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HIGHLIGHTS OF THE LABRADOR INUIT LAND CLAIMS AGREEMENT

The Labrador Inuit Land Claims Agreement (Agreement) was signed by the President of the Labrador Inuit Association (LIA), the Premier of Newfoundland and Labrador, the provincial Minister responsible for Aboriginal Affairs, and the federal Minister of Indian Affairs and Northern Development on January 22, 2005. Seventy-six per cent of the Inuit who voted on May 26, 2004 voted in favour of the Agreement. On December 6, 2004, the Newfoundland and Labrador House of Assembly passed the *Labrador Inuit Land Claims Agreement Act*. The *Act* received Royal Assent the same day. Bill C-56, An Act to give effect to the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement, received first reading on Monday June 6, 2005.

The following are some highlights of the Agreement:

General Provisions

This chapter contains provisions that apply to the entire Agreement, including the status of the Agreement, in law.

The Agreement constitutes a final settlement of the Aboriginal rights of the Labrador Inuit in Canada and exhaustively sets out the rights of the Labrador Inuit that recognized and confirmed by section 35 of the *Constitution Act, 1982*. In exchange for the rights and benefits specified in the Agreement, Inuit will cede and release to Canada and Newfoundland and Labrador all of their *aboriginal* rights outside of Labrador Inuit Lands and Aboriginal rights related to subsurface resources in Labrador Inuit Lands. The Labrador Inuit will retain all other Aboriginal rights in Labrador Inuit Lands. Continuing Aboriginal rights are modified as set out in the Agreement and must be exercised in ways that are consistent with the Agreement.

The Labrador Inuit are not ceding or releasing any Aboriginal rights that they may have to lands and waters in a defined area of northeastern Quebec and adjacent marine areas.



The Agreement does not address rights for any Aboriginal people of Canada other than the Labrador Inuit, and it is not intended to affect the Aboriginal rights that other Aboriginal people may have in the Labrador Inuit Settlement Area.

Labrador Inuit Lands are not lands reserved for the Indians within the meaning of section 91(24) of the *Constitution Act, 1867*.

The *Canadian Charter of Rights and Freedoms* applies to the Inuit governments and to matters under their authority, and federal and provincial laws will continue to apply to Inuit in accordance with the Agreement. The primary regional Inuit government will be known as the Nunatsiavut Government. There will be five Inuit Community Governments: one in each of the five Inuit Communities of Rigolet, Makkovik, Postville, Hopedale and Nain.

The Agreement may only be amended with the agreement of the three signatory parties: the Labrador Inuit, Government of Canada and Government of Newfoundland and Labrador.

Eligibility and Enrolment

The Agreement sets out eligibility criteria for determining who will be enrolled as a beneficiary of the Agreement. The criteria take into consideration a number of factors, including the following:

- Inuit customs and traditions;
- Inuit ancestry;
- adoption; and
- residency in, or connection to, the Labrador Inuit Settlement Area (Settlement Area).

Community enrolment committees will be established to prepare a preliminary list of beneficiaries. Decisions of community enrolment committees may be appealed and decisions of the appeal body may be subject to judicial review. After an opportunity for appeals, the Nunatsiavut Government will publish the register of beneficiaries.

Lands and Non-Renewable Resources

The Agreement creates two categories of land: the Labrador Inuit Settlement Area and Labrador Inuit Lands. The Settlement Area consists of 72,520 square kilometres (28,000 square miles) of land and 48,690 square kilometres (18,800 square miles) of ocean (referred to as the Zone) extending to the limit of Canada's territorial sea. The Settlement Area includes Labrador Inuit Lands and the five Inuit communities of Nain, Hopedale, Makkovik, Postville and Rigolet. In the northern part of the Settlement Area, approximately 9,600 square kilometres (3,700 square miles) of land will be set aside for the establishment of the Torngat Mountains National Park Reserve. Inuit will have special rights in all of these areas.

Within the Settlement Area, Inuit own 15,800 square kilometres (6,100 square miles) of land referred to as Labrador Inuit Lands. It is in this area where Inuit have the most rights and benefits.

In Labrador Inuit Lands, Inuit have the exclusive right to carving stone, ownership of 3,950 square kilometres (1,525 square miles) of quarry materials and a 25 per cent ownership interest in subsurface resources.

