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Our Beautiful Land: The Challenge of Nunatsiavut Land-Use Planning

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In 2005, the Inuit of northern Labrador, Canada, signed a land claims agreement with the federal and provincial governments to share the governance of the region of Nunatsiavut (“our beautiful land” in Inuttitut) (INAC 2005). After almost thirty years of negotiations, hope is high that, finally, the Inuit will regain control over their homeland and will be able to govern themselves based on their own values and priorities. One opportunity for this resurgence in Inuit governance is land-use planning.

Chapter 10 of the final agreement requires that the Nunatsiavut government and the provincial government of Newfoundland and Labrador jointly develop and approve “a single, comprehensive Land Use Plan” for Nunatsiavut, not including federal lands and waters (INAC 2005, 10.3.8). Nunatsiavut is 72,520 square kilometres and encompasses Inuit ancestral homes and harvesting areas, rich mineral resources, abundant char and salmon rivers, and caribou habitat. A co-management body was created in 2008 to develop this plan over a three-year period (2008–11). The Regional Planning Authority (RPA) consists of two Nunatsiavut-appointed representatives and two provincially appointed representatives, and is assisted by a certified planner.¹ At the time of writing (July 2011), the RPA is finalizing a draft plan for Nunatsiavut.

This chapter explores the practical and structural challenges of planning in an Inuit territory, but it also examines the larger political context of land-use planning and Aboriginal-state relations in Labrador, which we argue has significant bearing on the success of the planning process.

As we see it, the ability of Labrador Inuit to achieve their goals through land-use planning is related to a number of issues, including:

- 1 the ability of the RPA and the planner to understand the diverse goals and perspectives of Inuit through widespread Inuit participation in planning;
- 2 the structural limitations of planning to accommodate alternative or innovative options;
- 3 the strength of the co-management process in obtaining approval of the RPA's draft plan from both the provincial and the Nunatsiavut governments; and
- 4 the ability of both governments to adhere to the plan and to continue to keep Inuit interests foremost in the future.

Each of these issues is relevant during various stages of land-use planning, but all four will ultimately influence the success of planning in Nunatsiavut.

PLANNING IN NUNATSIAVUT

The Labrador Inuit Land Claim Agreement divides the jurisdiction of lands and resources of Nunatsiavut among four different government bodies. In general terms, the Nunatsiavut government owns the surface rights of Labrador Inuit Lands (LIL) (15,799 km²), and the provincial government owns Labrador Inuit Settlement Area lands outside LIL (43,071 km²). In addition, the federal government has jurisdiction over Torngat Mountains National Park (where land-use planning is controlled by a separate park co-management board), as well as all tidal waters, a region referred to in the final agreement as the Marine Zone. Finally, the Inuit community governments control land-use planning for the Inuit Community Lands (Table 19.1). Subsurface rights and royalty regimes vary with each land category.

The land use plan for Nunatsiavut (or the "Labrador Inuit Settlement Area" – LISA – as it is officially called by the provincial government) relates only to lands under the jurisdiction of the Nunatsiavut and provincial governments. The plan will "guide the future conservation, development, and utilization of the land, waters, and other resources within LISA" for a ten-year planning period taking into account a number of factors outlined in the land claim agreement, including natural resources and existing patterns of natural resource use, health and quality of life, economic needs and opportunities, cultural factors and priorities, and the rights of Inuit (Draft Regional Land Use Plan Dec 2009, 7; INAC 2005, 10.4.3). The RPA and the planner established principles and

Table 19.1 Major land and water categories in Nunatsiavut

<i>Land or water category</i>	<i>Jurisdiction</i>	<i>Area</i>
Labrador Inuit Lands (LIL)	Nunatsiavut Government	15,799 km ²
Torngat Mountains National Park	Federal Government	9,700 km ²
Specified Material Lands (all are within LIL)	Nunatsiavut Government	3,950 km ²
Inuit Communities	Inuit Community Governments (with NG on LIL)	Includes 4.58 km ² of LIL
LISA outside of the above	Provincial Government	43,071 km ²
Total area of land in LISA		72,520 km ²
Tidal waters (the "Zone")	Federal Government	48,690 km ²

objectives based on these factors, and developed a draft plan in consultation with Inuit, the general public, and the two governments in 2012. As of the end of 2012, both governments are deciding how or if to amend and approve it. The Executive Council of the Nunatsiavut Government has given its approval of the draft, but neither government has officially approved the plan. Once both governments have approved it, the plan will be legally binding.

