapse before work could proceed. This would allow people to pursue their objections to the permit with the Minister or with the public".

p. 5 #5 - at end of 2nd sentence add - Banks Island" although in a more formal way".



# 6 Add at end: "Mr. Cotterill stated that the Territorial Government was in general agreement with the process proposed by the I.T.C."

p. 6 - 2nd sentence - It was suggested "by the Department" that. . .

# 8 Add: "It was agreed that the Department would inform the I.T.C. about its new proposed Regulations in order to have further discussion before they become public."

In addition, Mr. Hunt stated that the Department would have a response to the I.T.C. Hunting Rights Brief within two to three weeks."

Hunting Rights - Correction to March 15 minutes. Submitted by ITC.

p. 3 #3 1st para. Add. "I.T.C. requested that very small and informal, without prejudice discussion be held with the Department as to the amount of land which the Inuit might be prepared to surrender in a settlement, and as to the question of royalties".

p. 4 #5 - at end - new para. "The Department mentioned that they are currently attempting to obtain an opinion from the Justice Department as to what people could be authorized to bind the Inuit in signing acceptance of a formal settlement."

p. 5 #6 - Last para. - replace 2nd sentence and 3rd sentence with: "It might be possible that in certain instances a particular settlement might agree to allow non-Inuit to hunt; the most important principle at this time is that the decision as to who can hunt should be made by the Inuit at the settlement level".

p. 6 - 1st para. - replace last sentence with. "He pointed out that at present most general hunting licenses were issued to natives, with the exception of about 60 licenses per year".

2nd para: Remove - "In agreeing with this point". Between 1st and 2nd sentence - Add: "Also, the influx of more whites to the N.W.T. could mean increased pressures to further extend hunting to non-natives."

3rd para: 2nd sentence "reiterated the I.T.C. position, that the Territorial Government could continue to pass legislation protecting the game supply for native people, but that only native people should be able to hunt".

Between 3rd and 4th sentence Add: "But mechanisms must be developed which ensure adequate input from Inuit as game laws are formulated".

p. 7. 1st para. After 1st sentence Add: "I.T.C. suggested the term prior right could be used, if it meant "exclusive right unless not exercised." As an example of this 'prior right', it was stated that local communities should be the ones to issue licenses and to receive the money from licenses".



2nd para. - Add, at end "People, and with the provision of proper environmental controls."

3rd para. Add between 2nd and 3rd para. - "The Chairman pointed out that some form of special hunting and fishing rights has historically always been recognized in dealing with native lands, e.g. the treaties in Western Canada".

p. 9. 2nd para: Add at beginning, "I.T.C. stated that the Federal government should definitely be involved in any meetings held with Territorial Councillors, firstly because the question of native hunting rights is a federal responsibility, and secondly to improve communications. Various parties involved must be willing to take a position on the position put forward in the I.T.C. brief, or else the whole discussion process will break down".

June 18/74

N1180-135

NOTES FROM THE JUNE 1/74 MEETING ON  
MATTERS RELATED TO INUIT LAND CLAIMS

These notes are not intended to be official minutes of the meeting. They are simply an attempt to record, for reference purposes, the essence of the dialogue. If any of the parties at the meeting feel that it would be useful to add points or register differences of interpretation, this can be done through addendums to these notes.

The views expressed are not necessarily the official positions of the parties represented at the meeting. The purpose of the meeting was to explore various ideas which relate to Inuit land claims. The discussion was carried out without prejudice to the parties involved.

Location: 6th Floor Boardroom, Arthur Laing Building, Yellowknife

Chairman: Dr. L.I. Barber - Indian Claims Commissioner

Attendance: Dr. L.I. Barber - Indian Claims Commissioner  
B. Pratt - Indian Claims Commission

T. Curley - ITC  
P. Cumming - ITC  
Connie Hunt - ITC  
J. Kusugak - ITC  
Mr. Kadlutsiak - ITC

S. Raddi - COPE  
J. Jacobson - COPE

Attendance (continued):

E. Cotterill - Government of NWT  
P. Kwaterowsky - Government of NWT  
H. Monaghan - Government of NWT

A.D. Hunt - IAND  
J. Fournier - IAND  
G. Abrahamson - IAND

Agenda

1. Discussion of the records from previous meetings.
2. Proposed repeal of the Land Titles Act.
3. Discussion of the Inuit Game Management Brief, together with discussion of plans for changes in the NWT Game Ordinance.
4. Further discussion on the Inuit Hunting Rights Brief.
5. Plans for subsequent meetings.

Prior to the meeting, Inuit Tapirisat circulated a brief on Game Management, and the Government of the NWT circulated a set of comments on an earlier ITC brief on Hunting Rights, together with a summary of "significant changes in the proposed revised NWT Game Ordinance."

At the meeting, ITC tabled a number of "corrections" to the minutes of the March 15 and March 21 meetings, as well as an addendum to the ITC Hunting Rights brief.

Item #1 - Records

It was decided that the Indian Claims Commission would take notes and circulate these to the parties represented at the meeting. These notes would not be considered official minutes but simply a reference aid for those involved. Addendums to the notes might be tabled by any of the parties.

Item #2 - Proposed Repeal of the Land Titles Act

Mr. Hunt briefly described the Federal Land Titles Act and indicated the Government's intention to transfer the administration of land titles to the Governments of the Yukon and the NWT. This would involve a repeal of the Act, concurrent with passing of Territorial land titles ordinances with similar provisions. The change was not expected to affect Inuit land rights, he said.

Mr. Cumming suggested that the matter be taken under advisement by ITC and possibly discussed at a later meeting, with a Department of Justice representative present.

Mr. Hunt indicated that it was not expected that the changes would be made until near year end.

Item #3 - Inuit Game Management Brief

Connie Hunt reviewed the main points of the brief. The discussion then centered on the proposal for a statutory advisory body on game management.

Mr. Curley said the present consultative processes are not working. He said that people in the communities are not adequately consulted, and do not have the resources and the mechanisms to effectively influence game management. He suggested that representation through council members was not sufficient, and that the proposed Advisory Council would have the necessary statutory basis for strengthening the impact of community views.

Mr. Cotterill said that the NWT Government appreciates the concerns of the Inuit and their desire for increased participation. He accepted the view that present processes are inadequate and improvements are necessary. However, he expressed concern that the proposal would result in an overly rigid structure, imposed between communities and the Government prematurely. He felt that such an approach would have some cosmetic effect but would not likely improve the consultative process. He said he preferred a grass roots approach based on increased support for Hunters and Trappers Associations. This, he felt, would produce well informed local people who could lobby for the interests of their communities. He noted that these associations presently meet at the regional level and said he was not opposed to the formation of a Territorial group, but would prefer to see it grow from the local associations. He cited the example of the Association of Municipalities which grew out of the earlier strengthening of community councils. He expressed the view that such an association can have a very great influence on the Government, and said that statutory provisions are not likely to guarantee a better input.

Connie Hunt said that the proposed structure would draw from local Hunters and Trappers Associations and enhance their influence, and that of council members. She said that the strengthening of Hunters and Trappers Associations is not enough to solve the problem because they do not have the right to be consulted.

Ms. Hunt observed that the central question is that of compulsory consultation. ~~She~~ He said that such an approach tends to suggest that elected representatives are not doing their jobs, and is difficult to operate effectively. When it is used, he said, the Government usually reserves the right to select the members. He suggested that centralized consultation without formal statutory recognition be tried first.

Dr. Barber pointed out that in the public domain there are many consultative and regulatory bodies with a statutory base,



and that in the case of the Association of Municipalities, the members are bodies with statutory authority.

Mr. Cumming said the communities are ready for the creation of a centralized influence. They are currently voicing their concerns through ITC but wanted a more specialized central group, he said.

Dr. Barber summarized this part of the meeting, saying that there appeared to be agreement that improved mechanisms are needed, but some question as to the nature of the mechanisms and authority to be granted.

Mr. Cotterill agreed to try and provide a further response on the problem of consultation, by the next meeting.

#### BREAK FOR LUNCH

The discussion then turned to the subject of employment of Inuit people in game management. Mr. Cumming reviewed this part of the ITC brief and stressed the need for special provisions.

Mr. Cotterill agreed that special measures are needed to deal with this problem but said he was not convinced that a quota system was the best approach. He said that the basic requirement is that Inuit people become qualified, and asked why there are not more people interested in game management training programs. Mr. Curley replied that the Government's systems of training are not appropriate.

Mr. Cumming referred to U.S. approaches to black employment which are somewhat discriminatory. Mr. Cotterill said he didn't think that this problem was the same, and suggested that more examination of the problem is needed before extreme steps are taken. Mr. Cumming indicated that the ITC was interested in further exploration of the problem by a sub-committee, but felt that such deliberations must lead to strong measures.

Connie Hunt referred to special steps the Government has

taken on the parallel problem of women's employment.

Mr. Cotterill cited local government councils as examples of a successful approach. Mr. Cumming suggested this success is probably due to the practice of putting people in responsible positions, without a requirement for normal qualifications. Mr. Cotterill agreed but pointed out that certain qualifications are required.

Dr. Barber pointed out that these meetings are directly related to the basic issue of Inuit rights, and suggested that game management and other specific issues should be dealt with in this context.

Mr. Hunt said that his branch has been wondering if somewhat discriminatory measures are needed in their area. He thought there was a need for a creative approach to the problem and hoped that a working sub-committee might take up this challenge.

Mr. Kusugak pointed out that there is some urgency in the situation and discussions should not be dragged out.

It was then agreed that a sub-committee would be formed with Connie Hunt representing ITC and COPE, and one person representing the NWT Government. Resource people would be brought in as required. The sub-committee was asked to develop specific proposals as to how the proportion of Inuit in the game management labour force, at all levels, could be brought closer in line with their proportion of the total population in the area. The sub-committee was expected to report back at the next meeting on July 30, 1974.

There was no discussion of the NWT Government's summary of proposed changes in the NWT Game Ordinance.

#### Item #4 - Further Discussion of the ITC Hunting Rights Brief

Mr. Hunt asked what the ITC felt might be discussed further, short of negotiations.

Mr. Cumming said that ITC would like to discuss the concept of prior rights rather than exclusive rights, the term used in the original brief. He suggested that for discussion purposes the meeting should assume that the NWT Government has regulatory power but the Inuit have prior rights which could be sold to non-Inuit. He reviewed the main questions and proposals from the brief and stressed that although the NWT Government can regulate game, it is seen by ITC as property of the Inuit. He mentioned that the concept of game as property had been applied to caribou. He suggested that the fact that the taxpayer finances game management is not a sufficient reason to argue that Inuit rights do not apply, and he stressed that ITC holds the position that prior hunting rights are non-negotiable.

