



**PRESENTATION TO THE
ROYAL COMMISSION ON ABORIGINAL PEOPLES**

**MONTREAL, QUEBEC
NOVEMBER 29, 1993**

société **Makivik** corporation
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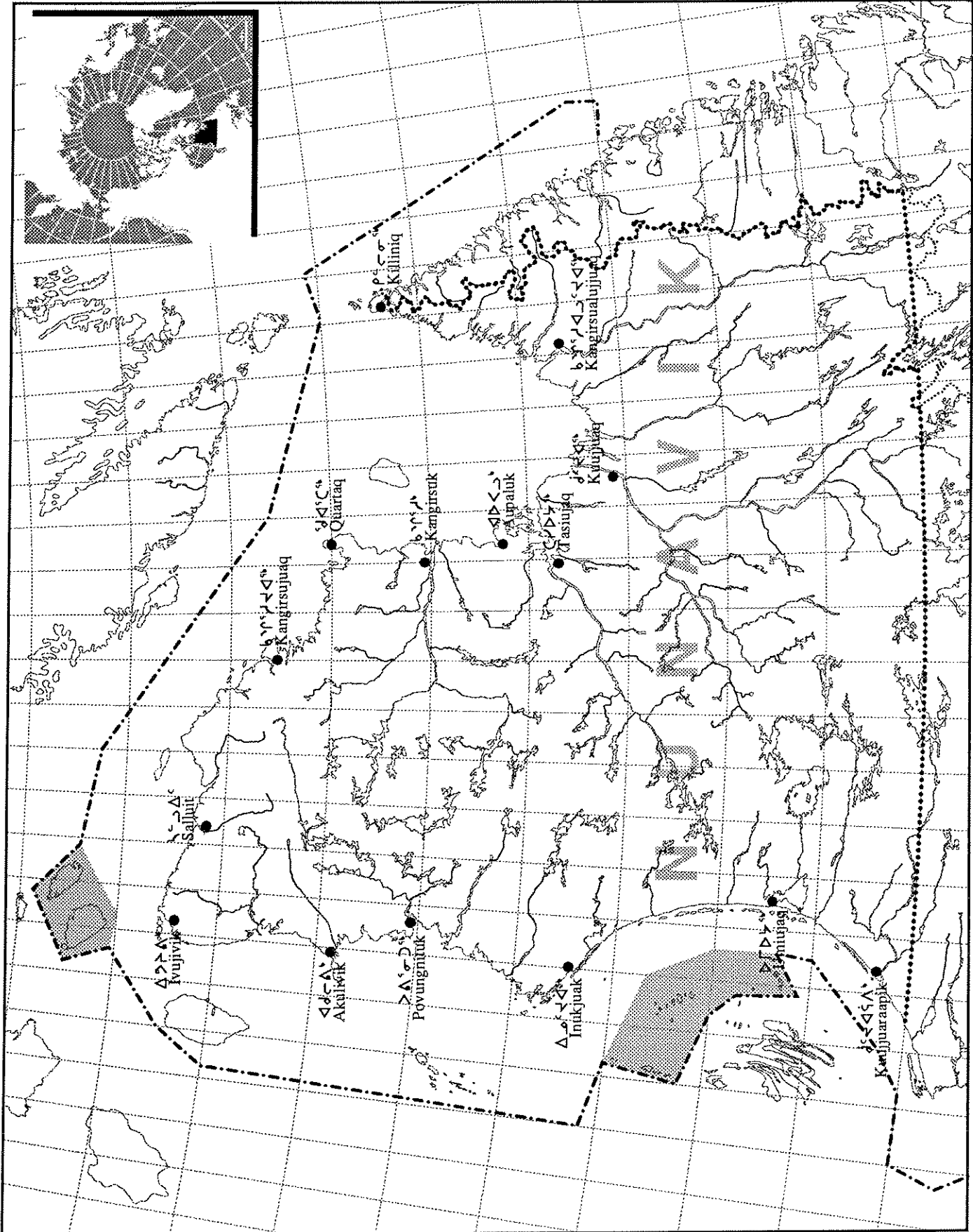
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**BY THE
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Introduction

On behalf of the Makivik Corporation and the Inuit of Nunavik, we would like to thank the Royal Commission on Aboriginal Peoples for this opportunity to appear before you today.

