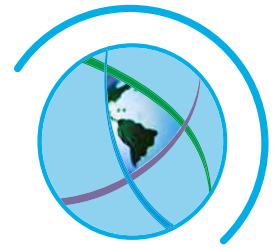


CANADIAN INUIT SPEAK TO CLIMATE CHANGE:
INUIT PERCEPTIONS ON THE ADAPTABILITY OF LAND CLAIMS
AGREEMENTS TO ACCOMMODATE ENVIRONMENTAL CHANGE



Konstantia Koutouki & Natasha Lyons



CISDL Legal Working Paper Series on
Climate Change Law and Policy





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AGREEMENTS TO ACCOMMODATE
ENVIRONMENTAL CHANGE**

A CISDL WORKING PAPER

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* This draft working paper is part of the CISDL ArcticNet Arctic Climate Law Project: Strengthening Climate Law Cooperation, Compliance & Coherence for the Arctic. It is not to be cited or quoted without the express consent of the authors.

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1. Introduction

2. The legal context

3. The anthropological context

4. Three Northern Case studies: Arctic Communities & Collaborators

4.1 Nunavik: Kangiqsujuaq

4.2 Inuvialuit Settlement Region: Aklavik & Inuvik

4.3 Southern Kivalliq: Arviat

5. Outcomes: Community perceptions of climate change in the context of land claims agreements

5.1 A clear recognition of climate change

5.2 Land claims as a nexus of community action

5.3 The role of land claims agreements in adapting to climate change

6. Conclusion

1. Introduction

In recent decades, Inuit, Dene and other Aboriginal Peoples have concluded detailed land claims agreements in the Canadian North. These include ‘specific’ claims, which concern specific grievances that Aboriginal groups have against the Canadian state, usually related to land and resource management or historic treaties, and comprehensive claims, which concern continuing *title* to lands and natural resources. Comprehensive land claim agreements currently in effect in the Canadian North, include: James Bay and Northern Quebec Agreement (1975); Northeastern Quebec Agreement (1978); Inuvialuit Final Agreement (1984); Gwich'in Agreement (1992); Nunavut Land Claims Agreement (1993); Sahtu Dene and Métis Agreement (1994); Tlicho Agreement (2005); Labrador Inuit Agreement (2005). Also there are eleven Yukon First Nation Final Agreements based on the Council for Yukon Indians Umbrella Final Agreement (1993) and corresponding Self-Government Agreements.¹

William David and Scot Nickel from the Inuit Tapiriit Kanatami (ITK) argue that although these comprehensive agreements may enhance regulatory compliance, with the current pace of climate change, they may not be sufficiently adaptable to keep pace with climate change in the north. This situation is problematic on a number of fronts, not least of which is the ability of Inuit to manage their lands, resources and the wildlife found within their regions. This paper is concerned with three comprehensive claims concluded by the Inuit in the Canadian Arctic, including 1) the Inuvialuit Final Agreement; 2) the James Bay and Northern Quebec Agreement, and; 3) the Nunavut Land Claims Agreement. We examine issues affecting these land claim agreements that relate to climate changes in these respective regions. These agreements were chosen to correspond with the fieldwork research conducted for this project. This fieldwork was conducted in 1) Inuvialuit Settlement Region: Aklavik & Inuvik; 2) Kangiqsujuaq, Nunavik; and 3) Southern Kivalliq: Arviat, Nunavut. We pay special attention to Inuit perceptions of climate change, Inuit knowledge of respective land claims agreements, and of the perceived relative flexibility of these agreements to accommodate environmental change.

The present research was conducted under the auspices of the ArcticNet project that sought to bring “together scientists and managers in the natural, human health and social sciences with their partners in Inuit organizations, northern communities, federal and provincial agencies and the private sector to study the impacts of climate change in the coastal Canadian Arctic.”² A key component of the ArcticNet research methodology is to utilize regional case studies in Canadian Arctic region known as IRIS (Integrated Regional Impact Studies) that revolve around Inuit and their relationships to their lands and resources.³ Our case studies provide us with a broad perspective on how the Inuit perceive the relationship between climate change adaptation and

¹ The eleven agreements are: Vuntut Gwich'in First Nation (1995); First Nation of Nacho Nyak Dun (1995); Teslin Tlingit Council (1995); Champagne and Aishihik First Nations (1995); Little Salmon/Carmacks First Nation (1997); Selkirk First Nation (1997); Tr'ondëk Hwëch'in First Nation (1998); Ta'an Kwach'an Council (2002); Kluane First Nation (2004); Kwanlin Dun First Nation (2005); and Carcross/Tagish First Nation (2005).

² <http://www.arcticnet-ulaval.ca/index.php?fa=ArcticNet.showArcticNet>.

³ <http://www.arcticnet-ulaval.ca/index.php?fa=ArcticNet.aboutUs&home=1>.

land claims agreements. In this paper, we integrate multiple voices on these subjects including a legal perspective from the primary author, an anthropological perspective from the secondary author, and most importantly, the knowledge and expertise of our Inuit collaborators from three Arctic regions.

The paper begins by considering the legal framework in which land claim agreements exist both historically and today. We continue by providing an anthropological context for the communities that we visited across the Canadian arctic. The third part of the paper provides an analysis of our data, frequently in the words our Inuit collaborators, concerning the perspective Inuit people have on the flexibility of current land claims agreements to respond to the adaptation strategies that may be necessitated by climate change.

2. The legal context

The legal context of land claims agreements in Canada is usually traced to the Royal Proclamation of 1763, which states:

And whereas great Frauds and Abuses have been committed in the purchasing Lands of the Indians, to the great Prejudice of Our Interests, and to the great Dissatisfaction of the said Indians...but that if, at any Time, any of the said Indians should be inclined to dispose of the said Lands, that same shall be purchased only for Us...

Although the Proclamation was not meant to apply directly to Inuit lands, this section of the Proclamation established two legal principles that have played an important role in the legal status of all Aboriginal lands through to the present. First, the Proclamation ensured that a certain portion of Aboriginal Peoples' land would be protected from colonial expansion, in effect reserving those lands for particular Aboriginal groups. Second, the Proclamation ensured that "lands could be surrendered only on a nation-to-nation basis, from the Indian nation to the British Crown, in a public process in which the assembled Indian population would be required to consent to the transaction."⁴ Following this principle, the Federal Government is tasked with playing a pivotal role in how these lands are to be vested to or divested from Aboriginal Nations. In *St. Catharines Milling and Lumber Company v. The Queen*,⁵ the court referred to the status of the Royal Proclamation as "the Indian Bill of Rights," and in *Calder v. Attorney-General of British Columbia*,⁶ the court suggested that the Proclamation was legally "analogous to the status of Magna Carta." These observations underscore the legal significance of this document for establishing the existence of Aboriginal title to land before and after the conquest.

