

FROM CO-MANAGEMENT TO COLLABORATIVE SOVEREIGNTY: THE INUIT, THE STATE AND THE FATE OF THE ARCTIC

BARRY SCOTT ZELLEN

****THIS VERSION IS A DRAFT, NOT THE FINAL VERSION****

INTRODUCTION

Since the modern state first encroached upon their pristine and sparsely inhabited homeland 400 years ago, the Inuit of the Arctic have aspired to restore their aboriginal rights and traditions, and whenever possible, to reclaim and extend their sovereignty as much as possible. As the Inuit learned more about the systems and structures of governance that were exported from Europe and later the newly independent states of North America, they found ways to restore many lost powers of self-governance through innovative diplomacy, negotiation, and various forms of political protest and the adept use of soft power. This contrasted elsewhere in the Americas, where the modern state collided more forcefully with the interests and sovereign aspirations of hundreds of indigenous empires, nations, and tribes from the late 15th century onward. The result was a tragic legacy of annihilatory warfare, genocidal assaults and ethnic cleansing campaigns, forced migrations, and coercive assimilation policies—all aiming at the general extinguishment of indigenous identity. It was a brutal chapter in history that resulted through its decisive results in domestic security and opened up an entire continent to American power. While a part of American history that evokes much guilt nowadays, the three centuries of Indian wars provided America with a useful testing ground for counterinsurgency, coalition warfare with tribal allies, balance-of-power diplomacy, and many an improvised mix of hard, soft, and smart power. Who we are as a nation, and how we fight wars around the world, continues to be shaped by our experience tackling the many security challenges presented by America's first inhabitants and their spirited defense against our inevitable expansion.

But in the far north of our continent, the state collided with

indigenous tribes much later in history, with commercial interests driving the first contact (primarily within the context of the fur trade and commercial whaling industry), but with military and diplomatic interaction following as the fur empires gave way to the expansion of the modern state into northern territories. By the time the presence of a rapidly modernizing state began to be felt in the far north, state methods for asserting political control began to mellow somewhat from the days of imperial conquest, with hard power shifting to soft power and treaty negotiation replacing conquest for the final integration of the last virgin territories into the American and the Canadian polities. In 1867, America purchased Alaska from Russia and with it Russia's assertion of sovereignty over Alaska's interior tribes, and because of its harsh climate and remote location, most Americans thought William Seward was foolish to have spent \$7 million on these frozen acres, dubbing the new territory "Seward's Ice Box" or "Seward's Folly." Great Britain, and later Canada, similarly bought their way to sovereign expansion, not by purchasing the land from a competing power but by entering into a series of numbered treaties, nation to nation, that brought the western tribes into its expanding confederation. Thus, largely through negotiation between two unequal parties, tribe and state, the new territories of the far north entered into southern control without, by and large, recourse to war—with exceptions including the Métis rebellion from 1871 through 1885, and the more limited armed uprising at Oka, Quebec, in 1990. Because the political integration of the far north was achieved largely without war, the preferred tools for reconciling the interests of tribe and state would remain predominantly nonviolent, modeled on the treaty process, with negotiation helping to bring some balance to the many other asymmetries—such as economic and military power—that separated the indigenous tribes from the modern states laying sovereign claim to the north.

While the expansion of the modern state into the north did not require frontier warfare as experienced elsewhere in America's expansion, modern warfare did have a profound sociopolitical impact on the relationship between Alaska natives and the modern state. This was most dramatically illustrated in June 1942 when Japan bombed Dutch Harbor and invaded the islands of Attu and Kiska in the Western Aleutians. With Japan's forcible resettlement of the surviving native Aleuts from Attu to Hokkaido for the remainder of the war, Alaska natives quickly recognized that they too faced grave danger, and the crucible of war would help to tighten the bond between Alaska's indigenous peoples and the rapidly expanding modern state, which mobilized for war by building new airstrips, surging manpower, and cutting the Alaska Highway across 1,400 miles of northern wilderness in

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While this rapid mobilization would create many stresses and strains on the long-isolated native population, including the painful odyssey of the remaining Aleut population as it was relocated outside the war zone to camps in Alaska's southeast, the wartime experience would also help bring the two peoples closer together—most evident in the formation of the Alaska Eskimo Scouts in 1942, the famed “Tundra Army” organized by Major Marvin “Muktuk” Marston, which would become the Alaska Territorial Guard, with thousands of volunteers representing over 100 Aleut, Athabaskan, Inupiaq, Haida, Tlingit, Tsimshian, Yupik, and non-native communities. In the high North Atlantic, the dual impact of the Battle of the Atlantic, and America's defense of Greenland and maritime Canada, would similarly bring modern state power into remote and traditional Inuit territories in Labrador, Baffin Island, and Greenland. Later, during the Cold War, the massive DEW (Distant Early Warning) Line Project and integration of the isolated Arctic coast into North America's air defense would have a similarly transformative impact, extending modern state power deeper into the homeland of the Canadian Inuit. Native participation in the defense of Alaska would provide a powerful unifying force, stimulating the movement for native rights that culminated in the historic 1971 passage of the Alaska Native Claims Settlement Act, the pioneering land treaty transferring 44 million acres of land title and \$1 billion in compensation to Alaska natives, a model embraced and later enhanced as Inuit land claims were negotiated across the entire North American Arctic, with Inuit gaining title to nearly one-tenth of their traditional land base, and new co-management structures enabling a joint approach to managing natural resources, land access, and economic development. A new spirit of reconciliation between tribe and state thus emerged in the far north, recognizing two fundamental truths on the ground: that the modern state had arrived, and with it a preponderance of power; but also that the indigenous tribes had long been there, with their own traditions and cultures—and that these cultures still mattered. This reconciliation has resulted in new governing institutions to moderate this “clash of civilizations” along the last frontier, as new forms of local, regional, territorial, and even tribal governance have taken root—some using a public governance model while others embracing a more traditional tribal model.

At the municipal level of government, there is the North Slope Borough in Alaska, a vast municipality that sustains itself through property taxation of the Prudhoe Bay oil facilities, a borough larger in size than the state of Massachusetts but governing a population of just 6,000—with hundreds of millions in petro-dollars to build world-class

infrastructure and provide modern government services. At the territorial level, there is the vast Nunavut Territory, governing one-fifth of Canada's landmass, home to just 30,000 people, almost all Inuit, scattered across 28 villages in an area larger than Europe—and a source of much of Canada's future natural resource wealth and strategic waterways. And at the tribal level, there is the new Inuit government of Nunatsiavut in northern Labrador, which has a unique Inuit constitution that governs its 2,000 Inuit residents living in six villages in a traditional manner, rejecting a public governance model in favor of one that is more distinctively tribal in nature and that did not require a secession to maintain a demographic predominance as witnessed in Nunavut, but which carved out an indigenously self-governing region within the predominantly non-native province of Newfoundland and Labrador. As shown by these innovations in northern governance, indigenous culture has become increasingly recognized not as a fault line of conflict but as a new and viable boundary line for political institutions, providing a foundation for political stability and creating a new ecosystem of governing structures with diverse powers and which institutionalize the process of collaborative sovereignty. The experience in the far north suggests that with prudence and innovation, and a willingness to redraw political boundaries to better reflect the underlying ethnocultural topology, it is possible to create stable frontier regions free of war, and with effective mechanisms for mediating tribe-state disputes before they explode into violent conflicts, and which over time provide a mechanism for collaborative governance by tribe and state.

THE INUIT PATH TO RE-EMPOWERMENT

Over the last half century, a wave of tremendous structural innovation transformed the political economy of Arctic North America, stretching all the way from the Bering Sea to Baffin Bay, with the completion of a multi-generational process of negotiating comprehensive aboriginal land claims treaties to resolve issues of land ownership, and to foster an enduring partnership between the indigenous peoples and the modern state through a variety of new institutions, including aboriginal regional and community corporations, investment corporations, land administration agencies, a variety of tribe-state co-management boards, plus a complex patchwork of local, regional and territorial governments created to give a voice to the native interest. The historical process, seen from Alaska in the west to Nunatsiavut in the east, has been by and large a two-step process: the first step was to address the land question, and to negotiate and, in most

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cases, implement land claims accords to bring clarity of title, helping to identify who owns which lands, and to reconcile the competing interests of tribe and state and thereby open up (or, for sensitive ecosystems and traditional hunting lands, close off) the region to economic development with various mechanisms of co-management helping to keep native and state interests in balance. Once land claims were settled, the next step in the process of northern development has been the pursuit of new systems of aboriginal self-governance, taking various forms and employing various structures over time (with greater powers becoming available as time went by, and earlier policies of assimilation being replaced by more contemporary policies promoting cultural and political renewal) - from the establishment of municipal or borough governments under existing constitutional law as we saw in Alaska in the 1970s; to the creation newly empowered tribal councils governed by federal Indian law in Alaska and the NWT in the 1980s and 90s); or the negotiation of entirely new systems of governance - with the most ambitious being Nunavut, with their comprehensive land claim settlement in 1993 linked to the subsequent formation of a new territorial government in 1999, creating a complex and potentially powerful system of self-governance applying a public model to a predominantly indigenous region for de facto indigenous self-governance.

After Nunavut, the evolution toward more distinctly indigenous self-governing structures has continued, as reflected in the Labrador Inuit Land Claim of 2005 with the very first truly Inuit self-governing structure, whose governing principles were articulated in detail in the 2002 Labrador Inuit Constitution. More recently, in November 2008, the far-flung Danish province of Greenland held a referendum on evolving beyond their "home rule" system of autonomy toward formal state sovereignty and independence, which passed decisively - paving the way forward for the eventual emergence of a formally sovereign Arctic state with a majority Inuit population, with literally revolutionary (or devolutionary) implications for the rest of the Inuit homeland. In the years ahead, we may see even further advances in the process of native empowerment toward increased autonomy and perhaps leading toward the balkanization of the Arctic into independent (or at least more genuinely autonomous) political units.

Regardless of the jurisdiction, whether in Alaska or Arctic Canada, or beyond the shores of North America, indigenous peoples have shown tremendous ingenuity in their effort to build new systems for self-governance since the land claims movement took root in the 1960s, creatively adapting existing institutions or creating new ones when possible, lobbying for and negotiating to further advance their powers.