Makivik was created under the James Bay and Northern Quebec Agreement and acts both as a development corporation and a representative organization for the Inuit of Nunavik. We also remind Commissioners that Nunavik consists of almost all of the Quebec mainland north of the 55th parallel. This is approximately the top third of the province. Nunavik includes the adjacent offshore area which is under federal jurisdiction. It is important to remember that Inuit constitute the overwhelming majority of the population in this region.

We know that the Commission is already familiar with Nunavik as a result of hearings held in our region, the testimony given by the Nunavik Constitutional Committee on our self-government objectives, and your work on the High Arctic Inuit Exiles issue. On this latter point, we thank the Commission for conducting a thorough review of the hardship suffered by these people. We urge you to make the necessary recommendations to help bring this matter to a just and equitable conclusion.

As the Commission is aware, a number of the non-ethnic institutions created for the benefit of Inuit under the James Bay and Northern Quebec Agreement come under provincial jurisdiction. As a result, many of our day-to-day issues are affected more by Quebec policies and legislation than those of the federal government. Rather than survey all of these issues, we will concentrate our presentation on those areas where Nunavik could benefit from changes to federal policies or legislation. We believe this is where the recommendations of the Royal Commission will have their greatest impact.

The fleeting nature of federal obligations and fiduciary responsibilities to Inuit.

From our vantage point in Nunavik, it is becoming increasingly obvious that Inuit are fast becoming a victim of the federal government's desire to "get out of the native business".

For years we witnessed federal-provincial wrangling over the "off-loading" of responsibilities and expenses associated with Aboriginal Peoples. We have seen the Department of Indian Affairs and Northern Development divest itself of almost all programs aimed specifically at Inuit. We have also heard public and private statements by federal ministers and officials that the federal government would no longer be assuming its traditional level of responsibilities and obligations for the Inuit of Nunavik. Some of these statements have been retracted, but the government continues to apply its unwritten policy of distancing itself from its responsibilities for Inuit, especially those of us residing in provinces.

Inuit of Nunavik are especially sensitive to this issue. During the negotiations of the James Bay and Northern Quebec Agreement, we became the first aboriginal group to opt to have many of our institutions come under provincial jurisdiction. At the time we had the opportunity to come under federal jurisdiction exclusively, but quickly realized that this option would lead to nothing more than an Indian reserve system modified for Inuit. We rejected it because we saw no advantage in limiting our future to small parcels of land.

As a result, we opted for non-ethnic regional institutions coming under the Quebec jurisdiction. We also believed there would be practical advantages in having our institutions better integrated with the various provincial regimes. However, under no circumstances did we sign-off on our relationship with the federal government or on the federal fiduciary responsibility to the Inuit of Nunavik. It must be remembered that the only reason why it was possible to bring the Kativik Regional Government and the Kativik School Board into

existence through provincial legislation was because they are non-ethnic bodies that are not for the benefit of Inuit exclusively.

Unfortunately, in all too many instances, the federal government took the James Bay and Northern Quebec Agreement and our willingness to work with provincial jurisdiction as an opportunity to disavow much of its responsibilities to the Inuit of Nunavik. Except for issues which are clearly matters of federal jurisdiction (the offshore being one example), the federal government has consistently attempted to limit its obligations to the Inuit of Nunavik to nothing more than the terms of the James Bay and Northern Quebec Agreement.

The most recent example of this is the federal government's refusal to consider a process for participating in self-government negotiations for Nunavik. Although we see the primary negotiations taking place with Quebec, we believe the federal government has an obligation to participate at the appropriate time and to help cover the costs of the process.

Recent ministers have defended the government's position on this matter by stating that Canada will honor all of its obligations under the James Bay and Northern Quebec Agreement and the associated implementation agreement. The absurdity of this rationale is found in the fact that these two agreements are obviously not self-government agreements.

There are also alarming trends at the national level concerning federal government's obligations to Inuit. In general, programs aimed at Aboriginal Peoples will fall into one of the following three categories: (1) programs for Indian First Nations; (2) programs for Aboriginal Peoples in general; and (3) northern programs.

