

Spirit and Intent: Paul Quassa

MR: What was your involvement in the negotiation of the land claim and in what capacity?

PQ: I started on the same day as Paul Okalik back in 1982 and later became a chief negotiator with Paul Okalik becoming my deputy chief negotiator. The wildlife portions of the claim had already been negotiated by my time.

MR: What articles did you actually participate in the negotiation of the NLCA?

PQ: I worked on Institutes of Public Government (IPGs), Inuit enrolment and entitlement, Inuit owned land selection, boundaries and off-shore.

MR: What strikes me about the IPGs is that the minister retains ultimate discretion over the matter and that the minister can exercise his veto to reject the IPG decision.

PQ: Inuit negotiators wanted to make sure that the IPGs were decision-making bodies and not just simply recommending or advisory bodies. Even though the minister retains a veto, the provisions in the claim say that the minister has to accept IPG decisions except when there are broader national policy considerations. But where the decision affects only Nunavut or Inuit, then the minister has to accept the IPGs decision.

MR: There seems to be more constraints and restrictions on the minister's ability to veto the Nunavut Wildlife Management Board's (NWMBs) decisions than the other IPGs. I don't see those same limitations on the other IPGs.

PQ: That's because of the importance of wildlife and maintaining control over harvesting than on the responsibilities of the other IPGs. We figured that by having Inuit representation on IPGs it would give Inuit the ability to participate in decisions and ensure that Inuit had input into the decisions. Therefore, IPG decisions would take Inuit wishes into consideration.

MR: Although, interestingly the minister already chose to exercise his veto by rejecting the NWMB's decision to approve Noah Kadluk's request to hunt polar bear with a spear. Did the Inuit negotiators ever envision that a minister, a territorial minister at that, would disallow an Inuk to hunt using traditional hunting methods?

PQ: No, we never foresaw that an Inuk would not be allowed to hunt in whatever way he wanted. Noah should have just gone and hunted the polar bear. He didn't need anyone's approval to hunt. Inuit negotiators would not have expected a minister to disallow an Inuk to hunt traditionally. I believe that the government's decision was based on Greenpeace.

MR: You say you believe the minister's decision was influenced by his fear of Greenpeace. Isn't there a concern that government would disallow Inuit hunts based on similar concerns that our way of hunting or what we hunt, like seals, polar bears, is not in keeping with southern practices or values? Therefore, couldn't the minister simply disallow Inuit to hunt based on national considerations that have little to do with Nunavut or Inuit way of life?

PQ: Inuit need to do as they have always done, regardless of what outsiders think and say. It is our life, land and our culture. That is why we wanted our own territorial government. We saw that as a way to ensure that government would consult with Inuit when making decisions.

MR: However, Minister Akesuk brought Elders to Iqaluit to consult about the Noah Kadluk hunt, but did not invite or allow NWMB or Noah Kadluk to attend that meeting. Our own territorial government with an Inuk minister doesn't seem to have acted in a way that the Inuit negotiators would have expected the government to consult with Inuit, NWMB or Noah.

PQ: We always expected that the minister would consult Inuit when making decisions, in particular those Inuit who would be affected by the decision. I don't think we ever thought that a minister would limit his consultation in such a way.

MR: It's my understanding that the Hunters and Trappers Organizations (HTOs) are responsible for hunting methods and that NWMB has responsibility over hunting methods that relate to conservation. It is interesting to hear from you on another hunting issue, the assignment of hunting rights.

PQ: Yes, the HTOs are responsible for deciding hunting methods for its membership. They have the right to develop rules around hunting. On your other question about assignment of hunting rights, we knew that there were non-Inuit living in some of our communities. Some of them had married Inuit. We understood that it was important for them to be able to hunt to provide food for their family. In addition, if you had an Inuk Elder who needed country food, a non-Inuk could go and hunt for them. It's also related to enrollment, in that sense, that it would be up to a community to decide who is or is not an Inuk and what they would be allowed to do.

