Land Use Planning in Nunavut:
Exploring Canada's Newest Planning Jurisdiction

Major Research Paper
By Amy Robinson

Summer 2017
University of Guelph
i. Executive Summary

The following research report assesses the compatibility of western planning practice in the Nunavut, looking at territorial, regional, and municipal planning. The research report begins by examining historic planning dynamics in Nunavut. Then an overview of key planning legislation in Nunavut is reviewed. Finally a static review of modern territorial, regional, and municipal planning issues are discussed. Planning is inherently an optimistic profession that, regardless of past failures, attempts to improve a given jurisdiction, paying particular attention to the needs and desires of its citizens. For this reason planning is an important tool intended to enable and empower Inuit self-governance goals inherent in the Nunavut Land Claims Agreement. Through increased territorial, and moreover federal, investment into local and regional consultative planning, Nunavut will continue to be “our [Inuit] land”.

1.0 Introduction

Land use planning at its core is a policy tool of government to shape the physical and socio-economic fabric of society. More specifically planning is “…the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of urban and rural communities” (Canadian Institute of Planners, 2016). This definition suggests the field is very much predicated in illustrious goals and post-modernist optimism; the Planner seeks to improve the world around them and has faith that they are well equipped to do so through the tools and knowledge of their profession; the issue, of course, is when and if, this is not the case.

As a policy tool of government planning in Canada is a product of the nation’s colonial history, as well as its political present-day status as a democratic constitutional monarchy: a term that seems paradoxical and inevitably carries a great deal of weight in the context of Indigenous jurisdictional planning in Canada. Indigenous identity politics in Canada are shaped by the concept of ‘citizen plus’: an indigenous community is undeniably part of Canada’s democracy and its citizens have the constitutional rights all Canadians have, as well as the rights owed to them through past negotiations with the nations’ existing and past monarchs (Libesman, 2005).

This ‘citizen plus’ approach to Indigenous politics, entrenched in Section 35 of the Canada’s Constitution, results in first nations, metis and Inuit being empowered planning stakeholders even irrespective of these populations’ traditionally being
marginalized and disenfranchised in government decision-making. All of the theorized benefits and challenges of consultative planning practice are exasperated in an indigenous jurisdictional context:

“Whenever a neighborhood or community group objects to a proposed development in their area, someone questions whether the objections are part of a NIMBY, or Not in My Backyard, pattern of responses. According to past studies, one characteristic of a typical NIMBY syndrome is a lack of trust in project sponsors or experts. Most researchers argue that distrust leads to the NIMBY syndrome” (Smith, 2000).

The NIMBY planning phenomena can easily become a wicked problem or project derailment when the ‘back yard’ in question is land subject to Indigenous treaty or claim rights, protected under Section 35 of the Canadian Constitution. Indigenous peoples may very appropriately retain a level of distrust toward government and other private sector companies wanting to develop Indigenous lands. Reversely the ‘citizen plus’ indigenous political identity produces a state-by-state dynamic, and there is resultantly a propensity for community development responsibilities diffused between federal, territorial/provincial, and Indigenous representative organizations. Using the same metaphor: even when the ‘back yard’ is desired to be developed into say affordable housing, an addictions treatment centre, recreational resource, etc., communities often face a lack of resources to fulfill their community’s development goals. Moreover individual indigenous citizens will often face the same hurdles in participating in consultations as is record for marginalized populations in Canadian city centres (James, 2010); and on top of this Indigenous
citizens who express views contrary to their representative organization(s) are likely to be silenced relative to the weight of their representatives’ views. Therefore, the ongoing evolution of indigenous identity politics and land rights in Canada results in very unique, often conflict oriented planning dynamics that historically have been shaped on the peripheries of the profession’s policy reach (Booth, 2011). The Canadian government’s oldest department has historically guided planning in indigenous communities: Indigenous and Northern Affairs Canada. This is particularly the case for first nations peoples living on-reserve communities. However increasingly for off-reserve indigenous communities land management or planning responsibilities are being devolved to territorial governments. These are areas where treaties had historically been unsettled, and very recently Comprehensive Land Claim Agreements have been, and are being negotiated; therefore the Indian Act does not apply in Nunavut. Nunavut is a territory established through the Nunavut Land Claims Agreement and in this Agreement planning has been encoded as a mechanism for community, regional, and territorial growth. Still how well can planning – a western governance tool - achieve its lofty goals when operating in communities with very recent (some would argue ongoing) experiences in neo-colonialism, and a culture undeniably unique to western planning’s origins? Can planning evolve to achieve its noble purpose in communities that may be founded in poor federal (pseudo planning) policy? These historic policies were often so catastrophic to Inuit that many have required government apologies, legal action, financial compensation, and ongoing reconciliation efforts towards the fulfillment of the self-governance goals inherent
in the Nunavut Land Claims Agreement? Moreover can Nunavut develop a made-in-Nunavut approach to planning that not only supports Inuit self-governance, but also evolves to be reflective of Inuit traditional knowledge and values?
1.1 Historical Context:

