

## **Spirit and Intent: Tagak Curley**

**MR:** Could you tell me what years you were involved in the negotiation of the land claim and what your title and position was?

**TC:** I was involved early on in the Inuit Tapirisat of Canada (ITC) days when we were beginning to think about negotiating a land claim. I came and went during the years.

**MR:** With respect to the *Nunavut Land Claims Agreement* (NLCA) itself, what articles did you assist in negotiating?

**TC:** I was involved mainly in the economic provisions in the claim, which are spread in various parts through the Agreement. A lot of the articles such as wildlife were signed off before my time.

**MR:** There are some economic provisions with respect to sports lodges, Article 24, mining and resource development. Are those the main provisions of the land claim that you worked on and am I missing any?

**TC:** Yes, those are economic provisions in the Agreement, including the Inuit Impact and Benefits Agreement (IIBAs), which also provide Inuit economic benefits from resource development.

**MR:** With respect to Article 24, I was wondering what you feel about the current breakdown of the percentage allocation for Inuit owned business in contract consideration?

**TC:** The government has always had in place a contracting policy that includes a percentage for northern owned businesses. Inuit owned businesses also get added consideration on top of the northern owned business percentage, although there are some Inuit owned businesses in the south. The point system allocation is very complex and difficult to use and understand. There are points given to management and training as well. We didn't think there would be such a complicated system in place. I think there should be a simpler way to calculate the contracting policy.

**MR:** I understand that Article 24 is also supposed to apply to the federal government for contracts in Nunavut, but I don't believe that they have a policy in place.

**TC:** No, you are right. The federal government does not have an Inuit preferential contracting policy in place. NTI has not lobbied or worked with the federal government to ensure that Inuit owned business are given contracts. But most of the time, the government focuses on whether the business is able to deliver or provide the service that they are contracting out for. Many Inuit businesses are small and just starting. Most don't have the capacity or ability to deliver. It is going to take time for Inuit to set up businesses that can go for these contracts.

**MR:** Do you have a fear that if Inuit are slow in starting these businesses that other non-Inuit businesses are going to set up first and effectively shut them out of the marketplace?

**TC:** It's true that many non-Inuit have started businesses, but at the same time, there are more partnerships beginning to happen, as non-Inuit see the value of getting Inuit ownership and involvement.

**MR:** I understand that Inuit pushed to get the claim signed and pushed to get Nunavut created. I've heard that Inuit negotiators thought that many Inuit rights and benefits could be realized through the territorial public government. Yet, many Inuit are not feeling that the Government of Nunavut is pushing Inuit rights and benefits.

**TC:** I've heard the same thing. Some Inuit have left the government because they don't feel as if the government is providing them support. They feel frustrated that they can't do their job or make changes.

**MR:** I was curious about if there is a fixed amount of resource royalty sharing. It says Inuit will receive 50 per cent of the first \$2 million the government receives from resource royalties. This \$1 million is not pro-rated. What \$1 million buys today in 2006 is not likely to have the same purchasing power as \$1 million 20 or 100 years from now. There are some First Nation treaties that provided their members \$5 a year back in 1800s and still provide them \$5 in 2006.

**TC:** You are right. That royalty is fixed. We had a lot of policy advisors and lawyers, but not many economic advisors.

**MR:** Right now the way it is written, it's stuck at \$1 million in perpetuity.

**TC:** Yes, but there is a provision in the claim to allow the parties to renegotiate.

**MR:** There seems to be a difference of opinion of what right of first refusal means under Article 5 for sports lodges.

**TC:** We wanted to make sure that Inuit benefitted from development in Nunavut, including all development. If a developer wants to build a lodge or any development, Inuit are informed of the development. It gives Inuit a chance to know what people want to do in Nunavut and gives Inuit an opportunity to begin dialogue with the developers to get some benefits from that development.

**MR:** It's not so much that Inuit have the ability to stop a sport lodge, rather, if I understand what you are saying, it's that Inuit are informed about development and are able to participate in negotiating benefits that they may be able to receive from the development.

**TC:** Inuit can't stop development, like a sports lodge or even any development. We wanted to make sure that when government receives a proposal, that the community and Inuit organization would be informed, so that they could negotiate benefits with that developer when it seeks our support and approval. That's why we made sure that there are IIBAs in the claim that require Inuit to be consulted and get benefits from development that happens in Nunavut.

