

CHAPTER 10

Our Beautiful Land: Current Debates in Land Use Planning in Nunatsiavut

Andrea Procter and Keith Chaulk

For years, the Labrador Inuit have struggled to regain control of the management of their lands and resources. After more than thirty years of negotiations with the federal and provincial governments, some measure of control was achieved with the final ratification of the Labrador Inuit Land Claims Agreement (INAC 2005), the last Inuit land claim to be negotiated in Canada.

On 1 December 2005 the Labrador Inuit assumed responsibility for the governance of Nunatsiavut (“our beautiful land”), a vast region in northern Labrador (Figure 1). In some areas of Nunatsiavut, the Inuit own the land,¹ while in other areas they share control of land, water, and resources with the provincial and federal governments, and/or have special overlap agreements with Inuit of northern Quebec and the Innu of Labrador.

Chapter 10 of the final agreement requires that the Nunatsiavut government (NG) and the provincial government of Newfoundland and Labrador jointly develop and approve a land use plan for the Labrador Inuit Settlement Area (LISA), not including federal lands and waters (INAC 2005). The

-
- 1 Inuit own Labrador Inuit Lands, but not the subsurface resources of these lands (although they will share in the royalties if these resources are developed) (INAC 2005, 4.4.1).

Regional Planning Authority (RPA), consisting of two NG-appointed representatives and two provincially appointed representatives, is tasked with overseeing the development of a land use plan over a three-year period. The RPA has secured the services of a certified planner to assist in the drafting of the plan.

This chapter explores the historical and political context of land use planning in northern Labrador and the possibilities for the Nunatsiavut land use planning process to address Inuit interests and perspectives. The first section outlines the context of land use planning in Nunatsiavut. The subsequent sections examine a number of challenges faced by participants in the planning process as they attempt to adapt the techniques of planning to the realities of Nunatsiavut.

Background

The original idea of co-managed land use planning emerged in land claims talks as a solution to an impasse about land quantum between the Labrador Inuit Association and the provincial government. During the negotiations in the 1990s, Inuit leaders had pressured the Newfoundland and Labrador government to grant them ownership of large areas of land in northern Labrador. The provincial government refused, and the talks stalled. But then a compromise was reached: in return for a reduced land quantum of Inuit-owned lands, the Inuit and the province would co-manage land use planning for the entire region (Toby Andersen, NG, 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 of the majority of the co-managed region. This compromise was difficult for both the provincial government and the Labrador Inuit Association to sell internally. Land use planning lacked support from provincial government officials at the administrative level because politicians wished to maintain their discretionary control over land issues (B. Warren, pers. comm. 2008). Many Inuit were very unhappy with the small amount of land offered as Inuit-owned lands, and the Labrador Inuit Association had to convince its members that the compromise was worthwhile. With the final ratification of the land claims agreement, the process of sharing decision-making power over land use in Nunatsiavut commenced. Since 2008 Inuit and the provincial government have been working together to develop a plan that will determine future land use possibilities for the region.

Land Use Planning in Nunatsiavut

The land use plan for LISA, as the provincial government officially calls Nunatsiavut,² will “guide the future conservation, development, and utilization of the land, waters, and other resources within LISA” for a ten-year planning period (2011–2021), with a review of the plan every five years (RPA Dec. 2009, 7). The emphasis of this plan is “the protection of the ecosystem and the rights and health of Inuit including their culture and history while providing for the use of natural resources and the economic vitality of the area” (RPA Dec 2009, 5). Traditional subsistence land uses, such as hunting, fishing, and gathering, are not governed by the plan, as the land claims agreement protects the Inuit right to harvest throughout Nunatsiavut; instead, the plan applies to all land uses that require a permit, licence, or agreement.

The RPA envisions that the plan will respond to Inuit environmental, social, cultural, and economic interests in LISA. The plan incorporates sections from the Labrador Inuit constitution that relate to the Inuit relationship with the region and to the need to develop culturally relevant policies, and it identifies three interrelated goals that the plan will attempt to balance: 1) environmental protection; 2) social, cultural, and quality of life protection; and 3) economic development (RPA January 2010, 28–30). The RPA intends to create a plan that will help to guide future land use decisions by establishing broad principles and values about the relative importance of these three goals. The plan will also include detailed designations about permitted land uses on specific lands.

This vision of a coherent plan for the entire region is ambitious, given the lack of coherency in land jurisdiction. The land claim agreement divided 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 (Figure 1). Finally, the Inuit Community Governments (ICGs) control land use planning for the Inuit Community Lands (see Table 1 for more information). Subsurface rights and royalty regimes vary with each land category.

2 The provincial government recognizes the “Nunatsiavut government” but does not officially recognize the region as “Nunatsiavut” (RPA notes September 2009).

Table 1. *Major land and water categories in Nunatsiavut.*

Land or water category	Jurisdiction	Area
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

The Regional Land Use Plan has jurisdiction only on lands that are controlled by the Nunatsiavut and provincial governments (LIL, and LISA outside LIL), and therefore the official drafting process involves only these two governments. However, the complexity of land jurisdictions results, in reality, in the participation of the federal government and ICGs in discussions about land use management in areas of adjacent jurisdictions.