Ideas and institutions for reconciling the interests of indigenous northerners and the modern state have evolved, following, primarily along a west-to-east arc across the north, becoming stronger with each new iteration and reversing many of the negative consequences of what's now officially remembered as a quasi-colonial experience, and transforming the domestic balance of power to heavily favor the very tribal interests that have claimed to be marginalized from power, particularly with regard to managing social, environmental, and economic matters. This increasing shift in power from state to tribe and from center to periphery has increased the capacity for the indigenous peoples of the north to confront the many social and economic challenges that remain in their communities, providing the tools necessary to face these broad social and economic challenges, to innovate new opportunities, and to grapple with the complex challenges (as well as potential opportunities) associated with climate change and a potential Arctic thaw.

ALASKA NATIVE CLAIMS: STARTING THE PROCESS

When the Alaska Native Claims Settlement Act of 1971 (or ANCSA) was enacted, it aimed to quickly bring Alaska natives into the modern economy, and at the same time to clarify the limits of aboriginal title, making it possible to fully develop the state's natural resources and in particular to build the trans-Alaska pipeline. Because its objectives were largely economic, its corporate model became its defining and most transformative characteristic – not without controversy, since the corporate model was viewed with some skepticism by indigenous leaders as a tool of assimilation, and there remains a continuing debate over the appropriateness of the corporate model to the indigenous north. ANCSA formally extinguished aboriginal rights, title, and claims to traditional lands in the state, while formally transferring fee-simple title to 44 million acres – or some twelve percent of the state's land base – to Alaska natives, with \$962.5 million in compensation for the lands ceded to the state, \$500 million of which was to be derived from future oil royalties (as a result of which over half the “compensation” was to be derived from resources extracted from the Inupiat homeland – an irony not missed by Alaska natives.) ANCSA also created 12 regional native corporations (and later a 13th for non-resident Alaska natives), and over 200 village corporations to manage these lands and financial resources. These new corporate structures introduced a brand new language and culture, as well as a new system of managing lands and resources that seemed at variance with the traditional cultures of the region and their traditional subsistence economy. The early years of ANCSA were

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famously described by justice Thomas Berger as dragging Alaska natives “kicking and screaming”¹ into the twentieth century, and many native corporations approached the brink of bankruptcy, forced to monetize their net operating losses in a last desperate bid to stay in business. A new cottage industry of northern investment, legal, and policy advisors emerged – sometimes to the benefit of their clients, but often not.

In addition to the *corporatization* of village Alaska, ANCSA’s original design also had some structural flaws that also nearly proved fatal to the land claims experience, including a 20-year moratorium in transferring shares in native corporations to non-natives, which many feared would inevitably result in the dilution of native ownership, known as the *1991 Time Bomb*. While critics of the land claims process are correct to point out these original structural flaws and the assimilating pressures introduced by new corporate structures, the land claims model has nonetheless proved resilient and adaptive, as native corporations matured and their boards, managers and shareholders found ways to better balance traditional and modern values, learning from their crash course in capitalism as they went – so today the native corporations represent a huge economic force in the state of Alaska.

THE INUVIALUIT OF THE NORTHWEST TERRITORIES: EVOLVING THE LAND CLAIMS MODEL

Across the border, the Inuvialuit of the Western Canadian Arctic had a front row seat to ANCSA, and were impressed by all the money that was flowing north, as well as the new corporate structures created, and the sizeable land quantum formally transferred to Alaska natives. But they also noted continuing threat to indigenous culture, and the lack of adequate protections of subsistence rights, traditional culture, and environmental protection, and were determined to do better. So when they negotiated the 1984 Inuvialuit Final Agreement (IFA) in the late 1970s, the land claims model became significantly enhanced – in addition to creating new native corporations, the IFA also made an equal institutional commitment to the preservation of native culture and traditions, to preserve the land and the wildlife, and to empower not just new corporate interests but also traditional cultural interests as well, by creating new institutions of co-management and more powerful hunters & trappers committees. They also made sure all Inuvialuit became shareholders, and that no non-Inuvialuit ever could, learning from the

1. See Thomas R. Berger, *Village Journey: The Report of the Alaska Native Review Commission* (Hill and Wang, 1985).

Alaskan experience. The Inuvialuit thus successfully modified the land claims concept, so that its structure included a natural institutional balancing – not unlike our own balance of powers concept – that has enabled a greater commitment to cultural and environmental protections.

Their land claim entitled the 3,000 Inuvialuit living in six communities to 35,000 square miles of land; co-management of land and water use, wildlife, and environmental assessment; wildlife harvesting rights; financial compensation of \$45 million in 1978 dollars, inflation-adjusted to \$162 million, for lands ceded to Canada; and a share of government royalties for oil, gas, and mineral development on federal land; the formation of new national parks in their settlement area that further protect their land base from development, while allowing subsistence activities unhindered; and a commitment to meaningful economic participation in any development in their settlement area. This model has remained largely in-tact in later comprehensive land claims, showing a 25-year endurance as a model for northern development. But one issue that was not yet on the table in the late 1970s and early 1980s when the Inuvialuit chose to pursue their own regional land claim – and thereby gain some control over the intense oil boom in their homeland – was the establishment of new institutions of aboriginal self-government, something that the Inuit of the central and eastern Arctic – the future Nunavut territory – decided to wait for. The Inuvialuit felt they did not have the luxury of time given the frenetic pace of oil and gas exploration in their lands. But Nunavut remained more isolated, providing more time to re-think, and renegotiate, the land claims model.

NUNAVUT: AUGMENTING LAND CLAIMS WITH REGIONAL POLITICAL POWER

In the years separating the signing of the Inuvialuit land claim in 1984, and the signing of the Nunavut land claim in 1993, much progress was made on the political question, and an increasing respect for aboriginal rights in Ottawa enabled the establishment of a new concept: reshaping political boundaries to correspond to a land-claims settlement area, and establishing a new government to administer this region, augmenting the land claims with real political power. In 1993, with their signing of their historic accord, the Inuit of Nunavut were awarded \$1.1 billion and title to 135,000 square miles of land, including 13,600 with subsurface rights, on top of various co-management boards, clearly defined rights protecting subsistence, and royalty sharing from resource development activities. Nunavut has a population of around 30,000 in 28 communities spread out across over 770,000 square miles, or one fifth of

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Canada's land mass, including the high Arctic islands and the central-Arctic coastal mainland. While its population is tiny, its jurisdiction is vast and its resource base potentially tremendous, and the sea lanes that cross through the territory include the famed Northwest Passage.

The most striking innovation of the Nunavut claim was the way it was formally linked to the division of the Northwest Territories and the formation of a brand new territory, resulting in the 1999 birth of Nunavut. Nunavut has now been up and running for a decade, gaining valuable but often painful experience in self-governance – and thus showing many strains as it struggles to confront some daunting social and economic challenges in one of the most challenging geophysical environments imaginable. There have also been intergovernmental frictions with Ottawa over implementation, and a growing perception of a crisis in Canada's youngest territory. But there is still much reason for hope for the future; the roots of the problems facing Nunavut go deep and are not likely to be quickly overcome, but the solutions developed can now be northern solutions, rooted in a deep understanding of northern social realities. Since its population is predominantly Inuit, a public government can, at least for now, govern in an indigenous style – as the principles of the Nunavut land claim and the governing power of the new territorial government mutually reinforce one another. There is a long-term risk the territory could become more like the Yukon, especially if a major mineral strike results in a new mining center. But for now, a public model in an indigenous context is a creative way to create self-government by other means.

AFTER NUNAVUT: THE LABRADOR LAND CLAIM AND THE DAWN OF INUIT GOVERNANCE

Half a decade after Nunavut made headlines around the world, the final Inuit land claim along the North American Arctic and SubArctic coast – the Labrador Inuit (Nunatsiavut) Land Claims Agreement – was settled. It was ratified in December 2004 and came into effect a year later, presenting a new stage in the evolution of Inuit governance, making the two-step process more of a one-step process, further redefining the limits of self-government within a land settlement area – transcending the public model applied by the Inuit of Nunavut and the Inupiat of the North Slope. The agreement created the 28,000 square mile Labrador Inuit Settlement Area with an adjoining 18,800 square mile ocean zone extending as far as Canada's territorial waters. The settlement area includes 6,100 square miles of Labrador Inuit Lands, five predominantly Inuit communities, and 3,700 square miles set aside for the Torngat Mountains National Park Reserve (following a tradition

established by prior Inuit land claims to create vast national parks in which subsistence was protected) - with the Inuit retaining special rights in each of these areas. The Government of Canada will pay the Labrador Inuit \$140 million in 1997 dollars in compensation for lands ceded to the Crown.

Just as the formation of the Nunavut territory was the salient innovation of the Nunavut land claim, the emergence of truly Inuit self-government is the hallmark of the Labrador claim. As described in section 17.2 of the claim, it “exhaustively sets out the law-making authorities and self-government rights of Inuit,” with the newly created Nunatsiavut Government to be governed by the “fundamental law of Inuit” as enunciated by the 159-page 2002 Labrador Inuit Constitution. The constitution, among its many components, included an Inuit charter of human rights, recognized Inuit customary law and its application to “any matter within the jurisdiction and authority of the Nunatsiavut Government,” and embraced laws to protect Inuit culture, language, and traditional knowledge.” The Labrador Inuit Constitution created a blueprint of Inuit values and a pathway to the rapid formation of a truly Inuit system of government in a region that’s adjacent to coastal waters of emergent strategic significance, with active commercial and subsistence fisheries, major strategic mineral deposits such as the Voisey’s Bay project, and the prospect of much future economic potential. It also showed a new path toward aboriginal self-government, one that did not require the formal secession of Inuit communities like we saw in Nunavut, but instead forged a regional sub-government within an existing province, one with unique governing principles.

