

Keys to Understanding and Improving the Nunavut Regulatory Regime

Senator Dennis Patterson
Nunavut Mining Symposium
Iqaluit, NU – April 5, 2016



Introduction



The 2-Minute Summary of the Nunavut Regulatory Regime

- The territory of Nunavut has a regulatory regime where co-management boards give Inuit beneficiaries, alongside the territorial and federal governments, a strong voice in the review and recommended approvals (or non approvals) for proposed developments anywhere in Nunavut.
- There are a variety of actors that make up the regulatory regime. This includes the key co-management boards or Institutions of Public Government (IPGs), as they are called in the Nunavut Land Claims Agreement, (namely, the Nunavut Wildlife Management Board, the Nunavut Impact Review Board, the Nunavut Water Board and the Nunavut Planning Commission.

The Vision of the *Nunavut Land Claims Agreement*

The Inuit own 18% of the lands in Nunavut, 8% of that land with subsurface rights. As you may know, Nunavut is 20% of Canada so 18% ownership of that land makes Inuit the largest non-government landholders in North America.

While there were some who believed that anything less than 100% ownership was not acceptable, the negotiators were able to persuade the majority of Inuit, when it came time to ratify the land claims deal, that the NLCA was beneficial to Nunavummiut due to

- a guaranteed 5% royalty entitlement to any mineral development in the territory, whether on Inuit land or not;
- a larger royalty share on Inuit-owned land; and
- a strong voice in the review of any proposed developments through guaranteed representation of Inuit nominees on co-management boards which have the mandate to recommend non approval or approval, with or without conditions

Keys to Improvement



What are the Keys?

1. Approaching every step with respect for the person across the table from you
2. Building a strong relationship

One flows naturally from the other.

R.E.S.P.E.C.T. – Here's What It Means to Me

How the Proponents can show respect:

1. Meaningful Consultation
2. Acknowledge the importance of traditional knowledge and land use (Inuit Qaujimajaqtuqangit) and incorporate it into planned development
3. Invest in the community and future generations



How the regulatory bodies can show respect:

1. Clear and effective communication
2. Maintain objectivity
3. Timely decisions and completion of work

Bringing it All Together for Strong Relationships

By having proponents and the regulatory regime of Nunavut act in the respectful manner I've outlined today, I believe that the result would be strong, productive working relationships that would then result in millions if not billions of dollars in infrastructure and community investments as well as countless job opportunities for Nunavummiut. I believe in this territory's potential to have a self-sustaining economy and to be a main economic driver within Canada. We just need to want to work at it.

Maintaining the Relationships



What's eroding these relationships?

1. The foreign-funded environmental lobby
2. Politicians
3. An ignorant media

Conclusion



IPGs should interface, at the staff level, with proponents to discuss and overcome obstacles and barriers, especially procedural and timeline issues; so as to facilitate an efficient and full public review of all aspects of a proposed project. This is critical. Where it is not happening, it should be happening. This is what the land claims drafters intended. The NIRB is exemplary in this connection.

And political leaders, foreign funded environmental organizations and courts, should respect the regulatory process and let it run its course before weighing in.

The Crown has the ultimate authority to determine conditions for development, following recommendations from an IPG. Politicians should respect the hard won regulatory process as the best way to examine all aspects of a development objectively, independently, in detail, and with a full opportunity for public input leading to what are inevitably balanced, thoughtful recommendations in the end.

Journalists should avoid giving those politicians a platform or, if they must, they should challenge anyone who attempts to bypass the constitutionally entrenched Nunavut regulatory process.

If we understand, respect, and stop tinkering with the regulatory system, I believe it will flourish and do what it was meant to do – ensure that all development in Nunavut is responsible development.

Thank you!

502-140 Wellington Street
Ottawa, ON K1A 0A4
T: 613.992.0480

Toll Free: 1.800.267.7362

Email: Dennis.Patterson@sen.parl.gc.ca

Facebook: [/DennisGlenPatterson](https://www.facebook.com/DennisGlenPatterson)

Web: www.dennispatterson.ca

SÉNAT



SENATE

CANADA