Existing mineral rights holders in Labrador Inuit Lands may continue to access Labrador Inuit Lands and will continue to be regulated by the Government of Newfoundland and Labrador. Any person wishing to explore for subsurface resources in Labrador Inuit Lands after the effective date will be required to submit a work plan for approval by the Government of Newfoundland and Labrador and the Nunatsiavut Government.

Existing surface interests in Labrador Inuit Lands (such as cabin owners and outfitters) will continue under their current terms and conditions. Applications for renewal or extensions of such interests must be made to the Nunatsiavut Government.

Water Management and Inuit Water Rights

Inuit have the right to use water for personal and domestic purposes throughout the Settlement Area. New commercial or industrial developers on Labrador Inuit Lands must acquire a water use permit from the Government of Newfoundland and Labrador, which may only be issued if also approved by the Nunatsiavut Government.

Any developer in the Settlement Area who proposes to use water in a way that may substantially affect the quantity, quality or rate of flow of water on or adjacent to Labrador Inuit Lands will be required to first negotiate a compensation agreement with the Nunatsiavut Government.

Ocean Management

The Settlement Area includes an adjacent ocean zone extending to the limit of Canada's territorial sea. Any initiatives to establish marine management plans or to develop non-renewable resources in the Zone will require prior consultation with the Nunatsiavut Government. Inuit impacts and benefits agreements (IBAs) are required for major developments in the Zone. Major developments are those that involve, in any five year period, more than 150 person-years of employment or capital expenditures of more than \$40 million.

Economic Development

IBAs must be negotiated between the Nunatsiavut Government and developers before projects may proceed in Labrador Inuit Lands and before major developments may proceed in the Settlement Area outside Labrador Inuit Lands.

The Nunatsiavut Government is entitled to receive 25 per cent of provincial government revenues from subsurface resources in Labrador Inuit Lands. In the Settlement Area outside Labrador Inuit Lands, the Nunatsiavut Government will receive 50 per cent of the first \$2 million and five per cent of any additional provincial revenues from subsurface resources. Revenues received from subsurface resources in the Settlement Area outside Labrador Inuit Lands will be capped at an amount that, if distributed equally among all Labrador Inuit, would result in an average per capita income for Labrador Inuit that equals the Canadian average per capita income.

Voisey's Bay Area

The Nunatsiavut Government will receive five per cent of provincial revenues from subsurface resources in the Voisey's Bay area.

The Voisey's Bay area will not be Labrador Inuit Lands or part of the Settlement Area. However, a number of chapters of the Agreement will apply to the Voisey's Bay area as if the area was within the Settlement Area. Lands within the Voisey's Bay area may be selected as Labrador Inuit Lands or to be part of the Settlement Area after project closure, but these selections will have to be made in a way that respects any current interim arrangements that are in place with the Innu Nation.

An IBA between the Labrador Inuit and the developer of the Voisey's Bay Project is required. This IBA has already been achieved and is being implemented.

Newfoundland and Labrador and Canada have committed to consult the Nunatsiavut Government on any permit required in relation to the project. The main vehicle for consultation will be the Environmental Management Board, which has already been established.

National Parks and Protected Areas

The Torngat Mountains National Park Reserve will be established on the effective date of the Agreement. A Park Impacts and Benefits Agreement has been negotiated in relation to the Torngat Mountains National Park Reserve and will be in effect at the same time as the Agreement. Newfoundland and Labrador and Canada have also negotiated a Land Transfer Agreement, which provides for the transfer to Canada of provincial Crown lands necessary for the establishment of the Torngat Mountains National Park Reserve.

The Nunatsiavut Government may establish other protected areas in Labrador Inuit Lands.

Any new protected areas in the Settlement Area outside Labrador Inuit Lands that may affect the rights of the Labrador Inuit under the Agreement, will require the completion of a protected area agreement with the Nunatsiavut Government.

Land Use Planning

A comprehensive land use plan for the Settlement Area will be developed jointly by the Government of Newfoundland and Labrador and the Nunatsiavut Government within three years of the effective date of the Agreement. The Nunatsiavut Government will approve the land use plan as it applies to Labrador Inuit Lands and the Government of Newfoundland and Labrador will approve the plan as it applies to the Settlement Area outside of Labrador Inuit Lands. Once approved all new developments must conform to the plan.

