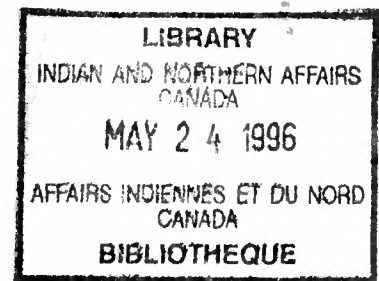


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NUNAVUT

• BACKGROUND

Prepared by: Nunavut Secretariat
Dept. of Indian and Northern Affairs

The word "Nunavut" is an Inuktitut word for our land. In 1976 the Inuit Tapirisat of Canada (ITC), a national Inuit organization, proposed the creation of a new territory in northern Canada. The new territory, to be called Nunavut would include that central and eastern area of the N.W.T. where a majority of the residents are Inuit.

Dividing existing territories is not a new practice in Canada. The current Northwest Territories once was a much larger territory known as "Rupert's Land and the North-western Territory". The province of Manitoba was separated from the N.W.T. in 1870, The Yukon Territory in 1898, and the provinces of Alberta and Saskatchewan in 1905. The present boundaries of the N.W.T. were established finally in 1912, following the northwards extension of Manitoba, Ontario and Quebec.

Federal Initiatives

The Northwest Territories was directly administered by the federal government until the 1950s. An appointed, Ottawa-based Commissioner presided over a Territorial Council, also appointed. This council (now the Legislative Assembly), was composed largely of senior civil servants. Representatives, who were elected from among N.W.T. residents, joined the Territorial Council for the first time in 1951, but it was not until 1975 that the Council was fully elected.

The federal government seriously considered dividing the N.W.T. and legislation was tabled in the House of Commons in 1963 to divide the territories into east and west portions. However, the draft legislation died on the Order Paper when a federal election was called. The main impetus behind this initiative came from residents of the western N.W.T. who believed division would lead to more rapid political development for the Mackenzie Valley.

In 1966, the Carrothers Commission, a commission appointed by the federal government, acknowledged that division of the N.W.T. would likely occur in the long run. But it also concluded that it was not in the immediate best interests of the Inuit or other Aboriginal residents. The Commission placed a priority on the need

to develop a system of representative government in the N.W.T.

Federal initiatives in the late 1960s and 1970s were consistent with these recommendations: the government created territorial electoral constituencies in the central and eastern Arctic in 1966; it appointed a resident Commissioner of the N.W.T. in 1967; and it transferred federal programs, such as education, social services, local government, housing and infrastructure, to the territorial government between 1969 and 1974.

Aboriginal Initiatives

The Inuit Tapirisat of Canada revived interest in dividing the N.W.T. with their presentation to the federal Cabinet in 1976. Their proposal was that the creation of a separate territory would be integral to the settlement of the Inuit land claim in the eastern Arctic. The ITC proposed a tree-line boundary between the eastern and western territories. Nunavut would include the Mackenzie Delta-Beaufort Sea region of the western Arctic, the area inhabited by the Inuvialuit, an Inuit group, and the Yukon North slope.

The Dene and Metis made proposals to divide and restructure the government of the N.W.T. in the same period. In 1976, the Dene proposed a tripartite division of the N.W.T. with a "metro" government to handle matter of common concern. In 1977, the Metis proposed a division of the territories between eastern and western regions, with a decentralized system of government and land and resource management would be the responsibility of a territorial Senate.

A joint Dene/Metis Denendeh proposal in 1981 offered another approach to the N.W.T.'s political development. This proposal assumed division would occur. It suggested a restructuring of public government in the western territory, to be called "Denendeh", with such features as guaranteed Dene representation in the Legislative Assembly.

1982 Plebiscite

A plebiscite was held in 1982 throughout the N.W.T. to establish the degree of public support for the principle of



division of the N.W.T. The plebiscite asked, "Do you think the N.W.T. should be divided?" Fifty-three per cent of eligible voters participated in the plebiscite, with an overall "yes" vote of 56.5 per cent. Voter turnout and support for division was particularly strong in the Eastern Arctic. The Legislative Assembly accepted the results of the plebiscite. The federal government also accepted the principle of division, subject to certain conditions:

- (1) continuing support among northerners;
- (2) agreement on a boundary for division;
- (3) agreement on the division of powers between territorial, regional and local levels of government; and
- (4) settlement of comprehensive land claims in the N.W.T.

Early in 1982 the Constitutional Alliance was established. The group, composed of Members of the Legislative Assembly and representatives of N.W.T. Aboriginal organizations, worked towards division and the development of appropriate political structures. After the 1982 plebiscite, the Constitutional Alliance established two sub-groups, the Western Constitutional Forum and the Nunavut Constitutional Forum.