A PATH TOWARD SOVEREIGN INDEPENDENCE: BEYOND THE LAND CLAIMS MODEL

The Arctic land claims model, with its subsequent modifications, has become an inspiration to many, proof positive of what can be gained through a determined, forward-looking effort to rebalance and modernize the relationship between the indigenous people of the north and the modern state. As with any land reform effort, changes in land tenure can have a profound impact on the domestic balance of power, shifting not just title to land, but the wealth created from that land, resulting in concentrations of economic power in the hands of a small indigenous population numbering in the thousands or tens of thousands. In Alaska and the Canadian Arctic, the Inuit have become owners of vast tracts of land, making them a landed elite with control over numerous economic, and increasingly, political levers. While not formally sovereign, they are poised to become increasingly influential

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stakeholders, partners in the consolidation of state sovereignty, and in the economic development of the northern frontier. A comparable situation exists in the post-Ottoman Middle East, with extended tribal families and clans sitting at a powerful and lucrative nexus of land ownership, natural resource wealth, and political power. While northern natives in Arctic North America are not in command of the ultimate levers of sovereign state power, such as military forces or national treasuries, they do have in their possession or within reach many tools of regional power, making them dominant regional elites. As the climate warms and the Arctic basin yields more natural resource wealth, the economic resources in their possession will also increase, and with that political influence.

In November 2008, Greenland held its historic but non-binding referendum on increasing the island's autonomy and eventually restoring its sovereign independence, which was approved decisively, showing how the desire to be self-governing is universal across the Arctic.² Denmark has shown a unique openness to the possibility of Greenland becoming formally independent (in contrast to the other Arctic states which attach great economic, strategic and emotional/ideological significance to their Arctic territories) – and if independence happens, it would mark perhaps the final stage in the process that began with ANCSA nearly half a century ago, with the full restoration of sovereignty to an Arctic nation. Other micro-states are sovereign (even if unable to defend that sovereignty) – from the South Pacific to the city-states of Europe and potentially to Scotland in the coming months, and soon after perhaps Catalonia. So why not in the Arctic? What a sovereign Arctic state will look like, how it affirms traditional native values, and balances modernization with tradition, will be fascinating to observe. The risks are real; Iceland's economic collapse, Nunavut's persistent social challenges, and the near-collapse of Alaska's native corporations, are all cautionary tales to consider. With increased attention to climate-related changes facing the north – both the challenges to infrastructure and cultural preservation as well as the opportunities inherent in the opening up of new areas to exploration, transportation and development – has encouraged policymakers north and south to redouble their efforts at integrating the Arctic into the political, economic and strategic architecture of the Arctic rim states.

2. Martin Fletcher, "Greenland referendum offers break from links to Denmark," *Irish Independent*, November 26 2008, <http://www.independent.ie/world-news/europe/greenland-referendum-offers-break-from-links-to-denmark-1552692.html>

INUIT NARRATIVES ON ABORIGINAL OCCUPANCY AND HISTORICAL FACT

Perceiving a continuing tendency by the Arctic rim states to ignore the indigenous peoples of the far north, in 2009 the Inuit Circumpolar Council released its Circumpolar Inuit Declaration on Arctic Sovereignty which updated and clarified Inuit policy on sovereignty for contemporary times, responding not only to the new pressures of a changing climate but to what they felt was their continued diplomatic exclusion from Arctic security and diplomatic affairs, as experienced at Ilulissat the year before and which continues to hold back the achievements of the Arctic Council by excluding defense and security affairs from its mandate. The Inuit have long been denied a seat at the table when it comes to issues of hard power, namely military, strategic, and related diplomatic affairs which have long been viewed and continue to be defined as affairs of state. The Inuit nonetheless aspire to shape policies in the far north that affect issues relating to military, security, and diplomatic issues, and during the Cold War endeavored to denuclearize the Arctic basin and to help unify east and west through northern displays of collaboration and cooperation years before Soviet Premier Gorbachev adopted such an approach as state policy in a bid to end the cold war on favorable terms.

The 2009 Circumpolar Inuit Declaration emerged from the first Inuit Leaders' Summit held on November 6-7, 2008, in Kuujjuaq, Nunavik, in Northern Quebec, where they "gathered to address Arctic sovereignty" and "expressed unity in our concerns over Arctic sovereignty deliberations, examined the options for addressing these concerns, and strongly committed to developing a formal declaration on Arctic sovereignty." In Kuujjuaq, the Inuit leadership had noted with disappointment that the "2008 Ilulissat declaration on Arctic sovereignty by ministers representing the five coastal Arctic states did not go far enough in affirming the rights Inuit have gained through international law, land claims and self-government processes." In many ways, their declaration was a direct response to the foreign ministers of the Arctic rim states for the exclusion of the Inuit at Ilulissat, and it counters this exclusion with a strong argument for a central Inuit role in determining the fate of the Arctic.

As the ICC observed at this start of their effort in November 2008: "Sovereignty is a complex issue. It has a variety of overlapping elements, anchored in international law. But fundamentally it begins with the history and reality of Inuit use and occupation of Arctic lands and waters; that use and occupation is at the heart of any informed discussion of sovereignty in the Arctic. Arctic nation states must respect

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the rights and roles of Inuit in all international discussions and commitments dealing with the Arctic.”

But if we look with a detached critical awareness at what the ICC has long described as “the history and reality of Inuit use and occupation of Arctic lands and waters,” we quickly begin to encounter some problems of historical veracity that question not only the foundation of Inuit land claims in Arctic Canada, but of Canadian sovereignty over those lands. So while the institutional map within the Arctic has grown into a complex mosaic of joint- and self-governing structures, empowering and enriching the Inuit, the gap between a the dominant narrative on Inuit aboriginality and historical reality should not be overlooked, particularly as global strategic interest in the Arctic rise to new heights with the polar thaw. But these issues have been largely ignored, in part because the state (primarily the Government of Canada, but to a lesser degree the Government of the United States) has allied itself with the Inuit in a joint effort to mutually recognize one another’s sovereign claims, with the Arctic states of North America gaining credibility in world politics with regard to their northern territorial frontiers which remain lightly settled (and in some places, unsettled) while the Inuit have received the many benefits described above including large blocks of land in addition to cash compensation for the extinguishment of aboriginal rights and title to lands ceded to the state. The land swap that has defined a half century of Arctic history has been mutually beneficial despite the political rhetoric to the contrary. But has it corresponded with historical truth?

Some forty years ago, a team of anthropologists helped to lay the foundation for Inuit land claims in Arctic Canada, mapping traditional Inuit land use and helping to demarcate the “traditional” boundaries that would solidify into the Inuit and Inuvialuit land settlements in the 1980s and 1990s. Like today’s human-terrain mapping teams operating in foreign conflict zones, this small group of hardy anthropologists with a deep love for the north and a sincere appreciation of Inuit culture was without a doubt well-meaning. And, their work proved to be highly valuable to the Inuit who hired them in pursuit of their historic land claims settlement. But it remains to be seen whether their contribution to historical truth and justice measures up to their well-meaning intentions. A close look at their seminal *Inuit Land Use and Occupancy Project Report* reveals numerous methodological and historical issues, and suggests that the foundation for the entire Inuit land claims movement could be based upon historically invalid assumptions supported only by hearsay evidence provided by partisan participants in a highly politicized and inherently political process. Nonetheless, the effort of this team of adventurous anthropologists was noteworthy for the boldness of its

effort, and the determined courage of its authors. The strength of their commitment to the wellbeing of the Inuit reveals no absence of compassion, and it cannot be said that they were uncaring in their approach to the challenge of mapping Inuit land use. But the problem with their work, and their legacy, is that other peoples used those very same lands, but these *other* natives were not paying their salaries, so as a result they were largely (but not entirely) left out their report.

A few of the report's many contributors, notably Peter Usher who authored the portion of the report on the Western Arctic, and Robert McGhee, who contributed a chapter excerpted from his 1974 book, *Beluga Hunters: An Archaeological Reconstruction of the History and Culture of the Mackenzie Delta Kittegaryumiut*, did not shirk their historical obligation to tell the "whole truth" and did indeed mention the important place of the Athabaskan peoples of the Western Arctic in their discussions, though Usher's discussion was somewhat contradictory. But on the whole, the report itself became a foundational document verifying the claims of the Inuit to the coastal lands of the Canadian Arctic, claims that resulted in billions of dollars in compensation and millions of acres of land title in addition to vast subsurface rights, notable regulatory powers, and economic benefits. So while the dual use by the Gwich'in peoples of the Mackenzie Delta and North Yukon was mentioned briefly in the report's pages, the contradiction between the historical record and the ambitious claims by the Inuit was never properly resolved. Because these anthropologist-certified boundaries soon became constitutionally entrenched in law, bringing tremendous political and economic gain to the Inuit organization that hired them and the individual Inuit land claim activists who became political and economic leaders in the post-settlement era, one should not be surprised that a close look at the original *Inuit Land Use and Occupancy Project Report* reveals evidence of numerous conflicts of interest suggesting that their results may be fatally biased. For the Inuit of Nunavut, the fruits of this bias included the formation of their own territory across high Arctic lands only used and occupied by Inuit since the 1950s but claimed as "traditional," a claim based almost entirely upon on survey responses provided by the very same beneficiaries of the Inuit land claims process (through translators, field workers and interviewers who included the next generation of leadership among the Inuit, who gained great political power for their role in the so-called "research", and who had every reason to substantiate their claim and thereby increase their territorial claims and associated benefits. For the Inuvialuit, this meant inclusion of coastal lands in their settlement area that were used by Gwich'in (Athabaskan) peoples for centuries, which meant the Inuvialuit would gain tremendous benefits from outright land

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ownership including unrestricted subsistence rights and preferentially exclusive economic benefits from lands that were historically not exclusively their own, lands which are home to some of the richest oil and gas reserves in Canada – a source of tremendous future wealth that will now be denied to the Athabaskan peoples of the Delta. And yet for many of these so-called “Inuvialuit,” these were lands they had only settled since the early 20th century, moving from their traditional home communities in Alaska to the rich hunting and trapping lands abandoned by the Kittigazuit Eskimos after a measles epidemic nearly wiped them out early in the century, as recounted by Robert McGhee in his chapter in volume 2 of the *Inuit Land Use and Occupancy Project Report*.³

McGhee cites Stefansson’s 1919 observations of this influx of Alaskan Inuit into the Mackenzie Delta region: “A large number of the Nunatama have come either overland by themselves or eastward from Point Barrow or Kotzebue Sound as passengers on whaling ships, while