From this breakdown, we can see that Inuit have no business in the design, devolution, or the possible cancellation of programs falling into the first category. Inuit do have a role to play in the second

category. However, we only have limited influence because of our small numbers and because these programs are often put in place to meet the needs of large aboriginal populations in southern Canada. Inuit are often consulted about northern programs, but more often than not, these are designed and administered in conjunction with the Territorial Governments.

The point of all this is that the fulfillment of federal obligations to Inuit is a very tenuous proposition if Inuit do not even have the opportunity to sit down one on one with the federal government to discuss programs aimed specifically at Inuit. **One solution to this problem is to have the federal government address its obligations and responsibilities to Inuit through Inuit-specific programs, policies and legislation.**

Our national organization, the Inuit Tapirisat of Canada, has been calling for such an approach, and Makivik fully supports them on this matter.

Even more important than the creation of Inuit-specific programs is the need to have the federal government honor and act on its responsibilities and obligations for all the Aboriginal Peoples under its jurisdiction in an equitable manner. The government does not have the luxury of being able to pick and choose where it will act on its responsibilities and obligations based on political convenience. This means the federal government has a duty to honor its obligations and responsibilities to the Inuit of Nunavik that go beyond the terms of the James Bay and Northern Quebec Agreement.

Some reasons for Inuit-specific programs and policies.

Justification for the establishment of Inuit-specific programs and policies can be found in the fact that the situation of Inuit and the other Aboriginal Peoples is dramatically different in a number of areas.

The Inuit track record with the land claims process is a good example of this. We were among the first of the Aboriginal Peoples to enter into land claims negotiations, and we are the first to conclude agreements for most of our major claims. With the settlement of the Nunavut claim, approximately 90% of the Inuit of Canada are part of one or another land claim agreement. Only the Nunavik offshore area and Labrador claims remains to be settled. These are presently under negotiation.

Our record in settling our claims is impressive when one considers that a little less than two decades ago, Inuit had absolutely no land claims agreements or treaties with the Crown.

The implementation of our self-government rights is another area where Inuit are moving in a direction that differs from that of the other Aboriginal Peoples. It now appears that most of the Inuit of Canada have opted to exercise their self-government rights through the creation of non-ethnic regional and territorial governments. This is in sharp contrast with models that foresee a high degree of aboriginal sovereignty over a fairly limited land base.

One factor that clearly sets Inuit apart from other Aboriginal Peoples is that we are the overwhelming majority in the unique part of the country we inhabit. The significance of this only becomes apparent when one examines the situation of the other Aboriginal Peoples in Canada.

The cultural, social, and political institutions of the Metis and Indian First Nations differ greatly from that of the non-aboriginal populations of this country. But they do have one thing in common - they share the same landscape - they are all in the same area of the country and live below the treeline. We call it southern Canada. Inevitably, they often end up sharing certain transportation and communication networks and other services.

Needless to say, things are different in the Arctic. Aside from transient workers involved in resource development or the military, and the non-aboriginal professionals who have taken up residency as part of the Inuit communities, Inuit are pretty much the only people living on a permanent basis in the vast stretch of this country which lies north of the treeline.

Many people fail to grasp the full implications of this simple reality. As we mentioned earlier, it means that political arrangements based on small parcels of land are simply out of the question. It means Inuit can take a chance with non-ethnic government arrangements that may be inappropriate for most other Aboriginal Peoples. It also means Inuktitut remains our daily language and that, with few exceptions, we continue to have unrestricted access to the land that has been home to our People for thousands of years.

Unfortunately, our situation also means a high cost of living which is two to three times the Canadian average. Transportation and communication costs are staggering. In Nunavik, it is no more a luxury for an Inuk to take a plane than it is for a Montrealer to board a bus or train. Employment and higher-education opportunities are few and far between. In our communities, the unemployed do not have the option of going down the road to look for temporary work. And yet, the costs of doing business in our region is mind boggling. The start-up cost alone are enough to discourage the most ardent entrepreneur.

The examples given demonstrate that there are some major differences between Inuit and other Aboriginal Peoples in a number of fundamental areas. Under these circumstances, it is easy to understand how government programs designed in the south, administered in the south, and generally targeted at Aboriginal Peoples in a southern context, are often ill-suited for the Inuit and the North.