COMMUNICATION AND CONSULTATION

The Regional Planning Authority envisions that the land use plan for Nunatsiavut will respond, first and foremost, to Inuit environmental, social, cultural, and economic interests. Given the diversity of the Labrador Inuit, however, the task of defining these Inuit interests is a challenge.

Of the approximately seven thousand beneficiaries of the Labrador Inuit land claim, 37.2 per cent live within Nunatsiavut, in one of the five communities of Nain, Hopedale, Makkovik, Postville, and Rigolet (Draft Regional Land Use Plan January 2010, 12). Each of these communities has its own distinct social history, economy, and land-use patterns. The families from northern communities that were relocated in the 1950s form sub-populations in some communities that still experience high levels of social trauma (Brice-Bennett 1994). Historical distinctions in land use between village-based families and homestead-based families also remain important in how people currently use the land and sea. Economic strategies, ties with other parts of Labrador, Quebec, and Newfoundland, and immigration patterns all differ widely, both between and within each community (Brice-Bennett 1977a; Williamson 1996).

The other 62.8 per cent of Inuit beneficiaries live either in the Upper Lake Melville communities of Happy Valley-Goose Bay/Mud Lake (28.7 per cent) and North West River (4.3 per cent), or elsewhere in Canada (29.8 per cent) (Draft Regional Land Use Plan January 2010). In similar fashion, Inuit in these communities have varied historical and current land-use patterns, economic behaviours, social ties, and immigration patterns. Despite the relatively low number of beneficiaries, the diversity of social, cultural, and economic aspects is remarkable.

The geographical expanse of Nunatsiavut provides another layer of complexity onto the task of determining how the land should be used in accordance with Inuit priorities. Roughly the size of New Brunswick, Nunatsiavut extends from fjords and islands of the northern coast to inland caribou highlands to the southern forests around Lake Melville, with vast ecological and geographic diversity in between.

In attempting to understand all of this diversity, the planner obtained as much map data (including text documents and databases) as was available, although the extent of this material was limited (RPA notes, September 2009). Much of the detailed knowledge about the region has not been catalogued, but instead remains with Inuit who know the land intimately. The limitations of the three-year timeframe for developing the plan and the money allocated for it prevented the RPA from undertaking any of its own research on understanding Inuit priorities, but it is the hope of the RPA and the planner that people will share this information with them during community consultations (RPA notes, September 2009).

Although the initial plan was that the planner would spend much of his time in Nunatsiavut, this has not occurred. Instead, the RPA agreed that the planner should be based in the provincial government offices in St John's (a distance of approximately one thousand kilometres from central Nunatsiavut and culturally very different) in order to be near the provincial planning division, but putting the process at an immediate disadvantage in understanding current Nunatsiavut realities. Given these obstacles, the RPA members and the planner have relied heavily on the two Inuit representatives on the RPA to provide them with a sense of current Inuit perspectives, despite the well-acknowledged fact that it is impossible to assume that these two people alone would be able to thoroughly understand and articulate all perspectives of this diverse constituency (see also Lane 1997). The Nunatsiavut beneficiaries appointed by the Nunatsiavut government to the RPA, Isabella Pain and Wilfred Pilgrim (and before him, Keith Chaulk), all have extensive expertise in governmental processes and environmental management. Isabella Pain,

who was born and lives in Nain, is a former land claims negotiator for the Labrador Inuit Association, and has years of experience in Inuit politics and in the mining industry. Dr Keith Chaulk, from North West River, is a wildlife biologist, and has worked for the Canadian Wildlife Service, the Labrador Inuit Association, and currently, Memorial University of Newfoundland. Wilfred Pilgrim, who replaced Keith on the RPA in 2009, was born and raised in Postville and is an environmental scientist with almost forty years of experience in working in the health science and resource management field. The combined expertise of these appointees is very impressive, and their views hold great authority within the RPA. Nonetheless, they are only two (or three) voices.