3. Milton Freeman, ed., *Supporting Studies, Vol. 2 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 144. As McGhee wrote: “Before the arrival of Europeans in the 19th century, the people who are now called Mackenzie Eskimos inhabited the Western Canadian Arctic coast between Barter Island and Cape Bathurst. They were numerous people with a population variously estimated at between 2,000 and 4,000, a figure larger than the total remainder of the Eskimo population inhabiting the Arctic regions between Mackenzie River and Hudson Bay. Despite the large size of this group, very little is known of the history and aboriginal culture of the Mackenzie Eskimos. This is primarily a result of the early extinction of local aboriginal culture due to a series of epidemic diseases which swept through the population during the late 19th and early 20th centuries. By 1910, the Mackenzie Eskimos were reduced to a few score survivors scattered among the more numerous Alaskan Eskimo immigrants who flooded into the Delta in the company of European whalers and traders.”³ McGhee further describes the decline of the Mackenzie Eskimo population and the arrival of Alaskan Inuit in their abandoned hunting and trapping lands at the start of the 20th century: “After the appearance of the American whaling fleet along the Mackenzie Delta coast in 1889, and with the increasing association between the indigenous population and the whalers wintering at Herschel Island and elsewhere, the effects of disease and the disruption of aboriginal social patterns accelerated rapidly. The population was subjected to two devastating measles epidemics in 1900 and 1902. By this time, according to police reports, the Mackenzie Eskimo population had declined rapidly from an estimated 2,500 people in 1850 to about 250 in 1905 and under 150 in 1910. At the same time as Eskimos were being decimated by disease, local aboriginal culture was being submerged beneath a wave of American and Alaskan Eskimo introductions. Shocked by the materially rewarding involvement with the American whaling ships, Mackenzie Eskimo culture was susceptible to wholesale adoption of the cultural traits of American-oriented Alaskan Eskimos. The latter were either brought to the area as caribou hunters by the whaling ships, or had moved in on their own in search of new hunting grounds after the North Alaskan caribou herds had been killed off to supply the excess demands of the whaling fleet.”

those from Bering Strait have ordinarily come as whalers or servants on board. The net result is that the Mackenzie Population is becoming mixed in blood, is already deeply influenced in its culture, and has taken up many strange words into the spoken language." McGhee thus concludes that "Aboriginal Mackenzie Eskimo culture could probably be considered to have become extinct between 1900 and 1910."⁴ Thus the very underpinnings of the Inuit land claims narrative - which led to the remapping of northern Canada, the transfer of substantial sums (measured in the hundreds of millions of dollars) to just a few thousand Inuit, the transfer of land title to millions of acres of resource-rich lands, and numerous institutional structures and co-management mechanisms that favor Inuit economic participation on the coastal territories over the participation of the region's other native (and potentially more legitimately *indigenous*) peoples - might be fraudulent, especially in the "overlap lands" of the Mackenzie Delta region, the Gwich'in traditional homeland that stretches from the Mackenzie Delta across the North Yukon, and the high Arctic lands the Inuit claim they were forcibly relocated to in the middle of the 20th century, and thus never before used or occupied in modern times. Indeed, the foundation of Inuit land claims in Canada could be rooted in a biased historical and anthropological analysis, and may in fact be one of the world's greatest land frauds of all time. It is no secret that majority of the "Inuvialuit" are of Alaskan Inuit descent, whose parents and grandparents moved into prime muskrat trapping lands early in the 20th century. Many became members of the "13th Alaska Native Corporation" for non-resident Alaska natives. Many more signed onto the Dene/Metis Land Claim as members of the "Metis Nation" prior to the rapid acceleration of the Inuvialuit Land Claim in the 1970s, when they switched their affiliation and re-oriented their identity as "Inuvialuit," or "the *real* people." And yet none of this is factored into the historical narrative as understood today, despite the compelling historical evidence.

Over the years many an Ottawa-based politician felt obligated to come to the Western Arctic for a photo-op, including the infamously futile efforts of Keith Spicer, whose 1990 Spicer Commission sought to alleviate tensions between native and non-native after the violent clash at Oka, Quebec, and at the same time to defuse the festering dispute between English and French Canada in the run-up to a near-successful referendum on Quebec secession. Spicer told residents of the Western Arctic region that he felt compelled to come first to speak with Canada's very first citizens - not knowing that he was talking to some of Canada's

4. Milton Freeman, ed., *Supporting Studies, Vol. 2 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 144.

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newest immigrants who had called Alaska home just a few decades earlier. Just four days after being appointed chairman of the Citizen's Forum on Canada's Future, Spicer headed to Inuvik and Tuktoyaktuk to launch his effort to reconcile Canada's fractious populace, whether divided along native/non-native or English/French lines, addressing those he called the "first Canadians." As he explained, "My going to Tuktoyaktuk after four days on the job is not an accident. . . . I want to go back to where it all began, to begin with a community that is intimate with this." His visit was meant to be "an attitude changing gesture to get all Canada" to think about its beginnings, not its present differences: "I want people in the South to think of Aboriginal people first because they were first." Little did he know that many (indeed most) of the Inuvialuit in attendance that day were relative newcomers to Canada, and that their claim to have used traditionally Canadian Arctic lands since "time immemorial" was in fact a politically crafted myth that had turned the Inuvialuit into Canada's largest land barons, in possession of some of Canada's most resource-rich (but still largely undeveloped) lands that their parents and grandparents moved to only after the local populace died off, coming in from Alaska where they were indeed first, or if not first, at least 'prior' to the formation of Russian-America and later the state of Alaska. Most of the Inuvialuit were not among the first to inhabit the Canadian Arctic, but rather the last - part of a relatively recent migration that had little to do with an affirmation of indigenous rights. Despite the rhetoric that would come during the land claims movement, the state did not dispossess these natives from traditional lands but had left them largely alone; no crime against the Inuit had been perpetrated, no dispossession of native land.

Indeed, if a dispossession did take place, it was not by the state against the Inuit, but by the Inuit against the Gwich'in, perpetrated by the Inuvialuit - which means "the real people" but which is not a traditional Inuit descriptor for the newly arrived Uummarmiut (the "people of the green trees") who had long resided near the treeline, in proximity to the Gwich'in, or for the aboriginal Siglit peoples of whom only a small number survived new epidemics that had decimated their hitherto robust population. That's because the Gwich'in co-inhabited the same region as the Inuit of the trees, sharing the very same lands and resources, but who would come to discover that the rich coastal lands they long shared with the Inuit would be denied to them - as would the bounty of benefits associated with the Inuvialuit land settlement. This is no tightly guarded secret despite its infrequency of discussion; even the author of the portions of the *Inuit Land Use and Occupancy Project Report* serving the western Arctic region, Peter Usher, has admitted in his report that: "There is considerable overlap between lands used by the

Inuit and lands used by the Indians in the Delta region, especially in the area between Aklavik and Inuvik in the Delta itself, in the marten trapping area east of Inuvik, and in the caribou hunting range in the Richardson Mountains between Aklavik and Fort McPherson. Some Indians also go to Whitefish Station to hunt white whales in July. Both Aklavik and Inuvik have Indian populations nearly as large as Inuit populations. There is a tendency among both groups to see their lands as native lands collectively, on a community basis, and not to divide them up into "Inuit lands" and "Indian lands" which would in any case be impossible."⁵

And yet there are also some unsubstantiated claims that contradict Usher's view that the lands were shared collectively by Inuit and Gwich'in peoples of the Delta. For instance, in his discussion of muskrat trapping in the Delta on page 22, Usher writes: "The fur economy of the Delta has always been centered primarily on the muskrat. North of a line roughly from Aklavik to Inuvik, there is probably not a single lake or creek that has not been exploited by the Inuit muskrat trappers. (South of that line, the Delta is used mainly by Indians.)"⁶ The neatness of this seeming north/south split along an artificial "line" that would become reified as a land claim settlement area boundary, fueling subsequent overlap conflict between the Inuvialuit and Gwich'in, seems at first too simple, too neat, to accept at face value - especially given Usher's later comment on page 24 of dual use by Inuit and Dene and their mutual perception of the lands as being "native" but not differentiated according to specific native ancestry, which seems quite logical, especially given how many of the Inuit residents of the Delta were born in Alaska, which is suggested but not elaborated by a later comment by Usher on page 22 in his discussion of caribou hunting: "There has been a noticeable shift in caribou hunting range over time from the mountains down to the coast," a shift that is consistent with Dene cultural memory of seasonal use of the Arctic coast by Gwich'in hunters and not exclusively Inuit use, in addition to Usher's own observation of Indian whaling along the Arctic coastline as well, a logical eventuality considering the plentiful nature of the Beluga whale resource and the proximity of its habitat to traditional Dene hunting lands. Thus this shift in the caribou range that Usher uses to validate Inuit claims to the coast substantiates as well the claim by Gwich'in to these same coastal lands, but the Gwich'in land claim boundaries would

5. Milton Freeman, ed., *Land Use and Occupancy, Vol. 1 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 24.

6. Milton Freeman, ed., *Land Use and Occupancy, Vol. 1 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 22.

by virtue of their exclusion from Usher's survey (or at least their subordination to a presumptive Inuit traditional use of their shared lands) exclude the same strip of resource-rich coastal lands the Inuit would claim, and which they would gain through conclusion of their land settlement with the Canadian government.

In the same discussion of the shift in the caribou hunting range toward the coast, Usher explains the shift is "largely because in the early 1900's, before the widespread ownership of whale boats and schooners, many people, especially those of Alaskan origin, spent most of the summer on the high ground inland, where travel by foot and pack dog was easier, caribou more plentiful, and mosquitoes fewer. They moved with the caribou and had no permanent summer camps," a hunting pattern that would describe the Gwich'in caribou hunters as well. Usher thus suggests that not only did the Inuit and the Gwich'in peoples cohabit the same high ground, and share the same caribou resource, but that a significant number of Inuit in this region were Alaskans, or recently descendants of Alaskans. The region's documented history tells of a dramatic immigration of Inuit from Alaska during the whaling era, many who moved to the rich ridding lands of the Delta and bountiful whaling camps along the coast after the Kittigazuit Eskimos were annihilated by disease, including the devastating measles epidemics at the start of the 20th century.

