



National Aboriginal Health Organization



**REDEFINING RELATIONSHIPS:
LEARNING FROM A DECADE OF LAND CLAIMS IMPLEMENTATION
OTTAWA, ONTARIO
NOVEMBER 11 TO 14, 2003**

REPORT

BACKGROUND

Many land claims organizations are negotiating either their first or second 10-year implementation plans. This process was explored at *Redefining Relationships, Learning from a Decade of Land Claims Implementation*, a conference held in Ottawa from November 11 to 14, 2003. The conference was co-hosted by Nunavut Tunngavik Inc., NWT Aboriginal Summit, Grand Council of the Crees, Council of Yukon First Nations and Nisga'a Lisims Government.

The purpose of the conference was to:

- Share and learn from land claim implementation experiences;
- Identify potential solutions to implementing all obligations of land claim agreements;
- Develop processes or mechanisms to assist in various negotiations, political fora or legal actions;
- Develop productive working relationships between all implementation stakeholders; and
- Create a common front on issues of common concern.

Keynote speakers at the event included:

- Ed Schultz, Grand Chief, Council of Yukon First Nations
- Dr. Joseph Gosnell, President, Nisga'a Lisims Government
- Cathy Towtongie, President, Nunavut Tunngavik Incorporated
- Tony Penikett, Centre for Dialogue, Simon Fraser University
- Dr. Ted Moses, Grand Chief, Grand Council of the Crees
- William Anderson III, President, Labrador Inuit Association

OVERVIEW

Morning sessions were held as a plenary group, with keynote speakers relating their experiences with relation to the implementation of individual land claims.

Throughout the discussions, it was clear that there are issues common to many Aboriginal organizations:

Capacity: There are huge capacity issues. Only the bare minimum exists at the community level for implementation, and work must be done to rectify this.

In Nunavut, despite policies designed to increase Inuit participation, Inuit employment levels in the government have actually declined since the formation of the territory in 1999.

Cooperation and Commitment: Commitment on the part of all signatories, including all levels of government and Indigenous organizations, was seen to be of utmost importance.

Other interesting points included:

The need for self-government agreements and land claim agreements to be combined – therefore implementation is the same, at the same time. Otherwise, community level capacities are split and the process is not holistic.

Land claims agreements are just documents that are made by humans – *they do not define who you are as a people.*

It takes 30 years for social change to happen, according to Dr. Joseph Gosnell, President of the Nisga'a Lisims Government. Therefore, land claims cannot be realistically evaluated for decades.

Afternoons were dedicated to six concurrent working group panel presentations:

1. Resource Management
2. Self-Government
3. Capacity Building Issues
4. Funding and Fiscal Relationships
5. Economic Measures
6. Legal Perspectives

The panel for the Economic Measures working group was Eddie Dillion, Mayor of Tuktoyaktuk; Gerry Roy, Legal Counsel for the Inuvialuit Regional Corporation (IRC); and, Lindsay Staples, a consultant with the IRC. Discussions focused on the economic measures in the Inuvialuit Final Agreement (IFA), and an evaluation conducted in 2000 of the implementation of these measures.

Oil and gas exploration in the Beaufort Delta region was the catalyst for settling the IFA. Therefore, economic measures make up a large part of the IFA.

The basic goals of the IFA are:

- 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.

The Inuvialuit Region has seen a number of oil booms in the past three decades. The most recent development began in the late 1990s, and continues today. The evaluation highlighted the fact that Inuvialuit are not full and equal participants in the local economy. This was seen as a result of limited capacity at the community level. The panel attributed the limited capacity to a variety of factors, including community wellness, education levels, availability of childcare, and so on.

Therefore, the IRC has developed an action plan to improve progress, including such provisions as:

- a) Integrated community development (integrated education, health, housing and economic programming);
- b) Calling on governments to create programs to better address the socioeconomic opportunities and needs in the Inuvialuit Settlement Region (ISR);
- c) Considerations for the implementation of special provisions to further develop ISR corporate capacity outside the ISR;
- d) Using the 2000 evaluation framework, evaluate the economic measure every five years.

CONCLUSIONS

The right to self-determination for Indigenous Peoples in Canada is recognized through section 35 of the *Constitution Act, 1982*. Control of land and resources, in essence, a land claim agreement, is fundamental to self-determination.

How then, do land claims affect the health of Aboriginal Peoples? Self-determination is a key factor in the wellness of a group of people. Without the ability to take part in the decision-making process on issues that impact a people directly, be it education, health or other issues, Indigenous Peoples are destined to be unhealthy.

Secondly, the link between socioeconomic status and health is well established. Through the economic measures included in many land claims, Aboriginal Peoples have access to economic development opportunities that have been, in many cases, previously inaccessible. It is through the implementation of the economic measures included in land claims that the economic situation in, and subsequently the wellness of, many Aboriginal communities in Canada will be improved.

According to the Health Canada Report *A Second Diagnostic on the Health of First Nations and Inuit People in Canada*, to improve the health of Aboriginal communities, "First Nations and Inuit communities need to be empowered to identify and address their own needs through such means as capacity building, training, and technical and funding support."¹ The only way First Nations and Inuit can achieve this empowerment is through negotiated land claims and/or self-government agreements.

¹ Health Canada. *A Second Diagnostic on the Health of First Nations and Inuit People in Canada*. 1999. page 30.

The links between self-determination and economic development and health are clear. For this reason, it is important to consider economic factors when discussing the determinants of health in Aboriginal communities.