Mr. Cotterill responded that the NWT Government sees game as a resource for society as a whole. He observed that there appears to be a basic disagreement on this point. Mr. Cumming suggested that if "excess" hunting rights are sold to non-Inuit, the general society will have use of the game.

Dr. Barber asked if the Polar bear regulations were an example of the concept being proposed. Mr. Cumming said they were.

Mr. Cotterill pointed out that there is a cost to the rest of society if prior rights are recognized.

Dr. Barber suggested that it might be helpful to have more data on the extent of non-Inuit hunting and Mr. Cotterill agreed to provide such data for various types of game, for the next meeting.

#### Item #5 - Plans for the Next Meeting

It was agreed that the next meeting would be held on July 30, 1974, at 10:00 A.M., in the Centennial Tower building in Ottawa. Mr. Hunt's office will advise as to the meeting room.

Items suggested for the agenda were:

- Eligibility for an Inuit land settlement
- Discussion of proposed amendments to the NWT game ordinance
- Discussion of the proposed land use regulations
- Report of the sub-committee on Inuit employment in game management.

Prior to the meeting, the NWT Government will attempt to provide data on non-Inuit hunting, as well as a further response on the problem of consultation on game management.

Federal Claims Negotiating Group

Mr. Hunt explained that the Department of Indian and Northern Affairs has established a special Claims Negotiating Group, under Executive Director, Phil Girard, who will report to the Deputy Minister. This group would like to have a representative at subsequent meetings, as an observer, but would not be officially involved until proceedings reach the stage of formal negotiation. The Northern Affairs Branch will retain responsibility during the stages of research and preliminary discussion.

Brian G. Pratt,  
Executive Director,  
INDIAN CLAIMS COMMISSION.

August 1, 1974.

N/1180-135-1

NOTES FROM THE JULY 30th MEETING ON  
MATTERS RELATED TO INUIT LAND CLAIMS

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As with the notes from previous meetings, these are not intended to be official minutes of the meeting. They are simply an attempt to record, for reference purposes, the essence of the dialogue. Again, if any of the parties at the meeting feels that it would be useful to add points or register differences of interpretation, this can be done through addenda to these notes.

The views expressed are not necessarily the official positions of the parties represented at the meeting. The purpose of the meeting was to explore various ideas which relate to Inuit land claims. The discussion was carried out without prejudice to the parties involved.

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The meeting, held in Centennial Towers, 400 Laurier Ave. West, Ottawa, was chaired by Dr. L.I. Barber, Commissioner on Indian Claims. It began at 10 a.m.

Those present were:

Dr. L.I. Barber, Commissioner on Indian Claims

Dr. S. Raby, Office of the Indian Claims Commission, Ottawa

Mr. J. Arvaluk, Inuit Tapirisat of Canada

Professor P.A. Channing, Inuit Tapirisat of Canada

Ms. C. Hunt, Inuit Tapirisat of Canada

Mr. J. Kasogak, Inuit Tapirisat of Canada

Mr. E. Otterill, Govt. of the Northwest Territories

Mr. H. Monaghan, Govt. of the Northwest Territories

Mr. C. Abrahamson, Dept. of Indian Affairs & Northern Development

Mr. D.A. Davidson, Dept. of Indian Affairs . . .

Mr. C.I. Fairholm, Dept. of Indian Affairs . . .

Mr. J. Fournier, Dept. of Indian Affairs . . .

Mr. B. Gann, Dept. of Indian Affairs . . .

Mr. A.D. Hunt, Dept. of Indian Affairs . . .



Agenda [as amended]

1. Discussion of Notes made at the Previous Meeting.
2. The Proposed Repeal of the Land Titles Act.
3. The Proposed Amendments to the NWT Game Ordinance.
4. The Proposed Land Use Regulations.
5. Eligibility for an Inuit Land Settlement
6. Mechanisms for Consultation Respecting Game Management.
7. The Report of the Sub-committee Concerning Native Employment in the Game Management Branch.
8. Further Meetings.

1. Discussion of Notes made at the Previous Meeting.

No requests for changes in the Notes from the Meeting of 1st June 1974 were made.

2. The Proposed Repeal of the Land Titles Act.

Ms. Hunt requested written documentation of the proposed changes outlined by Mr. Hunt at the previous meeting. Mr. Hunt said that details are still being clarified; there has not yet been assent from Cabinet and copies of the draft ordinance cannot be provided prior to the bill's presentation. However, an abstract can be made available, and a copy was requested by Ms. Hunt. It was agreed that three-way technical discussions on the legislation through a subcommittee would be desirable prior to enactment.

3. The Proposed Amendments to the NWT Game Ordinance.

Ms. Hunt circulated and briefly commented upon a series of remarks which comprise a preliminary response to the "Summary of Significant Changes in Proposed Revised N.W.T. Game Ordinance" as sent to ITC on May 23rd, 1974 by Mr. E. Cotterill, Assistant Commissioner. She commented that these will be augmented when the bill is actually seen. After noting the four provisos in the general ITC position,

discussion proceeded on the eleven numbered comments set out in the ITC's remarks.

With respect to item No. 2, Mr. Cotterill noted that monitoring of the kill of marine mammals is not to be a prime responsibility of the "Fish and Wildlife Officers", since they are to be chiefly enforcers of the law; that the number of game officers is not in fact being increased; and that all Inuit with General Hunting Licences are in any case asked to tabulate their kills of marine mammals. He said the extension of the Game Officers' duties meant making better use of the personnel at hand and that there will be no new manpower requirements.

Mr. J. Kusugak said that Inuit are unhappy with Game Officers who are not there to teach people about the laws, but are more like policemen. He advocated a training programme, with the Game Officers showing the population what the law is. Mr. Cotterill responded that the NWT tries to communicate the reasons behind decisions, but that there still has to be potential for enforcement.

Mr. Cotterill said that relative to ex-officio game officers being appointed by the Federal Government as ex-officio fishery officers, there was no objection to Inuit additions to the staff as ex-officio game officers, but that there needs to be caution since officers should know the laws reasonably well. Further, penalties for infractions by them are more serious than those for the ordinary population.

On the fisheries aspect, Mr. Davidson said that the Territorial Government was working through the communities to make the game system work, and that the Fisheries and Marine Service want to utilize this existing game administration network for sports fishing. Enforcement is currently becoming important in coastal areas to ensure that non-Inuit do not kill marine mammals. Ms. Hunt asked why, since a new system is coming in, it is being based on the old one, rather than a new start's being made. Mr. Hunt replied

that the Service has to delegate responsibility to an organized group. Then Inuit can be brought in. They want to ensure that the Inuit can have any requisite training. Professor Cumming contended that grounds of self-interest would make it logical for Inuit fisheries officers to control non-native abuse.

Mr. Davidson said that the discussion pertained to sea-mammals, a federal responsibility, and that these had not been subject to fishery officer surveillance. The matter had been handled by the R.C.M.P. Inuit hunters could become involved in enforcement should the Department go into it, though this would raise the question of cost. It would also mean the Inuk's having to give up some of his own hunting to do the job.

It was agreed that the Territorial Government would write to the Department of Indian Affairs and Northern Development regarding ITC's concern about the appointment of ex-officio game and fisheries officers, asking the Department to request the cooperation of the Department of the Environment in the recognition of local hunters as ex-officio fisheries as well as game officers. Should training be required, this would be part of the approach to be taken.

With reference to point No. 4 of the ITC Remarks, Mr. Hunt agreed to provide a report for the next meeting on the progress in training native people as Park Wardens. He noted that Parks are an ideal opportunity for involving native people, not just as wardens, but also in management. One problem would be that experience in currently operating parks would be desirable, and this would necessitate Inuit mobility elsewhere for a time.

Ms. Hunt asked how many natives are honorary and ex-officio game officers in the NWT. Information is to be provided prior to the next meeting.

On the question of licence-vendors raised in item No. 5, Mr. Cotterill said that the question of accessibility meant that ABC and trap lines were the obvious outlets. ITC sought a commitment that preference be accorded native people, and

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Mr. Cotterill responded that wherever possible such a policy would be carried out. He noted that there might be several vendors in a single community.

Mr. Davidson said that item No. 6 relates to a proposed restriction on present powers. Ms. Hunt re-affirmed ITC's position on the need for a formal consultation process to be built into the ordinance. As with item No. 7, she was unclear about what the section meant. Mr. Monaghan said that the "firearm" section in 2(d) was primarily an age restriction, but that he would provide more information on the question.

Discussion then moved back to item No. 4 of the ITC's preamble to the document, and Ms. Hunt affirmed the need for sufficient time for the consideration of the proposed ordinance. Mr. Cotterill said that ITC and the Hunter and Trappers Associations would receive copies once the Territorial Council members have it. There is reluctance to defer the question one more Council session; the document will be out prior to October.

Returning to the text of remarks themselves, Ms. Hunt stressed the dangers of the precedents referred to in item No. 8. There was confusion as to whether the May 23rd summary (cited by ITC as "the second requirement") was a correct statement of the Governmental intention on this point. Mr. Monaghan said that this re-established older wording which was current until the late 1950's. Dr. Barber said that concern over this should be considered, and Mr. Cotterill advised that the matter would be taken up in considering the draft legislation.

On item No. 9, Mr. Cotterill said that the Territorial Government wants to foster inter-community exchange economies, i.e. wage-earners as a market for country food, though quotas would still be needed. Mr. Monaghan said it was intended to prevent aggressive local inhabitants from overkilling game for commercial exchange. Ms. Hunt said that if there were no over-harvesting, there should be no outside restrictions though permits upon trading between settlements.



About ITC's concern as to a possible prohibition of .222 calibre rifles for big game hunting, it was said that the Government wants to discourage their use because of caribou losses. They want to foster higher calibre rifles.

ITC is to consider appearing before the Territorial Council on the proposed ordinance.

Earlier in the meeting, Mr. Arvaluk raised the question of hunting prohibitions under the Migratory Birds Convention Act, and upon the need for legal leeway with respect to natives hunting out of the present seasonal limits. Mr. Davidson agreed that changes should be sought. Mr. Cotterill added that the problem was not that serious, since very few charges are in fact laid. Professor Cumming suggested the authorization of a spring hunt. Mr. Hunt said he was very sympathetic to the changes being sought, and that the Territorial Government had put specific recommendations through the Department to the Department of External Affairs. Dr. Barber said that this is a vexatious problem and a major issue which is being taken up across the country as the native claims settlement process goes forward.

