



RECONSIDERING CONFEDERATION: Canada's Founding Debates, 1864-1999
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“A More Accurate Face on Canada to the World”: The Creation of Nunavut

P. WHITNEY LACKENBAUER AND ANDRÉ LÉGARÉ

For a long, long time Canada was described as a nation founded by two peoples, the English and the French. Eventually, the Indian people of this country started making a lot more noise than they had previously. They started getting some official recognition. Then, Inuit came along, and created this new territory. The creation of Nunavut in some ways has put a native face on the country. People can no longer talk about Canada being a country founded by two nations. Most people now accept the fact that Canadian history has been a three way partnership between the English, the French and the Aboriginal People. In that sense, the creation of Nunavut puts a more accurate face on Canada to the world.

John Amagoalik, *Changing the Face of Canada*¹

On 1 April 1999, two new territories—a new Northwest Territories and Nunavut (“our land” in Inuktitut)—were created when the federal government redrew the boundaries in Canada’s North, splitting off the central

and eastern Canadian Arctic north and east of the tree-line from the rest of the Northwest Territories. Nunavut became the largest political unit in Canada, covering one-fifth of the country's land mass (more than two million km²) with a population of twenty-seven thousand people, about 85 percent of whom were Inuit, dispersed in twenty-eight communities (see Figure 11.3: map of Nunavut). This event marked the first significant change to the map of Canada since Newfoundland joined Confederation in 1949, and the culmination of a process negotiated over several decades. In the end, it provided the Inuit with powerful mechanisms to control their future through a public territorial government.

The lengthy road to Nunavut becoming a distinct territory within the Canadian Confederation is inextricably linked to the negotiation and settlement of an Aboriginal land claim between Inuit of the central and eastern Arctic and the government of Canada. First proposed in 1976 by the Inuit Tapirisat of Canada (ITC), the institution representing the political interests of Canadian Inuit, the Nunavut idea was aimed at settling the outstanding Aboriginal rights of Inuit of the Northwest Territories (NWT) and creating a territory within which the vast majority of people were Inuit. Inuit pushed for their own political unit for three main reasons. First, they had not concluded any land cession treaty with the Canadian government. Second, they possessed a demographic majority in the central and eastern Canadian Arctic. Third, they desired to control their own political, social, and economic agendas. Accordingly, ITC promoted the idea that a Nunavut Territory, split from the rest of the NWT, would better reflect the geographical extent of Inuit traditional land use and occupancy in the central and eastern Canadian Arctic, while its institutions would adhere to Inuit cultural values and perspectives.

This chapter provides an overview of the political contexts, debates, and lengthy processes that surrounded the settling of the Inuit land claims and the division of the NWT, which culminated with the creation of Nunavut in 1999. Dispossessed of political power by expanding colonial control in the first six decades of the twentieth century, Inuit used the federal comprehensive land claims policies, from the 1970s–90s, to seek and eventually secure a new relationship with the federal government, linking the search for Nunavut to the long-recognized benefits of dividing the NWT. The long, winding path to Nunavut reveals Inuit resilience and pragmatism in overcoming “many rough spots and roadblocks” (as MP



Fig 11.1 Canada at the beginning of the 20th century, before the federal government created Alberta as well as Saskatchewan, and extended the northern boundaries of Manitoba, Ontario, and Quebec. Developed from Natural Resources Canada, “Map 1898,” *Library and Archives Canada*, <https://www.collectionscanada.gc.ca/confederation/023001-5009-e.html>.

Jack Anawak put it)² to achieve their political objectives and reconfigure Canada’s northern political boundaries. “Governments, territorial and federal, have made constitutional attempts to separate our political rights from our rights to the land, and Inuit have had to drag those governments, kicking and screaming, to the negotiating table to discuss our political rights as Aboriginal People and as Canadians,” John Amagoalik noted in 1992.³ These efforts yielded a unique political outcome. “The creation of the [Government of Nunavut] in the 1990s was as close to fashioning a government on a blank piece of paper as anyone is likely to see,” consultant Jack Hicks and political scientist Graham White observe. “Certainly nowhere in Canada had there ever been an opportunity to, in effect,

design a government of this scale or importance virtually from scratch.”⁴ In the case of Nunavut, Inuit of the central and eastern Canadian Arctic managed to link land ownership and self-government, in the form of a public government at the territorial level, more successfully than any other Indigenous group in Canada.⁵

Governing the Northwest Territories after 1905

With the creation of the provinces of Saskatchewan and Alberta in 1905, the NWT lost its most populous areas. Accordingly, the federal government restructured the form of the territorial government in the residual parts of the NWT, rescinding the territory from an elected representative government to a state of outright colonial dependency controlled by appointed bureaucrats in Ottawa. Amendments to the Northwest Territories Act in 1905 provided for a commissioner (a position held by the Comptroller of the RCMP from 1905–18, and then by the deputy minister of the Interior and its successor departments until 1963) and a federally-appointed council of four. No appointments were actually made until 1921, when the Council increased to six members. The Council, “or government,” of the NWT was an interdepartmental committee comprised entirely of senior federal civil servants based in Ottawa until after the Second World War. With the federal government still preoccupied with the development of Western Canada, the North occupied a peripheral place on the political agenda of federal politicians and administrators in southern Canada.

Until the late 1940s, there was little Canadian political presence in the North. “The human population of the territorial North was left largely in a ‘state of nature’”, Frances Abele aptly describes. Non-state institutions (particularly the fur trading companies and churches) provided social services. “While Dominion policy towards Native people in southern Canada had the official objective of making them ‘good, industrious and useful citizens’ by settling them on reserves and replacing the hunt with agriculture,” she explains, official consensus held that “*northern* Native people ought best ‘follow their natural mode of living and not . . . depend upon white men’s food and clothing which are unsuited to their needs.’”⁶

In 1952, following requests from non-Indigenous residents of the Mackenzie District (the mainland portion of the NWT lying directly north of British Columbia, Alberta, and Saskatchewan), Ottawa agreed

that those residents could elect representatives to the NWT Council. Other NWT residents (mostly Inuit) living in the central and eastern Arctic (i.e., Keewatin and Franklin Districts) were denied the same privileges. Inuit did not have the right to vote in territorial elections until the federal parliament amended the Northwest Territories Act in 1966. Up to that point, all four elected seats to the Council came from the western part of the NWT. This amendment also added three seats to the Council from the central and eastern Arctic, so that Inuit voters could elect their representatives to the NWT Council for the first time.⁷