Following the Royal Proclamation, several legal documents were enacted that further clarified the role of Aboriginal peoples in Canada. The Bagot Commission, established in 1844, discovered "serious problems with squatters on Indian lands, poor records of land sales or leases, and inept official administration of band funds; that the wildlife necessary for subsistence was fast disappearing from settled areas..."⁷ As well intentioned as this Commission was, its

⁴Report of the Royal Commission on Aboriginal Peoples, 1996, http://www.ainc-inac.gc.ca/ch/rcap/sg/sg1_e.html#0.

⁵ [1887] 13 S.C.R. 577 at 652.

⁶ 1973] S.C.R. 313 at 395.

⁷ Royal Commission report, supra at note 4

recommendations stemmed from assimilationist doctrine that was current at the time, and was culturally at odds with social, economic, and ideological practices of the affected Nations. The Commission recommended that, “Indians were to be encouraged to take up farming and other trades and were to be given the training and tools required for this purpose in lieu of treaty gifts and payments. Education was considered key to the entire enterprise; thus boarding schools were recommended as a way of countering the effects on young Indians of exposure to the more traditional Indian values of their parents. Christianity was to be fostered.”⁸

The Commission led to the enactment of *An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians, S.C. 1857*. This Act was in many ways contrary to the vision advocated by the Royal Proclamation, paving the way for the establishment of procedures that would facilitate loss of control over land by Aboriginal groups. It allowed for the conversion of protected Aboriginal land into provincial land, and the leasing of Aboriginal land in various circumstances, including cases where the Aboriginal person could not cultivate the land to its full potential, or where they became ‘enfranchised.’⁹ In certain situations, the approval of the Band Council was not required; rather, the Indian agent exerted this power on behalf of the Crown.¹⁰

Subsequent versions of the Indian Act continued in this patronizing vein, which in effect created a deep divide between Aboriginal Peoples and the EuroCanadian populace. The two were governed under different policies, and came to live in an apartheid-like system. Government policies of the early to mid 20th century restricted the power of Aboriginal groups over their lands and resources, and consequently, their cultures and ways of life. This included the abolition of traditional ceremonies like the Northwest Coast potlatch from 1885 to 1951. According to Chief Alfred Scow, a British Columbia Provincial Court Judge originally from the Kwakwaka’wakw community of Alert Bay:

⁸ Ibid.

⁹ Ibid.

The concept of enfranchisement was introduced in 1857 through An Act to encourage the gradual Civilization of the Indian Tribes in the Province, and to amend the Laws respecting Indians...An enfranchised Indian was, in effect, actually renouncing Indian status and the right to live on protected reserve land in order to join non-Aboriginal colonial society. The modern department of Indian affairs describes the nature and effect of the Gradual Civilization Act as follows:

[The act]...contained property and monetary inducements to encourage Indians to leave tribal societies and seek enfranchisement. An enfranchised person could receive land and a sum of money equal to the principal of the annuities and other yearly revenues received by the band. The intent of this legislation was that enfranchised Indians would continue to reside in the Native community but would have the same rights as non-Indian citizens.

The act applied only to adult male Indians. Under section 3 of the act, to be enfranchised an Indian had to be male, over age 21, able to read and write either English or French, reasonably well educated, free of debt, and of good moral character as determined by a commission of examiners. The right to exercise the franchise depended upon meeting the requirements in federal and provincial legislation in terms of property ownership. Thus, there was no automatic right to vote. Indians were given a three-year qualifying period to acquire these attributes...Women were not to be enfranchised independently. Yet if an Indian man was enfranchised, his wife and children were automatically enfranchised along with him, regardless of their wishes; willingly or not, they lost their Indian status.

¹⁰ Ibid.

The Indian Act did a very destructive thing in outlawing the ceremonials. This provision of the Indian Act was in place for close to 75 years and what that did was it prevented the passing down of our oral history. It prevented the passing down of our values. It meant an interruption of the respected forms of government that we used to have, and we did have forms of government be they oral and not in writing before any of the Europeans came to this country. We had a system that worked for us. We respected each other. We had ways of dealing with disputes. We did not have institutions like the courts that we are talking about now. We did not have the massive bureaucracies that are in place today that we have to go through in order to get some kind of recognition and some kind of resolution.¹¹

While the Indian Act and its governmental representative, the Superintendent, continued to suppress Aboriginal ways of life and to distance Aboriginal people from their lands, many Aboriginal leaders and communities continually and steadily fought the colonialist system. Principle efforts revolved around regaining control over their ancestral lands. The Federal Government was well aware of these efforts, and in a “1927 amendment, the superintendent general acquired a powerful new weapon in his arsenal — the right to require that anyone soliciting funds for Indian legal claims obtain a licence from him beforehand. Conviction could lead to a fine or imprisonment for up to two months. Official explanations once again focused on the need to protect Indians, this time from unscrupulous lawyers and other "agitators".”¹²

Over the last fifty years, Government agencies and Aboriginal groups have made efforts to bridge the divide caused by these historically misguided policies. The Constitution Act of 1982 includes section 35, which states

The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed; (2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada; (3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired; (4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Several court decisions have additionally assured that the Canadian Government develop a committed strategy towards the resolution of Aboriginal land claims. In *Calder v. British Columbia (Attorney General)*,¹³ the Supreme Court ruled that Aboriginal title to land existed prior to colonization and did not originate from statutory law. The Supreme Court in *Guerin v. The Queen*¹⁴ expanded this idea, stating that the government has a fiduciary duty towards the Aboriginal Nations of Canada, and characterized Aboriginal title as a *sui generis* right. This means that title to Aboriginal land can only be alienable to the Crown, and the Crown must use this title for the interests of Aboriginal people.

¹¹ Chief Alfred Scow, Kwicksutaineuk Tribe, in RCAP, National Round Table on Aboriginal Justice Issues, transcripts, Ottawa, 26 November 1992 as quote in Royal Commission, supra at note 7.

¹² Royal Commission, supra at note 7.

¹³ 1973] S.C.R. 313.

¹⁴ [1984] 2 S.C.R. 335.

