

# NWT ESKIMOS GET BRIEFING

## AFN Gives Canadians Information on Alaska Native Land Claims

By BETZI WOODMAN

ANCHORAGE — Five Eskimos from Canada's Northwest Territories and their lawyer have completed a 10-day swing through Alaska to gain information to help them in their land claims battle.

Headed by Sam Radi, Inuvik, president of the Committee for Original Peoples Entitlement (COPE), the group included Josiah Kadlutsiak, Igloodlik, a director of Inuit Tapirisat, a national Eskimo brotherhood; Victor Allen, vice president of COPE; Judy Jacobson, Tuktoyaktuk, COPE director; and Jose Kusegak, Rankin Inlet, also a COPE director.

Their lawyer, Peter Cumming teaches law at Toronto and is appointed for the work by the Canadian national government at Ottawa. He says that in spite of the seeming lack of progress in land claims settlement for the Eskimos, the Canadian government is "most progressive" in providing finances for groups and their members to prepare their proposal on the subject. The recent trip was paid for by the government.

In Anchorage the Canadians had intensive briefing sessions with leaders of the Alaska Federation of Natives, Alaska Native Foundation, Land Use Planning Commission, the Community Enterprise Development Com-

mission and Rural CAP. They also went to Barrow and Bethel to observe and learn.

They were particularly interested in how the Regional Corporations were formed and their boundaries and also the method of land selection under the Settlement Act. They were surprised at the separateness of the land areas and the problems which were provoked by formation of the corporations.

Although there are many similarities between the situation of the Canadian Eskimos now and the Alaskan Natives at the start of their land claims battle, there are also some distinct differences.

The 1,253,438 square miles of NWT is more than twice the size of Alaska. Total estimated population today is 45,000 of which some 30,000 are Natives, primarily in NWT, Eskimos. Although only about half the number of resident Natives in Alaska, the Native population there rep-

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resents 66 per cent of the total people.

At present COPE has almost entirely Eskimo membership and represents their interests in land claims. The Indian peoples of Canada have lived under statutes and treaties dealing with aboriginal rights.

There is much discussion today on whether certain of these treaties covering lands in NWT were "peace treaties" or those which ceded Indian land to the government. These treaties cover only a limited number of the Indians living in the North.

There are several thousand others, who, because of the manner in which the treaties were handled, have not signed any treaty with the Canadian government. But the two Native groups work on their problems independently, not as a federation as in Alaska.

The Inuits, however, were not interested in the earlier treaty efforts and have never signed any such agreements. Only a half dozen years ago, it appeared that these Native peoples would have no opportunity to negotiate on their aboriginal rights.

Now, however, with the assistance by the federal government, the Northern Native people have begun to produce substantial legal material in support of their claims for the recognition and compensation of their aboriginal rights.

An Indian Claims Commissioner has been appointed to assist in the valuation of these claims.

The Canadian government has emphasized its desire to seek a settlement of all land claims through negotiation, rather than through the judicial process.

The government is now awaiting the presentation of specific demands for compensation from the Native associations. It is to gather information to help in these proposals to the government that the NWT group visited Alaska.

Cumming points out the paradox of their position. "On the one hand the government is responsible for Native rights. On the other hand, it takes the land for its development with no legal constraints on the government."

"There is no excuse," he continues, "for not having a (land) freeze. We do not have the respect that Alaska got under the freeze, our rights are ignored. While nothing is done, they keep talking, another five years without a settlement and there will be nothing much left to settle!"

(Last year there was a "temporary land freeze" in certain areas covered by two treaties—numbers 8 and 11.

The Supreme Court of the Northwest Territories has ruled that there is "sufficient evidence of legitimate Native interest in the land to justify the filing of the caveat."

This last is a declaration of legal interest in the land and if accepted would prevent lands in question from changing hands or being developed without prior consideration of interest in them by the Indian Brotherhood of the NWT. The federal government is appealing the decision.)

The Canadians, says John Shively of AFN, do have opportunities the Alaskans do not have. Chief among these is absence of large cities in NWT so that land is not already taken by the urban areas. Also, the proportion of Natives in NWT is higher.

Shively also emphasized the importance of communications with the villages ("settlements," the Canadians say). He acknowledges that it was difficult to interpret the concept of the land claims.

And although many problems have arisen because of the unique nature of the Regional Corporations and what is expected of them under the Settlement Act, there are still long-term advantages for the Alaskan Native people.

There have been "no dramatic changes in Native lifestyle since the Settlement," Shively agrees, but in answer to the question, "What's the advantage," he says, "We must look to the future."

Positive aspects of the Settlement, Shively told the visitors, include:

- Village leadership is changing to deal with issues

- Natives will know what they own, they can keep others off and manage their lands within two years.

- Regional Corporation capital can begin to develop opportunities which can better the standard of living of the people if they wish.

- If there is much oil and mineral discovery, there will be changes with just money into the corporation.

- There are other options under which Native may acquire more land.

A major consideration before the government of Canada and the people of NWT is the proposed Arctic Gas Pipeline. "Arctic Gas wants a pipeline," said one of the visitors. "Without a land claims settlement, the people are not prepared to go along with the pipeline."

"Up to now it has been a matter between the federal government and the industry. But industry in Canada realizes that the government might support the people against the line if there is no settlement. And, if the line is forced, there will certainly be 'social instability.'"

Arctic Gas believes it would be a disadvantage to all Canadians, including the Natives, if failure to settle the claims in "timely fashion" were to jeopardize development of the natural gas resources in Northern Canada.

"With careful planning," says a spokesman, "it would provide job opportunities and other benefits of a viable wage economy which many northern Native persons seek without impairing the livelihood of those who prefer to hunt and trap. . . It is clear that unnecessary and excessive delays in commencing negotiations (for settlement) will only serve to retard these economic benefits."

"Now that the concept of aboriginal rights has been recognized, Arctic Gas continues to urge that these negotiations be undertaken soon, but without prejudice to the claims, in order that fair and equitable settlements be achieved."

Sam Radi says the settlements in his region are pushing for negotiations to get under way — especially Sachs Harbor and Tuktoyaktuk.

"They're screaming at me," he says, "and when they scream, then I'll have to start screaming."

Now nearly blind, Radi finds that the more he gets into the work of COPE, the harder it becomes and the more interesting. A land use and occupancy study for the Western Arctic has been completed, he reports — the main research for the land claims. "Next step will be the negotiations."

This trip has been most interesting, Radi says. "The most striking thing to us had been the Regional Corporations. I was surprised to learn it was not the best thing, so now I will study why it is not so good."

Radi visits the settlements in his big country to discuss prob-

lems and to learn the thinking of the people. The Sachs Harbor people, he says, are expert trappers and very independent. Now they are becoming more powerful and able to express themselves.

"They can resist the pressures of the oil companies who want to do seismic work there in summer."

There are two Indian settlements along the seven which are members of COPE which Radi serves — Fort McPherson and Arctic Red. Although he says the Indians and Eskimos are "two different peoples," the two communities in his area "work closely" with us all.

Now aware of the federated nature of Alaskan groups and the importance of holding political office to be effective in their government, Radi is going back to his region with some new approaches to their problems — particularly the land claims.