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LAND CLAIM AGREEMENTS AND THE NORTH TO 2030

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Introduction

"Nothing endures but change."[1]

Twenty years ago, the only land claims settled were the James Bay and Northern Quebec Agreement[2] and the Inuvialuit Final Agreement.[3] The Nunavut territory did not exist. The first Supreme Court of Canada decision on a case involving section 35 of the *Constitution Act, 1982*[4] had not yet been rendered.[5] Federal land claims policy did not recognize the inherent right to self-government and serious concern about the impact of climate change on arctic ice conditions was something we might have consigned to the lunatic fringe.

My intention is not to provide a retrospective on how far we have come, but simply to point out that few if any of us could have accurately predicted all or even many of the changes which have taken place in the years since 1989-1990. And yet the task set by the organizers of this 2030 North Conference is "to integrate issues related to climate change, resource development, social & cultural change, scientific policy, and land claims agreements into one overall public policy 'road map'" for the North.

This is an ambitious objective! We can at least hope that this conference will make a contribution to a much needed effort to begin planning for the new North.[6] Any such planning exercise must, of course, proceed on the basis that constitutionally protected land

1. Heraclitus, *from Diogenes Laertius, Lives of Eminent Philosophers*.
2. *The James Bay and Northern Quebec Agreement, Between le Gouvernment du Quebec, la Societe d'energie du Baie James, la Commission hydroelectrique de Quebec, the Grand Council of the Crees, the Northern Quebec Inuit Association and the Government of Canada*, 1975. Hereinafter the "JBNQA".
3. *The Western Arctic Claim: The Inuvialuit Final Agreement*, Agreement Between Her Majesty the Queen in Right of Canada and the Committee for Original People's Entitlement (Ottawa: Department of Indian Affairs and Northern Development, 1984). Hereinafter the "IFA".
4. Section 35 of the *Constitution Act*, 1982, being Schedule B to the *Canada Act*, 1982, (U.K.) c. 11.
5. R. v. *Sparrow*, [1990] 1 S.C.R. 1075, (1990) 70 D.L.R. (4th) 385 (S.C.C.).
6. For the balance of the paper I use the term "North" in reference only to those areas of the arctic which are the subject of comprehensive land claim agreements. For simplicity's sake I use "arctic" to mean areas north of the Arctic Circle.

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claim agreements[7] will prove a key building block in the future of the North.

These agreements will prove to be fundamental elements of the governance framework for the North and they will have continuing and far reaching effects on Canada's northern vision. Land claims[8] have now been settled for all areas of the Canadian Arctic and I suggest that these agreements will both shape and contribute to the future of the North.

Land claim agreements will also affect northern resource development and the role played in such activities by beneficiaries, both through co-management regulatory institutions and as direct participants in economic development activities. Consequently, any attempt to look to the northern horizon more than 20 years hence must begin with a basic understanding of land claim and self-government agreements.

The goals of this paper are as follows. First, we need an overview of the structure of land claim agreements. Next we need to set these agreements in the context of northern governance. Then we need to review the way in which the co-management and other resource management provisions of land claims will affect development of the North. Finally, we need to consider the importance of land claims in establishing the relationships between beneficiaries and government and as enablers of northern social and economic development. Then, once the integral importance of these agreements has been set out, we can look to the future and the role that land claims can play in addressing change in the North, over the next 20 years to 2030.

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7. All modern land claim agreements include a clause asserting that they are modern treaties as contemplated by section 35(3) of the *Constitution Act*, 1982.

8. The agreements considered during the preparation of this paper included only comprehensive land claims for the Canadian arctic: the Inuvialuit, Nunavut and Northern Quebec and Labrador Inuit agreements.

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Land Claim Agreements

A full appreciation of the substance and effect of Artic land claim agreements would require that each be reviewed and assessed on its own. The contents of these agreements vary since each was negotiated in its own specific historical, policy and legal context. The purpose of this paper, however, is not a detailed comparison of these agreements. A general and high level analysis of these land claims should provide a sufficient foundation for the planning exercise undertaken through this conference. Thus, the review set out below emphasizes the common and overarching elements of Arctic land claim agreements.

