



Summary of the Inuvialuit Final Agreement

The Inuvialuit Final Agreement (IFA) will not prejudice the rights of Inuvialuit as Canadian citizens nor as aboriginal people within the Constitution. They shall continue to be eligible for all rights and benefits received by all other citizens and native peoples (including Federal and Territorial programs), and those deriving from the Constitution applicable to native citizens.

The rights and benefits which Inuvialuit will receive as a result of the Settlement, in consideration of their agreeing to extinguish their interests based upon traditional use and occupancy, will include lands; financial compensation; wildlife management; and economic and social development measures.

The signing of the IFA is without prejudice to the aboriginal rights of other native peoples within the Inuvialuit Settlement Region (ISR) and the negotiation of their own land claims in respect of their rights.

Eligibility

A beneficiary of the IFA must be a Canadian citizen and;

1. On the official voters list used for approving the Inuvialuit Final Agreement; **or**
2. Of Inuvialuit ancestry.

A person may also be eligible if he or she:

3. Has Inuvialuit ancestry and is accepted by an Inuvialuit community corporation as a member; or,
4. Is an adopted child of a beneficiary.

Descendants of beneficiaries are also eligible to participate in the Settlement.

Inuvialuit Corporations

Inuvialuit Corporations have been created to receive and manage the IFA benefits. These consist of the *Inuvialuit Regional Corporation*, *Inuvialuit Investment Corporation*, *Inuvialuit Development Corporation*, *Inuvialuit Petroleum Corporation* and *Inuvialuit Land Corporation*. In addition, there are the *Inuvialuit Land Administration* to manage Inuvialuit lands and *Inuvialuit Trust* to manage the financial distributions to individual Inuvialuit.

Each Inuvialuit community has a community corporation. Inuvialuit in those communities control the above mentioned corporations. Inuvialuit will decide upon any restrictions on distributions that are necessary to protect the financial compensation for the benefit of future Inuvialuit. All Inuvialuit 18 years and over receive non-transferable shares in the Trust and thereby share equally in the distributed benefits of the Settlement.

Lands

From within the 35,000 square miles area traditionally used by Inuvialuit, they shall receive title to certain lands. The Settlement provides surface and sub-surface title to approximately 5,000 square miles of land [referred to as 7(1)(a) lands] adjacent to each of the six Inuvialuit communities, being a protected, no development area. The Inuvialuit will also receive title to 30,000 square miles [referred to as 7(1)(b) lands] within their traditional lands, which excludes oil, gas and minerals, but includes sand and gravel.

Inuvialuit, through their Land Corporation, will hold title to these lands but that ownership will be subject to existing alienations. This means that, although Inuvialuit own the land, they must honour existing rights such as leases. Where Inuvialuit own the sub-surface under these lands they will receive the proceeds from any development thereon. The lands selected do not include the actual community sites, the size of which varies from 1.5 to 5 square miles.

Land Selection

Inuvialuit have selected their lands according to certain criteria - lands which are important because of biological productivity or traditional hunting, trapping and fishing; lands which offer economic opportunities such as tourism; areas which are important because of wildlife production; or historic Inuvialuit sites and burial grounds. Lands were not selected which contained proven oil or gas reserves; lands that are privately owned or lands used for private works.

On Inuvialuit lands where there are existing rights or where Inuvialuit do not own the sub-surface, access for development of the sub-surface resources is guaranteed. Inuvialuit, however, will have the right to negotiate "participation agreements" with would be developers which, in addition to rents for the use of the surface, could also include special arrangements such as training and employment, and other participatory benefits. On 7(1)(b) lands in the Husky Lakes area, being an area of special wildlife interest, Inuvialuit will participate in settling acceptable environmental standards for development and will be consulted when the Government considers issuing new oil and gas permits on Crown reserves.

Until such time as there are general laws passed dealing with access and trespass on private lands in the NWT, specific provisions have been made to ensure rights of passage for individuals, government agents requiring access to carry out governmental responsibilities, and for industry requiring access across Inuvialuit lands to reach Crown land. Guarantees are provided that this access cannot be abused or interfered with Inuvialuit use of their land.

Provisions have also been made to ensure that sand and gravel on Inuvialuit lands are made available for community use at reasonable prices.

Water

On 7(1)(a) and 7(1)(b) lands, Inuvialuit will receive ownership to the beds of lakes, rivers and water bodies, subject to a 100 foot access strip around the seacoast and shorelines of navigable waters for travel, recreation and emergency purposes. In all cases, the Crown will own the water and have the right to control the water and water beds in order to manage fish and migratory birds, for carrying out any work needed for transportation and navigation purposes, and for the protection of community water supplies.