MR: Assignment of hunting rights is not such a problem in the smaller communities, where there are more than 80 or 90 per cent Inuit and the non-Inuit are much more integrated in the community, whereas in Iqaluit or other regional centers, there are many more non-Inuit, whom are also much more transient. Conflict tends to arise when there are limited resources, such as polar bears. In Iqaluit there are 6,000 people, 3,000 Inuit, 3,000 non-Inuit, with a quota of only 18 polar bears.

PQ: You are right. It's not a problem in the smaller communities. We didn't see that it would be a problem, but you are right, it's turned out to be a problem in Iqaluit. It should be possible to limit assignment of hunting rights, so that the non-Inuk can only hunt for food for his family. That's what we understood why a non-Inuk should be able to hunt for his family or an Elder.

MR: However, the language in the agreement states that the assignee has the full Inuit hunting rights and therefore, the only way to restrict an assignee's rights is to restrict Inuit hunting rights.

PQ: I don't see that it's not possible to be able to limit rights to non-Inuit so that they can only hunt for food. There should be ways in which a community or HTO can develop rules so that non-Inuit don't have all the same rights as an Inuk hunter. I think it's possible to put in rules that would restrict what kind of things a non-Inuk can hunt. It should be up to the community to decide. It should be possible to have community consensus on the rules for assignment. We

always expected that wildlife management would be done by the communities, primarily through their HTOs. The community needs to decide for itself how it wants to handle assignments. We always thought that assignments to non-Inuit would be done by HTOs or that they would at least be involved and oversee the assignments.

MR: I think this issue might have to go to court to be resolved, if it's not possible to get community consensus. Some say that there is no requirement for HTO approval or involvement in assignment. It's not a problem in smaller communities where it is much more homogenous and where decisions can be made in a consensual way. But individual assignments without any community approval, participation, or at least with the HTO having some role, seems to fly in the face of Inuit as a group managing our own resources, wildlife harvesting, member's conduct. I always understood that a community member can't do whatever they want by disregarding what the community wanted.

PQ: The HTO has the ability to develop rules that community members have to follow. They have the right and the ability to decide how their membership hunts, when, where, what, including who gets hunting rights. It's up to the communities to develop their own rules.

MR: There are a lot of Inuit customs, laws, norms that Inuit know instinctively and haven't been taught or told verbally, but the land claim allows a Beneficiary to hunt any species they want in any other community. A Beneficiary could fly up to Igloolik and hunt a polar bear without community or HTO permission.

PQ: The HTOs, like Igloolik did, can put in a residency requirement. A person has to live here at least six months before they are allowed to hunt. And you would need a tag before being able to go hunt polar bear.

MR: So it sounds like we need to make sure that the HTOs know that they can develop their own by-laws, rules and procedures that help people understand who can hunt.

MR: Eligibility is an interesting provision, in that Inuit themselves can determine who is an Inuk. Although membership doesn't seem to be a problem until there are limited resources, whether wildlife quota, education benefits and such, but once those benefits become scarce, then there can be a desire to close ranks.

PQ: Under the land claim, Inuit can decide who is an Inuk. No other land claim that I know of can decide who is a member. Right now committees are just rubber-stamping. There aren't really any policies in place yet. Who is an Inuk hasn't been defined yet by the committees.

MR: It looks like in the land claim that every community can have its own rules and regulations, whether it is enrollment eligibility or harvesting. Was that intention? Were you aware that Nunavut Tunngavik Inc. (NTI) and the Government of Nunavut (GN), for some things like wildlife management policies and enrollment, want to have uniform rules for all communities?

PQ: We always knew that every community had its own way of doing things, its own rules. The land claim allows communities to continue to decide for themselves how they want to do

things. Communities can have different rules. Even if NTI or the GN develops rules, the community does not have to accept them.

MR: Inuit don't seem to have much Inuit owned lands in the communities. Why and how did this come about?

PQ: Inuit do own some land in a few communities, I think maybe Cape Dorset, Iqaluit and Pangnirtung. We were told that the land in the communities belongs to the Commissioner. Some land in the communities was set aside for infrastructure that would be needed for Nunavut. Our main focus was to find out where resources were and try to select land where those resources were. We were also told we had to respect third-parties who already owned land and we couldn't select that land.

