

Prepared for: Standing Committee on Indigenous and Northern Affairs  
Inuvialuit Regional Corporation: Response to the Restitution of Land Study  
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## Executive Summary

As the Government of Canada undertakes the research on Land Restitution, it is important to remember that it must do so with considerable input from its Indigenous people and their respective governments.

In response, the Inuvialuit Regional Corporation is expressing support for research on land restitution. While the IRC is encouraged that the Government of Canada is looking for input, we would like to highlight key areas of import to Inuvialuit.

1. Indigenous languages and land are interconnected and cannot be separated. Thus, land is the basis of relations.
  - a. Wildlife as a means of living.
  - b. Land as a means of healing through cultural practices.
  - c. Land as a means of continuing old and new cultural practices.
2. The annexation of lands has been used as a vehicle to disrupt cultural practices, family dynamics, and traditional ways of life. In which we see our people struggle socioeconomically as a result of land dispossession and disconnection from culture.
3. The research opens discussions about how consent is ignored, coerced, negotiated and enforced. And as a result, injunctions are becoming more frequent due to land disputes increasing, as well as how a failure to negotiate is increasing.

Presented through these 3 important topics is a high-level Inuvialuit vision of protecting, preserving, and interpreting various aspects of the Inuvialuit way of life through the Inuvialuit Narrative. Viewing the restitution of lands discussion through an Inuvialuit lens means through participation of the Government of Canada to collect, listen and conduct research in collaboration with its Indigenous residents.

Land restitution research targets can be met adequately through conducting research by giving communities the lead in telling their stories of the importance of land and how it has various roles in Indigenous ways of life.

## Background

Inuvialuit have long maintained that rights as Indigenous people are inherent. This means that Inuvialuit rights to lands, culture, and self-determining status do not come from any other government or authority. Inuvialuit relationships tie us to the land and waters, of which we have long been caretakers. Inuvialuit rights existed long before the establishment or presence of any colonial government in Ottawa or Yellowknife.

On June 5, 1984, Inuvialuit entered into a comprehensive land claim agreement with Canada in order to protect our rights as Inuvialuit. The *Western Arctic Claims Settlement Act* came into force on July 25, 1984, giving effect to the *Inuvialuit Final Agreement* (IFA). Inuvialuit **rights** that are enshrined in the *Agreement are recognized, affirmed, and protected under Section 35 of the Constitution Act, 1982*. The *Agreement* belongs to Inuvialuit and Canada, and is guided by the following three (3) principles:

- a. To preserve Inuvialuit cultural identity and values within a changing northern society;
- b. To enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society; and
- c. To protect and preserve the Arctic wildlife, environment, and biological productivity.

While the IFA is the primary mechanism Inuvialuit use to affirm rights, we have also turned to the **United Nations Declaration on the Right of Indigenous Peoples (UNDRIP) to affirm our rights**. The UNDRIP was adopted in 2007 by the United Nations (UN) General Assembly and accepted by Canada in 2016. On May 26, 2021, Parliament advanced to third reading Bill C-15: *United Nations Declaration on the Rights of Indigenous Peoples Act*, which aims to review laws and ensure they respect UNDRIP.

First and foremost, the land has played an integral role in the Inuvialuit way of life since time immemorial. Inuvialuit culture, language, and the environment, share an inseparable link that shapes the Inuvialuit identity. It has provided Inuvialuit with wild foods that contain nutrients that one cannot find on the shelves of the stores. It has also provided Inuvialuit with a healthy diet, in which our people still practice subsistence living in order to aid in food sovereignty. Due to the extreme cost of living many families and communities rely on wild meat as their primary source of food.

Having restricted access to traditional hunting grounds also places a significant risk to the health and well-being of Inuvialuit. Because of the prolonged malnutrition imposed on Indigenous people through Residential Schools, Inuvialuit have a much higher risk of developing obesity, diabetes, insulin resistance, and heart disease than any other demographic in Canada.

Secondly, access and control over land would also provide appropriate space for Indigenous peoples to heal through cultural practices and ceremonial teachings. Many Indigenous communities' struggle to regenerate and heal due to the cultural disconnection that is prevalent throughout indigenous societies as a result of land dispossession. Regaining ownership of the land would promote reconciliation among Indigenous peoples and put policies in place to counter their disproportionate representation in the Colonial legal system. By allowing Inuvialuit to create and implement on-site healing programs, jurisdictional control of land would also assist in combatting the intergenerational traumas that contribute to the high suicide rates among Indigenous people.

### Socioeconomic benefits

In addition to protecting and affirming the sovereignty of the Inuvialuit in the Inuvialuit Settlement Region, Land Restitution offers an opportunity to reform justice with the perspective of the Inuvialuit at the forefront. Currently, the Indigenous population is overrepresented in the justice system; a fact that is confirmed by the Correctional Investigator of Canada, stating that the Indigenous population comprises of more than 30% of the federal inmate population. Though the Supreme Court Ruling on *R v Gladue* (1999) and *R v Ipeelee* (2012) affirmed that colonial practices have significantly contributed to Indigenous people within the justice system, and the Truth and Reconciliation Calls for Action explicitly call on Canada to correct the overrepresentation, this worrying trend has not been rectified, and the Indigenous population within federal custody has been steadily rising in the past years.

Land Restitution provides an opportunity to create alternative forms of incarceration that are tailored to the Inuvialuit needs and help create a system that is focused on rehabilitation, rather than retribution or

punishment. An example of this can be creating diversion programs that focus on land-based rehabilitation; where instead of being sentenced to prison, Inuvialuit offenders can stay within the ISR and are directed to a land-based healing program, where essential skills such as harvesting, trapping, and land-based skills are taught and fostered. This allows for a rehabilitation program within the community, that is centred around the Inuvialuit perspective of justice.