Environmental Screening and Review

All significant development activities in the ISR will be subject to an environmental screening and review process which will recommend whether or not the activity can safely take place and, if so, under what terms

and conditions. In addition, all development activities will be subject to the wildlife compensation provisions which will provide compensation to affected Inuvialuit harvesters for losses suffered, in addition to providing measures for restoration of the wildlife and habitat so future harvesting opportunities can be maintained.

Yukon North Slope

The entire area north of the watershed is an area receiving special protection in order to maintain the wildlife, habitat and native harvesting. In the area west of Babbage River, Ivvavik National Park was established. Herschel Island falls under a similar protective regime managed by the Yukon Government as a Territorial Park. The area east of the Babbage River will be subject to the land use planning process. Any development proposals will be screened and, if necessary, reviewed publicly to ensure that the wildlife habitat and harvesting interests in the area will not be significantly damaged. Any development will be carefully controlled and permitted only if a public necessity.

Laws and Other Matters

Laws of general application to private property will apply to all Inuvialuit lands. The Government will continue to regulate the safety of any development activities, and will be responsible for environmental management. Inuvialuit lands will remain subject to easements and rights of way, which existed as of July 13, 1978. Inuvialuit lands cannot be sold except to other Inuvialuit or to the Crown.

In the event Inuvialuit lands are needed for public purposes, they can be so acquired with the approval of Cabinet or, in a few cases, such as for municipal needs and roads, land can be acquired without going to Cabinet. In all cases, the Government must then offer suitable alternative lands if possible and, as a last resort only, financial compensation which will take into account the value of the land for fishing, hunting and trapping.

Inuvialuit lands will be exempt from property tax but improvements, as well proceeds from development of Inuvialuit lands, will be taxable according to the laws of general application.

Wildlife Harvesting Rights and Wildlife Management

The IFA set out certain Inuvialuit harvesting rights for the ISR, including the exclusive right to harvest game on Inuvialuit lands, and to harvest muskox and furbearers, including black, grizzly and polar bears, throughout the NWT Settlement area. They would also have a preferential right to harvest other species for subsistence purpose in this area.

In the North Slope area, Inuvialuit will have exclusive harvesting rights to all game in the Park and Herschel Island. In the eastern portion, Inuvialuit will have exclusive rights to trap and hunt polar bears, and the preferential right to harvest all other wildlife, subject always to conservation measures.

Other native peoples will continue to have traditional harvesting rights. Bilateral agreements concerning these rights and other matters have been concluded with the Dene/Metis of the NWT and the Council for Yukon Indians. As well, anyone with a registered trapline in the area of the Mackenzie Delta, and their descendants who continue to trap in the Western Arctic Region or anyone to operating registering traplines will not be affected.

In addition to receiving certain hunting rights, Inuvialuit will participate in the overall management of wildlife in the Western Arctic Region through advisory bodies such as the Wildlife Management Councils, a Game Council and local Hunters and Trappers Committees, as well as the Research Advisory Council.

Financial Compensation and Economic Measures

The financial compensation described in this Agreement has a present value of \$45 million (1977 dollars). A series of payments will be made annually from 1984 to 1997. No tax will be levied on these capital payments, although all other earnings of the Inuvialuit corporations are subject to the tax laws of general application.

The IFA includes certain socio-economic measures to help Inuvialuit achieve stable economic self-reliance and build a solid economic base. These commitments consist of general measures to give priority to Inuvialuit products, resources, employment, and services, the best efforts of Government to award contracts to Inuvialuit and to provide an initial economic enhancement fund of \$10 million to assist in developing industries and businesses.

Social Development Program

To help meet the problems of social transition faced by Inuvialuit, a Social Development Fund of \$7.5 million was established. Utilizing the Inuvialuit perspective, language and customs, the Program assists in solving social concerns such as the problems of elders, language, health and welfare, and the maintenance of traditional pursuits. It also advises government on programs concerning such matters as alcohol, dental care and nutrition, as well as initiate and develop special education programs. This Fund is not intended to replace government programs.

Arbitration

There are several areas identified in the IFA where specified provision is made for arbitration in the event of disputes, such as expropriation, participation agreements and wildlife compensation. A general arbitration procedure is detailed in the IFA for resolving these and any other disputes that may arise out of the Settlement.