“Sivulirijat aksurnaqtukkuurnikugijangat aktuiniqaqsimaninga kinguvaanginnut” translates as “the trauma experienced by generations past having an effect in their descendants” (Crawford, 2014) An important preface for examining the future of planning in Nunavut is a summary and understanding of the territory’s past trauma, but also aspects of Inuit culture which support the territory’s ongoing resilience and growth.

The high Arctic communities of Resolute Bay and Grise Fiord were founded through forceful relocation of Quebec (now Nunavik) Inuit. (Smith, 2010) Several families were coerced into moving to these new communities that had been described as resource rich areas for traditional harvesting - when in truth Elsmere Island proved to be a vastly foreign, unforgiving, and harsh environment for these Inuit. Compounded by recorded racist and discriminatory abuse from stationed Royal Canadian Mountain Police, the very existence of these communities is a clear testament to Inuit resiliency and innovation, but also community planning grounded on a paternalism and distrust. This early planning example in Nunavut actually resulted in the federal government apologizing to the existing citizens of Grise Fiord and Resolute Bay.

All Nunavut communities are more or less similar products of neocolonialist planning policy. Communities may overlap with seasonal traditional harvesting sites, but often modern-day community locations were established through the
creation of Hudson Bay Company trading posts, Christian missionary outposts, or cold war defense sites (Loukacheva, 2009). The creation of permanent settlements in Nunavut was a reluctant strategy by the federal government to provide social assistance to Inuit who at the time were experiencing severe famines, thought to be induced by a combination of ecosystemic factors as well as increasingly exploitative relations with Hudson's Bay Company fur traders (Loukacheva, 2009).

The very creation of year-round communities in Nunavut amounts to a divergence from traditional Inuit lifestyles. As recent as a generation ago Inuit lived more or less mobile lifestyles travelling between known seasonally abundant and resource rich areas (Loukacheva, 2009). The historically recognized key ingredient for urbanism, agriculture, is unobtainable in Nunavut’s harsh arctic and sub-artic environments. Inuit traditionally sustained their communities on diets of berries, sea birds, raw seal, raw and cooked caribou, fermented walrus, polar bear, fish, and several species of whale; this ‘country food diet’ remains the preference of many Inuit though it is increasingly being challenged by the urban necessity of wage employment – requiring a traditional harvesting opportunity cost (Tester, 2010).