A number of meetings and trips took place early in the process (2006–09), but the first formal RPA consultation with Inuit about the draft plan took place in January 2010. Some Inuit expressed their frustration during these consultations about what they perceived as their late involvement in the process. They felt that it was very difficult for them to adequately learn about planning and then offer some incisive comments in the time allowed for consultations. Some felt that consultations about the plan occurred too far along in the process, as the structure of the draft plan had already been determined. Some said that they would have preferred to be involved earlier when the concepts were more nebulous (RPA notes, February 2010). The RPA and the planner recognized that consultations and ongoing communications with Inuit have not been as extensive as they might have been, but most members felt that the general public would not have been able to provide input without a draft plan and, especially, without maps (RPA notes, September 2009).

The consultations occurred in semi-formal settings in meeting rooms in each community, and consisted of a PowerPoint presentation by the planner, followed by general discussion. Some Inuit voiced their concern and sense of discomfort about this formality: “I’ve never seen these people in my life,” commented one man, pointing at the planner and the provincial appointees. “And they tell me that they’re making a plan for Nunatsiavut? Have they even been there?” (RPA notes, February 2010). A number of planning scholars have argued that communication with Aboriginal participants in the planning process needs to accommodate local forms of interaction, social complexities, and decision making (Cosgrove and Klinger 1997; Lane 1997). The RPA and the planner are well aware that these meetings were not ideal, but again, they organized them as such because of the pressure to develop a plan in three years as required by the land claim agreement (RPA notes, February 2010).

Smaller and more frequent meetings that would have developed the relationships of trust and better mutual understanding would have been difficult to arrange because of pressures on the RPA related to available finances, timeframe, human resources, and information. Because of these pressures, participants in the planning process often decided not to seize opportunities for adapting the planning process to Inuit involvement, but instead worked towards finalizing the plan in the most expedient manner. Although Inuit now have a seat at the decision-making table, this participation is not automatically resulting in planning that can accommodate the different realities of Nunatsiavut.

STRUCTURAL LIMITATIONS OF PLANNING

The level and quality of participation in the planning process is fundamental to the incorporation of Inuit goals and perspectives into the plan. The structural foundations of land-use planning and the act of incorporation itself also have a significant impact on the ability of Labrador Inuit to address their governance goals. A growing number of studies criticize the colonial and ontological foundations of planning as being foreign to and suppressing Aboriginal perspectives (Howitt and Suchet-Pearson 2006; Porter 2007; Nadasdy 2003). These studies have documented a number of cases in which the planning process has either rendered Aboriginal peoples or their interests invisible through various methods of statecraft (Scott 1998), or has incorporated Aboriginal perspectives in a way that does not challenge or modify the existing governmental structure and thus reproduces colonial relationships.

A striking example of the imposition of state structures on Inuit governance is the incongruity between established jurisdictional boundaries and Inuit perspectives. As elsewhere in Canada, the ocean and its resources are under the jurisdiction of the federal Fisheries and Oceans Canada, while land usually falls under provincial jurisdiction. However, this conceptual division of the environment is not a model shared by Labrador Inuit, who consider the sea ice to be an extension of the land (Williamson 1997; Brice-Bennett 1977b; Mulrennan and Scott 2001).

