

Intervener Comments on 2016 Draft Nunavut Land Use Plan

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Issue: Section 3.6 of the Keewatin Regional Land Use Plan (which was a requirement for community support for uranium development) was not carried forward into the Draft Nunavut Land Use Plan.

The NPC has not provided any reason for this omission. A requirement for community support for uranium mining is consistent with the values of most Nunavummiut, government policy, and the United Nations Declaration on the Rights of Indigenous Peoples.

Recommendation: The new Nunavut Land Use Plan should include a conformity requirement throughout the Nunavut Settlement Area for community consent to uranium mining, expressed through public plebiscites. Proposed uranium mines must demonstrate community consent prior to receiving a positive conformity determination. This consent must be demonstrated through a democratic process – community plebiscites. Plebiscites must be required for the communities closest to the proposed development.

Analysis:

A conformity requirement for community consent for uranium, expressed through a public plebiscite, is necessary for the following reasons:

- Uranium mining remains a highly controversial form of development in Nunavut. This is well documented in the final report from Government of Nunavut's uranium public forum, and the transcripts of the final hearing for the Nunavut Impact Review Board review of AREVA's proposed Kiggavik uranium mine.
- Many people in Baker Lake, the community closest to the proposed Kiggavik uranium mine, believe the community should have the right to choose whether or not uranium mines are approved through public votes. A precedent was set in 1990, when our community held a plebiscite to determine whether or not the original Kiggavik proposal should be approved. We voted overwhelmingly against the proposal at that time. This is why section 3.6 was included in the original Keewatin Regional Land Use Plan. Since this time, there has been no public vote in Baker Lake, or any other community, on the question of uranium development.
- The Government of Nunavut holds a policy concerning uranium mining, which stipulates that it will only support uranium development if such development has the support of Nunavummiut. The policy also places particular emphasis on the communities located closest to proposed uranium development. However, the GN has not explained how it intends to determine whether or not particular proposals for uranium mining have community support.

- The land use plan conformity process is the most appropriate and effective way to implement the GN's policy requiring community support for uranium mining. The issue of community consent must be resolved *before* a NIRB environmental review commences. The NIRB's mandate (which is determined by federal legislation) is limited, and leaves no room to consider community consent. The NPC's mandate for land use planning, however, is much broader. The precedent set by the Keewatin Regional Land Use Plan demonstrates that it is well within the NPC's mandate to include a conformity requirement for community support. Further, it would be unfair to industry and communities to require participation in a lengthy environmental review (which is very expensive), only to be halted by a lack of community support once the review is complete.
- Including a conformity requirement for community support, expressed through a public vote, would help implement the United Nations Declaration on the Rights of Indigenous Peoples. The UNDRIP includes a requirement for indigenous communities to provide their free, prior, and informed consent to any developments that could affect our lands or rights. Canada has announced that it intends to implement the UNDRIP. Inuit played a key role in drafting and developing it. However, there has been very little discussion as to how the UNDRIP will be implemented in Nunavut, and how the GN and Inuit organizations will determine whether or not communities support proposed development. Including conformity requirements for community consent for the most controversial types of development (uranium mining, oil and gas development, mining in caribou calving grounds) would be a logical place to begin implementing the UNDRIP in Nunavut.

I will provide further information on all of these issues in a second written submission. I will submit this information by January 17, 2017 (the stated deadline for community round-table comments).