

# Land Claims as a Mechanism for Wilderness Protection in the Canadian Arctic

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**Abstract**—Northern land claims agreements support establishing national parks and wilderness protection but are not prescriptive on wilderness management or what wilderness values should be protected. Parks Canada does not have strong wilderness policy or guidelines, which hampers development of management plans for northern national parks and progress on legislation of wilderness. The Mackenzie Valley Pipeline Inquiry, an important time in Canadian history, can provide the bases for Parks Canada to work with beneficiaries of land claims to protect wilderness.

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Canada's arctic region is vast and qualifies as wilderness by any metric it is compared against. The aboriginal people of the Canadian Arctic, through land claims agreements, are taking control of land use planning and decision-making and are setting aside large areas as wilderness national parks. This paper will set the Canadian context by looking back at a pivotal time in Canadian history, describe wilderness protection efforts in three northern land claim areas, and evaluate Parks Canada's progress in wilderness zoning and declaration in three northern national parks.

In 1977, a momentous report was submitted to the Prime Minister of Canada. This report was based on 3 years of research in the Canadian western arctic. The report of the Mackenzie Valley Pipeline Inquiry summarized Justice Thomas Berger's findings and recommendations on how the Canadian government should proceed on the question of natural resources (oil and gas) development in the Mackenzie River Valley and Delta, and the Beaufort Sea. This question was of enormous economic importance to Canada and to the many Canadian and American companies that wished to be involved in extracting the rich supply of arctic natural resources.

A book was also published the same year as the Berger report; the book's title nicely summarizes its central message, *Northern Frontier, Northern Homeland* (Berger 1988). The book and report have been referred to so regularly in land claim circles that they have come to be known in Canada as the Berger Report. The research methods used during the inquiry became the new standard for consultations with aboriginal peoples. The Berger Report set many of the principles for subsequent land claim discussions and

negotiations, and it brought to the forefront the importance of wilderness protection in the north.

Previous to the Berger Report, land use decisions for Canada's northern territories occurred in Ottawa, the capital city, or in boardrooms of major corporations. Consultation with the people whose lives would be affected by the decisions was not a requirement. During the Mackenzie Valley Pipeline Inquiry, Justice Berger traveled to every community in the valley. He met directly with the people and took the time to listen to the people in their languages (there were seven), in their community gathering places, offices, homes and camps. Berger found and described a complicated inter-connectedness of environment–culture–wildlife–economics–wildlands. The findings of the inquiry revealed to Canadians, and the world, a new view and understanding of the Canadian north, aboriginal people, and their relationships with the land.

Berger's recommendations were radical at the time but accepted by the Prime Minister.

1. Moratorium on resource development, in particular, oil and gas development in the Mackenzie Valley and Delta region, so that #2 could proceed.

2. Land claims be settled and be comprehensive, to include all aspects of natural and cultural resources management, self government, cooperative management bodies, social institutions, land selection, decision making processes, responsibilities and power sharing.

3. During the land claim negotiations, the rights and political authority of aboriginal people be recognized.

4. Wilderness parks to be established to protect land and wildlife and aboriginal people's harvesting activities and their cultures.

The first northern land claim agreement was completed in 1984 when the *Western Arctic Claim, the Inuvialuit Final Agreement* came into being. The agreement established the Northern Yukon National Park, the first wilderness national park in the arctic (fig. 1) now known as Ivvavik National Park (Sections 12(6) and 12(7)). Other national parks existed in the arctic at that time but they were not recognized by legislation or by any other means as wilderness parks.