From late autumn to early summer, land-fast sea ice forms along the Labrador coast and provides many important travelling routes and harvesting opportunities. Sea ice was specifically included in the original land claim proposal as an area of importance to the Inuit, but the other governments failed to recognize this interest during the land claims negotiations. In the Labrador Inuit Land Claim Agreement, Inuit negotiated

the right to travel and harvest on the sea ice, but the federal government refused to concede any rights to ownership or governance beyond an advisory role (Mulrennan and Scott 2001).² The land use plan, as a creation of the final agreement, is required to follow these jurisdictions, and has no power to control activities on sea ice. The plan therefore officially includes coastal regions and islands, but, incongruously, not the water or sea ice that surround them. RPA discussions have led to the inclusion of references in the plan about the importance of traditional land uses on sea ice and the need to consider these uses when considering potential developments and transportation links, but the plan has no real authority to control sea ice issues.

One of the initial goals of the Nunatsiavut planning process was adapting planning to Inuit realities. All RPA members strongly support the vision that the Nunatsiavut plan will be based specifically on Inuit goals and concerns. The translation of these goals into the planning framework, however, often requires modifications that illustrate planning's structural foundations and shortcomings.

One Inuit member of the RPA stated in 2008, "I want a plan that recognizes the significance of resources and the Inuit reliance on the land to maintain our culture. I want to develop a plan that allows Inuit to live as Inuit" (RPA notes, April 2008). The RPA and the planner restated this in a way to make it more amenable to their planning process: "Inuit have a strong desire to retain Inuttitut, traditional knowledge, cultural, spiritual, and historical ties to the land. To accomplish this, they require a sustainable supply of country food which in turn requires protection of land in the all-inclusive Inuit understanding of the word" (Draft Regional Land Use Plan, December 2009, 12, emphasis in original).

The RPA therefore identified three main concerns that would guide the plan's designations:

- 1 the Inuit desire to have a sustainable supply of country food;
- 2 the potential for tourism; and
- 3 the potential for mineral development.

So as to attend to the first concern, the RPA proposed the concept of the Traditional Use Designation (TUD). This designation prohibits mining and destructive land uses, and the RPA has applied it to the primary area where "Inuit continue to live, gather, hunt and trap for country food." This area consists of a linear strip along the coast, as well as coastal islands, caribou habitat, and waterfowl nesting areas. Under the

land claims agreement, Inuit have the right to pursue their traditional activities throughout Nunatsiavut. The TUD, therefore, is not the only area where harvesting can occur, but it establishes protected habitats where land use can be controlled.

On the one hand, the TUD acknowledges the cultural and economic value that many Inuit place in harvesting, and which has historically been overlooked and undermined by government authorities (Procter 2012; Ames 1977; Usher 1982). The possibility that the province might agree to favour Aboriginal harvesting practices over development would be an important breakthrough for Aboriginal peoples in Labrador.

On the other hand, the limitations that are made explicit in a TUD reflect more upon the structural limitations of a planning framework than the translation of Inuit values. Whereas the Inuit aspire to “retain Inuitit, traditional knowledge, cultural, spiritual, and historical ties to the land,” and to “allow Inuit to live as Inuit,” the TUD aims to narrow its usage to the protection of habitat in a manner that maintains “a sustainable supply of country food.” This interpretation reflects the bias of planning to translate holistic cultural values into a measurable economic outcome.

Perhaps planners find that incorporating definable economic activities in delineated spaces fits their methodologies better than the incorporation of larger and non-quantifiable cultural relationships with the environment. Harvesting activities are but one facet of a broader cultural framework that includes sharing, kinship, spirituality, intergenerational learning, shared values, and a relationship with the land (Usher et al. 1995; Nuttall et al. 2005).

Equating Inuit interests to “harvesting” alone disavows the depth and breadth of the cultural values that are associated with this activity. The TUD is a static approach that does not adjust to the variability of factors related to the continued vitality of harvesting, such as wildlife population fluctuations and movements, global markets, seasonal and climatic variability, and changing harvesting patterns. A less prescriptive and more flexible approach that relates to other factors might better address broader issues involved with the vitality of harvesting and the range of issues related to it, such as political support for the harvesting economy, ensuring Inuit access to the land, and maintaining widespread ecological integrity.