Once the plan has been finalized and approved, it is legally binding to both the Nunatsiavut and provincial governments, so it is crucial that all parties work to create a plan that is acceptable to everyone involved. During the drafting process, community residents and the Nunatsiavut and the provincial governments will review and comment on the plan. During this review, both governments have the authority to suggest changes to sections of the plan that pertain to lands under their own jurisdiction. The success and strength of the co-management process will therefore depend on the ability of the RPA and the planner to incorporate values and interests into the plan in a way that allows all parties to reach an acceptable level of consensus about land use, and to persuade both governments to honour their commitment to the co-management process. Because each government has final authority over its respective jurisdiction, this type of co-management runs the risk of developing a plan that may be partially overruled during the review process, but this is a risk that most co-management boards face. A fundamental aspect in this case is that both governments hold some degree of ultimate authority over their own jurisdictions, and once the plan has been approved, all land use decisions and developments must comply with its principles. Many other boards, by way of contrast, including some developed

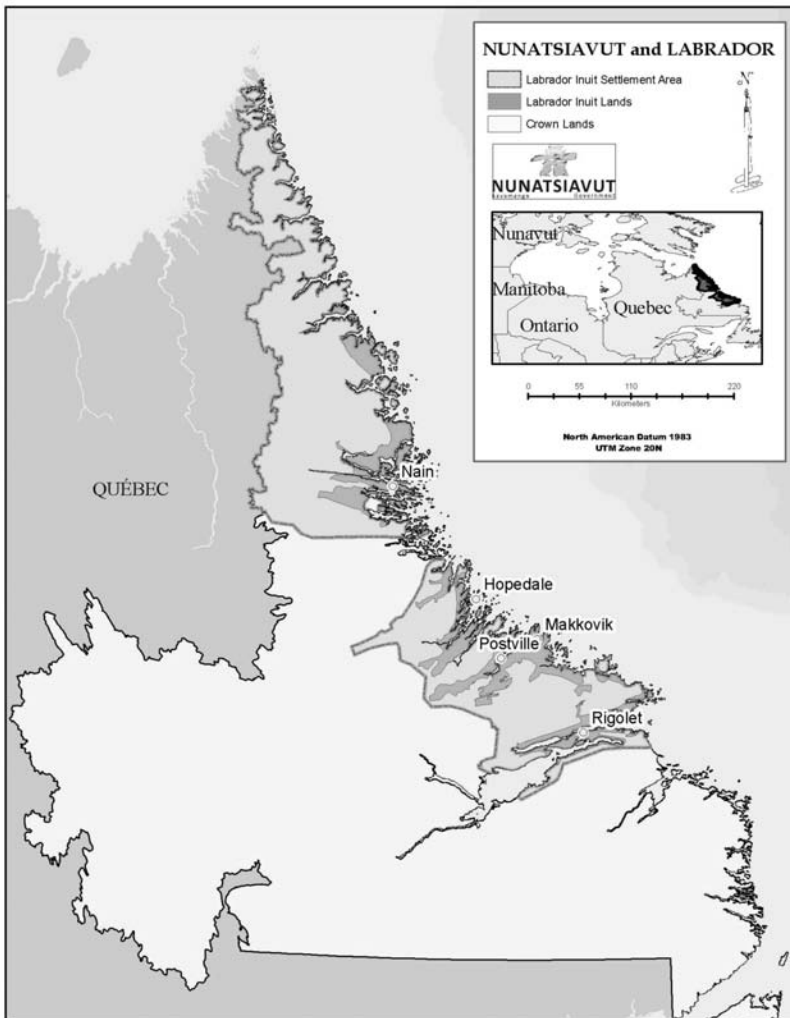


Figure 1: Map of Nunatsiavut (courtesy of Bryn Wood, Nunatsiavut government, Department of Lands and Resources).

under the Labrador Inuit Land Claims Agreement (i.e., the Torngat Wildlife and Plants Co-Management Board), serve, in some cases, only an advisory role to a provincial or federal minister.

The risk that the provincial government, especially, might choose to overrule decisions during the review process has been discussed in RPA meetings. The mandates of various departments within both governments often conflict with one another, and the RPA anticipates that some departments in the provincial government that strongly promote resource development may

oppose parts of a plan that prevent development in certain areas (RPA notes May 2009). Such intra-governmental politics may well become an issue in the final stages of consultation and governmental approval, and although the RPA members remain cognizant of this possibility, the RPA is attempting to develop a plan that prioritizes Inuit interests and is not guided by jurisdictional distinctions or interests (RPA notes September 2009).