The challenges of effectively administering the vast NWT from far-away Ottawa had long perplexed federal officials and politicians. In the early 1960s, the government of John Diefenbaker considered a proposal to separate the Mackenzie District (western part of the NWT) from the Keewatin and Franklin Districts (central and eastern Arctic). In a July 1961 speech to the NWT Council, the prime minister suggested that northerners should assume more responsibility, including “self-government,” through “a division of this vast northern area into two districts,” which he believed would receive “sympathetic consideration on the part of the federal government.”⁸ Although Prime Minister Diefenbaker failed to implement these changes before his government fell, the Pearson Liberal government followed suit and proposed, in May 1963, Bills C-83 and C-84 to amend the Northwest Territories Act and to create two separate territories: one to be named Mackenzie, the other *Nunassiat* (“the beautiful land” in Inuktitut). During the ensuing debates, Minister Arthur Laing became “satisfied” that the Mackenzie District in the west, which contained most of the main populated centres, “is quickly going to be able to take care of itself.” *Nunassiat*, encompassing the central and eastern Arctic area above the tree-lines, with a smaller population posed a “more difficult” dilemma. Consequently, the government chose not to divide the NWT. Instead, they looked at the possibility of decentralizing the political administration of the NWT from Ottawa to a new hub to be located in the NWT.⁹

In 1965, the NWT Council proposed a commission to study and to make recommendations on the political, social, and economic future of the territory. The Advisory Commission on the Development of Government in the Northwest Territories (the Carrothers Commission) was the first consultative body to travel throughout the NWT to elicit the views of all of the residents. The ensuing Carrothers Report, published the following

year, heralded a sea change in the approach on how to govern the NWT.¹⁰ In April 1967, the seat of the territorial government moved from Ottawa to Yellowknife, with the new Government of the Northwest Territories (GNWT) assuming responsibility for some of the federal northern bureaucracy and governance legislative authorities heretofore administered from Ottawa. The Council increased in size from nine to twelve members, with seven elected and five appointed, thus reversing the traditional power balance which had been weighted towards Ottawa since 1905.¹¹

Inuit and Political Change in the Twentieth Century

The ancestors of Inuit (“the people”), known to scholars as the Thule, replaced the Dorset people in what is now the Canadian Arctic around 1000 CE. Social and environmental factors (particularly cooling climate during the Little Ice Age from the sixteenth to nineteenth centuries) led Inuit to move from large coastal communities onto the sea ice and in smaller snow house (igloo) villages, following a seasonal cycle with extended family groups living together and hunting as a unit for most of the year.¹² Decision-making processes were often informal, highly consultative, consensus-based, and egalitarian.¹³ The oldest male played a leadership role in deciding when to go hunting or fishing, when to migrate, or where to set up camp.

Apart from relatively brief encounters with the Norse around 1,000 CE and European explorers searching for the Northwest Passage, beginning with Martin Frobisher’s expeditions to Baffin Island in 1576, contact between Inuit and *Qallunaat* (non-Inuit people) remained limited until the nineteenth and even twentieth centuries. Inuit contact with Euro-Canadians and Americans should be seen as a process, given that there was no single moment when the Inuit as an entire people entered into sustained relationships with these newcomers. In the late nineteenth and early twentieth centuries, whaling activities, the establishment of Hudson’s Bay Company trading posts, and the arrival of Catholic and Anglican missionaries certainly influenced Inuit behavior, but most early contact has been described as “harmonious.”¹⁴

A growing Canadian state presence in the Arctic in the 1920s and 30s, however, began to challenge Inuit political control. The Canadian government’s only permanent representatives in the North (and only in

a few locations) were the Royal Canadian Mounted Police, who began to assert legal jurisdiction through a few high-profile Inuit murder cases and wildlife management infractions. Non-Inuit traders and missionaries certainly sought to reshape Inuit economic and spiritual life, but they had no intent to fundamentally disrupt kin-based sharing networks or to pull the Inuit off the land. During and after the Second World War, however, when global forces redirected strategic attention towards the Arctic for the first time, political concern about Inuit living conditions prompted the federal government to intervene in Inuit lives to an unprecedented degree.

In the 1940s and 50s, power structures changed fundamentally as Inuit were drawn into sedentary villages along the Arctic coast and into the web of the welfare state. They received health, education, and social services from *qallunaat* government administrators who, by assuming high status positions within the newly created Inuit settled villages (spread throughout the Arctic) alongside non-Inuit clergy and traders, ushered in a period of “internal colonialism” by the Canadian state.¹⁵ Increasingly alienated from their traditional way of life, with their role diminished over their lands and waters, and their political voices marginalized, Inuit leadership lost confidence. As Inuit awakened to the complex social challenges emanating from the transition to settlement life, the federal Northern administration in Ottawa came under growing pressure to encourage and enable Inuit to play a more direct role in community development. Accordingly, Northern Service Officers and other non-Inuit residents supported Inuit in setting up elected community councils in the late 1950s in an attempt to train Northern Indigenous peoples in democratic governance. Language barriers and limited education levels (in the *qallunaat* governance model) hindered these efforts, as did the foreign concept of having Inuit meet to discuss and try to solve community problems (from dog control to housing allocation to garbage collection) using representative majority decision-making procedures. Yet, these initiatives contributed to an increased political Inuit consciousness, which would lead to the ground-breaking Inuit political initiatives of the 1970s. New local governance structures were implemented to give Arctic communities a more direct say in running their own affairs. “The strategy of developing local autonomy before increasing autonomy at higher levels proved successful,” Duffy observed.¹⁶

The Inuit Tapirisat Proposals: Linking Land Claims and the Proposal for a Nunavut Territory

In the 1970s and 80s, the political evolution of the NWT became increasingly intertwined with the assertion of Indigenous rights, the emergence of a new federal comprehensive land claims process, and Inuit self-government. Vast reserves of oil and gas were discovered in Alaska and in the Canadian Arctic in the late 1960s, thus drawing national attention to the region. Concurrently, federal reports and policies focused on the social, economic, and legal concerns of Indigenous Canadians. The Trudeau government's 1969 White Paper, which proposed to abolish the Department of Indian Affairs and Northern Development (DIAND) and denied any notion of Indigenous land or political rights, elicited a strong backlash from Indigenous organizations across Canada. Elsewhere, Inuit groups in Greenland and Alaska were also asserting their rights at this time. The emergence of transnational Inuit political networks ensured that these ideas influenced their Canadian counterparts and, within this context, Canadian Inuit developed a heightened sense of political self-awareness and confidence.