Traditional harvesting in Nunavut has evolved to include both traditional Inuit knowledge along with modern technology. Harvesting country food, very much linked with Inuit culture - and therefore very much inextricably connected to most
Nunavut planning issues - has increasingly become very expensive given the necessity of equipment such as rifles, snowmobiles, engine powered boats, and increasingly even drones (Tester, 2010). A coerced shift from sled dog teams to snowmobiles, enforced through municipal regulations, can be seen as Nunavut’s first experience with a western transportation/community planning policy. In the 1970s Royal Canadian Mountain police are claimed to have systematically culled Inuit sled dog teams, resulting tying Inuit to year-round communities:

As Inuit relocated to settlements, sled dogs became a liability for the Arctic administration. The Dog Ordinance of the Northwest Territories, intended to protect people from attacks, was at the same time a tool in the totalising agenda of a Canadian State committed to assimilating Inuit to Canadian norms, values, assumptions, rule of law, and settlement living. As Inuit moved to town in the 1950s and 1960s, the Dog Ordinance of the Northwest Territories was used to redefine dogs—previously seen as essential to Inuit lifestyles, to keeping Inuit out of town, away from welfare and living independently—as liabilities and commodities (Tester, 2010).

The police officers that enforced this bylaw, allowing them to kills Inuit sled dogs in town without explanation (particularly not in Inuktitut) to owners, inevitably fostered distrust towards municipal regulators. These examples highlight how planning policy in Nunavut has historically been conducted irrespective and external to key planning stakeholders, Inuit:

Historically, Canadian interest in the Arctic was accelerated by sovereignty threats (e.g., activities of Greenlandic hunters and American whalers; non-
recognition by several states of Canada’s jurisdiction over waters of the Arctic Archipelago); however, the country lacked a “permanent” interest or coherent commitment to its North. It exercised “non-enthusiastic” colonialism in the region and did not express concerns over the situation of northern citizens unless it had to. This “episodic” and paternalistic approach to the development of the North often did not consider the interests of Inuit and other Aboriginal residents, excluded them from any decision-making, and ignored the status of their well-being (Loukacheva, 2009).

Likely as a result Nunavut faces many challenges including high rates of unemployment (56%) (Government of Nunavut, 2016), suicide (CBC News, 2015), infant mortality (Skura, 2016), food insecurity (Freeman, 2015), residential overcrowding (Dusen, 2015) and homicide (Worden, 2014).

Is enthusiastic persistent planning then the answer?

“Just how deeply any governance system resting upon a large Euro-Canadian bureaucracy can accommodate itself to a set of values so fundamentally contradictory to Weberian bureaucratic norms remains an open question” (White, 2009).
1.2 Legal Context

Nunavut’s guiding legislation would suggest that the founders of Nunavut had faith in the Planning field’s congruity with Inuit values because it is an explicit requirement found in Article 11 (at a regional scale) an Article 14 (at a municipal scale) of the Nunavut Land Claim Agreement. The Nunavut Land Claims Agreement is the territory’s founding legal document; a product of Crown – Inuit negotiations and supported by section 35 of Canada’s constitution. In negotiating the Agreement, Inuit wanted to ensure that their Settlement Area lands (including marine areas seen as frozen lands in the winter) remained theirs and largely under their control; planning was one tool or mechanism to retain this Inuit agency over Nunavut.

Planning that emphasises meaningful public consultations is critical in ensuring the functioning and growth of Nunavut. Land use planning processes embedded in land claim agreements are a means to legitimize Indigenous-Crown relations by enabling a process of ongoing, transparent, and adaptive dialogue between all interested parties; this is in no small part due to a number of Supreme Court rulings on indigenous consultation and accommodation requirements for resource management/land access decisions (Isaac & Knox, 2005; Sanderson, Bergner, & Jones, 2012). Most recently the Supreme Court of Canada ruled on a Clyde River case regarding seismic testing approvals. The decision outlined new parameters for appropriate consultation in Nunavut that had, in this case, not been met by the Canadian Energy Board (emphasis added):
...While the Crown may rely on the NEB’s process to fulfill its duty to consult, the consultation and accommodation efforts in this case were inadequate and fell short in several respects...No consideration was given in the NEB’s environmental assessment to the source of the Inuit’s treaty rights, nor to the impact of the proposed testing on those rights. ...Limited opportunities for participation and consultation were made available. There were no oral hearings and there was no participant funding. While these procedural safeguards are not always necessary, their absence in this case significantly impaired the quality of consultation. As well, the proponents eventually responded to questions raised during the environmental assessment process in the form of a practically inaccessible document months after the questions were asked. There was no mutual understanding on the core issues — the potential impact on treaty rights, and possible accommodations. As well, the changes made to the project as a result of consultation were insignificant concessions in light of the potential impairment of the Inuit’s treaty rights. Therefore, the Crown breached its duty to consult in respect of the proposed testing..
2. Territorial Planning in Nunavut