Designations and Territorialization

The plan is designed around its guiding principles and goals, and it incorporates land use designations that establish permitted activities in specific areas. Early in the drafting process, the RPA created designations to relate to three main issues: the Inuit desire to have a sustainable supply of country food (and therefore to protect important habitat), the potential for tourism, and the potential for mineral development (RPA May 2009). The choice of these three issues originated with early consultations with Inuit communities and officials, RPA discussions, and the planner's literature review of material related to social and economic issues in Nunatsiavut. The proposed designations therefore allow different combinations of land uses, with the focus on development and its impact on traditional harvesting activities and ecological integrity. The seven proposed designations (as of January 2010) are: Environmentally Sensitive Area, Torngat Mountains National Park, Heritage Area, Traditional Use, Community Designation, General Use, and Resource Development.³

The use of designations simplifies the process of making further decisions about land use, the central aspect of which, in Nunatsiavut today, is industrial development—or “mining or no mining,” as one RPA member commented (RPA notes May 2009). Designations serve to outline areas in which development may occur and areas in which it may not. In one sense, therefore, the use of designations facilitates development by allocating specific lands for this purpose. A land use plan removes any uncertainty about access to resources and allows both governments to promote confidence among potential investors (among which Inuit organizations and the Nunatsiavut government itself may be counted).

3 The Torngat Mountains National Park Designation and the Community Designation are under the jurisdiction of the federal government and Inuit Community Governments respectively, and so these designations are not discussed in this chapter. Although not directly under the jurisdiction of the plan itself, these two land categories are included in the plan in order to encompass all land in LISA.

In one respect, removing uncertainty about access to resources could be seen as simply continuing the process initiated by the land claims agreement of advancing the economic development goals of the state by opening up lands for development. Potential industrial development has always been the major incentive for federal, provincial, and territorial governments with respect to comprehensive land claims in northern Canada, and in Nunatsiavut this incentive was provided by the proposal of a nickel mine at Voisey's Bay, South of Nain in the 1990s. Unresolved Inuit claims to land and resources in the region impeded the proposed mine, and the provincial government was pressured to finally 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.⁴ The land use plan could be seen as furthering the process by identifying areas where developments may now occur.

This process is not unique to Labrador. The tools of land use planning have been employed by state governments worldwide to further goals of economic development and social transformation, often under the aegis of colonialization and modernization. States have demarcated territories and categorized people and lands in the attempt to subject ethnic minorities to dominant norms and institutions (Escobar 1992). These planning methods have had a particularly insidious effect on indigenous peoples, as states have appropriated traditional lands through the techniques of surveying, (re)naming, classifying land by its potential economic uses, and facilitating state-led social and economic development. In the process, they have often rendered indigenous philosophies and relationships with the land invisible and unimportant (Porter 2007; Howitt 2001).

However, with the ratification of the land claims agreement, Labrador Inuit have themselves taken on many of the state's roles. As a result, they now have much greater authority to decide on the extent and pace of development than they did in the recent past. In the hands of Inuit, the tools of land use planning have equal power to determine possibilities for development, human activity, and ecosystem protection. It is this power that was

4 During this time, the provincial government also removed the Voisey's Bay area completely from the land selection process in the land claims negotiations. 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 (see the excluded area south of Nain on the map of Nunatsiavut in Figure 1) (B. Warren, pers. comm. 2009).

so threatening, during the negotiations, to officials in the Newfoundland and Labrador government, who had long been accustomed to unrestricted control over provincial resources. Nunatsiavut land use planning, therefore, offers Inuit the opportunity to employ techniques of state control to pursue their own goals and to control their own social and economic development.

This situation does have its limitations for the Inuit, however, because planning structures and procedures sometimes conflict with the realities of Nunatsiavut, and because much of the settlement area remains as Crown land, controlled and managed by the provincial government. Much will depend on the characteristics of the plan itself and on the success of the co-management process. However, many Inuit are embracing the potential of land use planning for a number of reasons that become clear in the context of Inuit experience with land use governance, as the next section explores.

Historical Experiences with Land Governance and Territorialization

Historically, uncertainty about Aboriginal rights has not been much of an obstacle for potential developers. 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 100,000-acre land grants 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.

In the twentieth century, however, provincial economic priorities gradually changed as the government became increasingly interested in Labrador's resource potential. A conflict with Quebec over rights to the region's resources in the early 1900s resulted in the establishment of the Labrador boundary in 1927, a dividing line that effectively separated Labrador Inuit from their relatives in Ungava, to the west. Since mid-century, the Newfoundland government has consistently tried to maintain a policy of treating all regions and citizens as equal and identical, in the interest of treating all land and resources as public property available for development. Exclusive Moravian Inuit territory in northern Labrador inferred an uncertain degree of non-public land and resource ownership, and was therefore politically and economically unpalatable to the province. The government attempted instead to treat Inuit in the same manner as it did other citizens, and to underplay any

cultural difference while promoting assimilation: “Eskimos and Indians can’t continue to exist as isolated minorities,” provincial officials wrote in 1956. “[They] must be integrated into the general body of our Society” (Kennedy 1977, 284). The Moravian goal of containment had, over the years, created a northern Inuit homeland, but this *de facto* Inuit land ownership did not agree with the provincial goals of developing mineral, hydroelectric, and timber resources in Labrador (Brice-Bennett 1986; Hillier 1971).