In 1971, Inuit from across Canada decided to form the Inuit Tapirisat of Canada (ITC) so that they could speak with a united voice on issues related to Northern development, education, culture, and Indigenous rights. As the national umbrella organization for six regional Inuit organizations spanning Arctic Canada from Labrador to the Beaufort Sea, the ITC began to lobby for land claims in the NWT and northern Quebec. The landmark 1973 Supreme Court of Canada Calder decision recognized that Aboriginal rights in Canada pre-existed the 1763 Royal Proclamation, thus setting up a context for the settlement of Aboriginal land claims (where land had not been ceded through treaties) and later for Aboriginal self-government as an inherent right. Accordingly, the federal government adopted an Aboriginal Comprehensive Land Claims Policy in 1973, based on the idea that once an Indigenous group proves its use and occupancy of the land, it may hold land ownership and resources management authority over its traditional territory.¹⁷ Towards this end, the federal government offered financial assistance to various Indigenous organizations, including the ITC, to determine the land areas (i.e., settlement areas) over which they may claim land resources management authority and land ownership rights.¹⁸

The Inuit of the NWT set forth to work preparing their land claims, cognizant of the urgency of advancing their claim before private interests encroached on their traditional lands. During the early 1970s, oil and gas industries and the federal government contemplated the construction of a pipeline in the Mackenzie Valley to transport Alaskan and Beaufort Sea oil and gas from northern Canada to southern North American markets. In 1974, the government of Canada appointed a Commission of Inquiry, under Justice Thomas Berger, to study the potential environmental and socio-economic impacts of the proposed project. The Berger Inquiry, which ran from 1975–77, proved to be a watershed in catalyzing the political voices of the Indigenous Peoples of the NWT to articulate their future aspirations for their homeland. In the end, Berger recommended that no Mackenzie Valley pipeline project should go ahead until Aboriginal land claims were settled in the region.¹⁹

To launch its land claims process, ITC initiated a land use and occupancy study in 1974 to determine the spatial extent of Inuit culture traditions in Canada's Arctic. The study, published two years later in a report entitled *Inuit Land Use and Occupancy Project*,²⁰ set out to prove that Inuit have used and occupied virtually all of the land and oceans in the Canadian Arctic for more than four thousand years. Some one thousand and six hundred map biographies, collected from Inuit hunters and depicted in the report, trace the territory over which each hunter has ranged in search of game animals. Inuktitut place-names also played a crucial role in determining the spatial extent of Inuit occupancy, as well as old camp sites, burial grounds, and cairns, which culminated in the publication of an Inuit cultural space map (or Inuit traditional territory) for the Canadian Arctic.

Armed with these maps, ITC delegates, attending a conference in Pond Inlet during the fall of 1975, passed a resolution authorizing the organization to begin land claims negotiations with the federal government. As a result of its land use study, the ITC presented *An Agreement-in-Principle as to the Settlement of Inuit Land Claims in the Northwest Territories and the Yukon Territory between the Government of Canada and the Inuit Tapirisat of Canada* to Prime Minister Pierre Trudeau and his cabinet on 27 February 1976. The Inuit of the NWT hoped that their proposed agreement would create a new political relationship whereby they could “preserve Inuit identity and their traditional way of life so far as possible.”

It also sought to create a new territory to be known as Nunavut—*Our Land*—where, “through numbers and voting power, the Inuit will have control for the foreseeable future.” Because Inuit would form the majority of the population, the proposal argued that “this Territory and its institutions will better reflect Inuit values and perspectives than with the present Northwest Territories.”²¹ The ITC indicated that the proposed government would be closer to the people, both physically and culturally, suggesting that the decentralization process²² that had already started in the NWT offered less appeal to Inuit than the formation of their own government.²³

Practical and political considerations confused this plan, and negotiations between ITC and federal government representatives soon reached an impasse. By September 1976, ITC withdrew the original Nunavut proposal after extensive consultations with the people of the North affirmed that much of ITC’s initial vision was unrealistic. Inuit expressed concern about its excessive complexity and a sense that the proposal “had been drafted by southern lawyers, with little input from the communities it was designed to benefit.”²⁴

After years of debates and failed proposals,²⁵ the ITC General Assembly approved *Political Development in Nunavut* in September 1979, which articulated four key objectives: (1) ownership rights over portions of land rich in non-renewable resources; (2) decision-making power over the management of land and resources within the settlement area; (3) financial compensation and royalties from resource development in the area; and (4) a commitment from Ottawa to negotiate self-government and to create a Nunavut Government once a land claim agreement-in-principle was signed.²⁶ In exchange, Inuit would have to surrender their Aboriginal rights to all lands in the North. Most of these objectives complied with Ottawa’s Comprehensive Land Claims Policy. The fourth one, negotiating self-government, would force the federal government to compromise so that it could open a dialogue with ITC. The Government of Canada felt that this latest proposal was acceptable and, in August 1980, federal and Inuit representatives met for the first time to begin the long process of drafting a final land claims agreement.

The Debate over Dividing the Northwest Territories and the Search for a Boundary Line

The question of dividing the NWT, so as to create Nunavut, continued to invite conflicting opinions about the best course of action to serve Northern Canadian interests. Prime Minister Trudeau appointed a commission to look into the matter in 1977. The Drury's Report on the *Constitutional Development in the Northwest Territories* (released in March 1980) concluded that dividing the NWT would not solve the conflicting political interests of Inuit, Dene/Métis, and non-Indigenous residents of the NWT, because the long-term consequences of division remained unclear. Instead, he urged for further devolution of federal political power to the GNWT and decentralization of territorial responsibilities to empower NWT regional and community-level governments. The NWT's fiscal dependence on the federal government (which provided more than 80 percent of the territory's budget) made dreams of greater autonomy unrealistic according to C.M. Drury.²⁷ However, other political stakeholders disagreed. Former Minister of DIAND Warren Allmand and NDP MP Peter Ittinuar proposed private members' bills to divide the NWT. These received their first reading in Parliament on 2 May 1980, but neither was ever debated. Instead, political initiatives emanating from the GNWT would ultimately force Ottawa's hands in negotiating the division of the NWT and in creating the Nunavut Territory.

Following the November 1979 territorial election (which brought in a majority of Indigenous members for the first time), the NWT Legislative Assembly created a special unity committee to discern how best to generate a political consensus amongst Northerners on the controversial issue of dividing the territory. In its October 1980 report, the committee noted that "the Northwest Territories as a geo-political jurisdiction simply does not inspire a natural sense of identity amongst many of its indigenous peoples; its government does not enjoy in the most fundamental sense the uncompromising loyalty and commitment of significant numbers of those who are now subject to it." The report concluded that "Aboriginal and non-Aboriginal citizens of the NWT supported the idea of dividing the Territory."²⁸ With these recommendations in hand, the Members of the Legislative Assembly (MLAs) committed in principle to dividing the territory and submitted the question to the population in a territory-wide plebiscite.²⁹

Fig 11.2 Northern NDP
MP Peter Ittinuar. NWT
Archives/@GNWT.
Department of
Public Works and
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The April 1982 plebiscite resulted in a small majority (56 percent) favouring the idea of dividing the NWT into two political entities: Denendeh in the west and Nunavut in the east.³⁰ The federal government accepted the overall verdict in favour of division and, six months later, DIAND minister John Munro announced that Ottawa was willing in principle to divide the Territory as long as three pre-conditions were met. The first was a settlement of the Inuit land claims. The second was the establishment of an agreed-upon boundary line that would divide the NWT in two parts. The third involved concluding a political accord which would define the basic structural arrangements of the future Nunavut territorial government.