In *R. v. Sparrow*,¹⁵ the Supreme Court of Canada considered the application of Aboriginal rights under section 35(1) of the Constitution Act, 1982. The Court held that Aboriginal rights, such as fishing, present in 1982, are protected under the Constitution of Canada and cannot be infringed upon without justification due to the fiduciary duty Canada has to the Aboriginal peoples. In *Delgamuukw v. British Columbia*¹⁶, the court ruled that Aboriginal title differs from land usage rights. Aboriginal title denotes Indigenous ownership of the land and the right to use this land in non-traditional ways. The court also specified that Aboriginal title is not the same as common land ownership, in that it is a Constitutional communal right intrinsically linked to Indigenous culture. The court acknowledged that land governed by Aboriginal title can only be sold to the Crown, and that oral evidence in a court of law is to be given the same weight as written documents, thus affirming the importance of Aboriginal oral histories. The court insisted that, “notwithstanding the challenges created by the use of oral histories as proof of historical facts, the laws of evidence must be adapted in order that this type of evidence can be accommodated and placed on an equal footing with the types of historical evidence that courts are familiar with, which largely consist of historical documents.”¹⁷

As it is evidenced from the forgoing overview of Aboriginal Peoples’ struggle for legal recognition of their title to their lands, the law has not always been responsive to neither the needs nor the reality of Aboriginal communities. This is as true for the southern aboriginal communities as it is for the Inuit in the North. In order to better understand these realities we provide below a brief social and cultural context of the communities and their members that have informed to a large degree the content of this paper.

3. The anthropological context

The present research works across cultural borders. We, as southern EuroCanadian researchers, are working with different Inuit groups to understand Inuit views on the ability and flexibility of their land claims to anticipate and accommodate climate changes. This cross-cultural research environment creates a working dynamic that requires commitment to cultural translation, especially on the ‘outsider’s part. In anthropology, we distinguish between the concept of insider’s (or emic) knowledge from outsider’s (or etic) knowledge. Insider’s knowledge is comprised of the perceptions, thoughts, and views of the world held by Indigenous or other communities under study; outsider’s knowledge is that of the external researchers or proponents that work with or for these communities.

There are substantive differences in how Inuit and Westerners conceive of, frame, and understand the world. Our worldviews are filtered through our respective languages, cultural contexts, beliefs and expectations about the cultural and natural worlds. One critical distinction

¹⁵ [1990] 1 S.C.R. 1075.

¹⁶ [1997] 3 S.C.R. 1010.

¹⁷ Ibid. Also, according to Stuart Rush in *Use of oral history evidence in aboriginal rights litigation*, <http://www.cle.bc.ca/Cle/Practice+Desk/Practice+Articles/Collection/02-app-oralhistoryevidence> January, 2005:

Oral history is history from the aboriginal perspective. It is the aboriginal point of view about human existence in the past, particularly the past prior to contact. Oral history differs from aboriginal nation to aboriginal nation. There is no one form of oral history. There are various views in the academic literature on what constitutes oral history. One writer distinguishes between oral history (direct accounts) and oral traditions (recollections more than one generation old). In any event, oral history is the aboriginal account of the past.

relates to the differences between scientific knowledge and traditional knowledge. Scientific knowledge is derived from a Western Enlightenment viewpoint that seeks to classify and observe the world; the positivist viewpoint believes that the world can be objectively tabulated and understood, and it relies on a written format of documentation.¹⁸ Inuit traditional knowledge is partly based on observation, but it is equally based on the realities of lived experience. It is a highly pragmatic and comprehensive system of knowledge of the land, animals, weather patterns, winds, and changes in these elements. Equally, it is knowledge of how to conduct oneself personally and how to relate to others. Traditionally, Inuit knowledge was transmitted via an oral tradition, and there was no divide between physical and metaphysical aspects of the world.

Inuit of Nunivak use the Inuktitut term *maqainniq* to refer to the land-based activities that one is required to learn to be *inutuinnaq*, a ‘genuine Inuk’.¹⁹ The traditional ecological knowledge involved in becoming *maqainniq* is what has allowed Inuit to track environmental changes over the centuries and to help them adapt to periodic climatic shifts. The contemporary concept of *kiinaujaliurutit*, by contrast, refers to the process of Inuit gaining appropriate skills to participate in the modern industrial world (such as the use of English, technological and administrative skills et cetera).²⁰ The combination of *kiinaujaliurutit* and *maqainniq* help Inuit today to practice their centuries old cultural patterns of land use while being and becoming ‘modern’ people. It helps them to broker the differences between their culture and those of the southern Canadian majority. Inuit knowledge of environmental change, in this context, is critical to understanding and planning for the environmental, social, and political challenges of climate change in the north.

In recent decades, there has been increased recognition in the scientific community of the intimate knowledge that Inuit hunters hold of the behaviour and ecology of their lands and resources. Northern peoples have often been excluded from scientific discussions of their lands, but their criticisms of the closed-mindedness of scientific scholars to Indigenous knowledge are beginning to be heard.²¹ Inuit hunters are increasingly offering to share their knowledge of Arctic environments and changing conditions with southern scientists, and in their stead, southern scientists are gaining an appreciation of the depth and clarity of this knowledge.²² For instance, *The Barrow Symposium on Sea Ice* (2000) brought together researchers and whalers interested in the sea ice environment off the North Slope of Alaska. Working groups at this gathering showcased Inupiat whalers’ intimate knowledge of sea ice conditions, which were often conceived in 3- and 4-dimensions, in comparison with the 2-dimensional models of

¹⁸ J. Appleby, L. Hunt and M. Jacob, *Telling the Truth About History*. (New York : W.W. Norton, 1994).

¹⁹ L.-J. Dorais, *Quaqtaq: Modernity and Identity in an Inuit Community*, (Toronto : University of Toronto Press, 1997).

While these terms are specific to the local Inuktitut dialect of Nunavik, parallel concepts exist among other Inuit groups in the Canadian Arctic. Please see: L.-J. Dorais, “Inuit Identity in Canada” 1988 *Folk* 23 at 30 and A. Stairs, “Self-Image, World-Image: Speculations on Identity from Experiences with Inuit” 1992 *Ethos* 20, 116-126.

²⁰ Dorais, *supra* at note 19 at 90.

²¹ G. J.Laidler, “Some Inuit Perspectives on Working with Scientists” 2006 *Meridian* (Spring/Summer) at 4.

²² Please see: B. Ayles, R. Bell and H. Fast, “The Beaufort Sea Conference 2000 on the Renewable Marine Resources of the Canadian Beaufort Sea” 2002 *Arctic* 55, Supplement 1 at iii-v and H. Huntington, H. Brower and D. W. Norton, “The Barrow Symposium on Sea Ice, 2000: Evaluation of one means of exchanging information between subsistence whalers and scientists” 2001 *Arctic* 54(2) at 201-204.

western scientists.²³ Such interactions spurred scientists and whalers alike to look at each other's approaches and to begin to integrate their conceptions of this rapidly changing environment.

Such tides are beginning to shift relationships between experts in the scientific and Inuit communities. Westerner scholars are increasingly able to appreciate the beauty and complexity of Indigenous ways of seeing and knowing the world. Inuit, in their stead, are open to the benefits of scientific study and methodologies that can help their pursuit of respective goals surrounding land claims, sovereignty, and management of their lands and resources. This spirit of rapprochement allows these respective parties to negotiate understandings about their respective worldviews concerning the land and climate change across cultural borders.