In order for the province to facilitate these potential resource developments, the government emphasized the fact that all lands were to remain open and available for resource exploration. In Nunatsiavut, residents felt the direct impact of this open access policy, especially during the 1970s uranium exploration work near Makkovik and Postville and the 1990s exploration rush in northern Labrador after the Voisey’s Bay nickel, cobalt, and copper discovery. Local people were startled by the ability of exploration companies to draw boundaries around land that families had used for generations, and to control access and activities on this land. In the late 1990s a story circulated along the coast about a Nain elder who had his rifle confiscated by workers at an exploration site while he was hunting and collecting firewood. Another story circulated about the posting of a “No Trespassing” sign by an exploration company. These incidents upset and offended residents and served to highlight the power the provincial government had in granting mineral rights to industry in spite of a long history of local use and perceived Inuit ownership of the land (Williamson 1996). Many Inuit also identified strongly with the church and saw Moravian lands as belonging to them: “What is church land? The Moravian Mission has never given up its lands. The people are the church. We would like to ensure LIA has control over the land” (Makkovik resident in Williamson 1996, 44). This sense of apprehension is also apparent in a LIA pamphlet on “Mineral Development in Northern Labrador” published in 1996 during the midst of the staking claim rush: “Today, as in the past, we live in a world where resource industries, governments and other interest groups work to have their beliefs become our rules, their values our way of life, and our resources their wealth. But unlike in the past, we may not be able to adopt what we find good and reject what is a threat because now it is our land that is being devoured” (LIA 1996). Inuit frustration with their obvious lack of power to influence decisions about land and resources underscored provincial political inequalities and fuelled their sense of urgency to finalize a land claims settlement and establish Inuit rights to management, use, and ownership (Andersen and Rowell 1993).

Since the land claims agreement was signed in 2005, exploration companies have revived their interest in the uranium deposits near Makkovik

and Postville. This new activity is reminiscent of previous exploration work in the region, but with the key difference that Inuit are now empowered, through the land claim agreement, to influence the outcome. The intense debate that currently rages is no longer focused on indignation about the actions of outside interests, but on the suitability of a uranium mine in the region. The Nunatsiavut government established a moratorium on uranium development on Labrador Inuit Lands for three years in 2008 and has since been studying the potential effects of uranium mining in other localities. The provincial government, on the other hand, has made it clear that it remains open to uranium development (GNL 2008). Many Inuit see the land use plan as being fundamental to determining how this question will play itself out.

Co-managed land use planning may also 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). They succeeded in bargaining for co-managed control over land use activities for the entire region in a way that allows them to address the issue of habitat protection more extensively than if they had ownership over only portions of land. Migratory species such as caribou have wide ranges, and Inuit-owned land holdings, even if they were much larger than the current LIL, would not be extensive enough to ensure that Inuit could control adequate habitat protection. Land ownership under Canadian law also 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, on the other hand, 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 therefore provides the Nunatsiavut government with multiple means to achieve their goals.⁵

5 Other instruments under the final agreement that influence land governance include conditions established for Specified Material Lands (see INAC 2005, Ch. 4), Nuclear Substances (Ch. 4), NG Exploration Standards requirements for LIL, NG environmental assessment legislation (Ch. 11), water and ocean management (Chs. 5 and 6), wildlife and plant management (Ch. 12), fisheries management (Ch. 13), access to LIL (Ch. 4), archaeology (Ch. 15), and self-government provisions (Ch. 17), as well as the land use planning regime in Ch. 10.

Both the final agreement and the land use plan counteract the ambitions of the provincial government in maintaining an open access policy for province-wide undifferentiated public lands. The division of Nunatsiavut into multiple land jurisdictions, including LIL and LISA outside LIL, and new co-management regimes offer the Labrador Inuit a substantial role in land governance. This territorialization may, in the end, serve to facilitate provincial goals of economic development, but it offers the Nunatsiavut government economic benefits, a degree of land ownership, and the authority to guide this development. Given the long history of failed Inuit attempts to assert control over lands and resources, many Inuit see these new governance arrangements as acceptable compromises.

Challenges of Land Use Planning in Nunatsiavut

Sea ice

Despite its potential strengths in providing Inuit with increased control, the governance technique of dividing land and resources into jurisdictions fails to reflect Inuit perspectives and values when it comes to sea ice. Like elsewhere in Canada, the ocean and its resources are under the jurisdiction of the federal Department of Fisheries and Oceans, 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. 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.

Labrador Inuit call themselves *Sikumiut*, or “people of the sea ice.” They have always used the sea ice as a crucial transportation area because it offers a relatively flat and open route in comparison to inland terrain. Inuit use the ice to travel between communities, to harvesting areas, to islands, and to cabins and *aullâsimavet* (seasonal camping sites). Inuit also use the sea ice and the floe edge (the *sina*), for harvesting seals, polar bears, walrus, whales, migratory birds, and white fox (Williamson 1997; Brice-Bennett 1977). Inuit consider the “outside” to be a free access region where anyone can hunt or trap, in much the same way as anyone can hunt caribou in the interior hinterlands, wherever the caribou migrate (Brody 1977). The animals most commonly pursued in this region—fox, seals, polar bear, and walrus—are wide ranging and vary in their movements and availability from year to year,

and as a result they are not well suited to management based on defined areas.