Inuit-Crown negotiations in the early 1980s were challenged by Canada's refusal to discuss Aboriginal self-government along with land

claims. This precluded ITC from pursuing a core component part of its negotiating agenda: the creation of a Nunavut government.³¹ Nonetheless, Inuit pragmatism kept momentum moving forward. In 1982, Inuit leaders acquiesced to a land claim negotiation process that did not deal directly with the creation of a new territory.

The path forward, however, also revealed deep internal divisions that ended pan-NWT Inuit solidarity on the Nunavut project. The Committee for Original People's Entitlement (COPE), the regional organization representing the Inuvialuit of the Western Arctic, had been enthusiastic supporters of the 1976 original proposal. However, they became increasingly frustrated with the form and pace of negotiations. Because Inuvialuit economic and transportation links along the Mackenzie River connected them to the western part of the NWT and Alberta, and because the pan-Inuit Nunavut claim focused largely on the central and eastern Arctic, COPE applied to Ottawa for funding when pressures mounted to allow oil and gas development in the Beaufort Sea. COPE used these funds to prepare its own separate Inuvialuit Nunangat land claim, which it submitted in 1977. The Inuvialuit leadership broke away from the ITC in 1982 and signed their own land claim the following year, leaving Inuvialuit political questions (including self-government) for future negotiations.³² The Inuvialuit would ultimately decide to remain with the NWT rather than joining Nunavut.

With the Inuvialuit pursuing their independent course, the Baffin, Keewatin, and Kitikmeot regional Inuit associations created a new organization, the Tunngavik Federation of Nunavut (TFN), to legally represent the Inuit of the central and eastern Canadian Arctic in land claim negotiations with the federal government. From October 1982 onward, the national Inuit organization ITC no longer represented the political and land claim interests of the Inuit of the NWT. Negotiations between TFN and federal representatives were quite tense throughout the 1980s.³³ One of the key outstanding issues was the lack of advancement over the discussions surrounding the creation of the Nunavut Territory due to the debate over where to divide the NWT.

Determining where to put the line that would divide the NWT in two parts dominated political discussions throughout the 1980s. The NWT Constitutional Alliance, which was founded in July 1982 and comprised of MLAs, Dene/Métis leaders, Inuvialuit, and Inuit representatives, faced the

challenging task of proposing a boundary line that would bring a possible consensus among all of the NWT's Indigenous groups, particularly the Dene-Métis of the Mackenzie valley and the Inuit of the central and eastern Arctic. The Inuit requested that the borders of Nunavut be in close congruence with other political boundaries already in existence in the NWT (the Nunatsiak federal electoral district created in 1979³⁴), with boundaries that existed in the past (such as the Arctic Islands Game Preserve, 1926–46) and with proposed past boundaries (such as the Nunassiaq Territory proposal of 1962) as well as the 1984 Inuvialuit Settlement Area.

However, overlapping Indigenous land claims interests between the Inuit and the Dene/Métis around the tree-line rendered the discussion over the boundary difficult. NWT Dene/Métis claimed traditional hunting and trapping rights to lands that the Inuit had selected as being solely occupied and utilized by them.³⁵ Nevertheless, through the Constitutional Alliance, both sides agreed on a compromise boundary in February 1987, but the agreement broke down a few months later when Dene chiefs refused to endorse the proposal.³⁶ Having failed to settle the boundary issue, the Constitutional Alliance was disbanded in July 1987, and negotiations on this critical issue stalled for the next three years.

After land claim negotiations between the Crown and the Dene/Métis of the Mackenzie Valley collapsed in 1989, TFN was ready to sign a land claim boundary agreement with Canada without Dene/Métis involvement. The anticipated conclusion of an agreement-in-principle with the Inuit of the NWT forced Ottawa to act on the question of the boundary dispute. After ten years of intense negotiations, TFN and federal representatives signed a land claims agreement-in-principle in April 1990, but Inuit leaders threatened that they would refuse to ratify any final land claim deal unless the federal government committed to the creation of a Nunavut Territory through a distinct negotiation process and settled the boundary dispute. "Inuit leaders believe strongly that the ratification of the Nunavut land claims by Inuit is likely only if there is a commitment to the creation of a Nunavut Territory and Government," their 20 January 1990 letter asserted. "In response to these considerations, we are proposing that Canada agree to introduce legislation to Parliament creating a Nunavut Territory on or before the time the Nunavut land claims ratification legislation is expected to be introduced."³⁷ To solve this political dilemma, the NWT premier and TFN president asked Prime Minister Brian Mulroney

to intervene and propose a compromise boundary line.

This brought a new political imperative to solve the boundary imbroglio. Former NWT Commissioner John Parker, armed with a federal mandate to do so in April 1990, consulted with Inuit and Dene/Métis representatives over the next year and recommended a compromised boundary. Dubbed the “Parker Line,” it generally followed the border line proposed by the Dene/Métis and Inuit three years earlier (which the Dene/Métis Chiefs had subsequently rejected). In a May 1992 plebiscite, 54 percent of NWT residents approved this proposed boundary. “Whereas the Nunavut region was overwhelmingly in support (nine to one in favour),” White and Cameron observe, “the people of the west voted three to one against the boundary line (but failed to turn out in sufficient numbers to defeat the proposal).”³⁸ The Government of Canada, the GNWT, and TFN accepted this democratic verdict, however narrow, because it dovetailed with momentum on the land claims front. They agreed on the proposed “Parker Line” as the border to divide the NWT.

The Completion of the Nunavut Land Claims Agreement and Political Accord

On 16 December 1991, the federal government and TFN reached a final agreement on the Inuit Land Claims in the central and eastern Arctic. The Nunavut Land Claims Agreement (NLCA) became the most far-reaching settlement ever signed in Canada between an Indigenous group and the federal government. The agreement established clear rules of ownership and control over lands and resources in a settlement area covering one-fifth of Canada’s land mass (1,963,000 km²). In exchange for relinquishing Aboriginal claims, rights, title, and interests to their traditional lands and waters, Inuit secured a wide range of benefits and provisions to encourage self-reliance and the cultural and social well-being of Inuit. The agreement recognized Inuit ownership over an area of 353,610 km², including 36,257 km² with subsurface mineral rights. It also created public boards comprised equally of Inuit- and federally-appointed representatives to manage the lands and resources throughout the Nunavut settlement area. Inuit also obtained royalties from all current and future non-renewable resources development (up to \$2 million per year). Inuit received \$1.15

billion dollars from Canada over a fourteen-year period (1993–2007) as compensation for extinguishing their Aboriginal land rights.³⁹ Although the extinguishment clause led some Inuit to remain opposed to the agreement, an Inuit plebiscite, held in early November 1992, ratified the contents of the NLCA, with 69 percent voting in favour.