Mr. Fairholm agreed to provide Professor Cumming with factual background data relating to native hunting rights and aboriginal title generally.

Mr. Hunt said that relative to the ITC brief on hunting rights, his Department had not gone a great way in developing their own position.

The meeting reconvened after lunch.

#### 4. The Proposed Land Use Regulations.

A short status report was given by Mr. Hunt, and dealt with two areas: the amendments of the regulations for technical purposes and the question of building formal consultation procedures into them. Proposals for discussion on the first of these have gone forward to the Minister, with a request for their discussion with interested groups. The recent election



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has inevitably delayed the process. The actual changes will demand consultations with both Territorial Councils, and these will go on currently with those with ITC. The major policy item relates to ITC's concerns about lack of effective consultation. As already announced by the Minister, Keewatin is to become a land management zone. There will therefore have to be notice of any intent to explore, and this would lead to a consultation process.

Consultation guidelines have been sought from the Minister, following from the earlier meetings with ITC, but again the election has delayed action. Professor Cumming offered to meet with the Government side on the question of guidelines, along with Mr. A. Loucke.

5. Eligibility for an Inuit Land Settlement.

ITC circulated a paper entitled, "One Possible Approach for Eligibility in an Inuit Settlement". Professor Cumming said that a companion background paper by a law student will be circulated later. He asked Mr. Fairholm and Dr. Raby for any pertinent documentation they might have.

Professor Cumming outlined the paper, and noted that Section 5(2) had been a subject of much internal debate within ITC. Dr. Barber stressed the need for much thought about avoiding divisiveness in communities and between Inuit and the larger society; that this represented one possible approach on a question which needs a great deal more thought; that it will probably change as the settlement process itself moves along.

Mr. Hunt said that progress along these lines was helpful, since the Committee can move forward on this question apart from the settlement per se. There will have to be closer movement towards the definition of eligibility, since those eventually eligible have to make inputs into actually making a settlement. He asked what might be done next, since the Government had already considered what the criteria for eligibility might be in some status Indian regions. Professor

Cumming reiterated the need for more thought and asked for any Governmental thinking on the issue which might be relevant. //

With reference to the Yukon negotiations, Mr. Hunt stated that the eligibility question has been taken by the native people as one to be decided before they would move onto other issues. The "ancestral concept" being argued by the natives there has been the basis for fundamental disagreement with the Government, and is seen as creating unwanted divisions in the communities there. The ITC paper is reasonably close to Governmental thinking on the question in general.

Dr. Barber said he anticipated inputs from both the Federal and Territorial Governments, together with ITC's own reworking of the matter. The question is to be on the agenda for the next meeting. //

6. Mechanisms for Consultation Respecting Game Management

Professor Cumming repeated ITC's contentions about a formalized advisory committee, as discussed at previous meetings. Ms. Hunt said that if there were a satisfactory consultation structure, ITC would not press for the inclusion of the regulations into the ordinance. Mr. Cotterill reiterated his own views, and said he had no formal proposals to make at this time.

Professor Cumming suggested that the Sub-committee on Native Employment in the Game Management Branch be asked to consider this question prior to the October session of Council, and make concrete recommendations on requirements for adequate consultation. It was agreed that this be done, and a report be made by the next meeting.

7. The Report of the Sub-committee Concerning Native Employment in the Game Management Branch.

The Report by Ms. Hunt and Mr. Monaghan was circulated



and summarized verbally by Ms. Hunt. There was general agreement in support of the report. Mr. Cotterill said that the kind of training programme mentioned would have Federal support as to its technical feasibility. Although he would support the idea that all the potential trainees be natives, Council might make any funding subject to their own criteria, i.e. bring non-natives in under the scheme.

Dr. Barber said that unless complications developed, only a general progress report need be received in the future. He commended the Territorial Government for its flexibility and said that the current informal process through meetings was clearly leading to progress.

There was no objection to the diffusion of the Subcommittee's Report. Mr. Cotterill said he would make an approach on the question to the Indians and Métis when he has agreement to move ahead.

#### 8. Further Meetings.

A meeting is scheduled for the 26th September, 1974 at 10 A.M. at Centennial Towers, Ottawa. The proposed agenda is:

- (i) Eligibility.
- (ii) The ITC Discussion Paper on Fish and Marine Mammals [which should be completed by the 16th September].
- (iii) Report of the Sub-committee on Consultation.
- (iv) The Game Ordinance.
- (v) The Land Use Regulations.

In view of item (ii), Mr. Davidson agreed to arrange for a representative from the Department of the Environment to attend.

Stewart Raby,  
Indian Claims Commission  
Ottawa

1st August, 1974.

OFFICE OF THE COMMISSIONER ON  
INDIAN CLAIMS



CANADA

LLOYD I. BARBER  
Commissioner  
Commissaire

BUREAU DU COMMISSAIRE SUR L'ÉTUDE  
DES REVENDICATIONS DES INDIENS

1802 - 241-5th Ave. N.,  
Saskatoon, Sask. S7K 2P3  
December 19, 1974.

Mr. Tagak Curley,  
Director,  
Land Claims Project,  
Inuit Tapirisat of Canada,  
409 Royal Trust Bldg.,  
116 Albert St.,  
Ottawa, Ont. K1P 5G3.

Dear Mr. Curley:

Thank you for your letter of December 12 outlining  
your addendum to the notes taken by Dr. Raby at the October 18  
meeting between ITC and the Government.

I have circulated this to government representatives  
who attended the meeting.

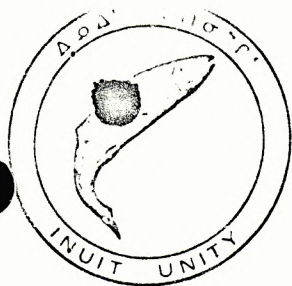
Yours sincerely,

*for* Lloyd I. Barber,  
Commissioner.

c.c. E. Cotterill  
P. Ernerk  
H. Monaghan  
✓ G. Abrahamson  
D. A. Davidson  
C. I. Fairholm  
J. T. Fournier  
B. Gunn  
A. D. Hunt  
C.T.W. Hyslop  
Ms. E. Lewer  
G. Birtz  
E. W. Burridge  
C. R. Levelton  
R. J. Paterson

5





# INUIT TAPIRISAT OF CANADA

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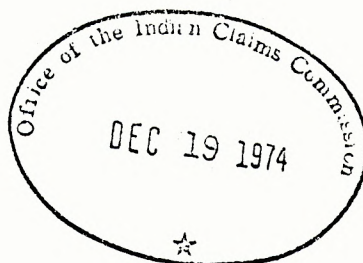
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December 12, 1974.



409 Royal Trust Bldg.  
116 Albert Street  
Ottawa, Ontario  
K1P 5G3  
Ph.: 235-1876

File No.15-061.

Dr. Lloyd Barber,  
Chairman,  
Indian Claims Commission,  
Admin. Building,  
University of Saskatchewan,  
Saskatoon, Sask.

Dear Dr. Barber,

In regard to the minutes of the October 18th meeting between the I.T.C. and various government officials, we would like to suggest some changes to the minutes so that they more accurately reflect the discussion which took place with representatives from the Fisheries Branch.

Two sentences should be added to the bottom of page 6 as follows:  
"There was agreement from the Fisheries officials that there would be no further changes made to laws affecting fish in the N.W.T. or marine mammals of importance to the Inuit generally, without first notifying the I.T.C. and soliciting its advice. It was also agreed that the I.T.C. would be given a statement from the Department of the Environment as to any factual disagreements they might have with the brief, and as to any practical problems they anticipated in relation to implementing the position put forth by the I.T.C."

As we recall the discussion, this undertaking was pressed for by the I.T.C., and agreed to by the Fisheries representatives. It is of some significance, due to the fact that a resolution from the I.T.C. Annual Conference specifically requested no further changes to Fisheries laws until a settlement of land claims.

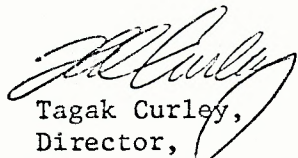
In addition, on page 7, the following should be added to the end of paragraph 2:

[regulations], "so that the I.T.C. could comment upon them before they are passed."

2.

Other than these two points, we feel the minutes accord with our notes from the October 18th meeting.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Tagak Curley".

Tagak Curley,  
Director,  
Land Claims Project.

207  
October 22, 1974.

NOTES FROM THE OCTOBER 18th MEETING  
ON MATTERS RELATED TO INUIT LAND CLAIMS

1180-135-1

As with the notes from previous meetings, these are not intended to be official minutes. They are simply an attempt to record, for reference purposes, the essence of the dialogue. Again, if any of the participants at the meeting feels that it would be useful to add points or register differences of interpretation, this can be done through addenda to these notes.

The views expressed are not necessarily the official positions of the parties represented at the meeting. The discussion was carried out without prejudice to the parties involved.

The meeting, held in Centennial Towers, 400 Laurier Avenue, West, Ottawa, was chaired by the Executive Director of the Indian Claims Commission. It began at 11 a.m.

Those present were:

Office of the Indian Claims Commission

Mr. B.G. Pratt

Dr. S. Raby

Inuit Tapirisat of Canada

Mr. J. Arvaluk

Professor P.A. Cumming

Ms. C. Hunt

Gov't. of the Northwest Territories

Mr. E. Cotterill

Mr. P. Ernerk

Mr. H. Monaghan

Dept. of Indian Affairs and Northern Development

Mr. G. Abrahamson

Mr. D.A. Davidson

Dept. of Indian Affairs and Northern Development (cont'd.)

Mr. C.I. Fairholm

Mr. J.T. Fournier

Mr. B. Gunn

Mr. A.D. Hunt

Mr. C.T.W. Hyslop

Ms. E. Lewer

Dept. of the Environment

Mr. G. Birtz

Mr. E.W. Burridge

Mr. C.R. Levelton

Mr. R.J. Paterson

Agenda [as amended]

1. Miscellaneous Matters Arising from the Previous Meeting
2. The Proposed Repeal of the Land Titles Act
3. The Proposed Land Use Regulations
4. The ITC Brief on Inuit Rights in Relation to Fish and Marine Mammals
5. Date and Agenda of the Next Meeting
6. Subcommittee on Hunting
7. The ITC Discussion Paper re Eligibility
8. Subcommittee on the Game Ordinance
9. Report of the Subcommittee on Consultation and Employment in Game Management
10. Publicity

1. Miscellaneous Matters Arising from the Previous Meeting

Professor Cumming submitted a copy of the Conditions of Membership in ITC; this was later circulated.