Indeed, the traditional Mackenzie Inuit population nearly died out from exposure to westerners' diseases, and was described by Robert McGhee as becoming culturally extinct early in this century. McGhee describes the original Mackenzie Eskimo subgroups, which included the Kigirktarugmiut, Kupugmiut, Kittegaryumiut, Nuvorugmiut, and Avvagmiut, and notes there was both a trading relationship with the neighboring Athabaskan peoples as well as a history of conflict between them, and that the Gwich'in at the time of European contact "were in frequent but wary contact with the Eskimos of the East Channel area," and that a "good deal of trade took place between these groups before 1852 when the Eskimos began to visit Peel's River Post, but that several instances of fighting in connection with this trade have been noted."⁷ He cites the 1853 observations of Hooper who "states that the Mackenzie River Eskimos... traded with the 'Mackenzie River Loucheux' (probably the poorly known Nakotcho Kutchin) but were probably at 'war to the knife' with the Peel River Loucheux (the Vunta Kutchin or Rat Indians who had trade relations with the Kigirktarugmiut at Barter Island.) After the Eskimos began to trade at Peel River's Post, there was

7. Milton Freeman, ed., *Supporting Studies, Vol. 2 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 148.

some intermarriage with Indians, and at least one Vunta Kutchin lived at Kittigaruit during the late 19th century.”

Thus the cultural history of the Mackenzie Delta region was far richer than many now will admit, owing to the recent reification of the land claims boundaries into a fixed and inviolable territorial boundary, and in fact the land was dually shared by both the Inuit and Gwich'in peoples. This dual use would seem to suggest that the Gwich'in have an equal historical claim to the lands and resources of this region; that the Gwich'in might be more *legitimately* indigenous to Canada in their ancestry given the cultural extinction of the Mackenzie Eskimos that preceded the arrival of the Ummarmiut into the Delta, and thus most Inuit of the Mackenzie Delta region are by comparison relative newcomers whose claim of traditional land use since “time immemorial” is a complete historical fabrication. As Usher observed: “With the introduction of larger boats, people were bound more closely to the coast, and emphasis on whaling and fishing increased. Summer caribou hunting then tended to be restricted to walking distance from the coast. In more recent times, caribou hunting has shifted mainly to the Richardson Mountains, north, west, and south of Aklavik in fall, winter and spring, and to the Coal Mine and Shingle Point areas in the summer. The Malcom and Firth River valleys are still important to a smaller number of people, who occasionally stay at Herschel Island.” But with Aklavik as home community to both Gwich'in and Inuit residents, it is logical to conclude that both groups would share the same hunting resources, and thereby demonstrate similar land use patterns – even though Usher and his colleagues, by virtue of their preparation of an “Inuit” Land Use and Occupancy report, systematically under-emphasized the rightful Gwich'in claims to the same lands, and thus overstated the case for exclusive traditional use by Inuit. So while Usher does acknowledge Gwich'in use of these lands, and while his analysis can also be applied to the Gwich'in hunters of the region, the emphasis of his “findings” along with his fellow contributors to the report would come to disproportionately benefit the Inuit.

This systemic bias in favor of Inuit traditional use at the expense of other indigenous peoples from the same region, is reinforced by the economic relationship between the report's sponsor, the Inuit Tapirisat of Canada, a national political body representing the political interests of the Inuit; and the federal government, which partnered with the Inuit in this process of documenting Inuit claims to traditional land usage, even though the choice of anthropological field workers was determined by the Inuit, who were in the process of negotiating their land claim with the federal government so have every incentive to augment their claims, perhaps to even perpetrate fraudulent claims, backed up by biased

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anthropologists who did not practice unbiased scientific field research but instead were paid participants in a political process whose end goal was to maximize the claims of the Inuit to strengthen their negotiating position. Ironically, the federal government accepted their “findings” at face value, proof of the fallibility of anthropology when it ceases to be properly scientific and unbiased, and becomes part of a political process. In the report’s preface on page 19, this ethical murkiness is further acknowledged: “In February 1973 Inuit Tapirisat of Canada proposed to the Minister of Indian and Northern Affairs that research be undertaken to produce a comprehensive and verifiable record of Inuit land use and occupancy in the Northwest Territories of Canada,” and the “record so obtained would delimit the present and past use and occupation of the land and marine environment and would categorize the uses which any particular area served. In view of the continuing role which land plays in defining the cultural and ecologic circumstances of Inuit society, the research was also to provide an explicit statement – *by the Inuit* – of their perception of the man-land relationship.”⁸ At least the perceptual nature of these observations is acknowledged, but through the subsequent processes of land claims negotiation, formalization, and implementation, perception would become fact, and these facts as defined in land ownership boundaries and exclusive benefits for the land claims beneficiaries, would not necessarily correspond with historical truth. The preface further acknowledges that “with the exception of the short settlement histories presented for each contemporary community, virtually all textual material was derived from fieldworkers’ discussions with Inuit informants. By thus restricting the material presented to that derived directly from recent fieldwork, we have attempted to meet our objective of setting down the Inuit view relating to land use and occupation.”⁹ And yet while this is freely admitted, the land use “findings” took an tremendous momentum, gaining weight as accepted land use history and thus contributing to the formalization, and reification, of these “perceptions” into law, causing much harm to the Athabaskan peoples who long shared these same lands and in the case of the western Arctic region, may well have used these lands for a longer continuous period, as many Inuit were newcomers to the region, many families actual shareholders in the Alaska Native Land Claims corporations.

But contradicting the admission of the perceptual nature of the

8. Milton Freeman, ed., *Land Use and Occupancy, Vol. 1 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 19.

9. Milton Freeman, ed., *Land Use and Occupancy, Vol. 1 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 19.

report's "findings" and the obvious political ties of participants to the political process, revealing a long-term conflict of interest in that fieldworkers, translators and interviewers would benefit both economically and politically from the report's outcome, the authors note in the end of their preface that the "main determinant of the final form of this report" has "necessarily been consideration of balance in trying to describe accurately the voluminous documentation now available describing the different Inuit groups occupying and using the approximately 1.5 million square miles of northern Canada that constitute their domain."¹⁰ It does not appear credible that an accurate description can be the goal of a project that is riddled with so many ethical gray areas, most notably the political nature of the report itself and the financial interests the unite researchers with the Inuit political organization funding their research; there is no possible expectation that the research would challenge the political interests of the report's primary funders, even though it is clear Usher sought to sprinkle elements of the truth into his report, noting Gwich'in n dual use of the same lands, their shared hunting of caribou and even the white whale, and their mutual perception of their lands being *native* lands and not specifically Inuit or Dene lands.

As it states on page 6 of the Inuit Land Use and Occupancy report: "The Inuit Land Use and Occupancy Project was initiated at the request of the Inuit Tapirisat of Canada. Following preliminary discussions in 1972 and 1973, Milton Freeman Research Limited," a private company and not an academic institution it should be noted, "was incorporated on 18 June 1973, in order to undertake research into Inuit use and occupancy of the land, with funds advanced by the Department of Indian and Northern Affairs. After the research had begun a Steering Committee regularly met to oversee the interests of the federal government and Inuit Tapirisat of Canada in the Project."¹¹ That both stakeholders would thus "oversee" the research effort in order to ensure their mutual "interests" were fulfilled further invalidates the scientific objectivity of the research. This committee is described on the next page: "The contract between Her Majesty and Milton Freeman Research Limited to carry out the Inuit Land Use and Occupancy Project called for the establishment of a Steering Committee to advise the Minister on the overall progress of the Project. The Steering Committee, consisting of two members appointed by the Minister and two by the Inuit Tapirisat

10. Milton Freeman, ed., *Land Use and Occupancy, Vol. 1 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 19.

11. Milton Freeman, ed., *Land Use and Occupancy, Vol. 1 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 6.

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of Canada, met five times, reviewed the progress reports and financial statements of the Project, and found them satisfactory.”¹² The Inuit representatives were Connie Hunt and Tagak Curley and the government representatives were A. Stevenson and Dr. M. J. Ruel.¹³ Among those “fieldworkers, interpreters, and interviewers” individually thanked in the acknowledgements on page nine from the western Arctic portion of the project are: Victor Allen, Nellie Cournoyea, Bertram Pokiak, Sam Raddi, and Peter Thrasher, several of whom would become important land claims activists, as well as important political and economic leaders – with Nellie Cournoyea rising to become the Premier of the Northwest Territories and later the Chair of the Inuvialuit Regional Corporation, and Sam Raddi, who served as COPE President and is widely viewed as a founding father of the Inuvialuit land claim.¹⁴ That so many of the field researchers and interviewers who played the role of gatekeeper of the information provided by the Inuvialuit hunters and trappers on their traditional land use were so closely affiliated with the land claims process and personally gained political and economic power from the very land claims process their research helped to substantiate raises yet another ethically questionable practice – and raises a red flag for posterity on the legal, moral, historical and cultural foundation of the Inuit land claim.

The third volume of the report, which includes the compelling land use and occupancy maps, reveals similar methodological issues, including a reliance upon the claims made by Inuit hunters without cross-checking their claims against other users of the lands for accuracy – the Inuit would not be the first to tell tall tales of their hunting prowess, so basing the maps on such a subjective source of information is of itself problematic; but if you add to this the politicized nature of the fieldworkers, translators and interviewers, the fact the report is funded by a political organization seeking to maximize its political and economic gains from the land claims process, and a research “corporation” that is neither an academic nor public institution with a greater communal responsibility to the truth, then these maps can be viewed as little more than aspirations, wishful thinking, but not ground truth. And yet, these subjective maps, clearly delineating the claims of Inuit hunters as reported by their politically-motivated fieldworkers, translators and interviewers, took on substantial weight in determining

12. Milton Freeman, ed., *Land Use and Occupancy, Vol. 1 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 6.

13. Milton Freeman, ed., *Land Use and Occupancy, Vol. 1 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 7.

14. Milton Freeman, ed., *Land Use and Occupancy, Vol. 1 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 9.

the land claims boundaries, resulting in many unresolved or outright overlooked land disputes with the Gwich'in neighbors of the Inuit who found themselves now consigned to the southern side of the treeline regardless of their own historical land usage.