Jurisdictional boundaries that do not consider these kinds of relationships but are instead based on a southern understanding of the environment have caused much frustration among Inuit in Labrador, as well as across the Canadian Arctic (Mulrennan and Scott 2001). In the late 1990s, during the Voisey's Bay environmental assessment process, the Labrador Inuit raised concerns about the impact of winter shipping to and from the mine site. They fought strenuously to highlight the importance of the sea ice in their lives; in order to do so, they had to first convey to the assessment officials the Inuit perspective about the continuity of the land and sea ice, and then to convince the officials of the artificiality of existing jurisdictional boundaries (RPA notes October 2008; Reschny 2007). The Inuit finally succeeded in forcing the proponent to agree to explore mitigation measures related to the ice-breaking activities that threatened to disrupt their traditional ice travel routes.

In the Labrador Inuit Land Claims Agreement, these jurisdictional issues resulted in recognition of Inuit rights 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.⁶ The land use plan, as a creation of the final agreement, is required to follow these jurisdictions, and it 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. Inuit will be able to influence activities on the sea ice only in ways disjointed from the regional planning process, and on a rather piecemeal basis. These ways include: 1) in as far as the land use plan indirectly affects the sea and sea ice; 2) through the provisions in the final agreement for consultation with the federal government about ocean and fisheries management; 3) for the negotiations of impact and benefit agreements with developers; and 4) through an environmental assessment or similar processes concerning case-by-case

6 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, it did agree to define Inuit rights to commercial marine harvesting (see Procter, this volume; Mulrennan and Scott 2001).

development issues. Considering the fundamental importance of the sea ice to Inuit, this piecemeal approach to management and to jurisdictions will likely remain a point of contestation.

Economic Perspectives and Cultural Concerns

Economic factors and goals are a major incentive for the planning process, and they play a major role in both Nunatsiavut and provincial government decision making. The Labrador Inuit Land Claims Agreement specifies eleven factors that the land use plan must consider.⁷ Economic needs and opportunities are explicitly identified in only one of these factors, but economic issues arguably play a fundamental part in determining the framing of the other factors within the planning process (INAC 2005). Similarly, the RPA envisions planning for Nunatsiavut to be specific to Inuit goals and concerns, which encompass more than simply economic issues, but many RPA discussions illustrate how the planning perspective can use an economic lens on other factors. At a meeting in October 2008, for instance, RPA members were discussing how the issue of traplines would come up in community meetings, despite the fact that very few trappers are still active. Someone suggested that this information would at least be useful, because the existence of traplines would suggest that wildlife was also there, and so traplines could be “tied to productivity.” Another member suggested that, alternatively, some traplines had been inherited and are used because they are people’s connection to the land, not necessarily because there are high numbers of animals there (RPA notes October 2008). The centrality of “productivity”—an economic validation—from a planning perspective was juxtaposed with the cultural and social importance of the trapline. However, despite the tendency towards economic interpretations of non-economic issues, these discussions and the evolution of the draft plan also illustrate how RPA members have modified their perspectives through dialogue about Inuit-specific planning and the relative importance of economic, cultural, intrinsic, aesthetic, and spiritual values.

7 The eleven issues that must be considered in the land use plan are: a) natural resources; b) health and quality of life of residents; c) economic needs and opportunities; d) environmental considerations; e) protected areas; f) cultural priorities and sites; g) local and regional considerations; h) considerations respecting coastal and marine ecosystems; i) rights of Inuit; j) mandatory requirements for plans under provincial planning legislation; and k) any other relevant factors (paraphrased from INAC 2005, 10.4.3).

Nonetheless, planning's economic framework and basis for decision making remain prominent. In order to guide regional development, the land use plan and its designation system focus on potential economic uses of land and the kind of economic activities that will be allowed or prohibited. Designations developed for the draft plan identify either purely economic uses, such as the Resource Development designation, or various combinations of land uses that prohibit destructive economic activities, such as the Environmentally Sensitive Area designation, which permits only traditional uses (hunting, fishing, gathering, travelling by winter trails, and cabin and *aullâsimavet* use), and then only if minimal physical alteration is made to the land. Economic factors are central, both in the sanction or the prohibition of economic activities. As one RPA member has argued, the plan must justify why it removes certain land from development; in other words, development is the norm, and exceptions to this norm must be validated (RPA notes April 2008 and May 2009).

Most of the justifications for removing lands from development in the draft plan are based on economic values, although the RPA and the planner have attempted to adapt the limitations of this economic perspective to include cultural concerns. Such attempts most often put an economic slant onto cultural values, in order to validate non-economic factors through economic means. The Traditional Use designation is one example of an attempt to address cultural concerns on economic grounds. Following the plan's rationale, a major reason given for protecting habitat is not its intrinsic ecological value but its value in maintaining a sustainable supply of country food—an economic facet of a cultural issue. The Traditional Use designation, which allows only relatively non-destructive land uses, is described in the draft plan as the primary area where “Inuit continue to live, gather, hunt and trap for country food” (RPA December 2009, 12). The proposed areas for this designation include a linear strip along the coast as well as coastal islands, caribou habitat, and waterfowl staging areas. Under the land claims agreement, Inuit have the right to pursue their traditional land use activities throughout Nunatsiavut. Through this designation, the land use plan works to support traditional activities by explicitly acknowledging their cultural importance: “Inuit have a strong desire to retain Inuktitut, 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.” The rationale for the designation continues by arguing that “the traditional use of the land is based on Inuit hunting, fishing, and gathering,” and that most of these activities take place in coastal areas, rivers, lakes, and inland regions.