A letter has been received by Ms. Hunt in response to her request for data on Park Wardens.

Mr. Cotterill said that there are 74 ex-officio game



officers in the NWT, eleven being native people.

2. The Proposed Repeal of the Land Titles Act

Mr. Hunt said that the Federal Government's tentative thinking on this matter has been communicated orally to the organizations in the Territories, and a letter on the matter will be sent to them in the near future.

3. The Proposed Land Use Regulations

Professor Cumming requested information on the proposed regulations. Mr. Hunt differentiated between immediate changes and the Government's response to ITC's contentions about Inuit involvement in the administration of the regulations. He described the extension of the land management zones to ensure more formal consultation prior to the issuance of permits. Generally, he said that more time was felt to be necessary in dealing with particular applications, and that suggested changes in the regulations to effect this would be passed to ITC as soon as they go to Council. He said that a meeting with ITC on the matter would be desirable.

Professor Cumming thought a Subcommittee should be asked to report on the issue, and Mr. Hunt agreed to make arrangements for this.

4. The ITC Brief on Inuit Rights in Relation to Fish and Marine Mammals

Mr. Levelton provided general comment on the Summary and Conclusions of the Brief (pages 34-36). He expressed agreement with points Nos. 1, 2, 3 and 4 and emphasized his Department's especial concern with the conservation of stocks which were liable to be depleted through over-exploitation. Administrative action over marine mammals was generally to the benefit of the Inuit alone, though in the case of migratory species, non-Inuit were also beneficiaries.



Regarding point No. 6, he said there was no intent in the regulations to reduce Inuit privileges. Professor Cumming considered that legally such was their effect. Mr. Birtz disagreed, saying that the last sentence on page 34 of the Brief was incorrect. Ms. Hunt said that beluga and walrus were particularly at issue here, in view of long-term dangers through potentially great increases in the non-native populace. She outlined the argument made in the substantive part of the Brief, and recounted the recent history of seal-hunting as evidence for ITC's position.

Mr. Levelton said his Department was opposed to the sport-hunting of marine mammals as a matter of policy. Ms. Hunt said that such hunting has increased, and asked why quotas were being extended to seal in certain areas, since this implied a fear over the future of species. Should this be so, any extensions of rights to non-natives threatened the Inuit. Mr. Paterson informed the meeting that while such area quotas are not presently in the regulations, the Government is moving towards such legalization. He emphasized that the development of a conservation ethic was more important than law enforcement in the North.

Professor Cumming said since there was agreement that, as a matter of policy, sport-hunting of marine mammals should not be extended to non-natives, native rights in the matter should be recognized. Inuit should be allowed the discretion, within the Government's conservation system, of permitting any departures from exclusive native usage. Mr. Levelton said he was not opposed in principle, but that it was another matter to put this into law. Professor Cumming said that since there is no major problem with the hunting of marine mammals, now is the time to enshrine Inuit rights in them as part of a claim settlement.

Mr. Birtz pointed out the virtues of flexibility in the present system of regulations. Professor Cumming responded that it was a question of what laws that flexibility should be based on. He called for formal recognition of Inuit rights

at the legislative level by the Canadian Government, while agreeing that conservation objectives should be attained through regulations. Government practice regarding marine mammals accords, he said, with what ITC was requesting; regulations at present are for Inuit benefit.

Mr. Hunt sought elaboration of the difference between exclusive and prior rights. Professor Cumming referred him to the Brief on Inuit Hunting Rights, and said that prior rights were the ones at issue. Ms. Hunt said that respecting marine mammals, prior rights meant that the animals should be available for the usage of Inuit, with the exception that the local Inuit group should have the power to extend that right of use to outsiders. Mr. Hunt noted that the contention of prior rights, as advanced with regard to hunting on land, had posed difficulties for the NWT Government, but that since the same conflicts do not exist over marine mammals there is an opportunity to act in this area without transgressing non-Inuit rights.

Mr. Levelton said his Department had been recognizing native fishing rights over a long period, and were being as lenient as possible within the existing framework. While the enshrinement of rights in law would make dealings with the Inuit easier, it would render those with non-natives more difficult. He later raised the same issue in discussing point No. 9. Ms. Hunt said this question does not apply over marine mammals. Discussion ensued as to implications any changes in the law on the hunting of marine mammals might have for other northern jurisdictions. Professor Cumming said that this worked both ways, and cited potential changes in Québec.

Regarding point No. 7 of the Summary and Conclusions, Mr. Levelton remarked that there was no intent in the recent amendments to ignore Inuit fishing rights, and that he was prepared to discuss the matter with ITC. Ms. Hunt sought comments on the factual basis from which point No. 7 was derived; Mr. Levelton said his Department would respond in writing.

On point No. 8, Mr. Levelton said groups of users are involved as advisors. ITC accepted his offer to invite an Inuk to the Law of the Sea Conference in Geneva in March, 1975. Professor Cumming said that a more formal advisory process was being proposed, involving in this case an organization with some resources, rather than the *ad hoc* processes which had been found frustrating, as in the formulation of Government policy on the hunting of polar bears.

Mr. Levelton said with regard to point No. 10 that the enforcement of conservation measures has to be firm yet realistic. Local situations are taken into account. Emphasizing that it was a personal view, he said that it would probably be impractical and even unconstitutional to pass control of any such natural resource over to a local community. He would, however, discuss their involvement in the conservation process. Professor Cumming acknowledged that the Government always has ultimate control. He asked for a response on the substance of the Brief, including its legal aspects.

Mr. Hunt said discussion should not be confined within the present legislated framework, and must be seen in the context of thinking about special rights. As with the advisory committee question, parts of an eventual settlement can be implemented immediately.

Further to point No. 11, Mr. Levelton said his Department did not want to rescind the new regulations at present, but that it was prepared to discuss their modification in response to changing conditions. Ms. Hunt noted that the resolution mentioned in this paragraph was passed by the Inuit from Labrador and Québec, as well as those from the NWT, and that the lack of opportunity for formal input had led to serious distrust on the native side. ITC sought an undertaking from the Federal Government that no further changes would be made without an Inuit input. Included here would be any which might issue from recommendations of the Marine Mammals Committee.

Mr. Birtz asked that the last sentence in point No. 11 be elucidated. Ms. Hunt replied that this was dealt with in the Brief, particularly the objections made there to the redefinition of the Inuit. Mr. Hunt said the question of defining the population at issue was a fundamental component of any settlement.

Mr. Levelton concurred with the last sentence on page 36 of the Brief and agreed to give Ms. Hunt a copy of newly proposed whaling regulations.

It was agreed that a Subcommittee be struck to examine the Brief in detail, and to examine any practical steps which might be taken immediately to respond to the problems it raises. These might concern such things as consultative mechanisms and specific questions pertaining to the regulations. The members are to be:

ITC: Ms. Hunt and the Inuk Director

Gov't. of the NWT: Mr. E. Cotterill

Dept. of IAND: Mr. D. Davidson (Chairman)

Dept. of the Environment: Mr. E.W. Burrridge and  
Mr. R.J. Paterson, with  
Mr. G. Birtz to assist as  
required

The Subcommittee was asked to report back to the next Meeting.

##### 5. Date and Agenda of the Next Meeting

Professor Cumming outlined the recent decisions made by ITC at its Annual Meeting respecting the creation of a negotiating committee. He also informed the meeting about the three technical support groups with whom the negotiating committee would be holding workshops early in the New Year. He indicated that ITC might be ready at that point to begin discussions on the general principles of an overall settlement, and also about viable positions acceptable to both sides on Inuit rights in wildlife.

It was decided to hold a meeting of the Committee on



the 1st, 2nd and (possibly) 3rd of February in Room 1423, Centennial Towers, that is immediately after the proposed workshops. The agenda would include:

- (i) A review of hunting, fishing and game management including marine mammals;
- (ii) Discussion of overall settlement questions;
- (iii) The structure of negotiations.

Professor Cumming expressed ITC's desire to know what the Government thinks would comprise a satisfactory (Inuit) group with whom it might make a settlement. //

6. Subcommittee on Hunting

It was agreed that a Subcommittee similar in structure to the one set up under item No. 4 above should be asked to review ITC's Brief on Inuit Hunting Rights and the subsequent discussions, and to report to the February meeting should progress be achieved. The two Subcommittees would likely provide a basis for discussions on item (i) of the tentative agenda.

7. The ITC Discussion Paper re Eligibility

Professor Cumming stressed that there would have to be much more discussion within ITC on this matter, and that little more can be done until the Inuit negotiating committee has dealt with it. A further paper will soon be available for discussion. He stressed the centrality of community institutions in any settlement, including this question of current eligibility and ongoing recognition in the future.

Mr. Hunt said he had no substantive comment to make on the Brief, although he did want to encourage ITC in the approach it had taken. The direction would likely be acceptable to Cabinet. He noted that the Federal Government would have to agree to any final definition of eligibility.



Professor Cumming requested that should the Government have relevant materials on the issue of eligibility he would welcome their being shared with ITC. Both Mr. Fairholm and Mr. Davidson said they would be glad to pass on any such information.

It was decided that a Subcommittee on Eligibility be set up, at the call of the Government.

8. Subcommittee on the Game Ordinance

It was agreed that this item from the original Agenda be taken as lying within the terms of reference of the Subcommittee set up under Minute No. 4 above.

Mr. Cotterill informed Ms. Hunt that the draft Game Ordinance was not being pursued, and that the existing ordinance was being opened to study by an Advisory Council, which is to make recommendations. No new ordinance will be presented to Council until the Advisory Council has made its recommendations.

9. Report of the Subcommittee on Consultation and Employment in Game Management

Ms. Hunt reported orally on the question of consultation, saying that the Territorial Commissioner has announced that an Advisory Council is to be constituted, this to include four native representatives, one of whom would be from ITC. She said the structure had been proposed without ITC's knowledge, and that it was not in accord with the organization's views in favour of a body based upon the Hunters and Trappers Associations. ITC is currently trying to reach agreement with the Territorial Government and other native organizations as to how it should be structured. Mr. Cotterill said that the Territorial Government is willing to consider adjustments more in line with the Subcommittee's recommendations and ITC's wishes.

Mr. Monaghan noted the possibility of special game management courses in the North; that little had so far occurred respecting biological assistance; and that courses for trainee game officers should be extended into the fisheries and forestry areas.

Mr. Cotterill said that implementation of the Subcommittee's recommendations on employment would be a matter for the Territorial Government. The Subcommittee's report had been accepted in principle at the last meeting of the Committee, and it should go ahead for implementation. Specific proposals are to be provided by Ms. Hunt and Mr. Monaghan, and reported to the Committee.