That such a vital food source as the Porcupine Caribou, central to Gwich'in nutritional wellbeing as well as cultural identity for millennia, migrated from the interior to the Arctic coast during its annual migration cycle, further substantiates the claim by Gwich'in to be traditional land users and occupiers of the Arctic coast of the Yukon Territory as well as the western terminus of the Mackenzie Delta. Such a legacy of traditional land use can be further substantiated by the rich heritage of traditional Gwich'in placenames throughout the region, a heritage that stands in marked contrast to the Inuvialuit, who could not persuasively demonstrate in their land claims effort, hence their reliance on the anthropologist-sanctioned *Inuit Land Use and Occupancy Project Report*. What objective fact could not demonstrate, subjective interpretation instead conjured up, manufacturing history to correspond to political aspiration of the Inuit to gain land, wealth and power on a questionable historical claim. Consider the observations of William C. Wonders, professor of geography at the University of Alberta, who authored a 1987 article entitled "Native Claims and Place Names in Canada's Western Arctic" in *The Canadian Journal of Native Studies*.

The Western Arctic/Lower Mackenzie sector was and is the area of most extensive overlap in the Northwest Territories. The Dene and Metis regarded it as of top priority even to the point of trying to have the investigation restrict itself to this area, a request rejected as it was contrary to the agreed-upon terms of reference. The much greater economic development in the Mackenzie Delta and the oil and gas activity in the Beaufort Sea make this area particularly important. It also is the most complex ethnically, with large numbers of all major groups intermingled and increasingly intermarrying. In 1978 the Federal Government and the Inuvialuit (C.O.P.E.) had signed an Agreement In Principle towards a comprehensive land claims settlement and the boundaries thus delineated greatly alarmed the Dene/Metis. They believed that their traditional rights were threatened within parts of the area involved, despite reassurances by the Inuvialuit.¹⁵

As Wonders recalls, "By 1983 there still had been no agreement

15. William C. Wonders, "Native Claims and Place Names in Canada's Western Arctic" in *The Canadian Journal of Native Studies* VII, 1 (1987): 113.

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reached between the four native associations of the Northwest Territories (the Dene Nation, the Metis Association of the N.W.T., the Committee for Original Peoples' Entitlement, and the Tungavik Federation of Nunavut) in the matter of overlapping areas of land use and occupancy," and yet "such agreement was a pre-requisite of the Government of Canada for settlement of any comprehensive Native land claims." While the native associations "had held discussions on an on again/off again basis for some years but without reaching agreement," Wonders notes that "finally in September 1983, with consent of all parties, I was appointed 'fact finder' to the Minister of Indian Affairs and Northern Development, to research and determine native land use and occupancy in overlap areas in the Northwest Territories as part of a process to resolve the overlap problem. Major emphasis was to be placed upon existing documentary evidence supplemented by first hand local input where desirable, though the five-month time frame permitted was disconcertingly short. The report was forwarded to the Minister on January 20, 1984," prior to the enactment of the Inuvialuit Final Agreement in June of that year.¹⁶

While there was comparatively much traditional place-name information from the Athabaskan peoples of the region, there was a noted shortage of information on the Inuvialuit place-names, even though the Inuvialuit had laid claim to much of the Mackenzie Delta's coastal lands as part of their claim, claiming traditional land use in the area. As Wonders explains in his article: "A major gap existed in the indigenous place names of this particular area. Except for limited treatment by Petitot, Inuvialuit toponymy had been almost entirely neglected by researchers. The interpretive results accordingly are really an indication of the extent of Dene/Metis presence in the overlap area but without comparable toponymic information for the Inuvialuit (though other sources of information on the latter people's presence is available). As noted previously however, the former group felt the urgent need to demonstrate its presence within part of the designated 'Traditional Inuvialuit Lands' according to the Agreement in Principle."¹⁷

The irony is that the Athabaskan peoples of the region were better able to establish their traditional use of these very same lands; hence their consternation with the delineation of Inuvialuit and Dene lands along a seemingly arbitrary north-south boundary line. As Wonders recalls: "At the time that the investigation was undertaken there were four major sources of indigenous toponymy available for the area

16. Wonders, 113.

17. Wonders, 114.

involved. These were the journals and the analyses of the journals of Father Emile Petitot, the 19th century missionary; the work of anthropologist Cornelius Osgood; the work of linguist John T. Ritter; and current research into Dene place names based at Fort Good Hope, Colville Lake, and Fort Franklin, N.W.T. The presence of the Dene Mapping Project headed up by my anthropology colleague Michael Asch on the University of Alberta campus greatly facilitated access to the latter material. The informative special 'Arctic Archaeology' issue of *The Musk-Ox* with Hanks and Winter's 'Dene Names' article (1983) for example, had not yet been distributed." Wonders further observed the following:

Arctic Red River place names occur through the eastern part of the Mackenzie Delta about as far north as Inuvik, thence eastwards around Campbell and Sitidgi Lakes, along the Miner and Kugaluk Rivers with some evidence even along the lower Smoke River. They extend eastwards to merge with the Fort Good Hope/Colville Lake names along the Wolverine River and around the Crossley Lakes.

Fort McPherson place names are particularly numerous along the Peel River and its western tributaries, Rat River and Stony Creek, leading through the Richardson Mountains. Kutchin place names occur through the western channels of the Mackenzie Delta. Local informants also reported some in the western Delta to an area northwest of Aklavik, with a wider dispersal over the higher land immediately to the west, and extending into the northern Yukon.

It is clear that Dene place names do occur extensively within the areas designated as "traditional Inuvialuit lands" in parts of the mainland in the Western Arctic and lower Mackenzie Valley area, thereby substantiating the Dene's claim to a traditional presence within parts of those areas. The Mackenzie Delta initially seems to have been used seasonally at least by Inuvialuit, who focussed primarily on the coast. Not until the present century did both Inuvialuit and Dene move into the Delta on a permanent basis.¹⁸

18. Wonders, 118. Wonders summarized the place name data as recorded historically: "Castonguay (1979) and Castonguay and Lester (1980) have analyzed the writings of Father Petitot as to their toponymic content. They acknowledge that his collection of Native place names is not exhaustive and that it does not represent the total number of such names in use at the time, but they believe that it is a reliable indicator of native land use. The relatively few Inuvialuit place names reflect the much greater contact of Petitot with the various Dene groups than with the Inuvialuit, but the basic pattern revealed in

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And yet in the end it was the Inuvialuit who eventually gained title to the rich coastal lands and whose settlement area came to bring numerous benefits to the Inuvialuit – including possession of vast and resource-rich coastal lands long used by the Gwich'in – even though they lacked as substantial a record of Inuit placename toponomy to back their claim, relying instead upon the more subjective and historically less verifiable land use “data” collected by the anthropologists working for and with Milton Freeman, under contract to the Inuit Tapirisat of Canada (ITK), with field workers, translators and interviewers part of the very political process that sought to gain most from their “research” in order to make their claim appear more valid.¹⁹ The post-settlement

the distribution is significant.

“Exclusively Inuvialuit place names prevail in the Mackenzie Delta and as far upriver as the Lower Ramparts, above present-day Arctic Red River.

“At the Lower Ramparts both Inuvialuit and Dene place names for the same features are recorded. Only Dene place names are recorded upriver. While only Dene place names are recorded on the Peel River and west of the Delta, joint Inuvialuit-Dene place names are noted for the Richardson Mountains west of the Delta and for the Peel River above Fort McPherson.

“Eastwards, joint Inuvialuit-Dene names are recorded for the lower Anderson River and Horton River. The concentration of exclusively Dene place names west of the Horton River stops short of the Arctic coast but extends west as far as the Mackenzie Delta beyond Sitidgi and Campbell Lakes. One isolated Dene place name occurs north of Parsons Lake and south of the site of the Inuvialuit village of Kittigazuit, at the base of the Tuktoyaktuk Peninsula. Dene toponyms for “Arctic Ocean” are documented from both Fort Franklin and Fort Good Hope.

“Osgood’s map of Bearlake Indian place names (1975) based on his 1928 research in the area for the National Museum of Canada, shows a general encirclement of the lake and close similarity with the pattern of Dene place names collected recently by the Fort Franklin people. The presence of Dene names in the northeast area of Great Bear Lake is particularly significant in terms of Inuit overlap from the Arctic coast. Osgood notes Dene toponyms for the Coppermine River, for the Arctic Ocean, and for Dismal Lakes where “in this area the Indians occasionally came into contact with Eskimo” (Osgood, 1975:532), and he comments that Stick Island in Dease River was used by both Indian and Eskimo hunting parties.

“Ritter’s work with the Kutchin people of the Dene (n.d) provided 680 indigenous place names within the N.W.T. and maps supplied by the Dene Mapping Project fixed their location. This information was incorporated with other to produce Figure 2. Relatively few Dene place names were noted by Ritter in the Mackenzie Delta. (Most of the Delta names shown on Figure 2 have been provided to me more recently by Dene living in Fort McPherson and Aklavik.)

“This situation” as he commented, “is explained by the fact that movement into the Mackenzie Delta and exploitation of the resources of the lower Peel (by Kutchin) are both relatively recent phenomena, whereas the upper Peel regions have no doubt been inhabited for many generations” (Ritter, n.d.:129).” Wonders, op. cit., 115-116.

19. A similar process was used to lay claim to the high Arctic lands that are now an important part of both the Nunavut land settlement and the Nunavut territory, delineating its northern territorial boundaries and representing a

era, with the new boundaries separating “Inuvialuit” lands from those of the more southerly “Gwich’in” lands, has witnessed several land disputes between the two peoples, who continue to view their lands as a collective resource, not meant to be owned by one group and not the other. In the time before land claims, there may have been a consensus among the hunters and trappers of the region, regardless of whether they were Gwich’in or Inuvialuit, that their lands were shared, dually utilized for subsistence purposes by peoples of both communities. And history itself shows that Gwich’in traditional land use has been continuous, and that the traditional Mackenzie Eskimos indigenous to the Delta region experienced a significant demographic collapse resulting in the later influx of Alaskan Inuit to their traditional lands. Inuit land use of the region has been less continuous – and the current “Inuvialuit” who successfully negotiated the first comprehensive Inuit land claim agreement in Canada are largely, though not entirely, descended from Alaskan Inuit who only immigrated to northern Canada in recent decades.