“To maintain this way of life these areas need to be protected so wildlife habitat will not be adversely affected by development thus providing a sustainable level of country food” (RPA December 2009, 12).

The structure of land use planning encourages the incorporation of aspects that can be framed in economic or productivity terms (a sustainable level of country food and the activities of hunting, fishing, and gathering) in response to Inuit aspirations. The land use plan has limited structural abilities to incorporate these non-economic goals, but in recognizing the need to protect and support the economic features of cultural concerns, the planning process is partially able to address such interests. Although harvesting activities are often the focus of policies, advocacy, and research, they are only one economic facet of a broader cultural framework that includes sharing, kinship, spirituality, intergenerational learning, shared values, and a relationship with the land. Participation in hunting, fishing, and gathering, and in the subsequent processing, sharing, and eating of country foods, help to perpetuate cultural vitality (Usher et al. 1995; Nuttall et al. 2005). As one RPA member says, “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 Traditional Use designation explicitly recognizes the importance of hunting, fishing, and gathering, and although the planning process favours an economic perspective on cultural concerns, it manages to acknowledge some Inuit interests that have formerly been overlooked and undermined by government authorities (see Procter, this volume).

The primacy of economic justification is further illustrated in some of the other reasons provided in early drafts of the plan for protecting the proposed Traditional Use lands from development:

- A limitation of uses to traditional ones maintains a visual pristine appearance along the coastal area to help promote geotourism as seen by those traveling the coast by ship;
- If mining activities are situated inland then they are visually hidden and therefore are not visible to tourists and the historic and traditional appearance of the coastline area is maintained (RPA May 2009, 22).

Aesthetic values can be translated into potential economic benefits from tourism, and aesthetic vistas can be used to hide other economic activities. RPA members have suggested on occasion that the plan should include a special designation for spiritual, burial, and archaeological sites, as well as for travel routes, but this has not been pursued because it is felt that the

Traditional Use designation encompasses the majority of these sites. The Environmentally Sensitive Area designation aims to protect ecologically sensitive regions and does not involve cultural sites. Instead, the coastal strip that is under the Traditional Use designation was given that designation in part because the coast contains most of these cultural sites. RPA discussions have also helped to identify important travel routes, which were then included under the designation (RPA notes May 2009). The draft plan therefore attempts to address cultural concerns by incorporating their economic aspects, by using economic justifications for their protection, and by having broad designations indirectly encompass them.

Flexibility and Certainty

Both the provincial and the Nunatsiavut governments want to have a degree of certainty about future land uses in Nunatsiavut. The land use planning process strives to provide this certainty, but it faces a number of obstacles in doing so that relate to the inconsistency between the structure of land use planning and existing circumstances in Nunatsiavut. These obstacles illustrate the often-conflicting need for both flexibility and certainty.

One of the most commonly discussed obstacles to this planning process has been the lack of documented information about ecological and social aspects of the region. Given the time and resource limitations of the plan drafting process, the planner was not able to initiate new information-gathering research but instead has to rely on previous research and maps made of the area. For the requirements of planning, this collection of information for the entire region of LISA is incomplete, and the planner often finds it challenging to produce physical boundaries on maps around uncertain factors. In some cases, the planner was compelled to draw boundaries as straight lines or geometric shapes, which obviously do not correspond with the geographical reality.

On more than one occasion, RPA members have discussed how the planning process could include new information, and it was suggested at one meeting that the degree of flexibility in the plan could be enhanced by allowing some boundaries to change without going through an amendment process or plan review when additional research information is added to a central database (RPA notes May 2009). However, this suggestion was not pursued because the RPA members agreed that changing boundaries based on new information was a process that must comply with the larger principles of the plan. Designating bounded areas for allowable activities is a political act, they agreed, and not something that should be done without public discussion. The land designations on the map, however arbitrary, must

therefore remain as they are once they are agreed upon. Authority members hoped, however, that when the communities were consulted about the draft plan during the review process, residents and other experts would provide information that would improve the accuracy of the maps (RPA notes May 2009).

This discussion illustrates the limitations of the planning process in allowing for flexibility in the face of uncertainty. Political decisions about designating areas for specific uses create certainty in the plan, but this certainty results in a degree of inflexibility that limits the ability to correct potentially erroneous assumptions or statements in the plan. The potential for inaccuracy is a result of limited ecological and social information about existing circumstances and uncertainty about future change—for instance, market price of various resources, or community growth and relocation. The planning process attempts to overcome this problem by acquiring more and better information. This appetite for more and more information can be seen as a continuation of the colonial process of rendering everything “legible” to the state so that it can be controlled (following Scott 1998), although in this case, the Inuit have assumed many state roles. The control gained by Inuit through land claims negotiations and the resulting participation in the planning process is tied to the requirement that both governments work to acquire this information; the Nunatsiavut government is compelled to join the bureaucratic pursuit of data about its territory and its residents in order to protect its own best interest. The level of community participation will therefore help to determine both the amount of information available and the level of political support for the process among Nunatsiavut beneficiaries.