4. Three Northern Case studies: Arctic Communities & Collaborators

The data used in this study were accessed through a variety of means. Primary data derive from interviews and time spent with Inuit Elders, youth, and community members from three regions of Arctic Canada: Inuit of Nunavik, Arctic Quebec; Padlimiut of Western Hudson's Bay, and; Inuvialuit of the Mackenzie Delta. As researchers, we have a history of working in and with specific communities in these regions: Koutouki in Kangiqsujuaq and Lyons in Aklavik, Inuvik, and Arviat. Secondary data comes from the study of respective land claims and their legal context, and from our readings of the historical and anthropological literature of these regions and communities.

Koutouki took part in the Kativik School Board Science Camp held in Kangiqsujuaq, Nunavik, in the summer of 2007. Campers aged 13 and 16 represented every community of Nunavik. The theme of the camp was 'Climate Change in the North.' Data was obtained from surveys that garnered campers' knowledge of climate change, participation in camp workshops, discussions during camp activities, and art projects geared to identifying the campers' knowledge and perspectives on climate change in the North.

Lyons interviewed six Elders and community members from the Mackenzie Delta communities of Aklavik and Inuvik, and another six from the Hudson's Bay community of Arviat. Interview questions were geared around two major themes. One set of questions revolved around individual's knowledge of traditional land use, hunting practices, and changes to the land, animals, and weather patterns over the course of their lives. A second set of questions revolved around their general knowledge of their respective land claims and of its specific provisions to accommodate environmental change. Collaborators were paid a \$75 honorarium for their time and knowledge. All interviews were recorded by mini-disc and are currently being housed at the University of Montreal.

Below, we introduce the communities and community members with whom we have worked. We begin with a brief cultural and historical overview of each given community, describe their land claim, and describe the nature of participation of community collaborators in our project.

²³ Ibid.

4.1 Nunavik: Kangiqsujaq

Inuit groups of Arctic Quebec had very sporadic contact with European outsiders until the late 19th and early 20th centuries. Like other Inuit, these groups are descended from Thule people, and they have lived in this region for many centuries. Inuit of Nunavik have always been very mobile, maritime-oriented hunters, moving with the seasons and available resources. Ringed and bearded seal are hunted year-round; beluga and walrus in the summer; and before the incursion of European hunters, right whales and caribou.²⁴ In 1910, the French fur trading company Révillon Frères set up a post at Kangiqsujaq; the Hudson's Bay Company followed suit in 1928. Inuit of Nunavik fed the rising industry by trapping arctic and red fox, wolverine, mink and other fur-bearers through to the mid-20th century.²⁵

Kangiqsujaq is situated on Wakeham Bay (this community is sometimes also referred to as Wakeham Bay), ten kilometres from Hudson Strait. The community is inside what is referred to as the Cape Smith Belt, a region rich in mineral resources such as copper and nickel. Inuit of Nunavik are part of the James Bay and Northern Québec Land Claims Agreement, and have signed a second agreement with the Federal Government (Nunavik Land Claims Agreement), which will take effect in 2009. The Agreement was overwhelmingly approved by 78% of the community members that voted. Kangiqsujaq had the highest voter turnout of all the Nunavik communities with 94% of all eligible voters casting a ballot and 91% of those approved the Agreement.²⁶ According to the Montreal Gazette:

The NILCA deal will make Quebec Inuit the outright owners of 5,600 square kilometers of islands, about 80 per cent of the lands that dot the waters of Hudson Bay, Hudson Strait and Ungava Bay adjacent to Quebec. In 1975, the Inuit together with the province's Crees signed the James Bay and Northern Quebec Agreement, the treaty that forged their legal relationship with Quebec while also paving the way for the province's hydroelectric projects. That deal did not address aboriginal claims to the offshore, which has always been under federal - not provincial - jurisdiction. NILCA is designed to redress some of the inadequacies of the JBNQA. It is an agreement strictly between Ottawa and the northern aboriginals. Quebec is not a party to the deal.²⁷

Kangiqsujaq was the site of the 2007 Science Camp of the Kativik School Board. This annual event gathers students from the various Nunavik communities to learn science in a fun and dynamic way. This year's camp activities comprised various pedagogical workshops geared towards familiarizing students with the science behind climate change, art projects that allowed students to express their views on the topic, experiments that demonstrated how certain concepts work in a practical setting (such as CO₂ emissions), the construction of a functioning mini

²⁴ Dorais, supra at note 19 at 9-10.

²⁵ http://www.nvkangiqsujaq.ca/en/index_eng.htm

²⁶ http://www.nilca.ca/html/english_home.html

²⁷ Emanuel Lowi, "Final piece of puzzle' to become home" Wednesday, October 18 2006.

<http://www.canada.com/montrealgazette/news/story.html?id=1b9cdd18-6684-4bcb-845e-8d8bf32438bc>

windmill capable of charging batteries and other activities that involved the community and going out on the land.

4.2 Inuvialuit Settlement Region: Aklavik & Inuvik

The Inuvialuit are the traditional inhabitants of the Mackenzie Delta and adjacent coastline and islands of the Canadian Western Arctic. Descended from pre-contact Thule peoples, seven, and possibly eight local Inuvialuit groups were documented at the time of contact with Europeans in the late 18th century.²⁸ Their traditional seasonal patterns involved net fishing and communal beluga whale hunting in summer, caribou hunting in fall and winter, ice fishing in winter, and hunting waterfowl in spring.²⁹ The traditional culture, political organization, and economy of the Inuvialuit were heavily impacted by early sustained contact, as a result of the bowhead whaling industry, ca. 1890-1910, and the subsequent fur trading industry. Many Inuvialuit moved from the coast into the burgeoning centre of Aklavik in the Mackenzie delta in the early 1920s to furnish the needs of the fur industry. Aklavik would later be replaced by Inuvik as the delta's administrative, which was built by the Government of Canada as an Arctic 'modernization' project in the 1950s.³⁰ Aklavik has continued on as a more traditional community while Inuvik has developed into the 'urban' core of the Inuvialuit Settlement Region.

The Inuvialuit land claim was initiated by Inuvialuit seeking greater sovereignty over their culture, lands and resources (Alunik et al 2003:182; Freeman et al 1992:37).³¹ The guiding mandate of the Inuvialuit Final Agreement is towards sustainability. Various bodies created by the infrastructure of the claim, such as the Wildlife Management Councils and Fisheries and Environmental Impact Committees, oversee the setting of harvest quotas and the assessment of impacts to Inuvialuit lands through oil and gas, research activities, and other development. Today, there are 5000 Inuvialuit living in six communities of the Inuvialuit Settlement Region; they speak several dialects of Inuvialuktun, in addition to English and other languages.