As stated earlier, the solution to this problem is for the federal government to create Inuit-specific programs. We believe that business and economic development and housing are some of the many areas where the government should be taking immediate action to establish Inuit-specific programs.

Self-government policies.

In this part of our presentation we will be making three points concerning self-government within the context of the current constitutional framework. We will save our comments on constitutional entrenchment of the inherent right of self-government for a later section of this presentation.

Our first point is that the federal government has an obligation to enter into self-government negotiations with Inuit in all the regions in Canada. The Inuit Tapirisat of Canada also raised this matter in their appearance before the Commission several weeks ago, and we believe that it is especially important for Inuit in the Nunavik, Inuvialuit and Labrador regions.

In Nunavik, we know that from a practical standpoint, much of our negotiations will have to take place with Quebec if we are to arrive at a truly workable lasting arrangement for a strong effective government for our region. However, this does not absolve the federal government of its obligations to sit down with us to establish a process by which it will participate in these negotiations and help cover the cost of the negotiating process.

The second point we wish to address concerns the fact that most Inuit are opting to implement their self-government rights through non-ethnic institutions. Although the federal government has not stood in the way of such a choice, it has done very little to develop policies recognizing this option or to facilitate the negotiation of non-ethnic self-government arrangements. At most, the government has acknowledged the non-ethnic options as an after

thought - an adjunct to whatever approaches it may be developing for the implementation of the self-government rights of the Indian First Nations.

We believe that it is high time that the federal government develop policies to explicitly accommodate and support the negotiation of non-ethnic self-government agreements with Inuit. Such a policy should establish that non-ethnic governments would be open to the participation of all residents under their jurisdiction, and that they would respect the rights of all people. However, the policy will have to clarify that non-ethnic governments would be established as a result of negotiations with Inuit, and that they would be put in place primarily for the benefit of Inuit. It is this context that the policy should stipulate that agreements for non-ethnic governments should allow for an "ethnic component" to help safeguard and promote the rights, culture, and practices of Inuit.

Our next point addresses the federal government's policy of excluding self-government provisions from land claims agreements. We see no logic behind this policy since land claims agreements generally lay the ground work for a new relationship between the aboriginal party and non-aboriginal society. Moreover, many land claims agreements already contain self-government provisions of one type or another.

Our own James Bay and Northern Quebec Agreement provides for the Kativik School Board and a regional administration in the form of the Kativik Regional Government. More recently, we see that the Article four of the Nunavut agreement commits the federal government to creating a whole new territorial government.

The federal government should not only abandon its policy of excluding self-government provisions from land claims agreements, it should be prepared to support the request of any Aboriginal People to reopen their land claims agreements to include self-government arrangements. It should be at the sole option of the aboriginal party

whether or not to include all, or part, of their self-government provisions in a land claim agreement, a stand alone self-government treaty, or in a simple contractual agreement.

In our case in Nunavik, we have plans to include provisions for the establishment of the Nunavik Assembly in the James Bay and Northern Quebec Agreement. We feel this makes sense it would be possible to regroup many of the self-government powers already found in the Agreement under this one body.

Alternatives to extinguishment.

We will be as brief as possible on this issue. We know many other groups have addressed this question and that the Commission has conducted substantial research on the matter.

Ultimately, we expect to see an alternative to extinguishment where the parties to an agreement would recognize and affirm each other's rights as described in the land claim agreement. This would enable the parties to strike "the deal" which is essential to all modern day land claims agreements, but would do away with the repugnant notion that one side must surrender their rights for extinguishment.

Whatever the mechanism put forth by the Commission, it is important that the alternative to extinguishment be accompanied by a recommendation that it be applied uniformly to all Aboriginal Peoples across Canada. This would mean that Aboriginal People who already have a land claim agreement would have the option of reopening their agreement for the purpose of substituting the surrender and extinguishment provisions with whatever alternatives may be adopted by the federal government.

We do not believe that such actions would undo or change the effect of the existing agreements, but they would do much to help eliminate a blemish on what are otherwise excellent land claims agreements. To do anything less means we would run the risk of

characterizing aboriginal rights in terms of the "post alternative era" and the "pre-alternative era". The last thing we need is another artificial distinction for defining the rights and status of the Aboriginal Peoples in the country.

