

CONSTITUTION OF NUNAVIK

Prepared by:

Nunavik Constitutional Committee

December, 13, 1989

TABLE OF CONTENTS

	Page
I. Preamble.....	1
II. Objectives.....	3
III. "Nunavik" and its Boundaries.....	4
IV. Charter of Rights and Freedoms.....	5
V. Powers and Structures.....	7
VI. Administration (institutions of self-government).....	11
VII. Amendment of Constitution.....	13
VIII. Official Languages of Nunavik.....	14

ANNEXES

Annex 1 - Excerpts from the Canadian Charter of Rights and Freedoms

Annex 2 - Excerpts from the Québec Charter of Human Rights and Freedoms

Annex 3 - Chart of Structures of Nunavik Government

I. PREAMBLE

WE, THE PEOPLE OF NUNAVIK, enjoy a special relationship to the land and wanting to govern ourselves on the principles of the supremacy of God, the rule of law and the equality of all peoples, hereby create and agree to live by this Constitution.

AND:

RECOGNIZING our right to maintain our freedom, our languages and our traditions;

RECOGNIZING that an adequate land and resource base as well as a strong economic base are essential for the effective exercise of self-government in Nunavik;

RECOGNIZING the need for us to clarify our status within Québec and Canada and to create a new basis for our relationship with them;

RECOGNIZING our desire to affirm, unify and protect our distinct cultural and linguistic ties;

RECOGNIZING the particular and special role of the communities and local administrations of Nunavik as central to the underlying strength and future of Nunavik;

RECOGNIZING that our participation in the development of renewable and non-renewable resources of Nunavik are essential to our present and future of Nunavik;

RECOGNIZING our desire and need to promote greater economic self-reliance for Nunavik;

AND WE FURTHER AFFIRM AND DECLARE:

THAT we, alone, are the ones responsible for our future and the survival and growth of our cultural identity;

AND we assume responsibility for the protection of our fragile environment; the development of our economies; and the education and welfare of our people;

AND WE FURTHER AFFIRM AND DECLARE:

THAT we, alone are the ones responsible for our future and the survival and growth of our cultural identity;

AND we assume responsibility for the protection of our fragile environment; the development of our economies; and the education and welfare of our people;

AND

WE FURTHER COMMIT OURSELVES to determine in a spirit of cooperation the arrangements for practical achievement of these ends within the larger provincial and national legal and political framework of which we are part;

AND TO CARRY OUT these objects and aspirations and to promote and protect these many rights, for both present and future generations, in a fair, open, equitable and responsible manner, we hereby create through this Constitution a Charter of Rights and Freedoms and an elected Regional Assembly drawn from the people of Nunavik with a responsible Executive branch of government and an independent Judicial branch.

II. OBJECTIVES

1. Assure protection and development of the Inuit culture and Inuit traditions of Nunavik;
2. Unite and integrate our communities, regional institutions and people;
3. Maintain, protect and develop the use of the Inuit language and encourage the use of other languages;

4. Protect the environment in and surrounding Nunavik so as to ensure sustainable development for present and future generations;
5. Encourage economic development;
6. Promote employment opportunities for Inuit;
7. Provide, support and develop education and training for Inuit;
8. Achieve adequate living standards in all communities and equitably distribute benefits accruing to the region among them;
9. Encourage and support local decision-making within our communities and the recognition of tradition and custom in such decision-making;
10. Secure the necessary funds and revenues for Nunavik so as to ensure good and reliable government;
11. Maintain and encourage relations with other Inuit and other peoples;
12. Develop an equitable balance between collective and individual rights;
13. Protect the rights and welcome the contributions of all residents of Nunavik;
14. Build upon and implement all aboriginal and treaty rights secured by Inuit of Nunavik;
15. Create an accountable, efficient, fair, reliable and cost effective government within Nunavik.

III. 'NUNAVIK' AND ITS BOUNDARIES

The name of the self-government and region covered by it is "Nunavik". It consists of the region north of the 55th parallel in Québec including the offshore area used by Inuit including the islands therein around Québec.

IV. CHARTER OF RIGHTS AND FREEDOMS

The people of Nunavik shall have a Charter of Rights and Freedoms upon which their government will operate and in accordance with which citizens of Nunavik will interact with that government as well as with each other.

Residents of Nunavik, as citizens of Québec and of Canada, shall continue to enjoy protection of their individual rights and freedoms in the form of the Canadian Charter of Rights and Freedoms contained in the Constitution Act, 1982 as well as in the Québec Charter of Human Rights and Freedoms (L.R.Q., c.C-12).

Both the Canadian Charter of Rights and Freedoms and the Québec Charter of Human Rights and Freedoms shall continue to apply to all citizens and provide for protection of the fundamental freedoms and rights of the individual. The Québec Charter of Human Rights and Freedoms provides protection for the citizens' political rights, judicial rights, economic and social rights as well. Copies of excerpts from the Canadian Charter of Rights and Freedoms and the Québec Charter of Human Rights and Freedoms are contained in Annex 1 and Annex 2 of this Constitution.