10. Publicity

Mr. Davidson sought views as to how much publicity the Committee's activities should be given. General discussion led to M. Fournier's agreement that he would make a draft statement, to be circulated through the Indian Claims Commission, for use if and when required.

Stewart Raby,  
Indian Claims Commission,  
Ottawa.

Record of Meeting August 7th, 1975,  
on Future Funding of Claims Research  
and Development between Inuit Tapirisat  
of Canada and I.A.N.D.

As in previous meetings, the following is a record of the proceedings, not official minutes, for the information of the participants whose discussions were held informally and without prejudice to the parties concerned.

In attendance

Chairman

- Lloyd I. Barber,  
Commissioner of Indian Claims

Inuit Tapirisat

of Canada

- Josiah Kadlutsiak,  
Vice President, I.T.C.
- Wm. Tagoona,  
Assistant Director, Land Claims
- Allah Gibbons,  
Special Assistant, Land Claims
- A. Gamble, Executive Director
- G. Yabsley,  
Legal Adviser (I.T.C.)
- Ian Creery, Community Affairs  
Officer

Indian and Northern

Affairs

- A.D. Hunt,  
Assistant Deputy Minister,  
Northern Program

Indian and Northerers Affairs ( Cont'd )

- Jean T. Fournier,  
Director,  
Territorial and Social  
Development Branch
- D.A. Davidson,  
Special Adviser
- J. Gilbert, Office of Claims  
Negotiation
- G. Abrahamson, Chief  
Social Development Division
- B. Gunn,  
Native Liaison Adviser

The meeting was convened in the 14th floor boardroom,  
Centennial Towers, 1400 Laurier Avenue, West, Ottawa,  
Ontario, at 2 p.m., August 7th, 1975.

Agenda items for discussion were as follows:

AGENDA

Meeting between D.I.N.A. and I.T.C.

2 PM, August 7, 1975

1. Minutes of Last Meeting (October 18, 1974)
2. Funding 1975-76 (I.T.C.) (D.I.N.A.)
3. Progress Report on Claims Research and Development (I.T.C.)
4. Plans for Remainder of Current Fiscal Year (I.T.C.)
5. Timing of Presentation to Government
6. Interim Protection (D.I.N.A.)
7. Other Items

During the introduction, Mr. Fournier suggested that the Chairman review the purpose of these meetings for the benefit of those who had not attended previously. In doing so, the Chairman summarized that to date informal discussion of matters generally of interest to all parties had taken place, with some specific items such as game management, hunting rights, fisheries and marine mammals receiving particular attention. In general, the intent of the discussions was to explore approaches to the problems related with land claims, and to provide an opportunity for the participants to 'think out loud'. He suggested that the previous written record of these meetings would provide further background of the nature of these meetings.

Mr. Fournier enquired if Mr. Arvaluk, President of I.T.C., would attend. Mr. Gamble replied that Mr. Arvaluk was out of town and had sent a telegram advising he was unable to attend.

1. Previous Notes

The Chairman invited comments on the notes of the October 18th meeting.

In speaking to the record, Mr. Davidson referred to a letter to Dr. Barber dated December 12th, 1974 from Mr. Tagak Curley, Director of I.T.C.'s Land Claims Project. In reference to para 2, sentence 2, Mr. Davidson commented that he doubted



Previous Notes - 1.- ( Cont'd )

that D.O.E. would put in writing any "factual disagreements", as stated in Mr. Curley's letter.

Mr. Yabsley commented that I.T.C. would still like something in writing from D.O.E. to that effect.

The Chairman reminded the delegates that the record was not legal minutes of the proceedings, stating that the discussion did not bind D.O.E. to anything - in the sense that changing the notes won't help, in this case.

Mr. Davidson indicated that at least the letter referred to should be included in the record, while the Chairman added that D.O.E. could be pressed for an undertaking.

Report on Sub-Committees

Mr. Davidson reported that the Sub-Committees on Hunting and Game Management, Fisheries and Marine Mammals had been carried about as far as they could go. The Government of the N.W.T. had made an offer for I.T.C.'s participation in the Game Advisory Council. D.O.E. and Fisheries had agreed to a Marine Mammal Advisory Council, had made a Press Release and had written to J. Arvaluk, President of I.T.C.

Report on Sub-Committees ( Cont'd )

There is no written report on these activities. I.T.C. has all the relevant correspondence and minutes on hand relating to the Sub-committee proceedings.

2. Funding 1975-76 (I.T.C.) (D.I.N.A.)

Mr. Hunt indicated that (I.N.A.) is prepared to discuss the question of continuing funding of the claims process through loans, and understands I.T.C. is also prepared to discuss this approach.

Mr. Hunt proceeded to outline that the Department has obtained authority for the current fiscal year to provide loans, or guarantee loans from other sources for the development of claims. Government loans will be interest-free up to the signing of an Agreement in Principle.

I.T.C. queried if interest on guaranteed loans (outside) would be paid by Government, to which Mr. Hunt replied, no, it would not.

The Chairman clarified the position for the Inuit delegation by stating that this position was being developed with other native organizations, not just Inuit. That a choice existed whereby associations who may feel comprised can seek outside funding, the principal only being guaranteed by Government, whereas loans from Government would

Funding 1975-76 (I.T.C.) (D.I.N.A.) No. 2 (Cont'd)

be interest-free up to an agreement in principle, after which interest rates would apply.

Mr. Hunt further explained the Department's interest to ensure sufficient funds are available for the whole claims process, authority for funding exists now until the end of the current fiscal year. A review (Federal Gov't) is being undertaken toward funding all native groups throughout Canada at this moment, so unable to confirm about funding for next year.

Mr. Hunt continued that we (I.N.A. & I.T.C.) will have to negotiate the amount of a loan, requiring an activity outline and budget, with agreement on the amounts to be drawn-down.

Discussion continued on the basis of what were reasonable periods for cash advances. Mr. Hunt indicated that cash-flow could best be made in quarterly or two-month intervals.

In response to Mr. Gamble's question about budget submission for a loan, Mr. Hunt confirmed that a complete budget to cover each loan situation would be required. Mr. Gamble stated I.T.C.'s concern that preparation for claims development would include the need to handle a settlement.

Funding 1975-76 (I.T.C.) (D.I.N.A.) No. 2 (Cont'd)

Mr. Hunt noted that there were important elements in discussing a claims settlement. For example, the existing authority to enter into a loan agreement, the repayment of which may be subject to further negotiation. The loan arrangement is for claims research and negotiation only, and could not be used for litigation unless with the consent of the Minister.

Mr. Gamble stated that in the case of litigation, preparation by legal advisers could constitute an expense to the claims process.

The Chairman explained that where there was an agreement to negotiate entered into, that litigation would cause re-consideration. He appreciated the problem, but litigation is excluded for purpose of the loans under discussion. However, should negotiations breakdown, litigation is likely but hopefully avoided.

Mr. Hunt re-stated funds were available for specific purposes, did not preclude other funding sources, but hoped for good faith on both sides in the negotiations process.

I.T.C. stated its concern was for having litigation completely closed off. In reply, the Chairman stated that negotiation route has the most

Funding 1975-76 (I.T.C.) (D.I.N.A.) No. 2 (Cont'd)

potential, and should be taken first.

I.T.C. responded that negotiation better than litigation (last ditch) and stated a preference for negotiation.

Mr. Hunt continued discussion on funding, suggesting that there be a joint group (I.N.A./I.T.C.) to continue discussions as the matter (of funding) proceeds. Finally, audited statements would be required at the end of each fiscal year.

In responding, Wm. Tagoona raised a question concerning the \$250,000 requested for management training, stating I.T.C. wish to start young people enlisting for jobs available in land claims and to identify the kind of training needed. Is this considered a separate request for funds, or as part of the loan?

Mr. Fournier stated he recognizes need for this training and that in a recent meeting with Mr. Arvaluk & Mr. Gamble he had left it with him to develop a program which we (I.N.A.) would review to determine sources of funds and examine where the training proposal could draw from existing training schemes within Government agencies, N.W.T. or other sources. The Chairman remarked the Alaskan experience has taught us the importance of management training.



Funding 1975-76 (I.T.C.) (D.I.N.A.) No. 2 (Cont'd)

Mr. Fournier suggested there was real difficulty in dovetailing the (training) program into a claims settlement. The Chairman remarked that the program should be negotiated separately from the land claims submission, an activity budget prepared and presented to Mr. Fournier.

Loan Agreement

Mr. Hunt observed there should be a meeting on the drawing up of a loan agreement. Mr. Abrahamson would represent I.N.A. Mr. Davidson asked the I.T.C. delegates if they had authority to enter into a loan. Mr. Gamble replied yes, up to 1.5 million towards a settlement of claims. The Chairman indicated no need to recall this group unless disagreement occurred.

Mr. Gamble indicated that the Inuit Development Corporation ties into management training, therefore budget requirements which should be discussed. There is a need for experience in handling business problems.

In the exchange that followed it was emphasized that funding was to allow the claims process to proceed, and to include further programs would be difficult to justify to Treasury Board, Mr. Hunt stated the need for a clean approach to negotiations funding.

Mr. Gamble was concerned that the concept of resources and development would involve a training program,

Loan Agreement (Cont'd)

appeared to be turned around. To which Mr. Hunt observed that it was a question of phasing rather than timing, and it was the view (I.N.A.) that the development of the claims negotiation process was at this point in time, a first priority. Considering negotiations had not commenced, management consideration were perhaps premature. Phasing, not the principle was the issue. However, Mr. Gamble did not agree with this point of view inasmuch as training is concerned.

I.T.C. Agreed that negotiation for loan funding should proceed.

3,4,5. Progress Report on Claims Development

Wm. Tagoona gave an account of the Claims Negotiating Committees Activities.

The Negotiating Committee (7 Inuit) have visited communities, discussing and getting reaction to hunting rights, legal aspects of claims, the land use and occupancy studies, renewable and non-renewable resources. A draft proposal on land claims will be discussed at Rankin Inlet next week. A joint meeting is proposed in September between the Board of Directors (I.T.C.), C.O.P.E. and the Negotiating Committee to consider changes to the Draft, after which there will be a visit to each community to discuss the contents, followed by a General Assembly (two representatives from each community) in October.

Progress Report on Claims Development - 3,4,5 (Cont'd)

It is expected to present the claims position to the Government early next year.