On the other hand, a less prescriptive approach may also result in future governments making planning decisions that may not have Inuit interests in mind. The RPA is directed to develop a comprehensive land use plan for the entire region, but the division in jurisdictions between

LIL (NG jurisdiction) and LISA outside LIL (provincial jurisdiction) may overshadow the comprehensiveness of the plan if the certainty of the TUD is not used. As we will discuss in the next section, the political decision-making process for the development of the Nunatsiavut plan therefore also plays an important role in fostering or restraining the ability of groups to discuss, build consensus, and adopt broader or alternative options.

In early 2010, the draft plan was made public. The RPA held consultations in Nunatsiavut communities and in Upper Lake Melville and St John's, where large numbers of Nunatsiavut Inuit live. The focus of public concerns centred on the RPA's large area designation of the TUDs. There was further dissatisfaction voiced on the fact that Inuit communities were not directly involved in developing these TUDs. Because the communities could only respond to a draft, the discussions were less about whether a TUD was even appropriate and more on where the designations should be applied.

In consultations about the draft plan, beneficiaries and stakeholders were divided on whether the level of environmental protection afforded by the application of the TUD was necessary or too broad. Many Inuit beneficiaries and others felt that the level of protection was adequate, and some had suggestions for other areas to be protected, such as salmon and char rivers, migratory bird areas, and headwaters. Mining interests and some at the provincial Department of Mines and Energy felt that this use of the designation was too restrictive. Some Nunatsiavut government officials also felt that it was too restrictive, as the designation of many of the coastline Labrador Inuit lands as TUD would restrict the Inuit share of royalties from mining. Under the land claims agreement, the Nunatsiavut government gets a 25 per cent share of royalties from mines on Labrador Inuit lands, whereas it gets only 5 per cent of royalties on other settlement lands. The structure of the land claims agreement therefore pressures the Nunatsiavut government to subsidize itself by developing Inuit-owned lands. The RPA compiled the range of comments, and revised the draft plan.

As specified in the land claim agreement (INAC 2005, chapter 10), community residents and the Nunatsiavut and provincial governments will review and comment on the plan at various stages of the drafting process. The first formal consultation about the draft plan occurred in early 2010, and the RPA has compiled and incorporated many of the comments into the plan. It then sent the revised draft to both governments for their review. At this stage, the two governments have the authority to

suggest changes to sections of the plan that pertain to lands under their own jurisdiction. A newly revised draft plan will then undergo a second round of community consultations under the guidance of a Commissioner, who will write a report for the RPA on recommended changes. After further revision, the two governments will have another opportunity to modify the plan as it relates to their jurisdictions before approving it. Once the plan has been finalized and approved by Nunatsiavut and the province, it is legally binding on both governments.

THE STRENGTH OF THE CO-MANAGEMENT PROCESS

In order to judge the effectiveness of Nunatsiavut land-use planning in promoting Inuit concerns and goals, it is important to understand planning within the larger context of Inuit-government relations in Labrador. Inuit were historically excluded from state land governance, but Aboriginal land claims negotiations and the global movement towards increased local participation have altered the situation considerably. Despite all drawbacks of the planning process, some Inuit feel that they have consented to a legitimate compromise: they have assumed a degree of authority over the expanse of their homeland and the hard-fought agreement of the provincial government that it will co-operate with them to manage this land.

The political dynamics between the Nunatsiavut and Provincial governments and the RPA co-management body play an important role in determining whether Inuit goals and concerns will be addressed through planning. The RPA is attempting to develop a plan that prioritizes Inuit interests and is not guided by jurisdictional distinctions. All four members of the RPA (the two provincial appointees and the two Nunatsiavut appointees) are relatively independent of both governments (as they are not government employees), so they are not tied to policy restrictions or other governmental considerations. Their attempts to ignore jurisdictional boundaries will help to ensure that Inuit priorities are applied throughout the region, and not simply to the relatively small area covered by Labrador Inuit Lands. However, this goal may run into some problems later in the process because as the draft plan makes its way through the two governments for approval, both governments have the authority to suggest and implement changes to sections of the plan that pertain to lands under their own jurisdiction.