Six Inuvialuit Elders and community members from Aklavik and Inuvik were interviewed for the present research. Danny and Annie C. Gordon from Aklavik, and Frankie Stefansson from Inuvik, were born and raised on the land. Danny and Annie C. continue to hunt and trap and to produce traditional crafts for sale; Annie C. was a signatory to the Inuvialuit Final Agreement. Three Inuvialuit community leaders interviewed for this research include sisters Cathy and Topsy Cockney, of Inuvik, and Billy Archie of Aklavik. Cathy and Topsy were raised in Tuktoyaktuk, and taught many traditional skills and ideas by their mother, Winnie Cockney (1922-2006). Their great grandfather, Nuligak, was the first Inuvialuk to produce a monograph of Inuvialuit traditional life.³² Cathy is presently Manager of the Inuvialuit Cultural Resource

²⁸ I. Alunik, E. Kolausok and D. Morrison, *Across Time and Tundra: The Inuvialuit of the Western Arctic*. (Vancouver : Raincoast Books, 2003) at 10 and 13-17.

²⁹ Alunik, supra at note 27 at 10.

³⁰ Please see: A. Aquilina, *The Mackenzie Yesterday and Beyond*, (North Vancouver : Hancock House, 1981) and P. Usher, "The Canadian Western Arctic: A Century of Change" 1971 *Anthropologica* 13 at 169-183.

³¹ Alunik, supra at note 27 at 183 and M. Freeman, E. Wein and D. Keith, *Recovering Rights: Bowhead Whales and Inuvialuit Subsistence in the Western Canadian Arctic*, (Edmonton : Canadian Circumpolar Institute and Fisheries Joint Management Committee, 1992).

³² Nuligak, *I, Nuligak*. Translated by M. Metayer (New York : Pocket Books, 1966).

Centre and Topsy Director of Inuvialuit Communications Society. Billy Archie is former mayor of Aklavik and today works on a variety of cultural initiatives in Aklavik.

4.3 Southern Kivalliq: Arviat

The Padlirmuit (also known in the literature by the more generic term, Caribou Inuit) are one of the Inuit groups who traditionally lived along the central west coast of Hudson's Bay and the adjacent inland Barren Grounds. Descended from the Thule, they were a highly mobile people, relying most heavily on the late summer and fall harvest of Barren Ground caribou. In the summer, they travelled to the coast to hunt seals at the floe edge, and in the summer, fish charr and hunt beluga whales.³³ The traditional summering ground was at the present-day site of Arviat. This location was first occupied by EuroCanadians in the 1920s, when a Hudson's Bay post was established, re-orienting the traditional Padlirmuit economy towards trapping and fur trading.³⁴ Most Padlirmuit continued a land-based lifestyle into the 1950s, only moving into settled communities like Arviat due to the combination of lean game years and government centralization pressures.³⁵ Arviat, formerly known as Eskimo Point, became recognized by its traditional Inuktitut name in 1989.³⁶ Arviat is home to Inuit traditional groups such as the Padlimiut and their inland neighbours, the Aharmiut. There is a particularly strong traditional element in Arviat, where Inuktitut remains the first language of most residents, and many families are still very active on the land. This community houses a large population of musicians and artists working in various media.³⁷

The Nunavut Final Agreement was signed in 1993. Inuit of the Canadian eastern Arctic pursued this claim to unite the Inuktitut-speaking communities of Canada and to gain greater economic and political control over their lands and seaways.³⁸ Due to the focus of most eastern Arctic Inuit on marine resources, and the preponderance of coastline in the settlement region, the agreement provides for integrated sea and terrestrial management, in addition to advisory and impact assessment processes for land, game, and water use.³⁹ Both the Department of Education and the Department of Culture, Language, Elders and Youth for Nunavut reside in Arviat. Each plays a key role in the development of Inuit-centred policies and programs throughout the territory.

The Elders and community members interviewed for this project played an integral role in the conception and implementation of these policies and programs. Donald Uluadluak, Louis

³³ J. VanStone and W. Oswalt, *The Caribou Eskimos of Eskimo Point*, (Northern Coordination and Research Centre : Department of Northern Affairs and National Resources, 1959).

³⁴ Ibid. at 4-5.

³⁵ D. Damas, *Arctic Migrants, Arctic Villagers: The Transformation of Inuit Settlement in the Central Arctic*. McGill-Queen's Native and Northern Series. (Kingston : McGill-Queen's University Press, 2002) at 89-94.

³⁶ Nunavut Tourism, Canada's Arctic: Nunavut. Nunavut Tourism. Accessed at: <http://www.nunavuttourism.com/site/default.asp>.

³⁷ M. Kalluak, *Pelts to Stone: A History of Arts & Crafts Production in Arviat*, (Ottawa : Indian and Northern Affairs Canada, 1993).

³⁸ Please see: B. Gillies, "The Nunavut Final Agreement and Marine Management in the North" 1995 Northern Perspectives 23, J. Sutherland, "The Coexistence of Sustainable Development and Aboriginal Fishing Rights in Canada" 2000 Indigenous Law Bulletin 133 and F. Widdowson, "The Political Economy of Nunavut: Internal Colony or Rentier Territory?" 2005 *Annual Meeting of the Canadian Political Science Association*, London, Ontario.

³⁹ Sutherland, supra at note 38.

Angalik, Philip Kigusiutak, and Luke Kiniksi have spent their lives as hunters and trappers and hold intimate knowledge of the southern Kivalliq region. Today, Donald and Louis work for the Nunavut Department of Culture, Language, Elders and Youth (CLEY) as advisors for educational and cultural programming. Mark Kalluak is a Padlimuit Elder who spent his youth learning to read and write at the Anglican Mission up coast from Arviat. He is an author, artist, and advisor to the Government of Nunavut. Shirley Tagalik is Manager of Curriculum Development, Early Childhood and School Services for the Nunavut Department of Education. She has spent much of her life in the north as a teacher and advocate for Inuit knowledge and methods of pedagogy. Joe Karetak, Community Education Development Coordinator for the Nunavut Department of Education, served as interpreter for the Elders, most of whom are primarily Inuktitut speakers.

5. Outcomes: Community perceptions of climate change in the context of land claims agreements

Our interactions and interviews with Inuit in three regions of Arctic Canada led us to recognize a number of recurrent themes concerning climate change and the land claims agreements. First, our collaborators generally asserted that there are quantifiable climatic changes occurring across the Canadian Arctic. Inuit experience these changes in their daily lives, and particularly for Elders who are active on the land and have done so for many years. There does not, however, appear to be a consensus as to why these climactic changes are occurring. Second, Inuit perceive that their respective land claims agreements, including the processes of preparation and negotiation for them, led to greater awareness and enfranchisement of these communities about their rights to lands and resources. Land claims negotiations and their outcomes, they observe, shifted the power balance between communities and the provincial and national governments. In this way, Inuit regained control of their voice and ability to represent themselves to larger governing bodies. Lastly, Inuit perceived their land claims agreements not as rigid legal documents with predefined constraints, but as active and flexible documents that are subject to ongoing negotiations and alterations.