**MR:** I understand that IIBAs are mandatory for the creation of parks and large resource development. But I'm not certain whether IIBAs can be negotiated for smaller development projects, like a tourism lodge.

**TC:** The Institutes of Public Government (IPGs) oversee development proposals in Nunavut and ensure Inuit are aware of the development and give them the opportunity to express their opinions and concerns about the development.

**MR:** I was wondering why there are no social and cultural provisions in the land claim.

**TC:** You are right. There are no social or cultural provisions in the claim. The decision not to have social or cultural rights in the claim happened before my time or when I wasn't there. I understand that the federal government wouldn't allow social rights to be included in the claim. Those rights still exist even if they are not in the claim. Inuit could still negotiate with the government for these rights.

**MR:** The way I see it is that without social or cultural rights, as the French enjoy in Canada and Nunavut, we are dependent on the goodwill of the government. The French have managed to get a French school in Nunavut, but there's never been nor does it look like there will be an Inuit or Inuktitut school in the near future.

**TC:** Yes, the French have managed to get a French school in Nunavut. I was very surprised.

**MR:** I wanted to know why the High Arctic oil fields were not on the negotiating table.

**TC:** An Inuit land use and occupancy study was done and as a result of that study, the government took the High Arctic oil fields away from the negotiating table. We couldn't prove that Inuit had used or occupied that area. I now think that maybe this was a mistake.

**MR:** I often hear Inuit negotiators say that we did the best that we could over 20 plus years and that if we hadn't signed the claim when we did, then we'd never have an agreement in place.

**TC:** People were getting tired of negotiating the claim. And if we hadn't signed it then, we saw that there was a chance of not having the claim.

**MR:** I don't understand why we don't own the land in the municipalities and in the communities that we live in.

**TC:** The federal government told the Inuit that the land in the community could not be selected because these were public lands. They were held by the Commissioner.

**MR:** So, like the High Arctic fields, the government said that the land in the communities was out of bounds or not on the table. I would like to understand how the surface rights land was chosen.

**TC:** There were reports and geological studies done to show us where the valuable resources and

minerals were. It was up to the communities to decide what surface lands they wanted.

**MR:** Did you participate in the negotiation of the assignment of hunting rights?

**TC:** The wildlife provisions were signed off before my time. They had already been negotiated and I didn't work on them. But I understand that the assignment of hunting rights was to provide Inuit women who married non-Inuit men to allow them to hunt for food to provide country food for their family.

**MR:** You've mentioned several times that certain provisions or articles were signed off before you came along, but I find that interesting that how something can be signed off without reviewing or revisiting them later, especially right before the final signing of the Agreement. Especially if there was a period of time that we had a weak negotiator who signed off an Article or accepted something from being taken off the table.

**TC:** You have to remember that the claim took a long time and it just wasn't possible to keep going back and reviewing past Articles that had been worked on by other people.

**MR:** I wondered if you worked on the fishing provisions in the Agreement.

**TC:** We believed that the principle of adjacency would decide how much quota Nunavut would get and that Baffin is doing well from the quota that they get. The communities get jobs and money from the fishing quota. I understand that they are working or have gotten a fishing boat and this is exactly the way we thought Nunavut would benefit from getting fishing quota.

**MR:** I understand that the principle of adjacency gives other provinces over 80 or 90 per cent of the fishing quota off their shores, yet, Nunavut is getting around 27 per cent of its quota off its shores. The government has said that Nunavut doesn't have the capacity or resources to be given its full quota, but without the quota, we can't develop to our full capacity.

**TC:** Inuit are benefitting from the quota. I understand that Inuit are getting into business partnerships and getting jobs, profit sharing and Inuit are benefitting.

**MR:** The Agreement doesn't have any enforcement provisions and Inuit have to go to court to enforce or protect their rights or try to get government to fulfill their obligations. This takes a lot of time and money. NTI seems fearful in taking the government to court in case they lose.

**TC:** You are right. NTI has to do more to make sure that government fulfills their land claim obligations and if they don't, then NTI has to go to court to protect Inuit rights.

**TC:** In implementing the claim and running the territorial government, we need more young Inuit to get an education and take up the jobs. It'll take time, but I see that we are already beginning to make things change.