The primary purpose of land claims is to achieve certainty, to reinforce Canadian sovereignty in the North and to set out a framework for the co-existence of aboriginal people and Canada. To accomplish this, land claim agreements cede, release and surrender aboriginal rights, title and interests in their settlement areas in exchange for the specific rights granted in the agreements. This exchange results in certainty of title to land and resources for Canada or a province. In return, large tracts of fee simple lands have been granted to beneficiaries, including areas with surface title only and areas where both surface and subsurface title were included.[9] These lands were selected by beneficiaries for a variety of purposes including traditional, cultural, environmental and economic uses. Often portions of these areas are adjacent to communities.

Land claim agreements often provide for or establish a trust to hold payments made by Canada as consideration for the agreement. Such payments were often staggered over a period of years. Large sums of money paid to beneficiaries are another universal component

9. To give some examples, Inuvialuit own 90,650 sq. km., an area larger than New Brunswick and Prince Edward Island combined. Of this 12,950 sq. km. includes mineral rights, an area twice the size of Prince Edward Island. The Inuit of Nunavut own 352,191 sq. km., an area larger than the three Maritime Provinces combined and almost as large as the area of Newfoundland and Labrador (405,212 sq. km.). Of this, Inuit own mineral rights to an area of 36,966 sq. km. which is more than 50% of the total area of New Brunswick (72,908 sq. km.).

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of the Arctic land claims model.

Finally, land claims establish governance relationships between institutions created by the agreements and the governments of Canada, a province or a territory. The JBNQA and the Labrador Inuit Agreement[10] establish forms of regional self-government. Nunavut Tunngavik Incorporated works in concert with the Government of Nunavut. Nunavut Inuit effectively achieve self-government simply because they represent a very large proportion of the population of the Nunavut territory. The IFA and other NWT land claims have resulted in as yet unfulfilled commitments to the negotiation of self-government.

Most of the land claims also include a form of shared decision-making, usually over resource and environmental matters based on a co-management model where half of the decision-makers are selected by aboriginal parties.[11] Co-management gives land claim beneficiaries important opportunities to influence and even make decisions about resource development in their settlement areas.[12]

The rights and interests granted by these agreements are protected from encroachment by federal, provincial or territorial laws as a result of their constitutional status and by a clause in each agreement which ensures that these rights prevail in a case of conflict or inconsistency with other laws.[13] The agreements often include provisions which ensure

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10. *Land Claims Agreement Between The Inuit of Labrador and Her majesty the Queen in Right of Newfoundland and Labrador and Her Majesty the Queen in Right of Canada* (Ottawa: Department of Indian Affairs and Northern Development, 2005). Hereinafter the "LILCA".
11. Examples include water boards, surface rights tribunals, wildlife or fisheries management boards and boards responsible for environmental impact assessment.
12. For a discussion of this influence see: *Breaking the Ice – From Land Claims to Tribal Sovereignty in the Arctic*, Barry Scott Zellen, Rowman & Littlefield Publishers Inc. 2008, 419 pp. at Chapter 5 p.193 to 288.
13. *The Nunavut Land Claims Agreement: Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* (Ottawa: the Tungavik and the Minister of Indian Affairs and Northern Development, 1993). Hereinafter the "NLCA". See Article 2 Part 12. The LILCA, see Part 2.15.

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that beneficiaries can take advantage of new constitutional developments.[14] Where self-government is established the agreements include provisions addressing conflict of laws and the sphere within which laws made by an aboriginal government are paramount.

Northern Governance and Land Claims

Land claims take many years to negotiate and these negotiations are sometimes overtaken by developments in the real world.[15] Since these agreements, including the rights they grant and the self-government arrangements they establish, are constitutionally protected, land claims will affect both devolution of greater powers to the North and the progress of the Northwest Territories (NWT) and Nunavut toward provincial status. The current policy of the Government of Canada includes a Northern Strategy which among other things is aimed at "… improving and devolving governance, so that northerners have greater control over their destinies."[16] While there is as yet no specific commitment to northern provinces, devolution talks are underway in Nunavut and devolution negotiations in the NWT have taken place intermittently over a period of years. Meanwhile, devolution in Yukon in relation to natural resources was approved in 2002.[17] In all instances these devolution negotiations and agreements have had to recognize and accommodate land claim and self-government agreements and in most instances land claims organizations have been participants in the devolution negotiations.