But with the Inuvialuit land claim firmly settled, new boundaries were drawn corresponding to the the historical claims made in the *Inuit Land and Occupancy Project Report*, and these became entrenched in law, and even though the historical record shows dual use by both Gwich’in and Inuvialuit, lands shared by both peoples are now divided into “ours” and “theirs,” depriving many Gwich’in the full rights to their own traditional lands along the coast. And the Inuvialuit, while relative newcomers to the region and thus not truly indigenous to northern Canada, have strenuously defended their land claim, even taking the Gwich’in to arbitration and commencing legal proceedings in order to defend their property rights as seen during the early 1990s. While their strong defense of their lands is commendable, and shows great pride of ownership, it also reinforces what may in fact have been an unjust land settlement awarding exclusive land ownership and rights to an

significant portion of the Inuit land quantum and cash compensation transferred upon settlement of their land claim. While the Inuit claims to the high Arctic did not displace a neighboring aboriginal people as took place in the Delta, it did empower the Inuit on a patently false historical claim of historical land use in a region that was historically unoccupied, and which the Inuit continue to claim they were forcibly and deceptively relocated to – thus entitling them to not only the land and cash compensation of the land claims process but also compensation for the suffering they endured during their “exile” to these very lands that now form such an important source of their new wealth and power. On top of this the Inuit want an “apology” from the Ottawa, and further implementation funds from the Canadian treasury to top-off their already unprecedented financial gains – even though they had gladly accepted the substantial land and cash transfers that accompanied their successful land negotiations and the formation of the Nunavut Territory a decade ago.

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immigrant group whose majority population was not indigenous to Canada, violating the legitimate aboriginal rights of the Gwich'in.

POWER POLITICS AND HISTORICAL REALITIES

With the rise of Inuit power, fueled in part by their new status as land barons and power brokers across the North American Arctic, it is hard to view the indigenous peoples of the Arctic as victims any more. And yet Inuit leaders continue to position their people as victims of various historical injustices in their quest for compensation from the federal government of Canada. Consider the case of Canada's Inuit 'high Arctic exiles'. There has been much controversy over the particular plight of the 'exiles,' with numerous accounts written describing their poor treatment and near-abandonment by Canadian authorities during the early years of their relocation, such as Wil Haygood's August 1992 feature on the *Boston Globe*, "The Lie at the Top of the World," and several books including Alan Rudolph Marcus' 1995 *Relocating Eden: The Image and Politics of Inuit Exile in the Canadian Arctic*, and Melanie McGrath's 2008 *The Long Exile: A Tale of Inuit Betrayal and Survival in the High Arctic*. Thomas Berger correctly points out that the 1950s relocation of the Inuit to the high Arctic was driven largely by Ottawa's desire to establish a permanent population, and thus bolster its otherwise tenuous sovereign claims to the region. Because of the painful history of their relocation, and the chronicled neglect and mistreatment by government officials, Ottawa agreed to a \$10 million financial settlement with the survivors of the original relocation and their descendants in 1996, known as the High Arctic Relocates Trust or HART fund. But because Ottawa asserted the relocation effort was mutual and not a forced internal exile, and that its intention was in part to alleviate the threat of famine near Port Harrison, it did not proffer an apology at the time, waiting instead another 14 years before formally presenting an apology.

University of British Columbia international law professor Michael Byers has passionately reiterated the case for a formal apology to the high Arctic exiles, and in a 2008 op-ed in *The Globe and Mail* made his case: "Mr. Harper, apologize to the 'High Arctic Exiles': Not only is this the right thing to do, but it would help cement Canada's northern claims."²⁰ Byers sees a link between the apology issue and Canada's recent efforts to strengthen its sovereignty in the Arctic, and believes Ottawa's decision in the 1950s to move the exiles to the Elizabeth Islands

20. . Michael Byers, "Mr. Harper, Apologize to the 'High Arctic Exiles': Not Only Is This the Right Thing to Do, but It Would Help Cement Canada's Northern Claims," *The Globe and Mail*, June 12, 2008.

“was motivated by concerns about possible Danish or American claims,” and that “the Inuit, identified by government officials by numbers rather than their names, were essentially treated as flagpoles.”²¹ He notes that “for the Inuit, it was like landing on the moon.”²² Byers believes that “for a Prime Minister who cares about sovereignty, apologizing to the High Arctic Exiles would be an excellent next step.”²³ But while an apology would be dramatic, and when it finally came was exuberantly cheered by Inuit, the situation of the exiles is complicated by the fact that their presence in the high Arctic has resulted in some substantial benefits to the Inuit, and that this presence date back only to the 1950s – and thus hardly merits an aboriginal claim at all.

Among the benefits received by the Inuit were the large tracts of high Arctic lands selected for the Nunavut land claim, which contribute substantially not only to the land and resource wealth of the Inuit, but also to the territorial breadth of the Nunavut territory. By many measures – including the size of the new territory, the amount of land now owned outright by the Inuit (lands not utilized by the Inuit in modern times, and thus integrated into Canada well before modern Inuit land use in the high Arctic islands even began), the extent of their subsurface rights as well, and the inclusion of the high Arctic communities of Grise Fjord and Resolute and their continued stream of operational funding and infrastructure investments in Nunavut – the relocation of the exile families to the high Arctic has proven to be a long-term collective gain for the Inuit overall. Further, as Byers himself has noted, Inuit leaders like John Amagoalik – considered by many to be the “Father of Nunavut” – emerged from the relocation experience; so as difficult as the experience was for the families involved, it made the Inuit stronger and not weaker for their suffering, contributing to the emergence of a strong and dedicated leadership that ultimately triumphed by creating Nunavut. At any time, particularly since commercial aviation reached into Canadian archipelago in recent decades, any resident of Grise Fjord or Resolute could board a plane and fly south, something many routinely do for medical services, higher education, and family vacations. There is no restriction on travel, and at any point during the last two generations, the entire population of these villages could have moved home. But they did not want to. The Inuit of these communities don’t want to *go home*. They *are* home. They have municipal governments, and with the land claim they now own tens of

21. . Byers, “Mr. Harper, Apologize to the ‘High Arctic Exiles’.”

22. . Byers, “Mr. Harper, Apologize to the ‘High Arctic Exiles’.”

23. . Byers, “Mr. Harper, Apologize to the ‘High Arctic Exiles’.”

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thousands of square miles of land, with vast surface and subsurface rights, control over development of those lands, and millions of dollars in compensation for the lands ‘surrendered’ to the Crown. The ‘exiles’ don’t mention when demanding an apology that they, by virtue of their forced relocation, have become huge landowners, and that Ottawa has even recognized their aboriginal title to the very lands they were misled, if not downright forced, to inhabit. If they are truly exiles, then they would not have a legitimate claim to any of these lands, nor any of the compensation Ottawa provided to them in turn for surrendering their aboriginal title to these lands.

The historical case for Inuit claims to the high Arctic lands to which they were coercively relocated in the 1950s is further weakened by recent research that questions any ancestral link to the original inhabitants of the High Arctic – the Dorset or paleo-Eskimo peoples, who settled the Arctic in a single migratory wave hundreds of years before today’s Inuit arrived. *Tech Times* reporter Jim Algar reported in September of this year (2014) that DNA studies show the first migration into Arctic North America “left no genetic traces in modern Inuit,” and that as a consequence, the Inuit “were not the first humans to inhabit the Arctic.”²⁴ Instead, “that honor goes to ‘Paleo-Eskimos’ from Siberia, with no genetic relation to today’s Inuit or Native American people.”²⁵ Algar notes there’s “long been debate about the genetic lineages of various Arctic peoples, starting with the first arrivals through several distinct cultural groups to today’s inhabitants of the region,” and that Arctic North America has “been occupied by three broadly-grouped cultures: the Saqqaq up until 2,500 years ago, followed by a succession of Dorset cultures and then the Thule, ancestors of the Inuit, from about 1,000 years ago.”²⁶ According to new research, “DNA from ancient remains showed the Saqqaq and Dorset peoples, considered a single genetic line dubbed Paleo-Eskimos, originated in a single migration from Siberia across the Bering Strait into North America that started around 6,000 years ago,” who then “spread from Alaska to as far as Greenland, but

24. Jim Algar, “Paleo-Eskimos, and not Inuit, were the first settlers in Arctic, DNA study reveals,” *Tech Times*, September 1, 2014, <http://www.techtimes.com/articles/14516/20140901/paleo-eskimos-and-not-inuit-were-the-first-settlers-in-Arctic-dna-study-reveals.htm>

25. Jim Algar, “Paleo-Eskimos, and not Inuit, were the first settlers in Arctic, DNA study reveals,” *Tech Times*, September 1, 2014, <http://www.techtimes.com/articles/14516/20140901/paleo-eskimos-and-not-inuit-were-the-first-settlers-in-Arctic-dna-study-reveals.htm>

26. Jim Algar, “Paleo-Eskimos, and not Inuit, were the first settlers in Arctic, DNA study reveals,” *Tech Times*, September 1, 2014, <http://www.techtimes.com/articles/14516/20140901/paleo-eskimos-and-not-inuit-were-the-first-settlers-in-Arctic-dna-study-reveals.htm>

died out about 700 years ago.”²⁷ Further, the study shows “DNA from those ancient people and modern day Inuit show no match.” The study “corroborates what the Inuit have known – and have been saying – for centuries . . . Inuit oral tradition has always talked about the earlier peoples they encountered when they first arrived, that they were shy and would flee when approached.”²⁸ But while it corroborates Inuit legend with regard to the predecessors of the Inuit, it confirms that Inuit are not tied by ancestry or common genetic heritage to the Dorset cultures whose presence can be found across the high Arctic, and until the ‘forced’ relocation of the Inuit exiles to Grise Fjord and Resolute, the Inuit had never occupied these lands – and yet their claim to aboriginal settlement since ‘time immemorial’ undergirds the ambitions of Nunavut land claim, accounting for much of the territorial breadth of the Nunavut Territory, which itself accounts for a significant part of Canada’s far north.