In order to deal with these obstacles to the planning process, the RPA is attempting to incorporate flexibility by using temporary and seasonal restrictions on land uses if harmful or conflicting uses only occur in specific situations. Activities that might disturb caribou during the calving and wintering periods, for example, or activities that might disrupt certain bird species during their nesting period, will not be permitted during the critical time periods.

The RPA is also attempting to incorporate flexibility by leaving all decisions about designating areas for resource development to future plan amendments (as of the January 2010 draft plan). Because activities such as mining and other large-scale developments are allowed only within the Resource Development designation (in this draft of the plan), the decision to limit the extent of this designation means that any future development of this kind will only be considered if project proponents first apply to have the plan amended. The draft plan also specifies that, for the first ten

years of the plan, only areas designated General Use may be changed into the Resource Development designation. This strategy puts the onus—and some of the expense—on companies to prove the appropriateness of each proposal for mineral development before the plan is amended to change land designations. The amendment process will be done in conjunction with an environmental assessment and will involve public consultation and government approval in each case (RPA December 2009). Given the public's eagerness for final answers to the uranium mining issue, the reaction to this tactic remains to be seen, but this approach seems to follow the Nunatsiavut government's own attitude towards uranium development, as the acting president described in March 2008 during a debate about the issue: "We are the decision body, we will make the rules that apply to our land. It is our land and we will continue to protect it and we have newfound powers that we will use to ensure that development that takes place will be done so on our terms.... Let [the mining companies] go do their work now. Let them find the techniques that will give us the confidence that perhaps, someday, uranium mining could be accepted in Labrador Inuit Lands" (Andersen 2008). "The Nunatsiavut government will not operate on somebody else's timeline," the minister for Lands and Resources at the time stated. "First and foremost, we won't be rushed. We will make our decision on the most recent information available" (Barbour 2008).

Land use planning endeavours to achieve certainty in terms of political decisions about land use and in the justification of these decisions, based on extensive data. This political requirement for certainty in Nunatsiavut is hampered by the limited information available to the planner and often results in unavoidably rigid generalizations. Given these restrictions, the RPA and the planner aim to create flexibility within the planning process by using temporal or seasonal prohibitions in land use designations, and by relying heavily on the amendment procedures and on the five-year review process. Many present and future circumstances are unknown, and as a result the RPA sees this approach as allowing the plan to adapt to changes in information, policies, or opportunities while encouraging decisions to be made and evaluated against the guiding principles (RPA notes Sept 2009).

Conclusion

The land use planning process for Nunatsiavut is the result of negotiated compromises between Labrador Inuit and the provincial government. In return for a smaller amount of Inuit-owned lands, the Nunatsiavut government gained co-management influence over all lands of LISA. The planning process offers an opportunity for Nunatsiavut beneficiaries to advance and

protect their interests and perspectives, and the RPA and the planner are attempting to instil these perspectives into the plan. As a creation of the final agreement, however, the planning process is tied to the territorial and jurisdictional boundaries, timelines, and political arrangements outlined in the final agreement and the associated implementation plan. Although the provincial and Nunatsiavut governments will approve parts of the plan in separate processes, participants in the planning process must attempt to organize this jumble of jurisdictions into a coherent vision for the entire region.

By agreeing to the negotiated governance arrangements in the land claims agreement, the Nunatsiavut government is now also faced with participation in bureaucratic methods that have the potential to facilitate development but overlook cultural considerations. However, by being players at the table with legally recognized and legislated authority, Inuit hope to avoid situations like those that occurred in the past, where Inuit concerns were entirely overlooked. The Regional Planning Authority and the land use planner are working to both offset and capitalize on the tendency within the planning process to consider all aspects through an economic lens, and are attempting to incorporate other interests that Inuit wish to promote in Nunatsiavut. The RPA is also attempting to negotiate the tension between the dual need for certainty and for flexibility, and to ensure that land use planning in Nunatsiavut addresses complex issues with adequate information, time, and resources.

The ultimate success of the planning process will depend heavily on the strength of the co-management between the two governments, and on the respect and commitment shown by both governments towards shared decision making. The draft plan will undergo many more revisions through RPA meetings, community consultations, and government reviews before it is finalized, and even then, it will be only the first such plan in the Nunatsiavut planning process. Many unknowns currently exist. Will many community residents contribute their expertise and their energy towards developing the plan? Has the RPA been allocated enough resources and time to succeed? Will this process develop enough capacity within the Nunatsiavut government to meet future planning needs?

In its first two years, this co-management process has offered a forum that allows for dialogue, mutual learning, flexibility, and creativity in developing Nunatsiavut-specific planning. Hopes are high that it will continue to foster an approach to land governance that can adapt planning techniques to Inuit priorities and bring provincial and Nunatsiavut governments together under shared visions of the future.