The very concept of a territory or province wide land use plan is unique in the Canadian context and perhaps even globally. In addition to the challenges already described regarding planning on indigenous lands, Nunavut is approximately 1/5 of Canada’s land mass and on its own is larger than many nations. A prescriptive zoning plan for the territory is therefore a challenge, not helped by the numbers of interested stakeholders beyond Nunavut residents, as well as considerable information gaps regarding the subject lands to be zoned.

Article 11 of the Nunavut Land Claim Agreement provides the territory’s foundation for regional or territory-wide land use planning, the purpose for which being:

“The purpose of a land use plan shall be to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, taking into account the interests of all Canadians, and to protect, and where necessary, to restore the environmental integrity of the Nunavut Settlement Area” (NLCA, Article 11.3.2).

The Nunavut Planning Commission is an arm’s reach Institute of Public Governance responsible for drafting and implementing Article 11 land use plans. Though Nunavut has yet to have a successfully approved Nunavut Land Use Plan, the drafting of a zoning document to guide resource use throughout the territory has been an intergovernmental project since approximately 2007 (Dillon, 2011). In 2011 the Nunavut Planning Commission released a draft Nunavut Land Use Plan that at the time was criticised for being too permissive of development and more akin to a broad policy than a prescriptive zoning document. The 2014 plan on the
reverse had three clear zoning categories which remain the same zones currently being negotiated for the 2016 draft Nunavut Land Use Plan: Mixed Use Areas without land use restrictions; special management areas with terms to development and protected areas with year-round prohibitions to development. In prohibiting mineral development in a large portions of the Nunavut Settlement Area primarily for caribou habitat the Nunavut Planning Commission is attempting to protect Inuit harvesting from increasing pressures from industrial development. Is this conservationist approach to a territory-wide land use planning issue a positive progression for planning practice in Nunavut? Perhaps but the following facts raise doubts as to this being the case:

- The Draft Nunavut Land Use Plan’s zoning prohibitions to development eliminate economic opportunities for Nunavummiut and Nunavut Inuit, particularly those which may be obtained through Impact Benefit Agreements;
- Likewise draft Nunavut Land Use Plan’s zoning prohibitions to development will arguably circumvent Nunavut Land Claim Agreement requirements for Impact Benefit Agreements in the case of conservation areas developed through alternate legislative processes.
- NPC’s online record would suggest that there are considerable gaps in its consultation of the draft Nunavut Land Use Plan.

The only two approved regional land use plans – the North Baffin and Keewatin – were adopted from the period when the Government of Northwest Territories included what is now Nunavut (Dillon Consulting, 2012).

3. Regional Planning
Article 11 land use planning began with a commitment to regional land use plans. In Nunavut there are three recognized regions: the Kivalliq encompassing much of mainland Nunavut, the Kitikmeot including the north western mainland, as well as much of Victoria Island and other high Arctic Islands, and then the Qikiqtani Region encompassing all of Baffin Island as well as much of South Hamption Island. Nunavut currently has two regional land use plans which were developed when the territory was still a part of Northwest territories: the North Baffin Regional Land Use Plan which encompasses the northern portion of the Qikiqtani region; and the Keewatin Land Use Plan which encompasses the majority of the Kivalliq region. The transition from regional land use plans to a territory wide land use plan may be suggestive of these early plan’s lack of success; both deviate from traditional land use planning in the they are more visionary then prescriptive. One could argue that policy goals in these regional plans may have contributed to positive regional growth. For instance the very recently approved Lancaster Sound National Marine Conservation Area prohibiting oil and gas was an envisioned policy goal outlined in the North Baffin Regional Land Use Plan. Reversely the caribou protection measures embedded in the Keewatin land Use Plan have been criticized for being insufficient in mitigating development impacts to caribou herds.