The foundation of this claim by Inuit to lands they never historically occupied is shaky at best; as a consequence, one may argue, so is Canada’s own sovereign claim to these lands, which is justified in large measure by the consent of the so-called original peoples who are, in fact, relative newcomers to these lands who say they only came to settle these far northern territories under the duress and deceit of the very Canadians from whom they later demanded a comprehensive land settlement based upon a claim of inherent aboriginality – while at the same time demanding compensation and an apology from the same government that had forced them into internal exile – paradoxically making it possible for the Inuit to later assert what appears to be a wildly inflated land claim. Further, on top of the generous lands, cash compensation, and implementation funds that flow to the tiny communities of Grise Fjord and Resolute, there is the additional \$10 million that Ottawa paid in 1996 as compensation for their suffering (but without a full apology. The apology itself would not come until 2010 when the Minister of Indian and Northern Affairs at the time, John Duncan, announced after years of controversy that, “On behalf of the Government of Canada and all Canadians, we would like to offer a full and sincere apology to Inuit for the relocation of families from Inukjuak

27. Jim Algar, “Paleo-Eskimos, and not Inuit, were the first settlers in Arctic, DNA study reveals,” *Tech Times*, September 1, 2014, <http://www.techtimes.com/articles/14516/20140901/paleo-eskimos-and-not-inuit-were-the-first-settlers-in-Arctic-dna-study-reveals.htm>

28. Jim Algar, “Paleo-Eskimos, and not Inuit, were the first settlers in Arctic, DNA study reveals,” *Tech Times*, September 1, 2014, <http://www.techtimes.com/articles/14516/20140901/paleo-eskimos-and-not-inuit-were-the-first-settlers-in-Arctic-dna-study-reveals.htm>

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and Pond Inlet to Grise Fiord and Resolute Bay during the 1950s. We would like to express our deepest sorrow for the extreme hardship and suffering caused by the relocation. The families were separated from their home communities and extended families by more than a thousand kilometres. They were not provided with adequate shelter and supplies. They were not properly informed of how far away and how different from Inukjuak their new homes would be, and they were not aware that they would be separated into two communities once they arrived in the high Arctic. Moreover, the government failed to act on its promise to return anyone that did not wish to stay in the High Arctic to their old homes.”) The \$10 million compensation awarded in 1996 was in many ways a “double jeopardy” payment since all the land and funds that have flowed to the people of Grise Fjord and Resolute as a result of the Nunavut land claim and subsequent creation of the Nunavut Government was based upon the Inuit claim that these communities were part of their traditional homeland, which the exiles strenuously argue was in fact not true.

The legal and moral foundation of a significant part of Nunavut appears to be a well-crafted artifice. The Inuit of Nunavut have no historical, moral or legal claim to any land in Elizabeth Islands. Indeed, for the \$10 million extracted from Ottawa in 1996 by the Inuit successfully arguing they were victims of a forced resettlement, one could conclude they had forfeited their prior claim to aboriginal title and associated resource rights which were based on an inherent right based on historical occupancy, an historical occupancy that never happened by their own admission. The Inuit say they were neglected but in reality, this governmental neglect appears to have encouraged them to preserve their traditions, to hunt and trap in their new lands, to adapt to the extremity of climate and geography and in so doing to thrive as a people. Yes, the landscape was harsh, the winter long and dark, but there were also bountiful marine mammal populations to be hunted, and the Inuit survived, and remained self-sufficient, and because of their survival and self-sufficiency, they became stronger, and their land claim became some 30% more expansive because of this willingness to become pioneers, extending their own frontier much like the hard working families that homesteaded their way west in America did in earlier times, bringing with their epic migration a legacy of hard work and true grit that would imbue the new lands with American values. In a similar way the Inuit made the high Arctic theirs when it never was before. Bold, ambitious, audacious – but by no means a legitimate aboriginal claim. The Inuit of the high Arctic communities surely suffered as they migrated north in the 1950s – but they have been rewarded for their suffering manifold.

SOVEREIGNTY OR SURVIVAL?

Despite their huge gains in land ownership, cash compensation, and the vast new ecosystem of co-management and governmental institutions enabling Inuit self-governance, well over a decade after Nunavut was formed a social crisis continues to persist among the Inuit, with hope in retreat and despair on the rise, engaging the attention of the highest levels of the Government of Canada, and the return of the famed retired B.C. Supreme Court Justice, Thomas Berger, whose singular efforts helped import aboriginal land claims from Alaska into Arctic Canada, and to perfect the land claims model as a vehicle of cultural preservation and not assimilation, to find a solution to Nunavut's risk of failure.

At a constitutional conference in Yellowknife in 1995, one Dene chief noted in his remarks to the delegates that behind every chief, behind every tribal leader, stood a non-native consultant. He meant no harm, and his observation was greeted with chuckles from the crowd, which was largely a mix of native leaders and their non-native consultants. Today, this situation remains largely unchanged – though a much-needed public discussion has at last begun, as awareness of the depths of this problem leapt into Canada's national consciousness with the 2008 publication of *Disrobing the Aboriginal Industry*.²⁹ Ironically, the movement for greater Inuit self-governance has unwittingly contributed to the declining demographic prominence of the Inuit in their own

29. . See Frances Widdowson and Albert Howard, *Disrobing the Aboriginal Industry: The Deception Behind Indigenous Cultural Preservation: How Aboriginal Deprivation Is Maintained by a Self-serving "Industry" of Lawyers and Consultants* (Toronto: McGill-Queens University Press, 2008). This work was selected as one of five books in Canada as a finalist for the prestigious 2009 Donner Prize, though it was not the eventual winner. Nonetheless, their work has transformed the debate in Canada on how best to address the issue of indigenous sovereignty, and shined a much-needed light on the problem of the inherent corrupting influence of what they effectively dub the "Aboriginal industry." In a review of their controversial book in the *National Post*, Kevin Libin wrote: "In their book, published by McGill-Queen's University Press, they identify the main culprits as the primarily non-native agents such as lawyers, consultants and anthropologists who thrive on our segregated policy approach to First Nations people. The tens of billions of dollars a year channelled to reserves and Canada's North from governments and industrialists, they argue, attracts mercenaries in swarms, manipulating Natives to inflate land claim grievances, demand industry payoffs and pressure politicians for more funding with few strings attached. . . . 'When you break down the romantic mythology, you find yourself immediately being accused of being anti-native people. But this whole thing came out of the fact that we looked at this and we said Native people are getting screwed over here,' Mr. Howard says." Kevin Libin, "Leftist Couple's Stance on Aboriginals Leaves Them in the Cold," *National Post*, October 31, 2008, <http://mqup.mcgill.ca/extra.php?id=860>.

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homeland, as a new class of government administrators migrate north to fill the many positions left vacant owing to the continued lack of fully credentialed locals with the required degrees and accreditations. It could be a generation before this situation changes if the current model is not replaced by a new model, one more innovative and outside the box. In 2009, Berger delivered the seventeenth annual John Holmes Memorial Lecture at York University in Toronto, titled "From the Mackenzie Valley to Nunavut: Northern Challenges," in which he noted "30,000 people live in Nunavut on a land the size of India," and that "while 85 percent of its population is Inuit, only about 50 percent of government employees come from that background, doing mostly lesser-paying jobs. The problem lies in education, because there are not enough qualified Inuit to fill the jobs requiring higher skills."³⁰ Berger reaffirmed his belief that "Canada has an obligation to help the Inuit improve their situation and take their place in running their own affairs," adding that "societies find strength in diversity," and concluding that "we have an obligation to keep our promise to help them succeed."³¹

In the April 2009 Circumpolar Inuit Declaration on Arctic Sovereignty, the Inuit reaffirmed their desire to achieve to see Ottawa keep its promise, and to continue along the path toward a synthesis of the two competing perspectives on sovereignty – that of the Arctic states who assert sovereignty over the Arctic, and that of the Inuit who reside there and who have asserted a bold, if not always historically justified – claim to much of the region, and have won much for their audacity. As section 4.3 of the declaration observed, "Issues of sovereignty and sovereign rights in the Arctic have become inextricably linked to issues of self-determination in the Arctic. Inuit and Arctic states must, therefore, work together closely and constructively to chart the future of the Arctic."³² As ICC chair Patricia Cochran explained, stretching the definition of 'we' by extending a deep historical claim to the North: "We have lived here for thousands and thousands of years and by making this declaration, we are saying to those who want to use Inuit Nunaat for their own purposes, you must talk to us and respect our rights."³³ ICC vice-chair Duane Smith added that the declaration's provisions "make it clear that it is in the interests of states, industry, and others to

30. . Marika Kemeny, "Thomas Berger Discusses Northern Challenges at Glendon's Annual John Holmes Lecture," *Glendon News*, April 3, 2009, <http://monglendon.yorku.ca/monglendon.nsf/>.

31. . Kemeny, "Thomas Berger Discusses Northern Challenges."

32. . Inuit Circumpolar Council, "Circumpolar Inuit Declaration on Sovereignty in the Arctic," Section 4.3, April 28, 2009.

33. . Inuit Circumpolar Council Press Release, "Circumpolar Inuit Launch Declaration on Arctic Sovereignty," Tromsø, Norway, April 28, 2009.

include us partners in the new Arctic, and to respect our land claims and self-government agreements.”³⁴

If anything, these claims have been much respected by the Arctic states, especially by the United States and Canada who have partnered with the Inuit to secure their own claims to sovereignty. That this partnership may be based upon an historical fallacy that has been mutually consented to is an intriguing and problematic matter, one that foreign states with their own Arctic aspirations may try to exploit one day. Indeed, just as a resurgent and militarily aggressive Russia has stoked secessionist claims in Ukraine and other border states, questioning the historical claims that undergird the present world order’s boundaries, one can plausibly wonder how Moscow might interpret the shaky historical foundations to the lightly occupied (and for some parts of the high Arctic, virtually unoccupied) lands of the Far North. Might an aggressive polar power find an opportunity to exploit in the rush to ‘restore’ title to Inuit who, when it comes to the High Arctic and much of the oil-rich Western Arctic region, are relative newcomers to the region, and whom, DNA evidence now tells us, were never resident in the Arctic during ancient times? Only time will tell.

34. . Inuit Circumpolar Council Press Release, “Circumpolar Inuit Launch Declaration on Arctic Sovereignty.”