On 25 May 1993, the NLCA was signed in Iqaluit between the TFN, representing Inuit of Nunavut, and the federal government. It was a defining moment for Canada, described by Prime Minister Mulroney as an expression of nation-building. “The Inuit of Nunavut have broken the mold of the past,” the Canadian Arctic Resources Committee extolled at the time. “They have done this openly and democratically, using powers of persuasion. They are now better equipped to determine their own future, and can participate more fully in national decision-making.” No longer simply another interest group vying for the federal government’s ear, the creation of the new territory of Nunavut would mean Inuit approaching “Ottawa as a fellow government. This is the beauty—and the simplicity—of Nunavut.”⁴⁰

With the land claim settled and the Parker boundary line approved, representatives from TFN and the federal and territorial governments had initiated discussions in April 1992 to draft a political accord to divide the NWT and to create the Nunavut Territory. By 30 October 1992, their work was completed. James Eetoolook, the acting president of TFN, proclaimed at the historic signing of the Nunavut Political Accord in October 1992, “[w]e are pleased to be turning dreams into reality.”⁴¹ The Nunavut Political Accord⁴² became the federal Nunavut Act on 1 June 1993, establishing Nunavut as a territory (as of 1 April 1999) with a public government—meaning that all residents of the territory,⁴³ regardless of their ethnicity—would be eligible to vote and hold public office, and that all territorial programs and services would be provided on a universal basis. “The *Nunavut Act* contains no high-flown rhetoric about Inuit self-determination, the rights of Nunavummiut, or anything else for that matter,” Hicks and White observe. “Rather, it sets out in practical language the structure, powers, and main operating principles of the [Government of Nunavut] and, crucially, its relation with the federal government.” The Canadian model of responsible government would apply, with executive authority vested in a federally-appointed commissioner who, in turn, would appoint members of the territorial cabinet based on the recommendation of the legislature.

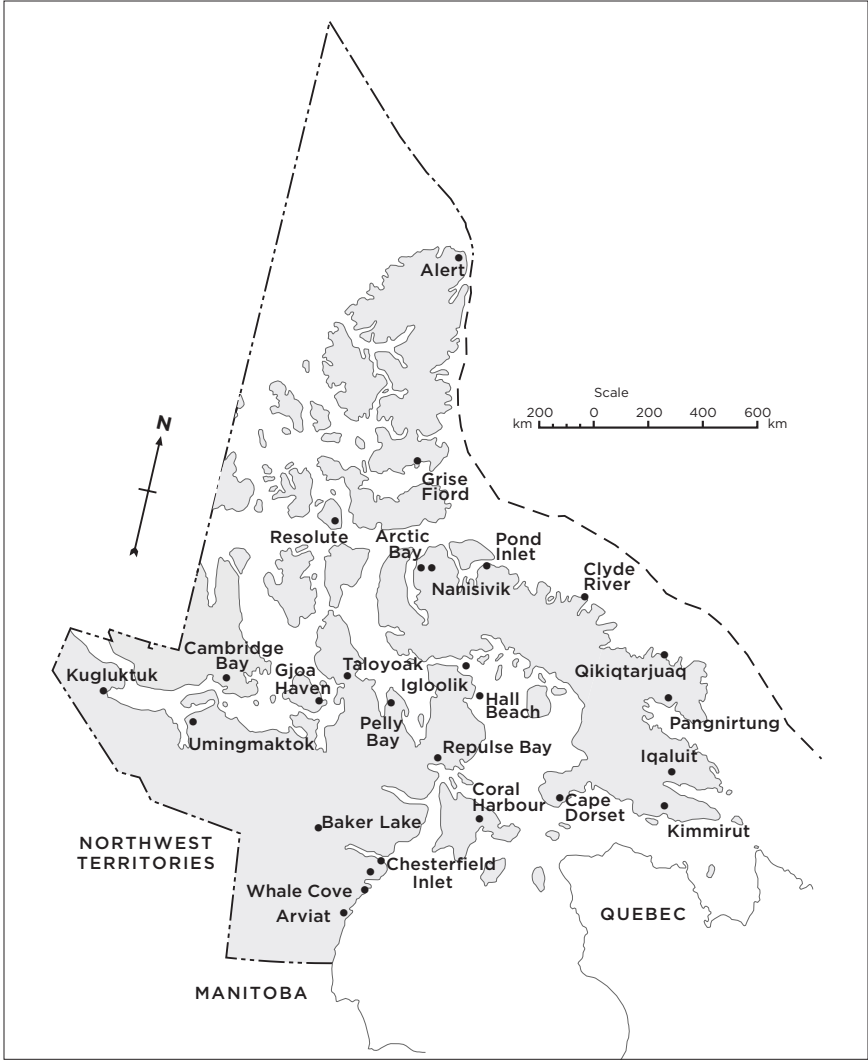


Fig 11.3 Nunavut, as established in 1999. Reproduced from: “Nunavut with Names,” *Natural Resources Canada*, http://ftp.geogratis.gc.ca/pub/nrcan_rncan/raster/atlas_6_ed/reference/bilingual/nunavut_names.pdf.

Now that the Inuit comprehensive land claim was settled, TFN morphed into a new organization, Nunavut Tunngavik Incorporated (NTI), and focused on the implementation and the administration of the NLCA. NTI and the three regional Inuit associations in Nunavut (Kivalliq, Kitikmeot, Qikiqtani) would administer Inuit financial assets and would hold title to Inuit-owned lands on behalf of Inuit beneficiaries. As mandated by the claim, NTI would also play “significant governance functions” within the new territory, “making it, within Nunavut, an enormously powerful political entity.”⁴⁴

There was little debate in Parliament about the bills to create the territory of Nunavut and to approve the NLCA: it took only one day in the House of Commons and two in the Senate. In fact, the House read and passed the bills in three successive motions taking less than five minutes.⁴⁵ With the Mulroney-Campbell government coming to an end of its mandate, all of the federal political parties seemed determined to approve the enabling legislation prior to the end of the parliamentary session. DIAND Minister Tom Siddon noted the “tears of happiness and joy” in the eyes of Inuit elders at the signing ceremony in Iqaluit the week before, as well as “the confidence, joy and pride, especially of the children, as they anticipated a new future relationship with the people of Canada.”⁴⁶ This new partnership theme also infused the statements of Jack Anawak, MP for Nunatsiaq. “Both these bills change the course of history,” he proclaimed. “Canada is evolving and the Inuit of Nunavut are in the forefront of that evolution. . . . For the Inuit the settlement of the land claim and the creation of Nunavut represent a bold new start and a chance to participate as partners in the development of our homeland and our country.”⁴⁷