In response Mr. Hunt indicated the need for a clear position beyond the end of the current final year. Positive progress in this direction is needed to support further funding beyond that time. The Chairman advised that there was need to pay attention to strategy in presenting claims, and that the mood of the Canadian public at large should be considered.

Inuit Development Corporation

Mr. Fournier raised the question of the I.D.C. concept. Mr. Gibbons explained the purpose of the I.D.C. was to effect Inuit participation in the business sector, providing greater independence and opportunity for Inuit. He did not think there would be much involvement with co-ops. Mr. Gamble added that some kind of corporate structure envisaged to handle cash-flow and engage in business. Funds were being sought to effect planning and formulate structure.

6. Interim Protection

Mr. Hunt commented that there appears to be a misunderstanding over the Minister's letter to the President of I.T.C. (Nov. 28th), whereby some communities (Tuktoyaktuk, Baker Lake and Spence Bay, in particular)

Interim Protection No. 6 (Cont'd)

have interpreted it to mean full protection of lands surrounding the community, e.g. Baker Lake an estimated 24,000 square miles.

The Minister will write to I.T.C. to clarify this.

The Government's position is that it is not willing to freeze all development activity pending a settlement of claims but will exercise control where

- (a) the activity adversely affects the environment;
- (b) such activity might interfere with traditional sacred sites, e.g. graves, traditional hunting camp sites, historical sites, sites of special concern to the Inuit.

Mr. Hunt added that I.T.C. had been invited to recommend representatives (N.W.T.) to the Land Management Committee on Permits. Kadlutsiak mentioned some of the development activity being carried out in the Baffin Region in this regard, there is concern for the environmental damage which may be caused by companies and it appears the concerns of residents are not always heeded. Mr. Hunt responded that controls were in effect through the Land Use Committee, that on the basis of studies and reports development activity was being monitored. He repeated that native representation in the Land Use Advisory Committee had been invited (3 representatives, perhaps one from the Eastern Arctic, one from the Delta and one from the Yukon). The

Interim Protection No. 6 (Cont'd)

Minister is responsible for these appointments.

On the use of an air-gun (Broughton Island)

Mr. Creery made a point that perhaps a statement about its use, not being harmful to seals, was not enough, its use should be explained to the Inuit beforehand.

7. Other Items

Mr. Fournier requested the next meeting be held before the end of the year, or early Fall. The Chairman noted there should be some thought given as to the details of proceeding from these discussions on an informal basis, to the more formal negotiation process. At this time there is no hard position being taken, but it could be more difficult once a position has been stated. He suggested this be a major topic for discussion at the next session, the need to identify a process. Mr. Gamble stated I.T.C. is not clear about alternatives.

The Chairman agreed there were no clear alternatives, but generally two stages are apparent

- (a) to continue easy discussion, as we are doing now, or
- (b) a more formal process of negotiation.

Dr. Barber emphasized that the situation at present is 'wide open' for discussion, perhaps the best objective was to avoid being in an adversary relationship.



- 14 -

It was agreed to adjourn at 1720 hrs.

L.I. Barber,  
Chairman

GUNN/cb  
14/8/75

MEETING ON THURSDAY, OCTOBER 16, 1975 RE APPOINTMENT OF DIGBY HUNT AS  
NEGOTIATOR AND GENERAL PROCEDURES TO BE FOLLOWED PRESENTING LAND  
CLAIMS PROPOSAL

PRESENT - Dr. Lloyd Barber  
Arthur Kroeger, Deputy Minister, D.I.A.N.A.  
Peter Cumming, I.T.C. Legal Consultant  
James Arvaluk, President, I.T.C.  
Al Gamble, Executive Director  
Dougald Brown, Executive Assistant

The meeting was convened specifically to present I.T.C.'s views on the negotiating procedure and to present our objections to Mr. Hunt as "negotiator".

James Arvaluk explained why he felt Mr. Hunt would be inappropriate to carry out such a role. There was no further comment.

Peter Cumming then explained his concept of the procedure that should be followed. At a first meeting with appropriate Cabinet Ministers and the Prime Minister, the proposal would be presented in a formal sense. Peter suggested that publicity surrounding this meeting could be kept to a minimum. Following this, he suggested a second meeting with officials for clarification of points raised in the proposal. He suggested that within two months of the first meeting it would be apparent whether or not there was agreement. The basic position is that prior to approval or not on the Agreement in Principle, there is no need for a formal negotiator as such.

Dr. Barber agreed that until there was broad agreement on the key elements, there would be no need for a negotiator.

Mr. Kroeger agreed that as a first step, I.T.C. should present the proposal to Cabinet Ministers. This would be a short formal meeting. Following this, he suggested that a couple of months would be needed for clarification. He further suggested that following this clarification phase a second meeting could be arranged with appropriate Cabinet Ministers. At this meeting, it was envisaged that the Cabinet would give a broad response as to acceptance of the key issues.

There was general agreement that acceptance of the key issues - quantity of land, royalties, Nunavut Government - should come from politicians.

There was general agreement among Barber, Kroeger and Cumming that the process would be basically a three stage process:

1. formal presentation to Cabinet;
2. clarification (not negotiations);
3. response from Cabinet.

Dr. Barber suggested that during the clarification phase someone would be need to facilitate the "back and forth" process. He offered himself as "the honest broker" to fulfil this role. He suggested that there was a great advantage in avoiding formal negotiations per se, because in the absence of formal negotiations there could be no "breakdown" in negotiations. He suggested that after the clarification phase both parties would have a better knowledge of exactly how to proceed.

Mr. Kroeger explained that Digby Hunt would be empowered by Order in Council to negotiate all comprehensive land claims specifically the Yukon Indian Claim. Since Hunt will be moving to Whitehorse shortly, the clarification phase of I.T.C.'s proposal would be handled by other officials in Ottawa. He suggested however, that Mr. Hunt would be ready to handle the implementation phase of the Inuit proposal. The implementation phase was basically seen as the detailed negotiations on specific points following an Agreement in Principle.

Peter Cumming explained that it was paradoxical to set Mr. Hunt up by Order in Council as a "negotiator" for all comprehensive claims when there was general agreement that there would be no negotiations per se involved at the Agreement in Principle stage of the Inuit claim. He suggested that D.I.A.N.A. consider changing the Order in Council by omitting Inuit and speaking specifically of Indian claims. He pointed out that the Order in Council can be easily amended later by the Cabinet but that in the meantime Inuit would rest easily if Mr. Hunt was not specifically empowered to deal with the Inuit claim.

Mr. Kroeger said that there was a great rush to have the Order in Council passed but that he would convey our point of view to the Minister.

There was some discussion concerning the publicity surrounding the Proposal. It was generally agreed that I.T.C. would continue to follow a low-key approach and that everything should be done to avoid creating an aura of confrontation created by the media. There was some discussion about the possibility of a joint press release being issued when the Proposal is first presented to the Cabinet. Mr. Kroeger pointed out that it would be better to provide the media with the basic outline of the Proposal when it is first presented. This would avoid leaks at a later stage which might make relations between I.T.C. and the Government more difficult. Peter Cumming raised the possibility that certain very senior government officials might be provided with an advance copy of the proposal, on a confidential basis, a few days before it is presented to Cabinet.

Dougald Brown.  
:VW.

Minutes of the November 21 Meeting of the Sub-committee on Hunting Rights  
and Game Management

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The first meeting of the sub-committee on Hunting Rights and Game Management took place November 21, from 9:00 to 4:00 at Centennial Towers with Mr. D. Davidson from the Department of Indian and Northern Affairs as chairman and the following in attendance:

E.M.R. Cotterill	Assistant Commissioner Government of N.W.T.
H. Monohan	Game Management Division, Government of N.W.T.
C. Hunt	Legal Advisor, I.T.C.
E. Lewer	D.I.A.N.D.
E. Dugger	D.I.A.N.D.

Game Management

A tentative agreement has been reached between I.T.C. and the N.W.T. Government on an approach to solving the issues raised in the Game Management Brief. The N.W.T. Government is setting up an Advisory Council on Game which would meet the requirements set forth in the ITC, Brief. As for training of Game Management officers, Mr. Monahan will provide the final report. The principles of which have already been agreed tentatively.

Hunting Rights

The recommendations in the Hunting Rights Brief (p. 53-55) were reviewed, agreement was reached in most areas and specific differences of view were identified. (see Appendix 1). A proposal for a mechanism to ensure greater local control through the formation of a Game Advisory Council, whose terms of reference and composition is to be specified and encoded in Territorial legislation (see Appendix 2), was put forward by Mr. Cotterill. Ms. Hunt stated that she would have to discuss this proposal with the I.T.C. and its Negotiating Committee before taking a firm position on it.

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## Appendix 1

### Areas of Conflict

The recommendations (most of which are statements of principle) were reviewed and noted as follows:

1. Accepted: items 1-2, 4, 7-8, 10, 16 b, 18-23.

2. Accepted with reservations (Areas of Conflict)

item 3, 9                      see - Culture

item 5, 17                    see - Eligibility to Hunt

item 6                        see - exclusive Rights

item 13-14                    see - Federal Jurisdiction

3. Action taken: proposal for Game Advisory Council to ensure Inuit participation.

item 11-12, 15-16.

Culture

Focus is the cultural value and protection of the cultural integrity of the group, in addition to the importance for food and livelihood. Protection of Inuit hunting rights allows the Inuit the opportunity to retain elements of their traditional culture via hunting.

Stress is on the economic rather than cultural value of hunting. No agreement with I.T.C's predictions on the direction of cultural change i.e. the relative importance of hunting may even diminish.

Eligibility to Hunt: Differentiating Use in Legislation

All Inuit should be allowed to hunt. Communities in the north do not perceive the difference between hunting for food and livelihood (fulltime users) and recreational hunting as there may be a reliance by the community on the recreational hunter. I.T.C. is therefore opposed to making a distinction in legislation between the two groups. From a management stand point, the Inuit feel it is impossible to distinguish between the two groups.

Hunting for food and livelihood should be distinguished from recreational hunting. Eligibility should be defined in terms of prior need: as does present legislation which is concerned with subsistence rather than culture. Welfare needs of the native people have always been recognized and future special rights must take into consideration subsistence need of all peoples in the N.W.T. Given the increasing population utilizing the resources differentiation will be necessary no matter who administers game management as groups of Inuit will resist intrusion of other native peoples (i.e. Banks Island, Holman Islands)

The definition of prior need and the inclusion or exclusion of the gainfully employed would be the responsibility of the local Hunting and Trapping Association. The need for conservation measures necessitates need for a general licence and a definition of eligibility with the development of mechanisms for control at the local level.

