

Nunavut Land Claims Agreement Act

1993, c. 29

[Assented to June 10, 1993]

An Act respecting an Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada

Preamble

WHEREAS the Inuit of the Nunavut Settlement Area have asserted an aboriginal title to that Area based on their traditional and current use and occupation of the lands, waters and land-fast ice therein in accordance with their own customs and usages;

WHEREAS the *Constitution Act, 1982* recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada;

WHEREAS Her Majesty the Queen in right of Canada and the Inuit of the Nunavut Settlement Area have negotiated an Agreement based on and reflecting the following objectives:

to provide for certainty and clarity of rights to ownership and use of lands and resources and of rights for Inuit to participate in decision-making concerning the use, management and conservation of land, water and resources, including the offshore,

to provide Inuit with wildlife harvesting rights and rights to participate in decision-making concerning wildlife harvesting,

to provide Inuit with financial compensation and means of participating in economic opportunities,

to encourage self-reliance and the cultural and social well-being of Inuit;

WHEREAS Her Majesty the Queen in right of Canada and the Inuit of the Nunavut Settlement Area, through their duly mandated representatives, have entered into the Agreement through which Inuit shall receive defined rights and benefits in exchange for the surrender of certain claims, rights, title and interests, based on their assertion of an aboriginal title;

WHEREAS the Agreement provides that it will be a land claims agreement within the meaning of section 35 of the *Constitution Act, 1982*;

WHEREAS the Inuit of the Nunavut Settlement Area have ratified the Agreement in accordance with the provisions of the Agreement;

AND WHEREAS the ratification by Her Majesty under Article 36 of the Agreement requires the enactment by Parliament of a statute ratifying the Agreement;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Nunavut Land Claims Agreement Act*.

INTERPRETATION

Definitions

2. In this Act,

"Agreement"
« Accord »

"Agreement" means the land claims agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada, signed on May 25, 1993, and tabled in the House of Commons for the Minister of Indian Affairs and Northern Development on May 26, 1993, and includes any amendments to that agreement made pursuant to the agreement;

"Nunavut
Settlement Area"
« région du
Nunavut »

"Nunavut Settlement Area" means the area described in section 3.1.1 of the Agreement.

HER MAJESTY

Binding on Her Majesty **3.** This Act is binding on Her Majesty in right of Canada or a province.

AGREEMENT

Agreement **4.** (1) The Agreement is hereby ratified, given effect and declared valid.

Idem (2) For greater certainty, the Agreement is binding on all persons and bodies that are not parties to the Agreement.

Idem (3) For greater certainty, any person or body on which the Agreement confers a right, privilege, benefit or power or imposes a duty or liability may exercise the right, privilege, benefit or power, shall perform the duty or is subject to the liability, to the extent provided for by the Agreement.

No merger **5.** The rights and benefits of the Inuit of the Nunavut Settlement Area under the Agreement do not merge in this Act or any other law.

Inconsistency with Agreement **6.** (1) In the event of an inconsistency or conflict between the Agreement and any law, including this Act, the Agreement prevails to the extent of the inconsistency or conflict.

Inconsistency with Act (2) In the event of an inconsistency or conflict between this Act and any other law, this Act prevails to the extent of the inconsistency or conflict.

Deposit **7.** The Minister of Indian Affairs and Northern Development shall cause a certified copy of the Agreement and any amendments to the Agreement to be deposited in

(a) the Library and Archives of Canada;

(b) the library of the Department of Indian Affairs and Northern Development that is situated in the National Capital Region;

(c) the legislative library of the territorial government that has jurisdiction over the Nunavut Settlement Area; and

(d) such other places as the Minister considers advisable.

1993, c. 29, s. 7; 2004, c. 11, s. 34.

Orders and regulations **8.** The Governor in Council may make such orders and regulations as are necessary for the purpose of carrying out any of the provisions of the Agreement.

APPROPRIATION

Appropriation **9.** There shall be paid out of the Consolidated Revenue Fund the sums required to meet the monetary obligations of Her Majesty under Articles 25 and 29 of the Agreement that arise after the coming into force of this Act.

NUNAVUT WILDLIFE MANAGEMENT BOARD

Incorporation of Board **10.** (1) The Nunavut Wildlife Management Board established by the Agreement is hereby constituted as a corporation and, as such, the Board has, for the purposes of carrying out its functions under the Agreement, the capacity, rights, powers and privileges of a natural person.

Not an agent (2) The Nunavut Wildlife Management Board is not an agent of Her Majesty in right of Canada.

Head office **11.** The head office of the Nunavut Wildlife Management Board shall be in Iqaluit or in such other place in the Nunavut Settlement Area as the Governor in Council may designate.

Remuneration of members **12.** The remuneration of the members of the Nunavut Wildlife Management Board shall be set by the Governor in Council.

COMING INTO FORCE

Coming into force * **13.** This Act shall come into force on December 31, 1993 or such earlier date as may be fixed by order of the Governor in Council.

* [Note: Act in force July 9, 1993, see SI/93-99.]