The following discussion explores the perceptions of our Inuit collaborators regarding climate change in their respective regions. The first section documents the intimate knowledge that Inuit have of climate change in their territories. The second looks at the role that land claims have played in Inuit communities from an Inuit perspective. Different Inuit highlight the agitation, preparation, and negotiation for claims as a focal point for community action. Finally, the third section examines Inuit views on the adaptability of their land claims to accommodate climatic and environmental change. Here, we see the optimism that Inuit hold of using their own systems of knowledge to organize their communities and plan for the future.

5.1 A clear recognition of climate change

From Aklavik to Kangiqsujuak, Inuit collaborators of all ages acknowledged and described substantive climate changes in their regions (Table 1). Although explanations of climate change differ from one individual to another, Inuit suggest that the pace of climate change is

accelerating. At the Kativik⁴⁰ science camp in Kangiqsujuaq, campers were aware that the weather had changed even within their youthful lifetimes. A survey completed by campers indicated a high level of awareness of climate changes evident in their everyday lives, and also demonstrated high levels of comprehension of underlying scientific explanations. According to David McMullen in Kangiqsujuaq, the perception that Inuit children have more difficulty with western scientific concepts is not necessarily true. He states that, “the main obstacle is language. If you ask a student if they can describe the water cycle, they will probably say ‘no’. This does not mean that they do not have the knowledge necessary to explain the concept but that they lack the English or French language skills to do so.”

Table 1. Examples of climate change reported by Inuit collaborators in three Canadian Arctic regions

| Inuvialuit Elders & community members, Mackenzie/Beaufort Region |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “It seems like everything is changing, but just to see different type of birds in the area, we saw some here in the community last summer, totally foreign to us” (Billy Archie) |
| Four years ago there was an invasion of grasshoppers (Cathy and Topsy Cockney) |
| The warmer weather leads to rain in the winter, which then freezes. This layer of ice prevent the Caribou from being able to reach their food source (Topsy Cockney) |
| “Definitely with climate change you look at beluga hunting, it really effected our hunt on the west side because of the winds...it is riskier for our people” (Billy Archie) |
| Thickness of the ice has changed, before there was always some ice, now there is clear ocean (Cathy and Topsy Cockney) |
| Ice was more than 6 feet in old days...never less than 5 feet...now 2-3 feet (Frankie Stefansson) |
| 30-40 years ago there was 6 to 7 feet thick ice, last year only 2 feet (Danny and Annie C Gordon) |
| Tides are different (Cathy Cockney) |
| Whales come earlier and leave earlier (Billy Archie) |
| Before there was a “good 3-4 months of -50 below...now 3-4 weeks and we complain!” (Cathy and Topsy Cockney) |
| “With no doubt global warming is happening...we have not seen 50 below in 30 years” (Danny C Gordon) |

⁴⁰ The Kativik School Board is a public organization created in 1978 pursuant to the Act respecting Northern Villages and the Kativik Regional Government and the James Bay and Northern Québec Agreement. The James Bay and Northern Québec Agreement is the first of the modern treaties, the James Bay and Northern Quebec Agreement provides for \$135 million for the Cree and \$90 million for the Inuit. Also there are special provisions for full harvesting rights throughout 150,000 square kilometres and participation in environmental and social programs as well as an income security program for hunters and trappers. Finally the agreements allows for self-government under the *Cree-Naskapi Act* and the *Kativik Act* respectively. This agreement covers a large area of land (1,165,286 square kilometres) and a large population of aboriginal people (13,700 Cree and 9,900 Inuit). There are 9 Cree and 15 Inuit Communities affected by the claim:

Cree: Chisasibi, Eastmain, Mistissini, Nemaska, Oujé Bougoumou, Waskaganish, Waswanipi, Wemindji and Whapmagoostui.

Inuit: Akulivik, Aupaluk, Inukjuak, Ivujivik, Kangiqsualujuaq, Kangiqsujuaq, Kangirsuk, Kuujuaq Kuujuarapik, Puvirnituq, Quaqaq, Salluit, Tasiujaq, Taq Pangajuk and Umiujaq.

http://www.ainc-inac.gc.ca/ps/clm/ccb_e.html

| |
|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Many more cloudy days, “its kind of depressing” (Billy Archie) |
| Padlimiut Elders & community members, Western Hudson’s Bay |
| Far more windy days and much more warmer (Arviat Elders) |
| Different birds...more vegetation (Arviat Elders) |
| Ptarmigans are moving inland (Arviat Elders) |
| Hardly any thunderstorms in summer (Arviat Elders) |
| The treeline is moving north (Arviat Elders) |
| The ground level is shifting (Arviat Elders) |
| Taste of seal is different now, and is used for dog food instead of eaten by people, because they don’t like the taste anymore (Shirley Tagalik) |
| More killer whales attacks on belugas (Shirley Tagalik) |
| More polar bear attacks on belugas since the polar bears cannot get to the seals (Shirley Tagalik) |
| Kangiisujuaq, Nunavik Youth, Arctic Quebec |
| Shorter winters, less permafrost & ice |
| More animals |
| Warmer sun |
| More flowing water |
| More wind |

The campers were more ambivalent, however, as to whether climate change would have negative consequences for the North. Conceptually, campers were able to recognize how warmer temperatures would affect traditional ways of life, but it was difficult for these young people not to show some satisfaction with the idea of not having to deal with months of -50 degree weather. Adult and elder collaborators from other communities had a different perception of the import of climate changes. Shirley Tagalik of Arviat suggested that the introduction of new animals has disrupted the migratory patterns of traditionally harvested species. Killer whales, for example, are more prevalent than they have ever been on the Hudson’s Bay coast, and their harassment of belugas has re-routed their migration routes. Billy Archie, of Aklavik, notes ever-increasing incursion of new birds to the Mackenzie Delta. It is unknown how they will interact with and affect the distribution and food sources of traditional migratory fowl.