MR: I would like to understand how the surface land was chosen.

PQ: Inuit owned land selection was left up to the communities. They could choose land where they wanted, either to protect wildlife or hunting areas. We understood that a lot of the land that would be set aside for parks would also be protected. Even Crown land would be protected in that development would have to take wildlife and hunting into consideration. We also chose land where we thought there were valuable resources because the mining companies would have to compensate Inuit for access to those lands.

MR: Many Inuit believe that they can stop resource development. In the NLCA, it appears that Inuit can't stop development, but rather, Inuit through their involvement with IPGs, community consultation and negotiation of IIBAs, can try to put limits, conditions and obtain benefits from these developments.

PQ: You are right. Inuit can't just say no to development unless the development is going to harm the environment or wildlife. The negotiators were aware that it wasn't possible to stop development without good reason. Inuit wanted to make sure that Inuit benefitted from development. Inuit will get benefits through the Inuit Impact and Benefits Agreements (IIBAs). And the IPGs can make sure that development doesn't go ahead if it will harm the environment.

MR: I'm curious as to why the High Arctic oil fields were not part of the land claim?

PQ: There was an Inuit land use occupancy study done and at that time there was no evidence that Inuit occupied or used that land. That's why the government took it off the table, because we weren't able to prove that we used it. Although, in hindsight, that seems to now be a mistake. There is growing evidence that the High Arctic was used by Inuit, but mainly Greenlandic Inuit.

MR: One criticism or concern that comes up is why there are no social or cultural rights or benefits in the claim.

PQ: At one point, social rights and benefits were part of the claim but then there was a change in the Department of Indian Affairs and Northern Development (DIAND) minister. The new minister said that this is going to be a land and resource claim, so social benefits and rights were not going to be part of the claim. However, we did ensure that under Article 32 that there was a Nunavut Social Development Council (NSDC).

MR: This article seems to focus on the monitoring and reporting of social conditions.

PQ: I am very disappointed with NTL. NSDC was not supposed to simply be a department of NTL. It has its own article in the claim. This is not how it was supposed to be. NSDC was to be its own organization.

MR: It states that when government is developing and delivering social programs, the government must consult with Inuit. There seems to be a difference of opinion who Inuit are under this article and who participates and is consulted with.

PQ: In the land claim, there is a definition of Inuit and it states that it is all the members, not an Inuit organization.

MR: That makes sense because everywhere else it states Designated Inuit Organization (DIO) means DIO, including NTL.

MR: Given Canada's historical relationship with First Nations, I'm surprised there are no enforcement provisions in the claim. Without those, it forces Inuit to go to court to get Canada to fulfill its obligations, which is very time-consuming and expensive.

PQ: The claim provides for arbitration and it is possible for Inuit to also go to court or go to mediation to resolve land claim implementation problems. We expected that we'd have to continue to negotiate with the government for implementation of the claim and I understand that Nunavut has been unsuccessful in getting the second implementation agreement negotiated. The

government does not want to come to the table and the Inuit and NTI are frustrated with the fact the government has withdrawn from discussions.

MR: I understand that NTI is cautious in bringing legal cases to court for fear of losing them, yet if we don't enforce our rights, or allow government to breach them, then at the end of the day, it results in the same thing. We gave up a lot for this land claim.

PQ: Inuit didn't give up a lot. We were part of Canada and decided we wanted to remain part of Canada. What we really got is ownership over lands that we didn't have full rights to before and we got rights that were previously undefined. We have more defined rights now than what we did back then.

MR: I guess Inuit need to become involved and participate in this public government in order to fully realize the benefits.

PQ: You're right. We need Inuit to take up positions in government, on the Boards, so we can influence decisions. That is what we envisioned. Inuit participation would ensure that we get the benefits that are in the claim.

MR: It seems that the only way we'll realize our rights and benefits is if we become involved and participate in our government and Boards. And it is only in this way that Inuit will ensure that things are done in a way that respects our values and our priorities.

PQ: Yes.