The Establishment of the Government of Nunavut

With the land claim and political accords in place, the final phase remained: defining the structures of the Government of Nunavut. Although the Nunavut Act offered little direction in terms of the structure and operation of the territorial government (instead focusing on the scope of jurisdictions in which Nunavut could legislate), it did provide for an interim commissioner of Nunavut (a role filled by John Amagoalik) and a ten-member Nunavut Implementation Commission (NIC). The NIC was

established to provide recommendations to the federal government on how Nunavut's administrative and political structures should be designed. The consultation process initiated by the NIC produced a comprehensive report, *Footprints in New Snow* (1995), with 104 recommendations articulating political concepts and the inner workings of the future Nunavut administrative and legislative branches. The Canadian government, the GNWT, and NTI endorsed this first report as well as a follow-up one (*Footprints in New Snow 2*) published the following year.⁴⁸

According to the Nunavut Act, the Nunavut Territory would be led by a non-ethnic public government whose legislative authority would rest among the elected members of the Nunavut Legislative Assembly. The Government of Nunavut would have the same political institutions as the GNWT (a Commissioner, an Executive Council, a Legislative Assembly, a public service sector, and tribunals), and existing NWT laws would apply in Nunavut until repealed or modified by the new Nunavut legislature. Thus, the form of "Inuit government" embodied in Nunavut would not replicate the elements of Aboriginal self-government regimes in southern Canada, Hicks and White explain. "Rather, the goal was to create a 'public government' structured and operated according to Inuit ways and values, a government whose organization and culture would reflect Nunavut's unique demographics, geography, and culture rather than simply replicating the conventional governance institutions of the provinces and other territories."⁴⁹

The establishment of the government of Nunavut would put into the hands of Inuit (as the vast majority of Nunavummiut) legislative powers over social and economic issues such as culture, education, health, social services, sustainable development, and finances that could not have been held in a simple land claims agreement. In the matter of language, for instance, the NIC anticipated a territorial government role to protect Inuit culture and language by making Inuktitut (one of three official languages in the territory) the primary working language of the Nunavut government. "We can give the language of a majority of our people (Inuktitut) a role in the workplace that it could never have in an undivided NWT," a 1992 newsletter explained.⁵⁰ This idea that the government of Nunavut would have a special role in protecting the Inuktitut language and culture bears resemblance to the political weight that the French language is assigned in Québec, making these two linguistic situations unique in Canada. The

NIC recommended that the Nunavummiut consider gender parity in the territorial legislature through two-member constituencies system (one male candidate and one female candidate per electoral district). The proposal was, however, rejected by Nunavummiut in a non-binding plebiscite on 26 May 1997.⁵¹ The NIC also proposed, based on consultations with Nunavummiut, that the Nunavut legislature operate under a consensus system, blending the principles of British parliamentary democracy with Inuit values of cooperation, egalitarianism, and communal decision-making. The federal government accepted this proposal.⁵²

On 15 February 1999, Nunavut held its first election to vote for the nineteen members of the Nunavut Legislative Assembly. As is the case with the GNWT, there were no political parties, so candidates ran as individuals and sat as independents. Following the election, the MLAs gathered together as the “Nunavut Leadership Forum” to select the speaker, premier, and cabinet members in a secret ballot election. During its first sitting, the newly constituted assembly chose Paul Okalik as the territory’s first premier,⁵³ while the federal government appointed Helen Maksagak as the first Commissioner of Nunavut.

In their important study *Made in Nunavut*, Hicks and White observe that, ultimately, the Government of Nunavut “emerged as a decidedly conventional government, leavened with a few distinctive features: its departmental structure, which included such distinctive developments as sustainable development and culture, language, elders, and youth; a commitment to Inuktitut as the working language of government; and an attempt to imbue both public policy and government operations with traditional Inuit values (*Inuit Qaujimagatuqangit*—IQ).” It also implemented a decentralized form of government that, by seeking to disperse government functions and jobs in small communities across the territory, would better reflect Inuit values and avoid the centralization of power in Iqaluit.⁵⁴ Nunavut unquestionably rearranged the relationship between the Inuit of the central and eastern Arctic and Canada, by creating a territorial jurisdiction dominated by Inuit that would have a seat at inter-governmental fora alongside other provincial and territorial governments. The creation of Nunavut significantly expanded the political weight of Inuit within the Canadian federation.

When Nunavut became the newest Canadian territory on 1 April 1999, it not only created a third territory and a thirteenth member of the