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14. LILCA see section 2.7.1 and IFA see section 3(6).
15. For example the Dene Metis Agreement in Principle was overtaken by s. 35 jurisprudence and as a result of the *Sparrow* decision the various First Nations and Metis involved in the AIP came to different conclusions about the advisability of proceeding to a final settlement. As a result no comprehensive settlement was reached in the Mackenzie Valley and claims settlement in that area is now proceeding on a regional basis (for example the Gwich'in, Sahtu and Tlicho agreements).
16. October 2007 Speech from the Throne, Senate Debates, 2nd Session, 39th Parliament, October 16, 2007, pp. 1-7.
17. *Yukon Northern Affairs Program Devolution Transfer Agreement*, (Canada, DIAND, 2001) [ISBN 0-662-31258-9].

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Canada recently committed to a review of the regulatory system in the territories. One of the resulting efforts was a report, entitled *Road to Improvement*[18] which surveyed the regulatory regimes in Yukon, NWT and Nunavut, but actually focussed primarily on the Mackenzie Valley. It included two "restructuring options" and 18 recommendations addressed to the regulatory system in the NWT, three addressed to Nunavut and one to Yukon. The restructuring options would require amendments to the *Mackenzie Valley Resource Management Act*.[19] That legislation was required by the Mackenzie Valley land claims and the changes proposed by Mr. McCrank might well require land claim amendments. Canada cannot amend the claims or the legislation without agreement from land claims organizations. Indian and Northern Affairs Canada has been consulting about a response to the McCrank report since May of 2008.

Similar situations obtain in Yukon and Nunavut. Legislation addressing environmental impact assessment in Yukon and water and surface rights in Nunavut is a direct result of and implements provisions of the land claims in those territories. Neither Canada nor a territorial government exercising devolved powers is in a position to unilaterally amend such legislation. Thus, the future of the resource management regimes of NWT and Nunavut are intrinsically linked to land claims.

Aboriginal organizations negotiating land claims came to a compromise with Canada at their negotiating tables in relation to decisions about environmental protection and resource management decision-making. The result was what is broadly referred to as the "co-management" regime. The decision-makers in this system are boards and tribunals

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18. *The Review of the Regulatory System Across the North*, by Neil McCrank Q.C., Special Representative to the Honourable Chuck Strahl, May 2008 38 pp.
19. S.C. 1998, c.25 as amended.

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which are institutions of public government[20] enshrined in federal legislation.[21] Membership of these tribunals is split, usually 50/50 among members directly appointed by a federal Minister and appointed upon nomination of an aboriginal organization. There has been a proliferation of such tribunals and one of the consequences is that it takes developers active in the North a lot of time and effort to understand the system and to learn how to make it work for them.

Mr. McCrank addressed this concern directly in his report. In the end, however, any changes to the northern regulatory system, at least in areas with settled land claims, is going to have to involve the land claims organizations. The same is true in respect of areas where self-government powers have been granted. It will not be possible for Canada, a province or a territory to change the regulatory regime in a way that is inconsistent with or conflicts with self government powers or their exercise without the consent of the aboriginal government. The result is that changes to the northern regulatory regime can no longer be exclusively driven from Ottawa or a provincial or territorial capital.

From a northern governance perspective, one might suggest that all this just happened. Canada's approach to settling land claims by negotiation in an evolving legal and policy context and simultaneously negotiating devolution has resulted in a fluid constitutional mix. This is especially so when there has been no commitment to a provincial model as the end point for northern governance arrangements. There are ongoing contests for legitimacy between aboriginal governments and the territorial governments, especially in the NWT. The

20. The exception is the co-management institutions established by the IFA such as the Environmental Impact Screening Committee.

21. For example the Nunavut Water Board or the Mackenzie Valley Environmental Impact Review Board.

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result has been described by one expert as a "petri dish of constitutional experimentation".[22] In the end, however, we must conclude that the evolution of the governance and regulatory models for the North will have to accommodate land claims and self-government agreements and will be shaped by them. Whatever the final shape of northern governance arrangements, it will have to work in concert with land claim and self government agreements.

Land Claims and Social and Economic Development

Land claims are about much more than governance and resource management. These agreements also include provisions which ensure that the social and cultural interests of beneficiaries are protected and promoted and that economic development opportunities are made available to aboriginal residents of the North. In this way they are intended to assist beneficiaries not only to preserve and protect their ways of life and culture but also to take their place in modern society alongside other Canadians.[23]

Governments have made commitments in land claim agreements which are intended to foster opportunities for the social and economic development of beneficiaries. The IFA includes sections 16 and 17 dealing with economic measures and Inuvialuit social development programs respectively. The intent was to ensure that Inuvialuit were included in economic planning for their region and that Inuvialuit interested in business development would be assisted by government. The IFA set up and financed an Inuvialuit social development fund to assist in improving health and education programs and Inuvialuit standards of living

22. "Canada's North and Tomorrow's Federalism", Bernard W. Funston unpublished paper based on presentation to Constructing Tomorrow's Federalism Conference, Saskatchewan Institute of Public Policy, March, 2004 pp. 104 to 146, at p.116.