Pan-Canadian recognition of Inuit and Inuit rights.

It should be obvious that the territorial and provincial boundaries which divide up our homeland in Canada are arbitrary lines which, up to now, have been imposed on us. In most cases these boundaries have little bearing on how we would go about defining our homeland or organizing the jurisdiction of our political, cultural, social, and economic institutions.

Nevertheless, Inuit are a pragmatic people and we have chosen to work with the reality of provincial and territorial boundaries which run across our land. Accordingly, Inuit have negotiated, or are seeking to negotiate land claims agreements and self-government arrangements which respect and accommodate the existence of provincial and territorial boundaries and jurisdictions.

Despite the handicap of having to work with these boundaries and jurisdictions, we have managed to negotiate some good agreements which will help secure a future for our peoples for generations to come. In some cases we have had to work around these boundaries by developing innovative overlap agreements and joint management regimes between Inuit claimant areas. The overlap agreement between the Inuit of Nunavik and Nunavut is a good example of this. In other cases, Inuit have actually found ways of putting boundaries to work in our favor. We note with admiration that the Inuit of Nunavut have made use of territorial boundaries to further their self-government objectives.

Although we have accommodated the existence of boundaries, and have negotiated agreements independently of one another, we have never stopped viewing ourselves as a single people. To put it

mildly, it is an understatement to simply say that Inuit of the different regions of the Arctic have much in common. In reality, the Inuit of Labrador, Nunavik, Nunavut, and Inuvialuit regions are all the same People, and we share the same culture, language, history, traditions, and relationship to the land.

The fact that we are one People may be obvious to us and anyone else who cares to pay attention. However, there is very little recognition of this fact in Canadian law or in federal policies. Now that we have concluded most of our land claim agreements and are on our way to implementing different self-government regimes, we are fearful that there will be a trend among governments and Canadians to view us as different aboriginal groups who happen to share a common heritage.

We are also fearful that Inuit from one claimant area will legally be treated as non-Inuit if they take up residency in a part of the Arctic covered by a different Inuit land claim agreement. If this problem is allowed to fester, it could lead to a situation where there would be a whole class of what would effectively be "non-status" Inuit living throughout our homeland.

Now is the time to act to prevent this. A mechanism is needed at the national level to ensure that we are recognized as one People, that we are able to speak with one voice, and that we are able to enjoy certain basic rights as Inuit regardless of what land claim regime we may happen to be living under in our homeland. Such a mechanism could also be used to ensure that the various self-government institutions operating at the regional and territorial levels will have the power and jurisdiction to conduct business with one another, and to enter into inter-governmental agreements on any matter relating directly to Inuit and Inuit concerns.

In the past some Inuit leaders spoke about providing for such a mechanism through a National Inuit Treaty involving the federal government and all the Inuit regions. This would require the consent

of various Inuit organizations and a willingness on the part of the federal government to act on its responsibilities to Inuit. We are sure this approach would have widespread support among Inuit, and we believe it is an idea whose time has come.

Aboriginal Peoples and the constitutional reform process.

We know that few governments and even fewer Canadians are interested in getting into another constitutional reform process at this point in time. Although there remains many outstanding issues to be resolved, we are not advocating the immediate resumption of constitutional talks. However, we have been around long enough to know that if Canada is not in the midst of a constitutional reform process, it is about to enter one.

Our suspicions appear to be born out by the fact that the Bloc Québécois now forms the official opposition in Parliament, that a Quebec general election will likely take place within the next year, and that section 49 of the Constitution Act, 1982 requires that a constitutional conference on the amending formula be held sometime before 1997. There is some disagreement among experts as to whether or not the obligation to hold such a conference was satisfied by the process leading up to the Charlottetown Accord, but this question will surely be debated.

We are raising these matters in order to stress the fact that Inuit and the other Aboriginal Peoples must fully participate in the next round of constitutional reform talks. This may seem like a foregone conclusion in light of the developments of a few years ago. But we have seen two constitutional reform processes come and go during the past six years. While we were invited into the Charlottetown process with open arms, Aboriginal Peoples were completely shut out of the Meech Lake process. With this in mind, we believe that the Commission would not be wasting time in recommending that there be no exception to the rule that Aboriginal Peoples be full and equal participants in all future constitutional reform processes.