Despite all the limitations of the planning process in embracing and adapting itself to Inuit values, if the governments refuse to accept parts

of the RPA's draft plan, then even the remnants or partial aspects of Inuit perspectives within the plan may be abandoned.

The prospect of the provincial government overruling the RPA is a real concern, and the RPA has discussed the issue on a number of occasions (RPA notes, May 2009). The province has a long history of ignoring Aboriginal rights and of promoting the exploitation of Labrador. However, it is also partly because of this history that many Labrador Inuit feel that land-use planning within the framework of a land claims agreement may be their best option to reclaim governance of Nunatsiavut. The contentious history of Inuit-state relations in Labrador will help to put that sentiment in context.

Inuit have experienced many years of outside interests laying claim to their lands and resources, often at the encouragement of the provincial government. In the late 1700s, the Newfoundland government supported Moravian missionaries in their efforts to contain Inuit on mission lands in northern Labrador because Inuit were threatening British commercial fishing interests to the south. The Crown agreed to give land grants of one hundred thousand acres to the Moravians around their missions in northern Labrador. These grants provided the Moravians with almost complete control of trade and other economic and social aspects of the north coast, a situation that lasted until the early 1900s.

Newfoundland interests have always viewed Labrador as a valuable fishing resource, but it was only in the early 1900s that this interest was turned inland towards the abundant mineral and hydroelectric resources. When the Newfoundland government began to realize the land's potential, it started more rigorously to assert its jurisdiction over Labrador, including the northern coastal region of the Labrador Inuit. Governmental authority gradually subsumed many Inuit customary laws and governance bodies, such as the Village Elders committees, through resource harvesting regulations and permitting requirements (Ames 1977; Usher 1982). Inuit were able to exert less and less control over their own land use and the land use of others, such as mineral exploration companies. In the 1950s, the provincial government granted vast swaths of land in Labrador to industrial companies for minimal returns, and maintained an open access policy for mineral exploration throughout the region.

On the north coast, Inuit felt the impact of this open access in the 1970s and again in the 1990s when exploration companies buzzed with excitement about uranium and then nickel and copper. Local people were startled by the ability of these companies to draw boundaries around

land that families had used for generations, and to control access and activities on this land, despite a long history of Inuit use and assumed ownership of the land (Williamson 1996). This sense of apprehension was apparent in a Labrador Inuit Association (LIA) pamphlet on “Mineral Development in Northern Labrador,” published in 1996 during the midst of a claim staking rush.

Inuit frustration about their obvious lack of power to influence decisions about land and resources fuelled their sense of urgency about finalizing a land claims settlement and establishing Inuit rights to management, use, and ownership (Andersen and Rowell 1993).

Many Inuit saw the land claims process as the only potential avenue for redress of the colonization of their lands and lives. The provincial government has staunchly denied any kind of special recognition for Aboriginal peoples in Newfoundland and Labrador. When the province joined Canada in 1949, all mention of governmental obligation towards Aboriginal peoples was omitted from the Terms of Union (Tanner et al. 1994). The federal and provincial governments were both very reluctant to assume any responsibility for Aboriginal issues, and the Labrador Inuit were for a long time denied the same legal status as other Inuit in Canada. When the federal government announced in 1973 that it would now negotiate outstanding comprehensive claims, many Inuit felt that this option was their best hope of gaining an adequate degree of reparation.