## \* Migratory Birds Convention Act

"Ms. Hunt proposed that Parliament should be asked to amend the Migratory Birds Convention Act in order to state specifically that it does not apply to native persons in the N.W.T. This would reverse the decision made by the Supreme Court of Canada, and legalize the present situation (whereby natives who hunt out of season are never charged under the Act).

It was noted that the James Bay agreement in principle left the question of Migratory Birds open for future resolution. It was agreed to try to arrange a meeting with CWS officials in the near future so as to obtain their views as to the ITC and N.W.T. government positions".

Mr. Cotterill stated that the N.W.T. government would prefer to simply have the Act and treaty changed so the seasons would accord with the months when the birds are in the Territories. If this were to prove impossible due to technical difficulties, then the N.W.T. government would support the ITC position.

### Concepts of Exclusive Rights

Wants exclusive rights to be enshrined in legislation.

Agree on the need to protect rights of subsistence users but the grandfather clause of I.T.C.'s proposal would reduce the rights of others and therefore be unacceptable. If there would be more local control and responsibility for defining of real need, there would be less concern with exclusive hunting privileges. Hunting rights have to be put into the context of the land settlement.

### Land Mass Under Discussion

Federal legislation encoding Inuit Hunting Rights would apply to all the N.W.T.,

The N.W.T. sees the difficulty of the principle of applying exclusive hunting rights to all the land as does the Brief. The N.W.T. govt. can accept special interest in specific areas which would need to be defined.

### Federal Jurisdiction

Presently no federal legislation enshrines concept of exclusive hunting rights so N.W.T. legislation is gradually eroding the hunting privileges of the Inuit.

It is the federal responsibility to identify hunting rights and to put the principle into federal legislation with constraints, given the practical limitations, N.W.T. legislation would have to fit into the federal.

## Appendix 2

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### Game Advisory Council

It was noted that an agreement has been reached between the N.W.T. government and the N.W.T. native organizations to set up an Advisory Council on Game. The composition of the Council will be as follows:

- IBNWT (1)
- Métis (1)
- COPE and ITC (4)
- Appointed by Commissioner (2)

The terms of reference of the Council are to be discussed by the N.W.T. government and the native groups at a meeting in mid-January.

Mr. Cotterill put forward a proposal as to possible terms of reference and procedure for the Council, which he felt might be satisfactory to the government while at the same time resolving ITC-NWT government differences as to usage of the species. Ms. Hunt agreed to raise Mr. Cotterill's proposal with the ITC and its Negotiating Committee, in order to obtain the Inuit reaction to such a proposal.

Mr. Cotterill's proposal was as follows:

#### Terms of Reference:

The composition, structure and role (powers) of the Advisory Council would be encoded in Territorial legislation. They would be empowered to designate the usage of the species generally, by means of a priority system. They could define the qualifications of a "subsistence user", and the legislation could state a preference for subsistence users. The Council would have the authority to allocate quotas for areas and/or communities as between subsistence and recreational users. Their designation, presumably, would be based upon representations from local Hunters and Trappers Associations as to how many tags were required by subsistence hunters in a given year. Game Advisory Council decisions on these matters could be appealed to the Commissioner by the Hunters and Trappers Associations.

The legislation could retain special Inuit rights to polar bear and musk ox, subject to the ability of local Hunters and Trappers Associations to sell tags to sport hunters. Present trap lines would remain as is, with the local Hunters and Trappers Associations having the power to decide whether new trap lines in their areas should be authorized or not.

#### Procedures:

There would be two levels of decision making. The Game Management staff would recommend the overall quotas based upon conservation needs, etc. The Advisory Council would have an opportunity to make recommendations to the Commissioner concerning these overall quotas, prior to the quotas being altered.

Once the quota had been set, the Advisory Council would decide how many tags in a particular area should be allocated as between subsistence and recreational users. The Game Management Division would be responsible for licensing of recreational hunters, while the local Hunters and Trappers Association would allocate the tags at the community level to subsistence hunters".

Asterisk and underlining indicate amendments and additions to the original minutes.



The First-Meeting of the Sub-committee on Marine

Mammals and Fish

The first meeting of the sub-committee on Marine Mammals and Fish, held in Centennial Towers, 400 Laurier Avenue, West, Ottawa, March 6, 1975 at 9:00 a.m. was chaired by Mr. D.A. Davidson.

The following were in attendance:

Environment Canada

Mr. E.W. Burridge

Mr. G. Birtz

Mr. R.J. Paterson

Mr. M. Sponagle

Inuit Tapirisat of Canada

Ms. Connie Hunt

Mr. Tagak Curley

Indian and Northern Affairs

Mr. D.A. Davidson

Mrs. E. Lewer

Ms E. Dugger

1. The Section of the minutes of the October 18, 1974 meeting with ITC concerning the ITC Brief on Inuit Rights in Relation to Fish and Marine Mammals was reviewed and the following items were reviewed:

a) DOE Written Comments on point No 7 of the ITC Brief

Mr. Burridge said that the prepared comment which Mr. Levelton had read out at the October 18 meeting was intended to be their written response to ITC and a copy of this statement was tabled (copy attached).

b) DOE offer to invite an Inuit to the Law of the Sea Conference in Geneva

Ms. Hunt said ITC was interested and Mr. Burridge agreed to follow up.

c) Professor Cumming's request for DOE response to ITC Brief

It was indicated that the written statement just tabled covered DOE's response to the substance of the Brief

d) Drafting new whaling regulations for ITC

It was reported that these were not yet ready but that a copy would be provided to ITC when available.

2. Report of the N.W.T. Working Group on Marine Mammals

This report is being prepared for Dr. G.H. Lawler, Director-General of the Central Region and is an attempt to bring together all known facts on marine mammals and management. It is expected that the report, presently in its third draft, will be completed by the end of April. Acting upon a recommendation passed at the I.T.C. Annual Conference, I.T.C. requested access to the report and was advised to write to Dr. Lawler who is responsible for the report's release to the public.

3. Native Advisory Committee on Fisheries

Ms. Hunt described the Inuit desire for a more formal advisory channel to government on game and fisheries administration. I.T.C. now has an informal agreement with the N.W.T. Government for such an advisory body on game. At a meeting in Yellowknife, I.T.C., C.O.P.E., I.B.N.W.T. and Metis Association met with Mr. E. Cotterill of the N.W.T. Government and agreed on the composition, principles and terms of reference of the Advisory Council. I.T.C. is now awaiting formal approval from the Commissioner. The proposed Council would be composed of one member to be named by each of I.B.N.W.T., C.O.P.E. and the Metis Association, three by I.T.C. and two by the Commissioner who could be either native or non-native. The Council would be funded by the N.W.T. Government for travel expenses and resource people. The terms of reference of the Council would include the review of existing legislation and making recommendations, review of future game legislation prior to it being put before Council with the exception of cases where, from the management standpoint, immediate action is necessary. I.T.C. hopes that the Council will be a statutory body (N.W.T. Game Ordinance) with power of review and would provide members on commissions and groups examining domestic and international game issues.

The Council would also be responsible for advising on employment in the area of game and organizing public hearings. Ms. Hunt suggested the same Council could carry on the same functions at the Federal level in regards to fisheries and marine mammals.

Mr. Sponagle pointed out that given the pattern of distribution of marine mammals, there could be a proliferation of advisory committees to deal with one species. The working body to implement the management regime aspects of the James Bay Agreement will be a Coordinating Committee consisting of six government representatives and six native representatives.

This coordinating committee would be speaking for N.O.I.A. on marine mammals and the Labrador Inuit would be affected by any decisions made but would be without any Labrador representation.

As marine mammals are of concern to Inuit in Labrador, Quebec and N.W.T. and not of concern to the Indian and Metis it was agreed that fisheries and marine mammals should be dealt with separately from game generally. Mr. Sponagle, with I.T.C.'s concurrence, suggested that any time marine mammals were discussed at the Coordinating Committee's working group on marine mammals, I.T.C. would be involved. Mr. Sponagle is to bring forward the matter of the inclusion of the I.T.C. at a meeting on marine mammals at the March 25 meeting, of the Sub-committee on Hunting, Trapping and Fishing and report back to this Sub-committee.

As for fisheries, it was suggested that an Inuit advisory group with representation from the various geographical and administrative areas be set up. Environment Canada is to review the alternatives and comment on the structure of a feasible advisory committee.

#### 4. 1974 Amendments to Fisheries Regulations

Problems re public information on the new regulations, the changes in the wording of the eligibility clauses of the Fisheries Regulations and the rationale for permits and licenses were discussed. Mr. Paterson acknowledged that the Yellowknife office will be providing the public with an information packet which would clarify the problem areas such as the distinction between permits and licences.

It was stressed that the Regulations are not meant to curtail the rights of the Inuit but are a management tool necessary for conservation and the control of commercial and sports fishing.

I.T.C.'s brief on Marine Mammals and Fish was reviewed further and the following four issues were discussed.

##### a) Definition of Eskimo (p. 14)

For the purpose of the Regulations, I.T.C. proposed the following definition:

- a) "Eskimo" means: a person who is a direct descendant of a person who is or was of the race of aborigines commonly referred to as Eskimos.

##### b) Licence/Permit Requirement

Environment Canada will examine the possibility of redrafting the related clause and including the concept of exclusive native rights in legislation.

##### c) Barter of Fish

I.T.C. has disagreed with the removal of the barter clause.

Mr. Paterson explained that the tradition of bartering excess fish had grown into intersettlement commercial proportions which could deplete fish stocks. As a conservation measure the clause that allowed barter was removed. I.T.C. will discuss the item further internally in the light of this information.

d) \$5 fee for a commercial licence

The concept of commercial licence and the suggestion for differentiating sales of such licences to Inuit and non-Inuit is to be reviewed for discussion at the next meeting.

5. Proposed new Whaling Regulations

The fundamental change will be the abolition of whaling except for native peoples for local consumption. The definition of eligibility will change automatically as reference will be made to the Fisheries Regulations.

6. General questions on Inuit rights re-fisheries

The form which the enshrinement of special rights for Inuit in Federal legislation should take was discussed. Mr. Burrige pointed out the impropriety of including such a clause in the Fisheries Act which applies technically to the resource and not the people using it. Also as it was stated in Mr. Levelton's paper, the matter is not within their jurisdiction. The suggestion was made by Mr. Davidson that the matter might more properly be included in an Act dealing with peoples' rights and not one which deals with a resource. The question is to be raised in its complete context at the next meeting of the full committee. Meanwhile it was suggested the I.T.C. discuss the matter with the Minister of Indian and Northern Affairs.