23. Section 1(b) of the IFA speaks to one of the goals of the agreement: "to enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society."

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in their region. The NLCA is more direct, exacting preferences from government for Inuit employment with government and opportunities to benefit from government contracts.[24] This agreement also sets up the Nunavut Social Development Council to foster Inuit involvement in the development of social and cultural policies in Nunavut.[25] The LILCA includes a chapter on Economic Development which contains similar commitments to contracting and employment by the governments of Canada and Newfoundland and Labrador.[26]

More recent land claim agreements also provide for payment to land claim organizations or governments of a share of Crown resource royalties from their settlement areas.[27] They require the negotiation of impact benefit or participation agreements when development is to take place on aboriginal lands.[28] These benefits agreements ensure that beneficiaries share in and benefit from economic development activities on their lands. At the same time, portions of the funds paid in consideration for land claim settlements have been invested by aboriginal organizations to incorporate businesses which can take advantage of opportunities arising from resource development in settlement areas.[29] Land claims have assisted beneficiaries to play a direct role in the economic development of the North.

It bears repeating that these social and economic commitments by governments are also constitutionally protected. The failure of the federal government to consult land claims organizations before making decisions which infringe land claim rights and in particular to satisfy its obligations in land claim implementation has been the subject of both litigation

24. NLCA Articles 23 and 24.
25. NLCA Article 32.
26. LILCA Chapter 17.
27. See Article 25 of the NLCA. Such payments are not required under the IFA.
28. See section 10 IFA; Article 26 NLCA; and Chapter 17 LILCA.
29. Examples would include the Inuvialuit Development Corporation or the Qikiqtaluuk Corporation. The scope of land claim beneficiaries involvement in northern businesses is very broad.

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and of negative comment by the Auditor General of Canada.[30]

Land claims thus go beyond simply providing certainty of title and setting out governance relationships between beneficiaries and governments. They include critical commitments to provide economic development opportunities and to foster inclusive planning for the economic and social futures of settlement areas. They also address the physical heritage and culture of their settlement areas and are intended, as set out in section 1 of the IFA, "to preserve Inuvialuit cultural identity and values within a changing northern society." It is difficult to envision any aspect of the social and economic future of the North which will not be touched by land claims.

The North in a Time of Change

Better qualified speakers at this conference will address the pace of change in the north, climate change and Canada's new northern strategies. I would, however, like to add a few observations about how some of these changes may relate to and be affected by land claims.

Climate change appears likely to affect the Arctic environment sooner than first predicted. These changes will affect the land, wildlife habitat and the populations of fish and wildlife. The protection of renewable resource harvesting and land based lifestyles are central themes in all land claims. The products of the harvest are important in local economies and vital to aboriginal culture, even to health. As climate change affects wildlife[31] populations,

30. Nunavut Tunngavik Incorporated (NTI) and NLCA institutions have litigated over consultation on several occasions, most have related to quota allocations in the fishery off Baffin Island. NTI has also litigated in respect of what it alleges is Canada's more general failure to implement the NLCA. More will be said of the Auditor General's reports below.

31. I use this term to include fish, animals, birds and plants. See the definition in section 1,1,1 of the NLCA. See Randolph E. Schmid, "Rabid Changes Strike Arctic," **Globeandmail.com** 17 Oct. 2007, Retrieved 9 Feb. 2009.

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guaranteed aboriginal priority of access to harvestable populations may create strife between beneficiaries and others. More difficult yet will be the need to reconcile southern science and traditional knowledge as wildlife co-management institutions are forced to impose or cut back quotas to protect populations under stress. International pressure on government officials to act to protect Arctic wildlife, particularly iconic species such as polar bear, will pit the harvesting rights of beneficiaries and their institutions against the need for governments to respond to political pressure.

The North is also faced with an increasing and youthful Aboriginal population. Although wildlife harvesting will continue to be an important aspect of aboriginal culture, it is not likely that many of these youth will be able to make a full time living off the land. Statistics Canada indicates in their 2006 Census that Aboriginals between the ages of 20-29 comprised more than 80% of Nunavut's population, which is also expected to grow.[32] These projections have serious policy implications for the future of the North which go beyond the use of renewable resources.