Still it seems as if the challenges and delays experienced in finalizing the Nunavut-wide land use plan have established a growing fondness for regional planning practice. The most recent approach to finalizing the Nunavut Land Use Plan entailed regional final hearings. Furthermore key signatory submissions
emphasized the need for regional or localized approaches to controversial issues such as development prohibitions within caribou habitats. Even outside the jurisdiction of Nunavut Settlement Area, the federal government has used a regional planning or strategic environmental assessment approach to proactively resolving controversies regarding seismic testing and oil and gas development within the Baffin Bay federal waters. Through extensive consultations in impacted Nunavut communities the Nunavut Impact Review Board will make recommendations regarding the feasibility of these types of development, explicitly considering the no-development option’s feasibility as well.

Due to fewer constraints in facilitating adequate consultation, and resulting narrowing in planning issues and values, regional planning may be an excellent solution in planning for Nunavut's future.
5. Municipal Planning

Municipal planning power is now firmly under Nunavut territorial jurisdiction as per Article 14 of the *Nunavut Land Claims Agreement*, and section 23 (g, a) of the *Nunavut Act*.

Since the enactment of the Nunavut Act and transference of community planning responsibly from the Northwest Territories to Nunavut, has there been an increase in positive planning practice? Nunavut has twenty five communities, each with unique planning challenges and character for the purpose of his overview Iqaluit’s planning policy will be the primary focus. However Iqaluit is an A-typical planning community in Nunavut. It is the only community where planning is primarily the responsibility of the City of Iqaluit and not the Government of Nunavut Community and Government Services department. Moreover Iqaluit’s population is the largest in the territory at approximately 8000 people and furthermore incomes, and ethnic diversity are also increased in Iqaluit. Even with these deviations from other communities in Nunavut, Iqaluit still is subject to many of the municipal planning challenges seen across the territory including a lack of capacity, funds, a unique public lands system, and challenging socio-economic base conditions for growth. Likely the greatest challenge for planning in Iqaluit and Nunavut is affordable and quality housing creation.

*The Government of Nunavut inherited from the Government of the Northwest Territories a long-standing problem affecting nearly every Inuk in the newly minted territory. The housing crisis in the new territory has a long history, dating back to the mid-1950s when Inuit in Frobisher Bay (Iqaluit)*
were first provided with wood-frame housing. A rapidly growing population, low incomes, the subsequent need for social housing, the cost of providing housing in a demanding physical environment, and ideologically driven biases in relation to housing as a market commodity are all factors that help explain the crisis inherited by the new administration (Tester, 2010). Municipal planning in Nunavut has the potential to empower communities and alleviate issues, but federal funding and planning capacity building within territorial and municipal governments is needed.
6. Conclusion

In conclusion land use planning is a key mechanism intended on fulfilling the self-governance goals and consultation requirements specified in the Nunavut Land Claims Agreement. In addition:

- Territorial planning is an ambitious goal within Nunavut but has been challenged with the size of the planning jurisdiction, and conducting adequate consultations that indicate opportunity-costs associated with zoning options.

- Regional planning is a much more opportune scale for planning in which meaningful and extensive consultations may produce decision making which is reflective of the feedback from Inuit.

- Municipal plans in Nunavut, though benefiting from small-scaled places to shape, are greatly disadvantaged in terms of resources.
Works Cited:


Freeman, S. (2015, March 25). 1 In 3 Suffer From Food Insecurity In Nunavut, StatsCan Data Reveals. *Huffington post*.


*Society & Natural Resources*, 13(3), 273-280. doi:10.1080/089419200279108


g