A surprising finding in this part of our research was that in that 1 camper out of 48 was aware of Sheila Watt-Cloutier and her contribution to the global awareness on issues affecting the Inuit and more specifically issues related to climate change.⁴¹ Given that this is a role model from Nunavik that was short-listed for the Nobel Prize and had received many international honours for her work in raising awareness about the effects of climate change for the Inuit people, this lack of awareness was not expected. However, when a presentation on Ms. Watt-Cloutier was made by Koutouki to the campers, there was an appreciation for her work and for the capacity of Inuit people from Nunavik to contribute to the resolution of problems globally as well as their

⁴¹ According to the National Aboriginal Achievement Awards website: http://www.naaf.ca/html/s_wcloutier_e.html Sheila Watt Cloutier has made it her life's work to preserve the environment and advocate for the people of the circumpolar region. Born in the tiny community of Kuujuaq in Northern Quebec, Ms. Watt-Cloutier was raised traditionally on the land for ten years, before attending school in Churchill, Manitoba. She currently makes her home in Iqaluit and is the Chair of the Inuit Circumpolar Conference, the Inuit organization that represents the interests of the Inuit peoples of northern Canada, Greenland, Alaska and Russia.

own community. One camper was so taken by the example of Ms. Watt-Cloutier that she set up a special booth on community night dedicated to the work of Ms. Watt-Cloutier and a member of the staff (who was also from Kangiqsujuaq) went on the local radio to inform community members about the accomplishments of Ms. Watt-Cloutier.

In each region, research collaborators demonstrated considerable ease manoeuvring between traditional knowledge and western scientific principles. At the Kativak science camp, campers participated in excursions on the land where a significant number they were knowledgeable about traditional activities such as goose hunting and calling, polar bear and seal hunting and plant gathering. Likewise, in the classroom, they soldered electronic circuit boards that would power homemade windmills with equal skilfulness.

The importance of straddling traditional and western scientific concepts is equally resonant in our other case study communities. In Arviat, Elders Donald Uluadluak and Louis Angalik work daily to develop Inuit principles and stories for use in a Western-based school curriculum. They demonstrate how Inuit Qaujimagatuqangiit, or Inuit knowledge (“what Inuit have always known to be true,” according to Shirley Tagalik), is continually being transformed, as it has been for thousands of years, to fit modern-day circumstances in which Inuit live. Cathy Cockney, in Inuvik, agrees that Inuvialuit and western ways of seeing the world can be brought closer together through better cross cultural communication between researchers and organizations. The pace and impacts of climate change is one venue where such lines of communication are critical to all parties concerned.

Inuit observations of climate change are in line with the findings of scientists working in the North.⁴² However, the primary concern for our collaborators was for the safety of hunters and trappers negotiating this changing landscape. Many examples passed on to us of hunters and trappers coming to harm or losing their lives because of changes and unpredictability in ice, water, weather, and wind patterns. All of our collaborators agreed that Inuit must work to adapt to these environmental changes, preferably in concert with southern scientists, scholars, and policy-makers.

5.2 Land claims as a nexus of community action

Across the north, agitating and preparing for comprehensive land claims have served as a nexus for community action. They have provided Inuit and other Indigenous communities with a focal point to rally and to present historical and contemporary grievances to government bodies. They have created infrastructures that, at least ideally, will perpetuate the interests of given groups.

Cathy Cockney suggests that the Inuvialuit Final Agreement of 1984 renewed her pride and sense of distinctiveness in being Inuvialuit:

Pride in our culture and our language [is important], because when we were growing up, and to some extent our Elders in residential schools, they were taught to be ashamed of their language and culture. They were always punished when they tried to speak the language. I think that’s the reason we can’t speak, the younger people can’t speak the [Inuvialuktun] language. That has

⁴² See Table 1 above as well as ArcticNet findings at <http://www.arcticnet-ulaval.ca/index.php?fa=ResearchHome.showThemeProjects&theme=10>

changed; we [now] have children that are very proud of being Inuvialuit... When we were growing up, we were just known as 'Eskimos.' [But] when COPE [Committee for Original Peoples' Entitlement]...[began] to pursue our land claims agreement, that's when we realized, 'Hey we're Inuvialuit!' We're not just Eskimos, grouped in with the rest of the circumpolar people. We have an identity!

Land claims gave Inuit groups control over their lands that resulted in renewed optimism about regaining control of their pride and culture. Billy Archie, from Aklavik, sees the land claim as a way re-establish Inuvialuit priorities from the inside, not imposed from the outside. He says that his people are well acquainted with the "studied to death syndrome" of "always [being] under the microscope." But, he explains, "now it's turned around, we look at [our] community's priorities, what we see as priorities because we live here, [and] we know what is going on," and are better able to plan that foreign administrators in Ottawa.

Inuit have long argued that local communities are best suited to identify and conceive solutions to issues concerning their lands, peoples, and resources. Land claims agreements are a vehicle to facilitate this process. Topsy Cockney, of Inuvik, echoes the sentiment that local people have the best perspective on generating methods to combat changing resource conditions and animal distributions. In the past, for instance, the Government set harvest quotas for caribou, polar bear, and other key Inuvialuit resources. Today, under the co-management regime created by the IFA, different levels of government have to build consensus with the local Hunters and Trappers organizations to establish wildlife quotas. In the past, Cockney suggests that the government would "say the polar bears [or caribou] are in decline [and] you can't hunt them anymore. But [the government] can't do that anymore. *Because of our claim they have to come in and work with us.*" (emphasis added)

Padlimiut Elder Phillip Kigusiutak, from Arviat, noted that negotiations towards the Nunavut land claim provided community members with the opportunity to be heard by outside government bodies. He recalls that Padlimiut thought the land claim process "was a good idea because [it] let people decide whether they wanted to proceed with the claims. [And], everyone seemed to think that is was a good approach to proceed with the land claims." The land claim clarified whose land it was, "I thought it was always Inuit land and I then discovered that it wasn't really [ours], it did not belong to the Inuit... When I heard it was Crown land I didn't really believe it because the Queen had hardly ever been to Canada and I was wondering why its called Crown land?!" The Nunavut Final Agreement, he continued, recognized the fact that the land of Nunavut has always been home to Inuit of the eastern Arctic.

As basic as this assertion may appear, it speaks volumes to the lack of historical understanding between Inuit and the colonial nation state around notions of land use and occupancy. Concepts of use and ownership differ considerably between these cultural groups and each viewpoint must be considered carefully within its cultural context. Inuit approaches to the world are increasingly being asserted by Inuit groups, in their quest to produce homegrown models of education, social structure, law and governance. In Nunavut, Inuit Qaujimajatuqangiit (IQ), described above, is a guiding principle for the present and the future. The present research endorses the development of framework derived from Inuit principles to guide community development. Principles like IQ build strong social cohesion in Inuit communities that foster Inuit ways of knowing and being in

the modern world. Land claims agreements provide places action where communities can empower their members and assert control over their lands, resources, and ways of life.

5.3 The role of land claims agreements in adapting to climate change

For Aboriginal People, land claims agreement generally represent building blocks towards more just, respectful, and equal treatment from the Federal Government and mainstream Canadian society. Land claims agreements have given Inuit communities control over land and social development, allowing them to choose the developmental directions that their communities will pursue. Climate change itself cannot be controlled, leaving the question of whether northern land claims agreement provide appropriate structures for Inuit communities to cope with environmental changes to Inuit lands and resources and their consequences.