The provincial government, however, expressed very little interest in making many concessions during land claim negotiations with the Inuit until the Voisey’s Bay nickel discovery in the mid-1990s created the political pressure to do so. Until this point, the government had refused to agree to Inuit ownership of any sizable land quantum, and was very reluctant to negotiate either the sharing of potential benefits with Inuit from future developments or the sharing of management roles with Inuit (Haysom 1992). However, unresolved Inuit claims to land and resources in the region impeded the proposed mine, which promised a much-needed economic boost for the province, and so the government finally agreed to fast-track land claims negotiations and to settle the issue of Inuit land rights. The ensuing land claim agreement removed the uncertainty caused by the existence of potentially extensive Inuit rights to the entire area by limiting and defining these rights to smaller and more specific regions and jurisdictions.³

From the first, land-use planning in Nunatsiavut was the result of compromise. Negotiations between the LIA and the provincial government

over questions of land rights and ownership were difficult until both sides agreed that co-managing the land claims area might solve many of their outstanding concerns. Both sides conceded something of their position — the Labrador Inuit agreed to reduce their land quantum of Inuit-owned lands, and the province agreed to co-manage land-use planning for the entire region (Toby Andersen, personal communication 2008; B. Warren, personal communication 2008). The Inuit would therefore be able to influence the type and extent of human activities permitted in most of Nunatsiavut, but the province would retain ownership over the majority of the co-managed region. This compromise was difficult to sell internally within both the provincial government and the LIA. Provincial government officials at the administrative level had not historically supported land-use planning because politicians wished to maintain their discretionary control over land issues (B. Warren, personal communication 2008). Many Inuit were very unhappy with the small amount offered as Inuit-owned lands (15,799 square kilometres), and the LIA had to work hard to convince its Inuit members that the compromise was worthwhile.

One rationale for the compromise was that co-managed land-use planning could prove to be a useful tool in protecting the habitat of species that are of fundamental importance to Labrador Inuit, such as caribou. As LIA negotiators explained in 1993, the Inuit wanted a land claim agreement that allowed them “to maintain a way of life that respects the importance of hunting, trapping, fishing, and gathering in the modern world” (Andersen and Rowell 1993). Co-managed control over land-use activities for an entire region allows Inuit to address the issue of habitat protection more extensively than if they only managed their own portion. Wide ranging species such as caribou, polar bear, and migratory birds occupy much larger territories than the current Labrador Inuit lands. In addition, land ownership under Canadian law does not, by itself, provide protection against incursions by the state or by mining companies who are guaranteed free entry for exploration under provincial mining laws. Co-managed land-use planning therefore offers Inuit much greater influence over habitat protection and other aspects of land management related to harvesting concerns (Andersen and Rowell 1993; Usher 1982). The combination of land ownership and land-use planning co-management in the final land claims agreement thus provided the Nunatsiavut government with multiple means to achieve their goals.⁴

The once-strained relationship between the Labrador Inuit and the provincial government has improved over recent years, although the

co-management arrangement of the Nunatsiavut land-use planning process will help to illustrate the actual strength of this relationship. The first example of co-management between the Inuit and the provincial government – the Voisey’s Bay Environmental Management Board – encountered many difficulties, due in large part to the negative attitude of provincial (and federal) bureaucrats towards Aboriginal rights.⁵ Building on this experience, the RPA seems to be a vast improvement on this first body, and the future land-use planning decisions of the provincial and Nunatsiavut governments will reveal the degree to which co-management can work to promote Inuit interests in Labrador.

If the provincial government respects the co-management process and agrees to the full extent of the TUD in the RPA’s draft plan, the planning process could be seen as a success for the incorporation of Inuit perspectives and interests (however partial) into land-use planning. If the Nunatsiavut and provincial governments instead assert that they each will separately manage lands under their own jurisdictions – LIL for Nunatsiavut, and LISA outside LIL for the province – then the goal of co-operative and comprehensive land-use planning for the entire region of Nunatsiavut will not have been met. Given the political pressure on both governments to fulfill their obligations as laid out in the Labrador Inuit Land Claims Agreement, it is doubtful that the land-use planning process would fail to produce some form of comprehensive plan. But, as one member of the RPA commented, the provincial government’s general encouragement of “free-for-all” development has conflicted with the RPA’s comprehensive planning approach during consultations, and threatens to derail the co-operative nature of the planning process for Nunatsiavut.

