

## ARTICLE 1

### DEFINITIONS

1.1 For the purposes of this Agreement:

**“Agreement”** means the *Nunavik Inuit Land Claims Agreement* or “NILCA”;

**"aquaculture"** means the culture, propagation, keeping in captivity or husbandry of wildlife of the freshwater environment;

**"aquatic plant"** means all marine and freshwater plants and includes all benthic and attached algae, kelp, marine flowering plants, brown algae, red algae, green algae, phytoplankton and other plants that complete their entire life cycle in water;

**"arbitration"** means the arbitration process established pursuant to Article 24;

**“areas of equal use and occupancy”** means those areas described in Schedule 40-1 of the *Nunavut Land Claim Agreement* and in Schedule 27-1 of this Agreement;

**"carving stone"** means soap stone, marble, alabaster, argillite, steatite or slate in the NMR where those substances are suitable for use for carving purposes;

**“commercial fishing licence”** includes experiments and exploratory licences;

**“consolidated revenue fund lending rate”** means the amortized rate approved by the Minister of Finance on loans from the Consolidated Revenue Fund;

**"consult and consultation"** means:

- a) the provision, to the party to be consulted, of notice of a matter to be decided in sufficient form and detail to allow that party to effectively assess the matter and to prepare advice on the matter;
- b) the provision of a reasonable period of time in which the party to be consulted may prepare its advice on the matter, and provision of an opportunity to present such advice to the party obligated to consult;
- c) full and fair consideration by the party obligated to consult on any advice presented; and
- d) the immediate provision of written reasons by the party obligated to consult for any advice that is rejected or varied;

**“Cree/Inuit Offshore Overlap Agreement”** means that agreement referred to in section 28.1 of this Agreement;

**“Cree/Inuit Offshore Overlapping Interests Area”** means that area as defined in the Cree/Inuit Offshore Overlap Agreement;

**“DIO”** means a DIO as defined in the *Nunavut Land Claim Agreement*;

**“effective date”** means the date on which federal settlement legislation has come into force;

**“Final Domestic Demand Implicit Price Index”** or **“FDDIPI”** means the Final Domestic Demand Implicit Price Index for Canada, published regularly by Statistics Canada;

**“Government(s)”** means the Government of Canada or the Government of Nunavut, or either one, as the context requires, depending on their jurisdiction and the subject matter referred to, or else determined pursuant to section 2.16;

**“Grand Council of the Crees (Eeyou Istchee) or GCC(EI)”** means the corporation representing the Crees of Eeyou Istchee and which was a signatory to the *James Bay and Northern Québec Agreement* (JBNQA) under the name Grand Council of the Crees (of Québec);

**“Grand Council of the Crees (Eeyou Istchee) Designated Organization(s) or GDO”** means the GCC (EI), or an organization designated by the GCC (EI);

**“harvest”** means the reduction of wildlife into possession and the attempt thereto, and includes hunting, trapping, fishing, netting, egging, picking, collecting, gathering, spearing, killing, capturing or taking by any means;

**“James Bay and Northern Québec Agreement”** or **“JBNQA”** means the Agreement approved, given effect and declared valid by the *James Bay and Northern Québec Native Claims Settlement Act* (S.C., 1976-77, Chapter 32) and by the *Act* approving the Agreement concerning James Bay and Northern Québec (S.Q., 1976, Chapter 46), and as amended from time to time by Complementary Agreements thereto;

**“law of Canada”** means legislation and the common law;

**“laws of general application”** means all federal, territorial and local government laws of general application according to common law definition;

**“legislation”** means a statute or regulation;

**“Local Nunavimmi Umajulivijiit Katujiqatigininga”** or **“LNUK”** means a local hunters, fishermen and trappers association as referred to in Article 5 Part 7;

"**Makivik Corporation**" or "**Makivik**" means a corporation duly incorporated by Special Act of the National Assembly of Québec, c. S-18.1, L.R.Q.;

"**Makivik Designated Organization(s)**" or "**MDO(s)**" means **Makivik**, or an organization or organizations referred to in Article 22;

"**Marine Protected Area**" means a Marine Protected Area established in the NMR in accordance with the *Oceans Act*, S.C., 1996, c. 31 as amended from time to time;

"**marine resources**" means organic and inorganic resources, including land, water and ice, located in, on or under the NMR and includes wildlife inhabiting the NMR on a permanent, temporary or seasonal basis;

"**mineral(s)**" means all precious and base metals and other non-living, naturally occurring substances whether solid, liquid or gaseous, excluding water, but including coal and petroleum;

"**Minister**" means a Minister of the Government of Canada or a member of the Executive Council of the Government of Nunavut appointed as Minister, as the context requires, responsible for the subject-matter referred to;

"**NMR**" or "**Nunavik Marine Region**" means that area described in Article 3;

"**Nunavik**" means the NMR and the "Region" as defined in paragraph 23.1.8 of the *James Bay and Northern Québec Agreement*;

"**Nunavik Inuit Land Claims Agreement**" or "**NILCA**" or "**this Agreement**" means the *Agreement Between Nunavik Inuit and Her Majesty the Queen in Right of Canada Concerning Nunavik Inuit Land Claims*;

"**Nunavik Inuit Settlement Area**" or "**NISA**" means the area described in Article 3;

"**Nunavik Inuit Trust**" means the trust referred to in Article 17;

"**Nunavik Inuk**" or "**Nunavik Inuit**" means an Inuk or Inuit as defined under the *James Bay and Northern Québec Agreement*;

"**Nunavut Impact Review Board**" or "**NIRB**" has the same meaning as in the *Nunavut Land Claims Agreement*;

"**Nunavut Land Claims Agreement**" or "**NLCA**" means the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*;

**“Nunavut Planning Commission”** or **“NPC”** has the same meaning as in the *Nunavut Land Claims Agreement*;

**“Nunavut Settlement Area”** or **“NSA”** has the same meaning as in the *Nunavut Land Claims Agreement*;

**“Regional Nunavimmi Umajulivijiit Katujiqatigininga”** or **“RNUK”** means the regional hunters, fishermen and trapping association referred to in Article 5, Part 7;

**“regulation”** means an order, regulation, order-in-council, order prescribing regulations, rule, rule of court, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, by-law, resolution or other instrument issued, made or established:

- (a) in the execution of a power conferred by or under the authority of a statute; or
- (b) by or under the authority of the Governor-in-Council or Commissioner-in-Executive Council;

**“resource royalty”** means any share of production whether in money or kind paid or payable to Government, as owner prior to production, in respect of a resource produced by a person from Crown lands in or under the Nunavik Marine Region, but does not include:

- a) any payment for a service, the creation of special purpose funds, the issuance of the right or interests or the granting of an approval or authorization;
- b) any payment required regardless of ownership of the resource;
- c) any payment for incentives; or
- d) for greater certainty, any payment to Government as owner or part owner of the produced resource;

**“statute”** means an Act of Parliament or an Act of a provincial government or territorial government, but does not include regulation;

**“water”** means waters in any river, stream, lake or other body of inland waters on the surface or underground in the NMR and includes all inland ground waters and ice;

**“wildlife”** means all terrestrial, aquatic, avian and amphibian flora and fauna *ferae naturae*, and all parts and products thereof.