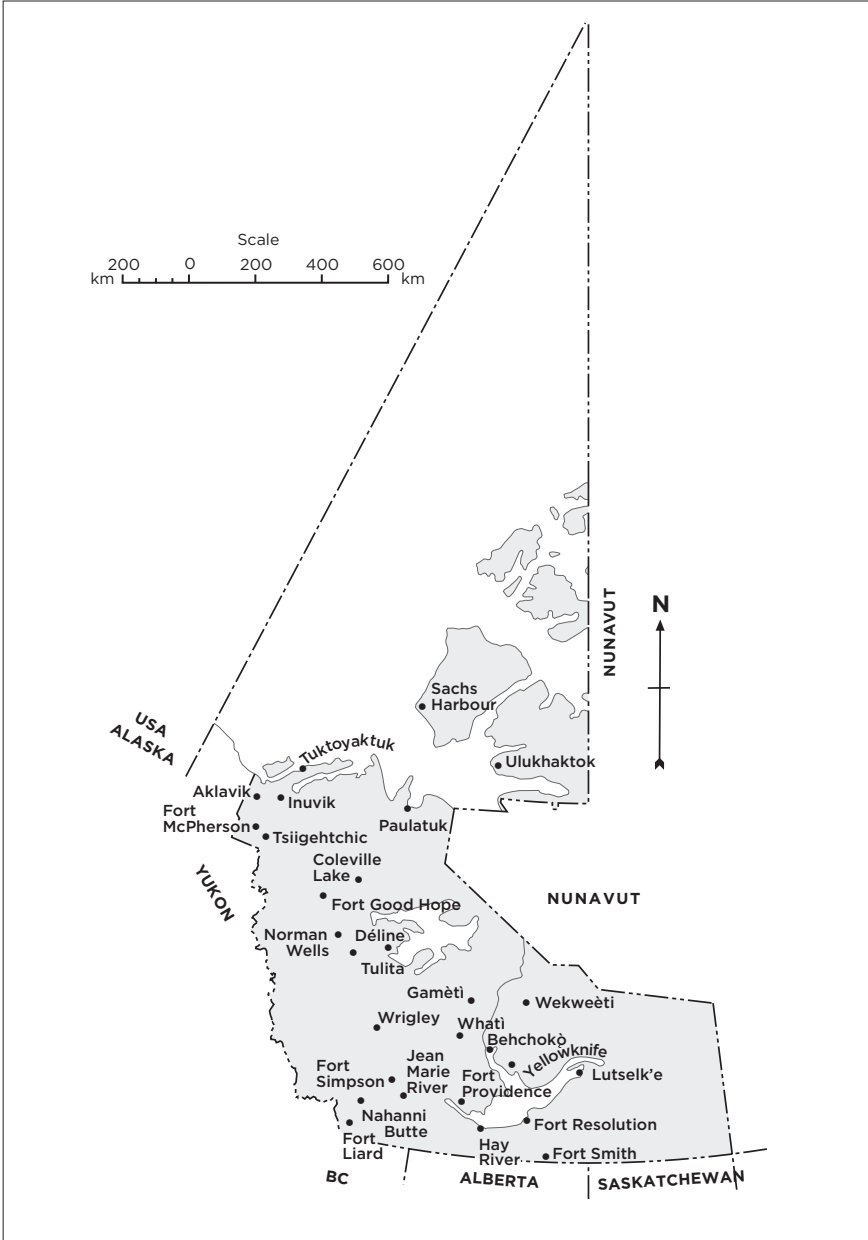


Fig 11.4 The Northwest Territories after the establishment of Nunavut in 1999. Reproduced from: “Northwest Territories with Names,” http://ftp.geogratis.gc.ca/pub/nrcan_rncan/raster/atlas_6_ed/reference/bilingual/nwt_names.pdf.

Canadian Confederation, it also dramatically reshaped the NWT. The fourteen MLAs elected in 1995 to serve the constituencies in the Western Arctic decided to retain the name “Northwest Territories” and voted to increase the size of the Legislature to nineteen members after division. Furthermore, a “Special Committee on Western Identity” appointed in 1998 made several changes to official symbols and heraldry for the Northwest Territories.⁵⁵ The iconic polar bear license plate remained, but a new mace was designed by three NWT artists bearing the words “One land, many voices” in all ten official languages of the territory and included symbols representing the distinct cultures of the Inuvialuit, Dene/Métis, “and the many non-aboriginals from around the world who have made the NWT their home.”⁵⁶ With the predominantly Inuit areas of the central and eastern Arctic carved out, the NWT population became almost evenly split between Indigenous and non-Indigenous people.

“It could well be that imaginative political development in the North, with full involvement of the native peoples there, is just the thing we need to remove that nagging doubt whether Canada really is different and really has a character of its own,” former NWT Commissioner Gordon Robertson noted in 1987.⁵⁷ When Nunavut was officially created twelve years later, Inuit of the central and eastern Canadian Arctic had a territorial government in their homeland which was closer to the people in its make-up and philosophy than the GNWT and its remote capital—Yellowknife. While the new public, territorial government of Nunavut did not bring Inuit self-government in a strict constitutional sense, the simple fact that more than 80 percent of Nunavummiut were Inuit meant a *de facto* form of Inuit self-government. By wedding Inuit interests to the new territorial government, Nunavut has “an explicit constitutional role” that no other province or territory enjoys. “The provincial model of government, founded on British parliamentary structures and traditions, has been modified to give Aboriginal People of the Nunavut region extensive jurisdiction over their inherent Aboriginal interests,” Cameron and White explain. “The creation of Nunavut, in other words, is a powerful and visionary step forward for Canada’s Aboriginal People and for Canada itself.”⁵⁸

As the youngest political jurisdiction in the Canadian Confederation, Nunavut faces numerous challenges. Social, economic, and health conditions in the territory remain far below national averages, despite much higher per capita transfer payments to Nunavut than any other jurisdiction

in the country.⁵⁹ While the process of devolving most of the remaining federal responsibilities to the GNWT and Yukon has been completed, negotiations on federal devolution of powers to Nunavut continue.⁶⁰ Unfulfilled provisions of the land claim, such as commitments to employ Inuit at a level “representative” of their proportion of the territorial population, have led to lawsuits and an out-of-court settlement that provides federal funding for enhanced Inuit training and education.⁶¹

The preamble to the NLCA recognizes “the contribution of Inuit to Canada’s history, identity and sovereignty in the Arctic.” The creation of Canada’s third territory equally reflects this Indigenous contribution to nation-building. Because the Territory of Nunavut and the Nunavut land claim Settlement Area cover largely the same geographic space, the two are inextricably linked, providing the clearest example of how modern Indigenous-Crown treaty-making is tied to the formal definition of Canada’s geopolitical boundaries. As it has been the case throughout the history of Indigenous-Crown treaty relations and jurisdiction-making in the Dominion of Canada, the “settlement” of the Inuit land claims and the creation of Nunavut was not primarily about achieving finality, it was about laying the foundation for new relationships. Inuit “negotiated from a premise that an Agreement should enable them to sustain their culture and wildlife-based economy, and bring their traditional values to bear in a modern democratic state,” Alastair Campbell, Terry Fenge, and Udloriak Hanson explain. The NLCA, “like most constitutional instruments, . . . contains very specific provisions, [but] its central purpose is to describe an idea. Its framers were drafting a document to establish a new relationship between Canada and the Inuit of Nunavut that would last for generations; they were not simply setting out performance requirements in a contract.”⁶² Canadian history has revealed the limitations of conceiving Indigenous Treaties as contracts, rather than compacts or covenants. In an era of Truth and Reconciliation, where all Canadians are officially encouraged to envisage themselves as “Treaty peoples” and bear all of the responsibilities that it entails, Nunavut stands as a litmus test of what this means in political practice and, arguably, as a key representation of the evolving process of Confederation-building more broadly.

Further Reading

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- 2 Canada, *House of Commons Debates*, 4 June 1993, 20358.
- 3 John Amagoalik, "The Land Claim and Nunavut: One Without the Other Isn't Enough," *Arctic Circle* (January-February 1992): 20.
- 4 Jack Hicks and Graham White, *Made in Nunavut: An Experiment in Decentralized Government* (Vancouver: University of British Columbia Press, 2015), 4.
- 5 See, for example, Kirk Cameron and Graham White, *Northern Governments in Transition: Political and Constitutional Development in the Yukon, Nunavut and the Western Northwest Territories* (Montreal: Institute for Research on Public Policy, 1995), 90.
- 6 Emphasis in original. Frances Abele, "Canadian Contradictions: Forty Years of Northern Political Development," *Arctic* 40, no. 4 (1987): 312.
- 7 R. Quinn Duffy, *The Road to Nunavut: The Progress of the Eastern Arctic Inuit since the Second World War* (Montreal and Kingston: McGill-Queen's University Press, 1988), 227.