Environmental Assessment

Federal and provincial environmental assessment laws will continue to apply throughout the Settlement Area. The Nunatsiavut Government may also make laws respecting the environmental assessment of projects in Labrador Inuit Lands, but federal and provincial laws prevail if there is a conflict between the laws. The effect of this is that Inuit Laws must meet or beat standards under general laws and that a developer must receive approval from all three levels of government before being able to proceed with a project in Labrador Inuit Lands.

The Agreement commits the parties to make every effort to ensure environmental assessment processes are harmonized to avoid duplication and inefficiencies.

Wildlife and Plants

Labrador Inuit have the right to harvest wildlife and plants for Inuit food, social and ceremonial purposes throughout the Settlement Area. If conservation requires that harvesting by Labrador Inuit be limited, the limits will be set by the provincial or federal minister, based on a recommendation of the Nunatsiavut Government.

A co-management board appointed by the Government of Newfoundland and Labrador, the Government of Canada and the Nunatsiavut Government will be established as the primary body for making recommendations to governments on the conservation and management of wildlife and plants in the Settlement Area. The provincial and federal governments will retain overall responsibility for the conservation and management of wildlife and plants in the Settlement Area.

With the exception of those interest holders accommodated under the Agreement, the Nunatsiavut Government will control who may harvest wildlife and plants in Labrador Inuit Lands. Provisions have been made for non-Inuit with existing cabins in Labrador Inuit Lands to harvest in areas they traditionally and currently use. In addition, non-Inuit Labradorians harvesting in tidal waters for non-commercial purposes may establish temporary camps and cut firewood along the shoreline of Labrador Inuit Lands.

The Nunatsiavut Government will control Inuit harvesting for food, social and ceremonial purposes throughout the Settlement Area.

Existing outfitters and sawmill operators will continue under laws of general application. The Nunatsiavut Government has the exclusive right to authorize new outfitting and sawmill operations in Labrador Inuit Lands and first right to establish new operations throughout the Settlement Area.

Fisheries

Labrador Inuit will have the right to harvest fish and marine mammals for Inuit food, social and ceremonial purposes throughout the Settlement Area. If conservation requires that fishing by Inuit be limited, the limits will be set by the federal minister based on a recommendation of the Nunatsiavut Government.

A co-management board appointed by the Government of Canada, Government of Newfoundland and Labrador, and the Nunatsiavut Government will be established as the primary body for making recommendations to governments on the conservation and management of fish in the Settlement Area. The provincial and federal governments will retain the overall responsibility for the conservation and management of the fishery in the Settlement Area.

Existing commercial fishing licences are not affected by the Agreement. Inuit will be guaranteed a percentage of new or additional commercial fishing licences for specified species within the Zone and in waters adjacent to the Zone.

Labrador Inuit will control who may fish or establish aquaculture facilities in Labrador Inuit Lands and will have the first right to establish aquaculture facilities in the Settlement Area.

Harvesting Compensation

Developers who wish to carry out projects on Labrador Inuit Lands and major developers in the Settlement Area outside Labrador Inuit Lands are absolutely liable for any harm that their projects may cause to wildlife or fish and are responsible for compensating Inuit for any damage to or loss of wildlife, fish, wildlife or fish habitat or harvesting activities suffered as a result of their projects.

Archaeology

The Nunatsiavut Government will be the permitting authority for archaeological activity in Labrador Inuit Lands and the Inuit Communities, the federal government will be the permitting authority for archaeological activity in federal lands in the Settlement Area, and the provincial government will be the permitting authority for archaeological activities in all other lands in the Settlement Area.

The Nunatsiavut Government, the Government of Newfoundland and Labrador, and the Government of Canada have concurrent legislative authority in Labrador Inuit Lands and the Inuit Communities over the protection of archaeological sites, artifacts, cultural material and

Inuit burial sites. If a conflict occurs, whether the federal, provincial or Nunatsiavut Government law prevails will depend upon the subject matter. Artifacts found in Labrador Inuit Lands will be owned by the Nunatsiavut Government. Artifacts found in the Settlement Area outside Labrador Inuit Lands will be jointly owned by the Nunatsiavut Government and the Government of Newfoundland and Labrador. Artifacts found in lands under the control and administration of Canada will be jointly owned by the Nunatsiavut Government and Canada.