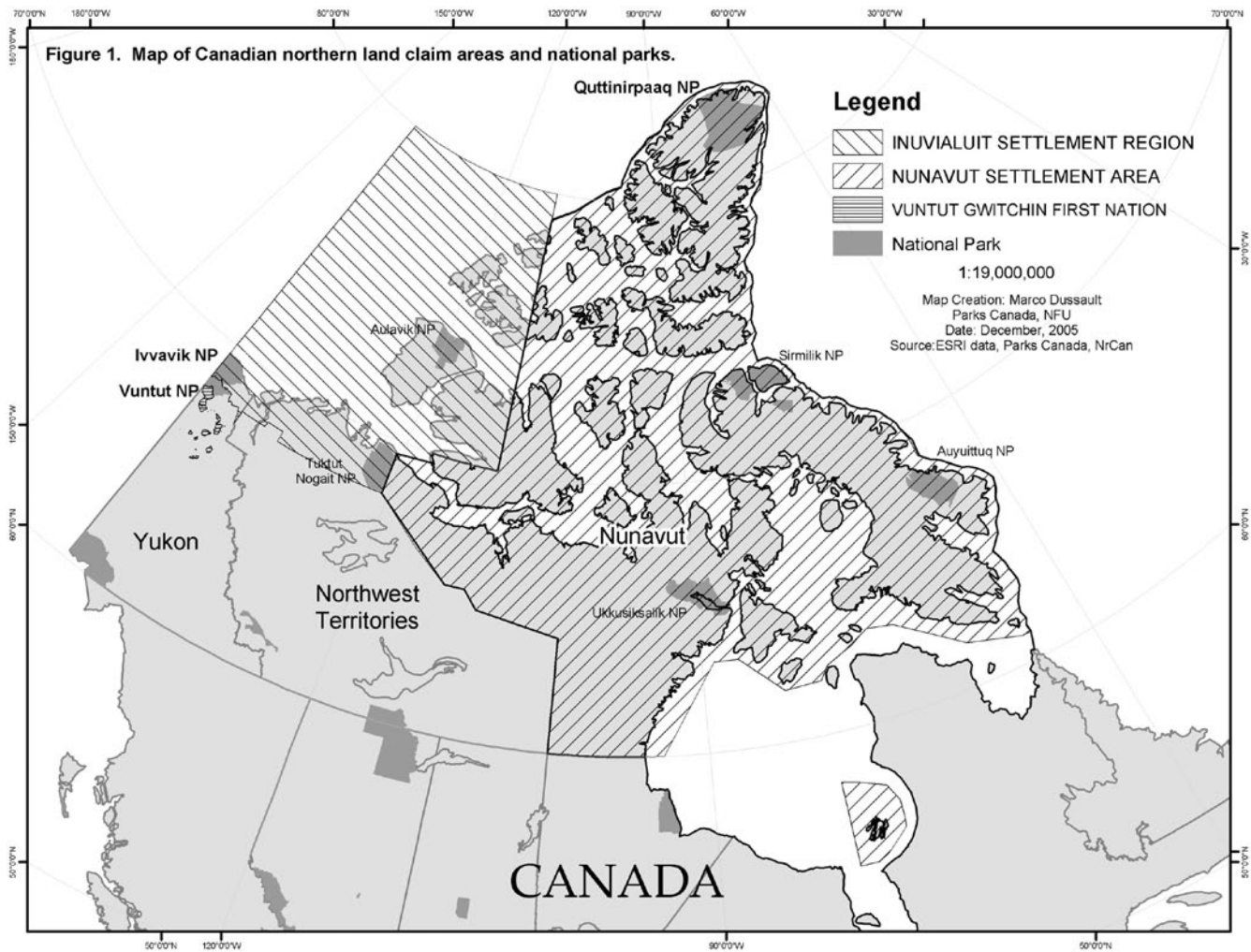
In 1993, the *Nunavut Land Claims Agreement* was completed. This agreement established two national parks and set the stage for additional national parks. Section 8.2.8 of the agreement states that national parks will be managed as predominantly wilderness. There are four national parks in Nunavut Territory but only Quttinirpaaq National Park will be discussed in this paper.

In the same year, 1993, the *Vuntut Gwichin First Nation Final Agreement* was completed. Vuntut National Park came into being with this land claim agreement but wilderness was not mentioned nor direction provided regarding the park management regime. I will come back to this fact.

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**Figure 1**—In 1987, Ivvavik was the first wilderness national park in Arctic Canada established to protect wilderness.

The challenge presented by the land claims agreements that make wilderness a prime mandate for national parks is that the agreements do not elaborate on what wilderness characteristics are important, nor is there guidance on wilderness management priorities. Aboriginal people and cooperative management groups do not have a history of wilderness management so there is little experience on which to draw.

Unfortunately, at this time, the Federal Government agency responsible for managing Canadian national parks, Parks Canada, has not developed sufficient policy or direction to enable it to respond to these same questions. This is particularly so for the northern national parks and has been reflected in the park management planning process.