Pre-existing programs in Canada indicate that Land-based healing has shown several benefits in many different studies, ranging from improved mental health and wellness to lower rates of recidivism (re-offending).

Historically, the annexation of land has been used as a primary vehicle to disrupt Indigenous family dynamics, cultural practices and ways of life – which has contributed to a lot of the socioeconomic issues that we see today in our region. Such as the lack of healing, the high suicide rates, food insecurity, and the challenge of keeping cultural practices alive as a result of assimilationist policies that disrupt the connection that Indigenous people and the land share.

### Community Economic Development

Land restitution can also provide valuable opportunities to Indigenous communities in economic development. Accordingly, there are three important principles that resonate with the Inuvialuit such as:

- Respect: the land and all animal life must be treated with respect. Decision making in regard to the land can have profound impacts to our wildlife, environment and ways of life.
- Consideration of Future Generations: All decisions being made in regard to land must be made with consideration of future generations so that they can continue to benefit from the land.
- Community: Planning and decision-making processes must ensure that the needs of the local communities, and distinctive groups are properly balanced with the needs and interests of individuals.

The Inuvialuit believe that land restitution can help unearth new economic development prospects that can assist in business development opportunities by setting up, administering, and managing community economic development strategies and initiatives that would generate new jobs for people and communities to benefit from.

The government often attempts to shape the directions of resource harvesters by imposing limitations on extraction, exportation, and the types of tools used. This can be tragic to nations who are trying to develop economically. It is also important to note that there have been countless efforts from organizations such as the United Nations to create standard definitions of sustainability that would help combat exploitive practices. Thus, the Inuvialuit firmly believe that the Land Restitution study would help identify and establish ways in which this would greatly benefit Indigenous groups.

### Land Management

The Government of the Northwest Territories entered into a Devolution Agreement which came into force in April of 2014 with IRC and various other Indigenous Governments. Giving the Government of the Northwest Territories authority over 90% of territorial lands, which includes Commissioner's, Settlement, and private lands. The Inuvialuit Regional Corporation regard this as inconsistent with reconciliation. Land can help bridge the gaps that obstruct reconciliation from progressing - such as reconciliation within

culture, language, socioeconomic well-being, economic development, education and health and wellness just to name a few.

As a division of the Inuvialuit Regional Corporation, the Inuvialuit Land Administration (ILA) has the jurisdiction and responsibility for managing and administering Inuvialuit owned lands as set out in Sec 6. (1)(a) of the Inuvialuit Final Agreement (1984). As part of the strategic planning process, the ILA “exercises stewardship over Inuvialuit lands by effectively managing Inuvialuit land use rights to ensure Inuvialuit lands are effectively managed and well respected and all Inuvialuit benefit from the use and protection of their lands, impacts are mitigated on Inuvialuit lands through transparent and effective land use application process, and economic benefits from the use of Inuvialuit lands flow to the Inuvialuit”. The ILA provides leadership and administration of Inuvialuit Private Lands through the management of land use activities such as planning, environmental assessments, administration, land use permit service functions, and program development.

The ILA is one of the first aboriginal organizations to incorporate community-based environmental monitors for projects situated on Indigenous lands. ILA has experienced Inuvialuit Environmental Monitors that have been monitoring and communicating on environmental conditions and identifying impacted lands for more than 30 years. Local Land users such as Inuvialuit Hunters and Trappers are hired to monitor development activities based on their local knowledge of the land which reinforces that traditional ecological knowledge is an essential component of monitoring the land. Inuvialuit EMs have monitored on the land development activities in relation to resource development and infrastructure with the support of industry, governments, and academic researchers.

The ILA participates in the review of territorial and federal legislation to ensure the IFA provisions and rights are protected. The ILA also monitors government legislative initiatives that may change land management systems. For example, in 2016 the GNWT Department of Lands increased Lease rents to cabins situated on NWT public lands, our IRC Chair and CEO, Duane Smith responded with a formal letter stating that “Inuvialuit have the right to harvest game, which includes the right to establish camps for this purpose. These are central tenets of the IFA and Inuvialuit culture. The imposition of costs on any aspect of the right to harvest, including through lease rents, permits and permit applications, and administrative fees would constitute an infringement of this right”.

The ILA has continued to participate in the GNWT Lands initiative, *Potential Rights-Based Cabins on Public Lands in the NWT*, a program to develop or improve indigenous internal records of potential rights-based structures on public lands to advance discussions with the GNWT. Currently, the GNWT has invited NWT Indigenous groups, along with the Inuvialuit, to hold bi-lateral discussions for the development of management and administrative options for camps and cabins on public lands. The GNWT has indicated this process will respect existing Aboriginal Rights Agreements. Through internal IRC discussions, the approach for IRC through ILA will be to assume the responsibilities of the management and administration of structures and cabins on public lands. For over 30 years the ILA has been administering the administration of cabins on Inuvialuit private lands.

## Conclusion

The Inuvialuit Regional Corporation welcomes the research on the Restitution of Land in collaboration with the Government of Canada as we feel there are important considerations for the study as it continues to progress, most importantly the evolution of the recognition of Indigenous rights. Just as important as

seeing the government recognize these rights, we wish to see government honour and implement its obligations in respect to these rights.

This is a short response paper and not meant to articulate our full view on the study. Instead, it sheds light on the overarching framework within a broad scope of study in which considerations must play an essential role in the foundation of the research. We would expect further involvement in the research, and hope to see interface with other policy, legislative, and regulatory review in respect of our position regarding the Restitution of Lands study. We welcome this as the first step of many to ensure that Inuvialuit rights are honoured, and interests are taken into consideration.