Assuming that this will be the case, the inherent right of self-government will certainly be one of the items slated for discussion at the constitutional table. On this we have something to say.

Many people will concede that the inherent right is the source of right to self-government, and that this right will manifest itself in different ways for different Aboriginal Peoples. Models applicable to Aboriginal Peoples living in major urban centres may bear little resemblance to the system of government that may be adopted by First Nations residing on reserves. As commissioners already know, most Inuit will be seeking to exercise their right of self-government through non-ethnic institutions.

We are dwelling on this point because many governments, officials, scholars, and even this Commission have been approaching the issue of entrenching the inherent right in terms of only one model. Although perfectly valid, this model foresees a high degree of aboriginal sovereignty over a pre-determined land base, and is probably most applicable for First Nations living on reserves. During the Charlottetown process, this model and the inherent right became so closely associated that many people believed that they were one and the same. Unfortunately, this is cause for concern for us since we have resisted models for aboriginal self-government that are limited to small parcels of land.

We understand the need to entrench the inherent right in a manner that will satisfy the Indian First Nations. **At the same time, we must insist that future constitutional reform processes avoid proposals that would entrench the inherent right in a manner that would favor one model over another.**

Regional and community concerns

We are aware that the Royal Commission's mandate is not confined to legal and political issues. Inuit share with other Canadians the challenge of increasingly hard times. We know it will be difficult to expand the northern economy in our period of high government deficits: here in Montreal this very day, Mr. Paul Martin will be announcing new federal debt figures. Yet the Nunavik economy must expand. We also have our share of social problems which we are tackling. Today I would like to give you some brief indication of where we are and how we want to proceed.

Inuit capability

Nunavik Inuit want to contribute to prosperity and well being in Canada. And we have shown our ability to achieve this objective.

Let me provide a few examples. Makivik Corporation, through Air Inuit, ensures the only regular mode of transportation between our communities in our region where no road network links our villages, where no roads link us with Canadians to the south. Air services are essential to keep us working together.

Our Corporation also owns First Air, a jet and turbo-prop operation that links the high Arctic to the South. The performance of this Inuit owned airline has markedly improved.

Makivik's fishing subsidiary, Seaku, and Unaaq, a joint venture with Baffin Island Inuit, ensures employment of over 100 Inuit and generates income of over \$1 million for northern residents. The Seaku Development Fund is designed to guarantee strong Nunavik Inuit involvement in the fishery for years to come.

These and other examples reflect our ability to cope with the modern world. What Nunavik Inuit need are partners and capital. Moreover, government policies should reflect the fact that Inuit

business and corporations are fully able to explore and exploit the natural resource in the North.

Economic development

We know that self-government could have a very marginal impact in the absence of an economic base. In Quebec, Inuit face some tough problems. They also should benefit from specific opportunities.

One such opportunity is in the area of food production. In any economy, people have to build on comparative advantages: one of ours is the Nunavik wildlife product sector.

Makivik Corporation, in cooperation with other Nunavik institutions, is developing a five year business plan to establish a Nunavik intercommunity trade network. The network would integrate hunting, inspection, processing, transportation and marketing operations. According to our estimates and whereas our arctic foods enterprise would generate profits in a matter of years, the venture would provide over 400 jobs, a gigantic figure for the territory. We want to work with the federal government and the provincial government to sustain this venture: any federal and provincial funds initially invested would be more than compensated by savings in areas such as social transfers.

Many people forget that tourism is the world's first industry. Tourism is another regional asset we want to develop.

As of 1993, thousands of sports hunters and fishermen visited Nunavik outfitting camps. These stays are crucial for Nunavik because they contribute to labour intensive activity. And tourism monies in the form of foreign currency are good for the national and Quebec economies.

One area we are looking at very closely is the area of adventure tourism. We are increasing our land and sea expedition capability to reach an international market, primarily located in Britain, France and Germany, and which is expected to grow at 15 to 20 per cent a year. Like other Canadian operators, we will need federal government support to improve our infrastructure and to implement effective marketing plans abroad.