Archaeologists must conduct community briefings.

Place Names

The Nunatsiavut Government will have the exclusive right to establish official place names in Labrador Inuit Lands, subject to approval by the responsible provincial minister. The Government of Newfoundland and Labrador must consult the Nunatsiavut Government on any proposed place names in the Settlement Area outside Labrador Inuit Lands.

Labrador Inuit Self Government

Labrador Inuit have created their own Constitution that establishes two levels of government: the Nunatsiavut Government, with jurisdiction primarily over Inuit at a regional level, and five Inuit Community Governments. The Constitution also provides for the establishment of Inuit Community Corporations for Inuit who live in the Upper Lake Melville Area and elsewhere outside the Labrador Inuit Settlement Area. All levels of government will be democratically responsible. The Constitution will come into effect with the Agreement.

The Nunatsiavut Government may make laws to govern Inuit residents of Labrador Inuit Lands and the Inuit Communities for matters such as education, health, child and family services, and income support. The Nunatsiavut Government will also have jurisdiction over its internal affairs, Inuit language and culture, and the management of Inuit rights and benefits under the Agreement. The Nunatsiavut Government may establish a justice system for the administration of Inuit laws.

Inuit Community Governments will replace current municipal governments. Inuit and non-Inuit residents in the Inuit Communities will be able to vote for and serve as councillors in the Inuit Community Governments. Inuit Community Governments may enact by-laws respecting local or municipal matters within Inuit Communities.

Fiscal Financing Agreements

Labrador Inuit will continue to be eligible to receive federal and provincial programs and services.

The Government of Newfoundland and Labrador, the Government of Canada and the Nunatsiavut Government will negotiate a fiscal financing agreement every five years to provide

funding to the Nunatsiavut Government for the provision of agreed-upon programs and services to Inuit and, where appropriate, to other residents. Inuit will contribute to the costs of their own governance, programs and services.

The first fiscal financing agreement has been negotiated and will come into effect when the Agreement comes into effect.

Capital Transfers

The Government of Canada will pay the Labrador Inuit \$140 million in 1997 dollars, according to a specified schedule of payments over 15 years. Inuit will repay their negotiation loans of approximately \$50 million over the same 15-year period.

Taxation

Labrador Inuit will continue to be subject to federal and provincial tax laws. The Nunatsiavut Government may make laws in relation to direct taxation of Inuit for Nunatsiavut Government purposes and may make laws for the coordination and harmonization of Inuit Community Government taxation. Inuit Community Governments may make laws in relation to the direct taxation of Inuit for Inuit Community Government purposes. Additional powers for the Inuit governments to tax persons other than Inuit may be negotiated through agreements between Inuit governments and the federal and provincial governments.

Dispute Resolution

A tripartite out-of-court dispute resolution process will be established. It will address disagreements respecting the interpretation of the Agreement and disputes specifically referred to dispute resolution under the Agreement. Examples of disputes that can be settled by such arbitration include disputes over such matters as wildlife compensation, terms of IBAs outside Labrador Inuit Lands and terms governing access to Labrador Inuit Lands for purposes that are permitted under the Agreement.

Ratification of the Agreement

A Ratification Committee was established with responsibility for creating the Inuit Official Voters List and conducting the Inuit ratification vote.

The Agreement was ratified by 76.4 percent of the registered Inuit voters who voted on May 26, 2004.

On December 6, 2004, the Newfoundland and Labrador House of Assembly ratified the Agreement by passing the *Labrador Inuit Land Claims Agreement Act*. The *Act* received Royal Assent the same day.

The Labrador Inuit Association, Government of Canada and the Government of Newfoundland and Labrador signed the Agreement on January 22, 2005.

On June 6, 2005, Bill C-56 An Act to give effect to the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement received first reading in the House of Commons.

Implementation

An implementation plan which sets out the timing, responsibilities and costs of implementing the Agreement has been negotiated.

The Government of Canada will transfer \$156 million to the Nunatsiavut Government for implementation of the Agreement. In exchange for this implementation fund, the Inuit will release the Government of Canada from future funding obligations, except for some specific funding obligations set out in the Agreement.