How does Parks Canada include wilderness in its management of national parks? There are two ways:

1. **Wilderness Zoning** is a land use zoning description (Zone 2 Wilderness) that is described in the park management plan. The zoning plan can only be altered after a management plan amendment and public consultation. The direction provided by policy on this zone is: no motorized access by park visitors and provision of limited infrastructure within this zone by Parks Canada (Parks Canada 1994).

2. **Wilderness Declaration** is the enhanced protection step in which the legal description of areas of Zone 2 are included in the *Canada National Parks Act*. Declared wilderness areas can only be altered by an amendment to the *Canada National Parks Act* (2000) and after public consultation. There has been no policy direction developed for managing declared wilderness areas.

The decision on how to deal with wilderness within each national park is taken during management plan development.

Management plans are developed with planning teams and presented to the public for discussion and feedback. In land claim areas, the plans are developed collaboratively with aboriginal people. Aboriginal people are on the planning teams and the cooperative management committees that approve and recommend plans (fig. 2). Management plans are required to take direction from land claims agreements.

Ivvavik, Quttinirpaaq and Vuntut National Parks all have new management plans (Parks Canada 2004; Parks Canada 2005a, b). Wilderness declaration was agreed on for only one of these national parks—Vuntut—even though its land claim agreement is silent on wilderness. The Vuntut Gwichin agreed that wilderness would provide enhanced protection to their land and the wildlife. All of Vuntut is



**Figure 2**—Inuit Knowledge Project Elders committee meeting, Qikiqtarjuak, Nunavut, Canada (photo courtesy of Parks Canada).

zoned wilderness and 75 percent of the park will be declared wilderness. So what happened to Ivvavik and Quttinirpaaq in light of the land claim for each park specifically stating that wilderness is important?

Parks Canada, during the planning processes for Ivvavik and Quttinirpaaq, presented Wilderness Declaration as an option—an option without any clear benefits, only restrictions on human use. There was no public discussion on the benefits for managing and protecting park ecological and cultural resources and no linkage of wilderness to ecological integrity, the primary mandate for national parks. Why did this happen?

Parks Canada has put very little thought into wilderness policy and management guidelines. There is not a single issues paper that explores function, importance, values protected by wilderness, what to monitor, or how wilderness enhances ecological integrity. The existing Parks Canada references to wilderness are very few: one section in the Canada National Parks Act, a few paragraphs in the zoning system description, and a Wilderness Declaration Plan that is a procedural document that emphasizes survey requirements and documentation.

The policy void has created a situation where planners and their planning teams have not been able to move aboriginal cooperative management partners past the negative connotations of wilderness declaration: restrictions on access, development, and potential foreclosure on future opportunities. In the Quttinirpaaq instance, while everyone was in favor of zoning 90 percent of the park as wilderness, the Joint Park

Management Committee was not convinced that wilderness declaration had merit. In the Ivvavik case, all were in favor of zoning 98 percent of the park as wilderness but did not see the added value of wilderness designation under the national park act when the land claim stated that the park was a wilderness park.

The challenge of wilderness and arctic national parks is just beginning. There are five more parks waiting for new park management plans in the Canadian arctic, more national parks yet to be established, and new lands claims being ratified (fig. 3). It is extremely important that Parks Canada develop wilderness policy and guidelines that are appropriate to the northern environment and the land claims context (fig. 4). Canada needs an approach to wilderness management that includes northern aboriginal people's cosmology, language, cultural integrity, and ecological integrity. I would suggest revisiting Berger's ideas, as he took his advice from the elders of 30 years ago.

My proposal for a wilderness park is specifically designed to benefit the native people by protecting their renewable resources and by preserving land in its natural states, thus ensuring the physical basis for their way of life. . . . The point I am making here is that the preservation of wilderness and its wildlife can be justified on the grounds of its importance to the native people. But the preservation of wilderness can also be justified because it is there, an Arctic ecosystem, in which life forms are limited in number, and where, if we exterminate them, we impoverish the frontier, our knowledge of the frontier, and the variety and beauty of the earth's creatures (Berger 1988: 76–77).



**Figure 3**—Quttinirpaaq National Park, Nunavut, Canada (photo courtesy of Parks Canada).



**Figure 4**—Arctic char drying at camp, Wager Bay, Nunavut, Canada (photo courtesy of Parks Canada).

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