- 8 Quoted in R. Quinn Duffy, “Canada’s Newest Territory: The Formation of Nunavut,” in *Canada: Confederation to Present*, ed. Bob Hesketh (CD-ROM, Edmonton: Chinook Multimedia, 2001).
- 9 *History in the Making: Under Northern Skies* (Yellowknife: Legislative Assembly of the Northwest Territories, 1999), 3; Duffy, “Canada’s Newest Territory”; and Mark O. Dickerson, *Whose North? Political Change, Political Development, and Self-Government in the Northwest Territories* (Vancouver: University of British Columbia Press, 1992), 84–85.
- 10 Department of Indian Affairs and Northern Development, *Commission on the Development of Government in the Northwest Territories*, 2 vols. (Ottawa: DIAND, 1966).
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- 25 Duffy, "Canada's Newest Territory."
- 26 Inuit Tapirisat of Canada, *Political Development in Nunavut* (Ottawa: ITC, 1979).
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- 29 See Parker, *Arctic Power*.
- 30 The Inuit of the central and eastern Arctic voted overwhelmingly in favour of division, with more than 80 percent of eligible voters casting ballots in some communities. In the Western Arctic, however, residents were more apprehensive and the results were mixed, with most voters casting their ballots against division. See Frances Abele and Mark Dickerson, "The Plebiscite on Division of the Northwest Territories: Regional Government and Federal Policy," *Canadian Public Policy* 11, no. 1 (1982): 1–15.
- 31 *In All Fairness: A Native Claims Policy—Comprehensive Claims* (Ottawa, 1981); Sheilagh Dunn, *The Year in Review 1981: Intergovernmental Relations in Canada* (Kingston: Institute of Intergovernmental Relations, Queen's University, 1981), 167. Substantial amendments were made to the Comprehensive Land Claims Policy in 1986 after the release of the Coolican Report and by the introduction of the Inherent Right Self-Government Policy in 1995.
- 32 COPE negotiators signed a draft agreement in December 1983, which cabinet approved the following March and the House of Commons passed as the *Western Arctic (Inuvialuit) Claims Settlement Act* in June. Christopher Alcantara and Adrienne Davidson, "Negotiating Aboriginal Self-Government Agreements in Canada: An Analysis of the Inuvialuit Experience," *Canadian Journal of Political Science* 48, no. 3 (2015): 553–75.
- 33 On the challenges that surrounded the Nunavut negotiations, see Tom Molloy, "Negotiating the Nunavut Agreement—A View from the Government's Side," *Northern Perspectives* 21, no. 3 (1993): 11.

- 34 In 1976, a special federal Electoral Boundaries Commission recommended dividing the NWT federal electoral district into two constituencies that would “give recognition to the traditional life and cultural patterns of the majority of the indigenous peoples,” Doug Neill in Canada, *House of Commons Debates*, 5 April 1976. The Mackenzie constituency became Western Arctic and the new Eastern Arctic riding became Nunatsiqa, with Peter Ittinuar becoming the first Inuk elected to the House of Commons in 1979.
- 35 The heart of the problem lay in the ongoing harvesting activities of both groups around Contwoyo Lake and the Thelon Game Sanctuary, with both groups arguing that these areas should be on their side of the border. The Denesuline of Saskatchewan and Manitoba also voiced concerns with respect to the proposed southern boundary of Nunavut, given their continued use of the land. In this situation, Canada decided to deal with the Denesuline’s overlapping claim in a separate process and stated that the Denesuline would not be entitled to influence the negotiations in the NWT. Malloy, “Negotiating the Nunavut Agreement.”
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- 37 GNWT, TFN, letter to Mulroney, 20 January 1990.
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- 41 Eetoolook quoted in White and Cameron, *Northern Governments in Transition*, 89.
- 42 On the negotiations leading to the Nunavut Political Accord, see Gurston Dacks, “Nunavut: Aboriginal Self-Determination through Public Government” (report prepared for the Royal Commission on Aboriginal Peoples, 1995) and Légaré, “The Government of Nunavut.”
- 43 Nunavut’s residents are known as “Nunavummiut,” meaning “inhabitants of Nunavut” in Inuktitut.
- 44 Hicks and White, *Made in Nunavut*, 47–48. On NTI’s role, see Alastair Campbell, Terry Fenge, and Udloriak Hanson, “Implementing the 1993 Nunavut land claims agreement,” *Arctic Review* 2, no. 1 (2011): 25–51. See also André Legaré, “The Nunavut Tunngavik Inc.: An Examination of its Mode of Operation and Its Activities,” in *Natural Resources and Aboriginal People in Canada*, eds. Robert Anderson and Robert Bone (Concord, ON: Captus Press, 2009), 193–214.
- 45 Canada, *House of Commons Debates*, 4 June 1993, 20392.
- 46 Canada, *House of Commons Debates*, 4 June 1993, 20353.
- 47 Canada, *House of Commons Debates*, 4 June 1993, 20357.
- 48 The Commission’s members were appointed by the federal government from a list of nominees submitted by the GNWT, DIAND, and NTI. Each of these political actors nominated three members to the Commission. The Chairman of the Commission, John Amagoalik, was selected by the consensus of all parties. Following the release of a discussion paper on the design and operations of the future Nunavut Territorial Government in January 1994, the Commission conducted consultations with Nunavummiut regarding the

administrative structure of the territory, the composition of its Legislative Assembly, and the training of future Nunavummiut civil servants. In total, twenty-six hundred citizens (predominantly Inuit) participated in sixty-two meetings held in communities throughout the central and eastern Arctic between September 1994 and January 1995. The whole process culminated with a public conference in Iqaluit in February 1995, which brought together about one hundred delegates from all parts of Nunavut. See, for example, John Anawak in Canada, *House of Commons Debates*, 4 June 1993, 20399, and the comprehensive discussion in Hicks and White, *Made in Nunavut*.

- 49 Hicks and White, *Made in Nunavut*, 7, 50.
- 50 *Nunavut Newsletter*, 1992, 26.
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- 61 NTI, "NTI Launches Lawsuit Against Government of Canada for Breach of Contract," 6 December 2006, accessed 17 July 2017, <http://www.tunnngavik.com/blog/news/nti-launches-lawsuit-against-government-of-canada-for-breach-of-contract/>. On the settlement, see NTI, "Settlement Agreement Signed in Iqaluit," 4 May 2015, accessed 17 July 2017, <http://www.tunnngavik.com/blog/news/settlement-agreement-signed-in-nti-lawsuit/>.
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