The answer to this question is not a simple one. Shirley Tagalik, of Arviat, states: With every successive claim, hopefully, [we] learn from the previous ones...I think the COPE claim was a very, very strong claim and so they had a good foundation to build on. I think the James Bay claim was quite a bit different in that there were all these economic factors...What I think that Nunavut learned from those two claims especially is the need for these strong organizations that would supervise the claim and plan into the future... If you look at the Alaskan claim [of 1971], that was the big missing piece there. It wasn't future oriented and it wasn't sustainable; the whole question of sustainability was not there.

Tagalik continues, "the challenge is...[to set] up an accountable structure, accountable in terms of Inuit Qaujimagatuqangiit so that it is the principles that have always successfully guided Inuit society that are being used to guide these land claims organizations into the future."

These statements are very important in assessing the capacity for Aboriginal groups to address the consequences of climate change for their communities. The statements are important in that they give insight regarding how land claims agreements are perceived from an Aboriginal perspective. The standard used to judge the efficacy of a land claim amongst Inuit of Nunavut appears to be IQ principles and not western legal notions. A key measure of strength for a land claim, as perceived by Inuit, is its capacity for sustainability and adaptation to future realities.

Tagalik further suggests that land claims agreements provide the operating structure for local organizations across Nunavut. These organizations, which stem from IQ principles, are organized to ensure that the land claims agreement can accommodate the future needs of Inuit communities. She says,

If these organizations are doing their jobs well, they will be doing the accommodating. They have the potential to have the most recent research, to have the science working for them; to be informed about what is going on in difference areas and to be responding. And so, if our organizations are taking that role seriously, and are using that information to adapt their policies and practices in line with what is happening in their environment—which should be an entirely IQ approach—then [the system] should work.

She reinforces this idea by stating that a key principle of Inuit Qaujimajatuqangiit is the need to constantly adapt in new and emerging ways to present circumstances, rather than being constrained by established patterns (eg. ‘this is the way we always do this’).

The notion of land claims agreements as flexible, adaptive instruments is also reflected in by Inuvialuit collaborators. Cathy Cockney insists that, “the way that the [Inuvialuit Final Agreement] is written, it’s not very detailed and you can interpret [it]. [It is] subject to amendment and interpretation, and any interpretation has to be in our favour... There is a clause in there that if they give anything to the Gwich’in or to any other claimant groups [eg. additional provisions]... they [also] have to give it to us.” Her sister Topsy Cockney expands on this proviso of the claim: “when we did our land claims, there was no talk of self-government, and when the Gwich’in and the Sahtu got that clause in their [agreement, the Government] had to give it to us.” Billie Archie describes the land claims agreement as “a working document.”

It remains to be seen whether the flexibility and fluidity of Northern land claims agreements perceived by our Inuit collaborators will resonate with the Federal government and Canadian courts. The recent lawsuit filed by Nunavut Tunngavik Inc. (NTI) against the government of Canada may provide some insight into this question. Nunavut filed the \$1-billion lawsuit in December 2006, alleging that the government has failed to live up to its obligations and is therefore violating the Nunavut Land Claims Agreement (NLCA). If this lawsuit is a sign of things to come, the Federal Government should be prepared for further litigation concerning the consequences of climate change. Paul Kaludjak, president of NTI, states that, “the Government of Canada keeps Inuit dependent and in a state of financial and emotional despair despite promises made when the NLCA was signed in 1993. The Government of Canada is not holding up its end of the bargain. Canada got everything it wanted immediately upon signing the NLCA. Inuit are still waiting for full implementation of the Agreement.” He reinforces the Aboriginal perception of a land claims agreement as a flexible, forward-looking document that community members can use to improve their lives. He says, “what is at stake here is whether the NLCA will continue to be a central factor in shaping the future of Nunavut and improving the lives of Inuit. We will do everything in our power to ensure that the NLCA benefits Inuit in the ways it was intended to.”

6. Conclusion

The legal implications of the ability of northern land claims agreements to adapt to the shifting environmental and climatic conditions in Canada’s Arctic are significant. We have seen in this paper that Canadian Aboriginal Peoples travelled a long, arduous road to reach successful land claims agreements with the Federal government. Inuit have achieved particularly forward-looking claims that provide a structure to prepare for the future, and they feel strongly about the importance and vitality of their agreements. Land claims agreements, however, can do little to influence or alter the environmental impacts observed by our Arctic collaborators. Nevertheless, according to our collaborators these agreements have a part to play in developing and implementing strategies to address the coming environmental challenges to be faced by their communities. Given the essential role of the Inuit in the realization of these adaptation strategies it is important that policy-makers are aware of this perspective.

Our Inuit collaborators confirmed that there are dramatic changes occurring on their lands, including significant ice and permafrost melt, unpredictable wind patterns, changing wildlife habitat, among others. These environmental changes are putting significant pressure on the traditional way of life of the Inuit, challenging central cultural activities such as polar bear hunting and travel via ice corridors. In light of a long history of historical colonialism, Inuit have long proven their capability to adapt to new circumstances without losing sight of their unique cultural identity. Inuit in this paper have articulated the position of land claims agreements as rallying points for communities to sustain cultural identities. The threats posed by climate change present substantive challenges to the Inuit way of life, a life closely connected to the land and its resources. Environmental changes restrict the ability of Inuit to practice traditional lifeways and to pass this knowledge (IQ) to ensuring generations.

Our collaborators view their land claims agreements as working documents that can and should be adapting to changing circumstances in the North. Far from being seen as fixed documents that spell out the rights and responsibilities of various Inuit groups and the federal government, many Inuit perceive these legal texts as flexible and evolving structures that facilitate communication and negotiation between their communities and the federal government. This is an important vehicle for community mobilization given the fact that Inuit are powerless to control the activities that propel climate change. By contrast, the federal government and international community are well positioned to take such measures. This perception of land claim agreements can be a useful tool in agitating for the federal government to act on their behalf.

As advised by William David and Scot Nickel from the Inuit Tapiriit Kanatami (ITK) earlier in the paper, land claims agreements interpreted under strict western legal interpretation may not be sufficiently adaptable to keep pace with climate change in the north. It remains to be seen how western courts or arbitration tribunals will interpret challenges brought on by Inuit groups concerning their rights under these agreements. Irrespective of these interpretations, the perceptions of many of our collaborators in Canadian Inuit communities are that these are flexible and evolving documents. Should the courts and arbitration tribunals fail to recognize and take into consideration this perception, conflicts concerning land claims agreements will supersede climate change issues and delve into the larger cultural and legal divides that continue to separate Aboriginal Peoples and the Canadian nation state.

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