Northern aboriginals already face serious social and economic challenges.[33] Northern economic development is going to be essential to meet and overcome these challenges. This development should take place on terms acceptable to northerners. Full implementation of the social and economic provisions of land claims will be essential to ensuring that beneficiaries share in these opportunities in full measure.

The non-renewable resource potential of the North has not been studied in detail and

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32. "Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations, 2006 Census," **Statistics Canada** (Ottawa: Cat. No. 97-558-XIE, 2008) Retrieved 10 Feb. 2008.

33. These include higher incidences of "unemployment, alcohol abuse, family violence and sexual abuse," in comparison to non-Aboriginals in the North. Tonia Simeone, "The Arctic: Northern Aboriginal Peoples," **Library of Parliament Info Series** (Ottawa: Parliamentary Information and Research Service Publication PRB 08-10E, 2008).

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many areas remain largely unexplored. Even so, it is clear that some areas of the North are rich in minerals and hydrocarbons. Estimates of oil and gas resources indicate, for example, that 41% of Canada's natural gas potential and 32% of its oil potential will be found in the Mackenzie Delta and Nunavut areas.[34] Exploration for diamonds is still in its infancy. The first staking rush took place in the 1990's, less than 20 years ago. Canada is nonetheless emerging as one of the world's leading diamond producers. The long term potential for discovery and development of other minerals is tremendous.

Climate change is likely to make offshore oil and gas exploitation and transportation for all mineral and oil and gas development much easier in coming years. Economic development initiatives aimed at Arctic resources will be subject to land claims and self-government regimes, including the co-management system which is central to the regulatory regime in the North. But there is still work to be done. Despite the fact that the NLCA has been in place since 1993, the legislative regime required by that claim is still not in place.[35] Co-management institutions essential to regulatory approvals continue to be challenged by limited budgets, staff turnovers and a politicized appointment regime. Nevertheless, land claim based approvals regimes are going to be part of future economic development decision-making in the North. As discussed earlier in relation to the McCrank report, a collaborative effort will be required to make the changes necessary to improve the efficiency and effectiveness of these regimes.

The current Conservative Government has made the North one of its top priorities. Outlined in the October 2007 Speech from the Throne, the Government 's Northern Strategy

34. Geological Survey of Canada, Nassichuk ,1983.

35. Canada and Inuit are still working on legislation for environmental impact assessment and land use planning required by the NLCA.

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focuses on "strengthening Canada's sovereignty, protecting our environmental heritage, promoting economic and social development, and improving and devolving governance, so that northerners have greater control over their destinies."[36] However, the central political message associated with Canada's new approach towards the North is that you either "use it or lose it."[37] Although the Government's current thrust is toward enhancing Canada's military presence in the region, it seems obvious that vital northern communities which are a part of an emerging economy that is playing an increasingly important role in our nation's affairs can only enhance any claim that Canada might make to sovereignty in the North. Oil and gas development, in particular in the Beaufort Sea and in areas north of the Northwest Passage may also make an important contribution to Canada's sovereignty claims.

As has been argued above, the economic and social development, natural resource regulatory and governance systems of the North are intrinsically linked to land claims. As devolution occurs, politicians and government officials resident in the North and familiar with land claims will have a greater role in making critical decisions about the North. We can only hope that devolution to northern based governance structures which generate "made in the North" solutions will also contribute to the case for Canadian sovereignty in the North.

Considering the importance of land claims to the future of the North, how well has the implementation process progressed? The answer appears to be not so well. The 2003 report of the Auditor General of Canada reviewed progress toward transferring federal responsibilities to the North, including implementation of the Gwich'in and Nunavut Land

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36. *Supra*, note 16.

37. "Prime Minister announces expansion of Canadian Forces facilities and operations in the Arctic," Resolute Bay Nunavut, 10 Aug. 2007, Retrieved 9 Feb. 2009. <http://pm.gc.ca/eng/media.asp?category=2&id=1787>.

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Claims Agreements.[38] In 2007, the Auditor General re-examined Canada's progress in implementing the Inuvialuit Final Agreement.[39]

In 2003, the Auditor General emphasized the need for collaboration in the implementation of land claims. The 2003 report concluded that Indian and Northern Affairs Canada (INAC) was more focussed on implementing the letter than the spirit of the land claims examined, suggesting that the department did not appear to take into account the objectives, spirit and intent of the agreements.[40] Further, at that time it was observed that INAC's leadership and performance in managing federal responsibilities under the agreements "left a lot to be desired".