7. The Next Meeting of the Sub-Committee on Marine Mammals and Fish

The next meeting of the Sub-committee on Marine Mammals and Fish is to be held the week of April 28, 1975.



The Second Meeting of the Sub-committee on Marine Mammals and fish

The second meeting of the sub-committee on Marine Mammals and Fish, held in Centennial Towers, 400 Laurier Avenue, West, Ottawa, May 8, 1975 at 9:30 A.M. was chaired by Mr. B. Gunn.

The following were in attendance:

Environment Canada

Mr. E.W. Burridge  
Mr. D. Birtz  
Mr. R.J. Paterson  
Mr. M. Sponagle  
Mr. Glazier

Inuit Tapirisat of Canada

Ms. Connie Hunt  
Mr. W. Tagoona

Northern Quebec Inuit Association

Mr. M. Gordon  
Mr. J.E. Peters

Indian and Northern Affairs

Mr. B. Gunn  
Mrs. E. Lewer  
Ms. E. Dugger

1. Review of Items from the March 6, 1975 meeting

- a) It was agreed that the following items would be ammended in the Federal Fisheries Regulations as was suggested by Mr. Birtz.
- i) Definition of Eskimo:  
The word Eskimo is to be replaced by "Inuk" and the definition for the purpose of the regulations is to read as follows.
  - ii) Inuk means:  
a person who is a direct descendant of a person who is or was of the race of aborigines commonly referred to as Eskimos or who possesses at least one-quarter Inuk blood.
  - iii) Mixed Blood means:  
a person of mixed Indian and non Indian blood who is at least one-quarter Indian or mixed Inuk and non Inuk blood who is at least one-quarter Inuk.

Mr. Gordon commented that this is a good working definition but whatever definition is worked out on eligibility will be used in a settlement.



- b) Mr. Birtz requested that the term "safety measures" be added to the sentence dealing with the objectives of the Regulations so as to read as follows:

It was stressed that the Regulations are not meant to curtail the rights of Inuit but are a management tool necessary for conservation, safety measures, and the control of commercial and sports fishing.

- c) Mr. Sponagle provided the Whaling Regulations as was promised at the March 6, 1975 meeting. DOE is to send Ms. Hunt a copy of the agreement on whales with Norway. In regards to the definition of Eskimo in the Whaling Regulations, Mr. Birtz pointed out that the term Inuk is to replace Eskimo and the last line of the definition has been deleted.

## 2. National Inuit Advisory Council on Marine Mammals

### a) Mandate of N.Q.I.A. and I.T.C.

A discussion of the mandates of N.Q.I.A. and I.T.C. preceded discussion of the Advisory Council itself.

Mr. Gordon expressed N.Q.I.A.'s desire to ensure that the Quebec Inuit would have the same rights as those in the N.W.T. He stressed that he did not want to make any trade-offs with what was being worked out in N.Q.I.A.'s meetings with the Quebec Government. In this regard Mr. Sponagle could not foresee any conflict between the Advisory Council on Marine Mammals and the Coordinating Committee established by the Agreement in Principle. He said that there would be liaison between the two. Mr. Gordon then stated that he could examine the alternatives posed for any problem but any agreement reached at this meeting would only be tentative as consensus of opinion of the local population would be required to make the decision definitive. However, Mr. Gordon stated N.Q.I.A. would like a provision in the final agreement stating that the resolution of this group would also be an essential part of the agreement and advocated that a regional government with regulatory powers similar to the Territorial Council be developed. D.O.E. reassured N.Q.I.A. that, although it could not speak in regards to matters of provincial jurisdiction, in areas of federal jurisdiction, whatever would be given to Inuit in N.W.T. would apply to all Inuit. As for matters of provincial jurisdiction the Coordinating Committee was to be the sole body responsible for hunting and fishing and the representative of the negotiating Committee could also be a representative on the National Advisory Council.

When Ms. Hunt presented the proposal for an Inuit Advisory Council on Marine Mammals, she stated that the proposal had been previously discussed with by I.T.C. with L.I.A., C.O.P.E., and N.Q.I.A.

### b) Participation and Consultation

Mr. Sponagle pointed out that he was pleased to see one representative, national body speaking on resources. The principle of participation and consultation by native peoples in areas of concern to them in the

legislative and management process was agreed to by DOE, however Mr. Glazier recommended that just one or two representatives from the Advisory Council represent the Council on other committees so as not to make them unwieldy.

c) Composition of Inuit Advisory Council on Marine Mammals

Since the Council proposed was a National body it was suggested that all groups with an interest in marine mammals should be represented. Concern was expressed by Mr. Gordon that the Council would become too large and all native groups would be involved. Mr. Sponagle explained that the geographical area of concern would be the area of application of the Marine Mammals Regulations which would be defined in the regulations (mainly north of 60° except for the Hudson Bay and Labrador Coast.) Mr. Gunn suggested that I.T.C. inquire through the National Indian Brotherhood as to Indian interests in Marine Mammals.

DOE noted lack of government representation on the proposed council. Ms. Hunt welcomed the suggestion of having advisors provide technical expertise but emphasized that they be non-voting as it was by the vote that Inuit expressed their perspective and point of view. All agreed upon the inclusion of two permanent non-voting technical members.

It was agreed that the Council should be made up of eight Inuit as the noting members. There would be four from the N.W.T., two from Quebec and two from Labrador; the representatives being chosen by respective regional organizations.

d) Terms of Reference

The following changes were made to the terms of reference of the proposed Inuit Advisory Council on Marine Mammals:

1. To give advice to the Minister of Fisheries prior to the enactment of any CHANGES (changed from amendments) to marine mammals legislation.
2. To give advice to the Minister of Fisheries prior to the adoption of a Canadian position for the purposes of international agreements affecting marine mammals WITHIN THE JURISDICTION OF THE COUNCIL (addition).
3. IF A FEDERAL BODY BE SET UP CONCERNING USAGE OF MARINE MAMMALS, THE INUIT ADVISORY COUNCIL ON MARINE MAMMALS SHALL BE INVITED TO PARTICIPATE THEREIN. (completely changed)
4. (Deleted as this one is similar to number 1)
5. To give advice to the Minister of Fisheries on general policy and enforcement questions relating to usage of marine mammals. (remains the same)

It was agreed that the terms of reference and the principles, were guidelines which would be reviewed by the Advisory Council itself.

It was also agreed that the Council itself would also review the geographical area over which it would exercise its powers, so as to include all coastal and off-shore areas in which the Inuit have a hunting interest..

c) Formal Recognition of the Advisory Council

Ms. Hunt asked for the support for the principle that the existence and powers of the Advisory Council be included in legislation. The DOE members of the sub-committee stated that it was not within the jurisdiction of the Minister of DOE to ensure that the Council be formally recognized in legislation, however the Minister could support the formation of the Council. Mr. Gunn suggested that the issue of granting formal recognition to the Council in legislation could be put into the body of the main negotiations and in view of the negotiations which have taken place I.T.C. could make its request known directly to the Governor-in-Council.

Both N.Q.I.A. and L.I.A. representatives stressed their view that the existence and powers of the Council should be legislated. Although they appreciated the sincerity of the Government's intention, it is strongly felt that legally-recognized powers are a necessity in order to ensure that the Council is an officially-recognized body.

It was agreed that the DOE representatives would draft a letter to I.T.C. for the Minister's signature recognizing the establishment of the Council on Marine Mammals and agreeing to nominate two technical members to advise it.

3. N.W.T. Advisory Council on Game vis a vis Fisheries Matters

Ms Hunt commented on the status of the Native Advisory Council on game which was to serve as the base for the fisheries advisory structure. The Federation of Natives North of Sixty has received a letter from the Commissioner requesting changes which are not acceptable to the native organizations. The terms of reference of the Council is still being developed.

It was agreed that the N.W.T. Advisory Council should take the function of advising upon the N.W.T. Fisheries Regulations, as this is regional legislation which applies to all natives in the N.W.T. There was some discussion as to a role in regard to the Migratory Birds Convention for either the N.W.T. Council or the National Inuit Council on Marine Mammals; but it was decided to leave that matter for discussion at a later date to avoid confusion and delay.

Mr. Sponagle expressed concern over the lack of government representation on the Council and the level at which recommendations would be made ie recommendations would be received after decisions were made. Ms. Hunt said that it was understood that technical and scientific advice would be sought and issues would be discussed with Game Management Division. Mr. Burridge suggested that a non-voting government could act as a permanent advisor of the group providing the native people with advice on management techniques to aid



in the development of practical ideas. It was agreed that the Game Council and the Fisheries Council would have the same native nucleus but two different sets of appointees two advisors to be appointed by the Commissioner on hunting and two advisors to be appointed by DOE on fishing. As this body would apply to all activities CWS would be called upon for input also. Given the jurisdictional problem in the N.W.T. it was agreed that the frame of reference should be written so that DOE would have direct involvement in the Advisory Council rather than reporting through the Commissioner.

It was agreed that there should be discussion between DOE and the Commissioner on DOE involvement.

#### 4. Amendments to Fisheries Regulations

I.T.C. and N.Q.I.A. continued to express their objections to the concept of licensing and permits, as outlined on page 14 of the I.T.C. Brief on Fish and Marine Mammals. Johnny Peters and Mark Gordon explained that the Inuit resent this approach, seeing it as an incursion upon rights which they have always exercised. Once they are forced by law to obtain a piece of paper to fish, they know that the paper, and their right, can always be removed. Mr. Glazier stated that the particular program being implemented was developed for the Great Slave area, at the request of the people of that area as being the most practical management technique. The program is three years away from being implemented in Inuit Areas. Ms. Hunt re-iterated that the I.T.C. remains opposed to the permit system, removal of the barter clause, and the \$5.00 fee for commercial licences, as all of these changes reduce Inuit rights and customs. There was a suggestion that the new Regulations could be reviewed by the Advisory Council.

DOE delineated the difference between commercial and domestic fisheries first in reference to the barter clauses and later in reference to the \$5 fee. Ms. Hunt who protested the removal of the barter clause and the imposition of a \$5 fee, suggested that DOE examine the concept of self-regulatory inter-settlement trade being developed in Quebec. It was agreed that both these items issues that should be considered by the Council.

#### 5. Further Meetings

No future meetings have been set for the Sub-Committee but members will make any necessary arrangements at later date.

#### 6. Action to be Taken

DOE is to send letter of I.T.C. concerning the formation of the National Advisory Council on Marine Mammals and to provide Ms. Hunt with a copy of the Agreement on whales with Norway.