Boundary Discussions

The Constitutional Alliance negotiated the 1987 Iqaluit Agreement, which proposed that the boundary of Nunavut be based on the Inuit land claim settlement area. It also proposed that the Dene/Metis and Inuvialuit claim settlement areas form the western territory. The Iqaluit Agreement further recommended that the claims boundary be ratified by a plebiscite. But the Dene Nation and Metis Association of the N.W.T. failed to reach agreement with the Inuit claims organization - Tungavik Federation of Nunavut (TFN) - on the proposed boundary. The Iqaluit Agreement was neither ratified nor implemented because the proposed plebiscite on the boundary was never held. The Western Constitutional Forum, Nunavut Constitutional Forum and Constitutional Alliance subsequently disbanded.

In 1990 the federal government therefore asked John Parker, a former Commissioner of the N.W.T., to recommend a single-line

boundary between the claims settlement areas of the Dene/Metis and the Inuit. The federal government accepted Mr. Parker's recommendation as the basis for a boundary between two land claims areas. The land claims boundary will likely become the boundary between Nunavut and the western territory. N.W.T. residents voted on this proposed territorial boundary between Nunavut and the western territory. N.W.T. residents voted on this proposed territorial boundary through a plebiscite held on May 4, 1992. The overall positive outcome of that plebiscite (54 percent in favour) and the favourable response to these results by the GNWT and the TFN indicate that territorial residents continue to support the creation of Nunavut.

Inuit Land Claim

Inuit, represented by the TFN, continued to push for division through land claims negotiation. The federal government agreed to the inclusion of Article 4 in the April 1990 TFN Land Claims Agreement-in-Principle, which affirmed federal, territorial and Inuit support for the creation of Nunavut "as soon as possible", and provided for a process, separate from the claims negotiations, to further this objective.

The final agreement was ratified by Inuit beneficiaries of the TFN Land Claims Agreement in November 1992. Eighty-five percent of those voting supported the claim. The final agreement also committed the Government of Canada to recommend legislation to Parliament to establish the new territory of Nunavut. To fulfil this commitment, the three parties negotiated a Political Accord dealing with powers, principles of financing and timing for the establishment of the future Nunavut Government. The Nunavut Political Accord was approved by Cabinet in June 1992, and was formally signed by the three parties on October 30, 1992 in Iqaluit.

The Nunavut Act is the legal framework for the establishment of Nunavut. This legislation was introduced into Parliament following signing of the Nunavut Land Claims Final Agreement on May 25, 1993, and was enacted with all-party support jointly with the Nunavut Land Claims Agreement Act. The two pieces of legislation give effect to commitments made in the Nunavut Land Claims Final Agreement and in the Nunavut Political Accord. The Nunavut Act provides for the legal establishment of Nunavut as a

distinct territory with its own government by April 1, 1999 and a transition process.

Structure of Government for Nunavut

The TFN has proposed that the Nunavut territory be similar in its jurisdictional powers and fundamental institutions to the present N.W.T. and Yukon. An elected Legislative Assembly, a Cabinet and a territorial court would be the primary institutions of public government. There are no major constitutional barriers to the creation of Nunavut because the government and administration of the territories is a federal responsibility under the Canadian Constitution.

The proposed new territory will face many challenges as the people of Nunavut have many problems: a young workforce with high levels of unemployment, low educational levels, low average incomes, and high cost for goods and public services. The creation of Nunavut will, however, give residents greater control over decisions on how to meet these challenges. Public sector jobs will be created because of the formation of a new government and the final settlement of the Inuit land claim will help stimulate the economy of the region.

Part III of the Nunavut Act calls for the establishment of the Nunavut Implementation Commission (NIC) with a mandate to advise the Government of Canada, the GNWT and the Nunavut Tunngavik Incorporated (the successor to TFN) on the establishment of Nunavut.

Specifically, it will provide recommendations on the organization of the first Nunavut government, a process for the identification of a capital city, the design of and funding for training programs, capital infrastructure needs and construction scheduling, arrangements for the provision of territorial services in Nunavut after 1999 and prior to their direct delivery by the Nunavut Government, a timetable for the assumption by the Nunavut Government of service delivery responsibilities, a process for the first Nunavut election, and principles and criteria for dividing assets and liabilities between Nunavut and the GNWT.

The ten member NIC was officially announced on December 17, 1993 by the Honourable Ronald Irwin, Minister of Indian Affairs and Northern Development. It consists of a Chairperson which was agreed upon by all three parties. Of the

nine other members, three were appointed by the federal government, three from a list provided by the GNWT and three from a list provided by the Nunavut Tunngavik Incorporated. The NIC has established its principle office in Iqaluit, NWT with a sub-office in Ottawa, a liaison in Yellowknife, and has officers located in the three regions within Nunavut.

Prepared by the Nunavut Secretariat
June 8, 1994

Published under the authority of the Hon.
Ronald Irwin
Minister of Indian Affairs and Northern
Development
Ottawa, 1994

QS-6077-020-BB-A1