References

- Andersen, Toby, and Judy Rowell. "Environmental Implications for the Labrador Inuit of Canada's and Newfoundland's Land Claims Policies." In *Common Ground: Northern People and the Environment*, edited by John Jacobs and William Montevocchi, 29–41. St. John's: ISER Books.
- Andersen, Tony. 2008. Speech to Nunatsiavut Assembly, 5 March 2008. Nunatsiavut Hansard. http://www.nunatsiavut.com/pdfs/March_3_Hansard_Revised_08.pdf
- Barbour, W. 2008. "Labrador Inuit Prepare to Debate Suspending Uranium Mining and Milling." Interview, CBC, 6 April 2008.
- Brice-Bennett, Carol. 1977. "Land Use in the Nain and Hopedale Regions." In *Our Footprints Are Everywhere: Inuit Land Use and Occupancy in Labrador*, edited by Carol Brice-Bennett. Nain: Labrador Inuit Association.
- . 1986. *Renewable Resource Use and Wage Employment in the Economy of Northern Labrador*. Newfoundland and Labrador: Royal Commission on Employment and Unemployment, 1986.
- Brody, H. 1977. "Permanence and Change among the Inuit and Settlers of Labrador." In *Our Footprints Are Everywhere: Inuit Land Use and Occupancy in Labrador*, edited by Carol Brice-Bennett. Nain: Labrador Inuit Association.
- Escobar, A. 1992. "Planning." In *The Development Dictionary: A Guide to Knowledge as Power*, edited by W. Sachs. London: Zed Books.
- GNL (Government of Newfoundland and Labrador). 2008. "Province Promotes Uranium Development within Its Jurisdiction." Press release, 14 April 2008. <http://www.releases.gov.nl.ca/releases/2008/nr/0414n05.htm>
- Hillier, James. 1971. "Early Patrons of the Labrador Eskimos: The Moravian Mission in Labrador, 1764–1805." In *Patrons and Brokers in the East Arctic*, edited by R. Paine, 89–93. St. John's: ISER Books.
- Howitt, R. 2001. *Rethinking Resource Management: Justice, Sustainability, and Indigenous Peoples*. New York: Routledge Press.
- INAC (Indian and Northern Affairs Canada). 2005. *Labrador Inuit Land Claims Agreement*. Ottawa: INAC.
- Kennedy, John C. 1977. "Northern Labrador: An Ethnohistorical Account." In *The White Arctic: Anthropological Essays on Tutelage and Ethnicity*, edited by R. Paine, 264–305. St. John's: ISER Books.
- LIA (Labrador Inuit Association). 1996. *Mineral Development in Northern Labrador*. Pamphlet. Nain: LIA.
- Mulrennan, M., and C. Scott. 2001. "Aboriginal Rights and Interests in Canadian Northern Seas." In *Aboriginal Autonomy and Development in Northern Quebec and Labrador*, edited by C. Scott, 78–97. Vancouver: University of British Columbia Press.

- Nuttall, M., F. Berkes, B. Forbes, G. Kofinas, T. Vlassova, and G. Wenzel. 2005. "Hunting, Herding, Fishing, and Gathering: Indigenous Peoples and Renewable Resource Use in the Arctic." In *Arctic Climate Impact Assessment*, 649–90. Cambridge: University of Cambridge Press.
- Porter, L. 2007. "Producing Forests: A Colonial Genealogy of Environmental Planning in Victoria, Australia." *Journal of Planning Education and Research* 26: 466–77.
- RPA (Regional Planning Authority). May 2009. Draft Regional Land Use Plan for the Labrador Inuit Settlement Area. St. John's and Happy Valley–Goose Bay: RPA.
- _____. December 2009. Draft Regional Land Use Plan for the Labrador Inuit Settlement Area. St. John's and Happy Valley–Goose Bay: RPA.
- _____. January 2010. Draft Regional Land Use Plan for the Labrador Inuit Settlement Area. St. John's and Happy Valley–Goose Bay: RPA.
- RPA (Regional Planning Authority) notes. April 2008. A. Procter, meeting observer.
- _____. October 2008. A. Procter, meeting observer.
- _____. May 2009. A. Procter, meeting observer.
- _____. September 2009. A. Procter, meeting observer.
- Reschny, J. 2007. "Mining, Inuit Traditional Activities and Sustainable Development: A Study of the Effects of Winter Shipping at the Voisey's Bay Nickel Mine." Master's thesis, Memorial University of Newfoundland.
- Scott, J.C. 1998. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press.
- Usher, Peter J. 1982. *Renewable Resources in the Future of Northern Labrador*. Nain, Labrador Inuit Association.
- Usher, Peter J., M. Baikie, D. Demmer, D. Nakashima, M. Stevenson, and M. Stiles. 1995. *Communicating about Contaminants in Country Food: The Experience in Aboriginal Communities*. Ottawa: Inuit Tapirisat Kanatami.
- Williamson, T. 1996. *Seeing the Land is Seeing Ourselves: Labrador Inuit Association Issues Scoping Report*. Nain, Labrador Inuit Association.
- _____. 1997. *Sina to Sikujâluk: Our Footprint. Mapping Inuit Environmental Knowledge in the Nain District of Northern Labrador*. Nain, Labrador Inuit Association.

This page left intentionally blank