In 2007, the Auditor General reviewed INAC's implementation of the IFA and observed that 23 years after it came into effect there was still no formal strategy for implementing it. The report notes that federal contracting policies still did not meet Canada's obligations under the agreement. During the audit it appears that INAC officials took the position that the principles set out in the IFA were only Inuvialuit principles and not binding on Canada.[41] The Auditor General concluded that INAC had not met some of its significant obligations and management responsibilities for implementing federal obligations related to the Inuvialuit Final Agreement.

In May, 2008 the interim report of the Senate's Standing Committee on Aboriginal Peoples was released on the implementation of comprehensive land claim agreements in

38. Report of the Auditor General of Canada to Parliament, November 2003, Chapter 8.

39. Report of the Auditor General of Canada to Parliament, October 2007, Chapter 3. In 1990 the Auditor General reviewed INAC's Northern Affairs Program (1990, Chapter 19) noted that there had been no monitoring of achievement of the IFAs economic and socio-economic obligations.

40. INAC disputed this observation arguing that the best way to meet the objectives, spirit and intent of the agreements is by the fulfilling of the specific obligations set out in them.

41. *Supra*, note 39 at page 27.

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Canada.[42] After a careful review of implementation experience the Standing Committee made the following observation:

> *"In our view, a significant reason for the failure of current federal implementation practices has to do with the developing law on Aboriginal rights. Based on the evidence before this Committee, we believe that the principles articulated by the Supreme Court of Canada in landmark section 35 cases dealing with Aboriginal and treaty rights, and acknowledged by the Coalition's "Ten Principles", are still not adequately reflected in the application of government practices and policies in this regard. Concepts such as the honour of the Crown, the government's fiduciary relationship to Aboriginal peoples and the constitutional affirmation and protection of Aboriginal and treaty rights deserve a more meaningful expression. As this has yet to happen, government continues to take a narrow view of what is required to fulfil its responsibilities under land claims agreements."*[43]

The Standing Committee made recommendations addressing the need for arbitration to end disputes, the requirement for timely and adequate funding for implementation, the establishment of an independent body to oversee implementation and periodic review of implementation funding.

Even this cursory overview of implementation issues indicates that there is much work yet to be done to ensure the full implementation of land claims in the North. These are matters of significant importance if beneficiaries are to play an equal part along with other Canadians in the future of the North to 2030. The special status of land claims requires

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42. *Honouring the Spirit of Modern Treaties: Closing the Loopholes*, Interim Report - Special Study on the implementation of comprehensive land claim agreements in Canada, Senate Standing Committee on Aboriginal Peoples, May 2008.

43. *Ibid*, at page 38.

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that such an effort be made. The unique rights, institutions and authorities which have been set in place by land claims must be honoured if the true promise of Canada's North is to be achieved in a way that includes northern aboriginal peoples.

Conclusion

Land claims reflect the negotiated outcome of a fundamental transaction between Canada and northern aboriginal peoples. These agreements are constitutionally protected and they will play an important if not central role in the future of the North. The honour of the Crown is engaged in the implementation of these agreements. To a large degree the future hopes and aspirations of aboriginal northerners depend on them too. Experience to date shows that Canada has work to do in order to ensure that the spirit and intent of these constitutional agreements is achieved.

The increasing need for and interest in the exploitation of northern resources increases the likelihood that the pace of northern development will accelerate. Climate change may also reduce the logistic challenges which have historically beset northern development. The need to provide opportunities and a future for a rapidly growing young northern population also increases the need for appropriate northern development. It is clear, however, that these development activities will be shaped by the decisions of co-management institutions which play a central role in a regulatory system strongly influenced by land claims.

Future governance choices for the North will also be shaped and influenced by land claims. There have been many calls for an inclusive and collaborative approach to planning a future for the North. Land claims organizations, aboriginal governments and beneficiaries must be accorded their legitimate role in this planning process. It is as yet unclear what the end point for northern governance may be. A collective effort will be required to ensure that

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this new system is inclusive and works for everyone.

In closing, it is clear that planning for the North in 2030 will be a challenging task. But we have the opportunity to embrace and celebrate a future for the North which builds on the foundation established by land claims, reflects their vision, and achieves Canada's unique vision for the North. There is a lot of work to do!

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