FUTURE PROSPECTS

The future success of land-use planning in maintaining Inuit priorities depends equally on political will as it does on the flexibility of the planning process. Although the approved plan will be legally binding on both governments, the ability of officials to enforce the plan and to follow its principles in making decisions will also determine the plan’s success. Other mechanisms, such as the five-year review, the amendment process, and the development of future ten-year plans will offer further opportunities for improvement in the process, as this one plan will obviously not be the final planning product. The relationships developed through this drafting process will continue to evolve. The Inuit constituency’s level of engagement with planning may increase, provincial bureaucrats’

degree of understanding of Nunatsiavut issues (and of planning!) may improve, and more creative forms of planning may develop in the future.

Nonetheless, the potential drawbacks are many. The current and future politics involved in co-management can limit the potential for new and creative Inuit governance, and the structural biases of planning can constrain the possibilities of promoting Inuit perspectives. Levels of Inuit participation and involvement in Nunatsiavut governance, including the planning process, must be high if the Nunatsiavut government is to fully respond to the diverse Inuit constituency, as well as to hold the provincial government accountable for its land claims agreement obligations.

The new role in governance is also not without its complexities. Labrador Inuit are now involved as participants in the decision-making process, as beneficiaries of Inuit Impact and Benefit Agreements, and as constituents of a regional government that has fiscal obligations to support itself. The compromise involved in agreeing to co-managed land-use planning allows Labrador Inuit much more political power than they were afforded in the recent past, but it also draws them into assuming roles that, in the end, may pressure them into producing the same procedures and decisions of the provincial government.

The effectiveness of Nunatsiavut land-use planning in promoting Inuit goals is yet to be determined, and it will change as the planning context develops with time in Labrador. The fact that Inuit have a seat at the decision-making table means that they will be able to influence this process and to remodel the forms of land governance to better suit their lives. Through and beyond this process, Inuit have the opportunity to determine their own methods of Indigenous planning, designed and directed by Inuit, Inuit interests, and changing Inuit needs. Although this initial involvement in state land-use planning illustrates the reliance on the inherent structural and political limitations of the process, future Inuit participation may well encompass vastly different methods and techniques if it increasingly reflects the growing movement of Indigenous planning. Nunatsiavut land-use planning is an ongoing project in which Inuit have a central voice, and it holds the potential for innovative approaches.

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NOTES

- 1 The planner is required to be “a fellow or full member of the Canadian Institute of Planners” (INAC 2005, 10.4.2).
- 2 The Labrador Inuit agreement is similar in this respect to other land claims agreements, with one significant difference: although the federal government did not recognize Inuit ownership rights to marine areas, it did agree to define Inuit rights to commercial marine harvesting.
- 3 The provincial government also removed the Voisey’s Bay area from the land selection process of the land claims negotiations altogether during this time. In exchange for Inuit rights and benefits as outlined in chapter 8 of the final agreement, the Voisey’s Bay area was excluded from both LISA and LIL (B. Warren, personal communication 2009).
- 4 Other instruments under the final agreement that influence land governance include conditions established for specified material lands (see INAC 2005, chapter 4), nuclear substances (chapter 4), NG exploration standards requirements for LIL, NG environmental assessment legislation (chapter 11), water and ocean management (chapters 5 and 6), wildlife and plant management (chapter 12), fisheries management (chapter 12), access to LIL (chapter 4), archaeology (chapter 15), and self-government provisions (chapter 17), as well as the land-use planning regime in chapter 10.
- 5 Keith Chaulk sat on the Voisey’s Bay Environmental Management Board on behalf of the Labrador Inuit Association from 2003–05.

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