One of the most serious development problems Inuit in Quebec face concerns the field of taxation.

Inuit have opted to be taxpayers. But we need a system which is fair and effective if our economic base is to expand. To illustrate, let us briefly review three sectors.

Canadian taxpayers support farmers through a series of tax breaks, for example, GST, subsidies and marketing schemes. Yet Inuit hunters, trappers and fishermen -engaged in essential food production - have no access to special taxation, despite very high costs.

Despite rapid progress, Inuit incomes are still low for the most part. A survey conducted in 1993 by Makivik Corporation revealed that only 27 per cent of Inuit households could claim the federal northern deduction of \$5,475 because their incomes were too low. To have deductions, one has to make money. Costs are very high in our territory. Prices in Salluit or Ivujivik surpass those here in Montréal by 100 per cent. Yet Nunavik Inuit have to pay a combined GST/Quebec sales tax of 15.56 per cent. This is a nominal figure because if you take into account high costs and real purchasing power, the real tax rate can exceed.... 30 per cent. Is this fair? Is this effective?

Another issue of concern to us is the increasing tendency of government to replace direct cash transfers by tax credits, for example family allowances. To obtain tax credits, income tax returns

have to be filed. Yet many older Inuit are unilingual in Inuktitut, our Arctic language. This year Makivik Corporation assisted hundreds of Inuit households in filing returns - at great cost I might add. We cannot substitute for government forever.

In short, in these areas alone, we need new tax arrangements for Inuit hunters such as GST exemptions, a more generous tax credit system to compensate for high costs and a federal tax office in Northern Quebec.

Infrastructure

As I noted earlier, infrastructure is crucial for economic development. Yet Nunavik communities have no marine infrastructure to speak of, docks, wharfs, storage and so on. This in a territory of sea going people where there are as many boats as there are households. The development of a marine infrastructure is absolutely necessary for the economic development in regards to transportation, fishing and hunting initiatives, as well as tourism.

Eighteen years after a solemn commitment made under JBNQA in 1975, Canada and Quebec, in cooperation with our corporation and the Kativik Regional Government, finally undertook three marine infrastructure feasibility studies in Nunavik. It is even more essential that studies be followed by infrastructure investments. It has been said that Inuit have been studied to the verge of death. I hope this will not be the case for our ports.

Justice

On March 1, 1993, the Nunavik Inuit Justice Task Force tabled its final report entitled: "Blazing a Trail to a Better Future". The task force was created because of the deep malaise in Northern Quebec towards a foreign justice system and southern ways of inducing people to live together or forcing them to live apart.

For two years, the Task Force consulted residents through questionnaires, radio and community meetings. It conducted exhaustive research into Inuit legal customs and alternatives to the existing regime. The six members went on a series of fields trips in Quebec and elsewhere in Canada.

Their conclusions are reflected in the scores of recommendations contained in the final report. These recommendations cover the following eight areas:

1. prevention;
2. law enforcement;
3. the court system and alternatives;
4. correctional services;
5. post correctional services like probation;
6. Inuit customary laws;
7. special problems of youth and;
8. specific civil law matters in the region.

Task Force findings are practical and are based on common sense. For example, one of the best ways of implementing justice is through a recreation network and similar preventive measures. Or it might be more cost effective for Quebec to establish a detention facility in the region just as GNWT did in Iqaluit just north of Nunavik. Or that Inuit customs and traditions developed in the North be reflected in the legal system.

Inuit of Quebec put a great deal of effort into the report. We think it deserves more than a glance. It deserves follow-up and action.

Conclusions

Members of the Royal Commission on Aboriginal Peoples are coming to the end of a long journey. It has taken you across the country and into hundreds of communities, large and small. It has, perhaps unfortunately, forced you to review thousands of pages,

hundreds of documents. We for our part, the Inuit of Nunavik, would like to extend our appreciation for your hard work and long hours.

We can assure you that Inuit of Nunavik will take a very careful look at your analysis, at your recommendations when your final report is issued. In the same vein and spirit, we would expect you, during your remaining work, to take into account our views and suggestions.

Thank you very much.