In addition, there will be a special Charter of Rights and Freedoms for Nunavik to supplement these above two already existing Charters of Rights. This Nunavik Charter of Rights shall protect and promote special additional rights and freedoms specially for residents of Nunavik and in particular for Inuit of Nunavik, including:

- Right to an adequate land base and to its management and use;
- Right of Inuit to harvest wildlife on a priority basis, subject to principles of conservation and the right to fully participate in wildlife management;
- Right to an economic base to promote regional self-sufficiency;
- Right to develop a balanced and diversified northern economy which accomodates and promotes both wage and subsistence economies;
- Right to adequate services in Nunavik communities;
- Right to ensure Inuit survival as a distinct people;

- Right of Inuit to use and enjoy cultural property relating to Inuit culture and ancestry;
- Right of Inuit beneficiaries to enjoy their constitutional rights and interests;
- Right of Inuit to enjoy, promote and protect their own culture, language and traditions;
- Right to our own institutions;
- Right to economic and job opportunities;
- Right to vote in Nunavik elections and other Nunavik decision-making processes;
- Right to freely and openly express one's opinion;
- Right to a balance between individual and collective rights within Nunavik;
- Right to share resources within Nunavik;
- Right to use and promote the Inuit language.

V. POWERS AND STRUCTURES

The powers of the Nunavik self-government shall be divided into three (3) distinct branches of government: a Legislature; an Executive and a Judicial branch as follows:

- (1) REGIONAL ASSEMBLY (Legislature)
- (2) EXECUTIVE COMMITTEE (Cabinet)
- (3) JUDICIARY (Courts and Laws)

- (1) REGIONAL ASSEMBLY (Legislature)

The Regional Assembly shall be the legislative branch of the Nunavik government and will possess the necessary legislative powers in all areas necessary to effectively administer the Nunavik Region. These powers shall have been secured for the Regional Assembly through negotiations with both the Government of Québec and Canada. The Regional Assembly shall be the overall power within Nunavik, subject only to the limits of its legislative authority and this Constitution. These powers shall include jurisdiction to legislate and administer in the areas of:

- education
- environmental management
- resource management
- health and social services
- economic development
- employment and training
- public works and infrastructure
- offshore planning and management
- taxation and revenue
- justice administration
- culture and communications
- external relations.

The Regional Assembly will consist of no less than twenty (20) representatives elected by the people of Nunavik in elections regularly held for that purpose.

Candidates for such elections can run independently but they can also run for a particular political party based in Nunavik.

The term of office for each of these members of the Regional Assembly will be four (4) years.

The representatives of the Assembly would be drawn from electoral districts in Nunavik. There be no less than five (5) electoral districts (i.e., where each electoral district would contain an average three communities). A different number of seats will be drawn from each of these electoral districts depending each on the population size within each of the electoral districts.

The Chief Electoral Officer of Québec shall assist in drafting appropriate rules and procedures in accordance with democratic electoral practice to enable the first election of representatives to the Regional Assembly to take place.

The Regional Assembly as a legislative body will make decisions by simple majority vote of its members except that the following subject matters will require a seventy-five percent (75%) majority vote:

- 1) impeachment of Assembly members;
- 2) acceptance of proposals for amendments to be submitted to referendum.

Certain issues before the Regional Assembly, before they can be voted upon, will require a full public consultation with residents of Nunavik prior to any decisions being taken. Such public consultation will be in the form of public meetings or referenda.

Other rules necessary for the functioning of the Regional Assembly will ensure that the operation of the Regional Assembly meets the basic test of:

- accountability (for all decisions and budgetary expenditures)
- efficiency of decision-making
- fairness and equity of decision-making
- reliability
- cost effectiveness.

Oral and written proceedings of the Assembly and related committees may be in Inuktitut, French or English. Laws of the Assembly shall be adopted in all three of these languages.

(2) EXECUTIVE COMMITTEE (Cabinet)

An Executive Committee will constitute the Executive branch (Cabinet) of the Nunavik Government. Membership in the Executive Committee will consist of no less than six (6) members and no more than ten (10) members drawn from the elected representatives of the Regional Assembly. The purpose of the Executive Committee is to execute or carry out the decisions of the Regional Assembly and to oversee administration of the Nunavik Government on a day-to-day basis.

The Executive Committee is collectively responsible to the Regional Assembly for all its actions. Moreover, the Regional Assembly retains overall power in the Nunavik Government. In executing the instructions of the Assembly, the Executive Committee will enjoy a certain amount of discretionary power as defined by the Assembly.

The discretion granted to the Executive Committee shall extend to the following:

- furnish initiative and leadership;
- devise means for coping with present emergencies and future needs of Nunavik;
- recommend appropriate policies on all matters relating to Nunavik to the Assembly;
- approval of certain types of expenditures of the government;
- proposals for annual budgets and other legislation to the Assembly;
- supervision of all government departments and institutions beneath the Assembly (Each member of the Executive Committee should be individually charged with the responsibility of exercising supervision over the work of his or her particular department(s));
- participation in national, international and other external matters upon consultation with the Assembly;

- enactment of subordinate legislation under the authority delegated to it by the Assembly (i.e., minutes or Orders in Council covering subject matters such as questions of departmental routine, approval of contracts, etc.);
- formation of *ad hoc* or permanent committees to work on particular issues of interest to Nunavik upon the approval of the Assembly.

The term of office of Executive Committee are the same as that for Regional Assembly members.

The Executive Committee will operate on a full-time basis and this would mean that all Committee members would have to available full-time and be compensated accordingly.

(3) Judiciary (Courts and Law)

The Judiciary is the third important branch of government. The main function of the Judiciary is primary the settlement of disputes which are brought before the courts for that purpose. More importantly, the Judiciary ensures that the rule of law is maintained; that citizens are punished for the breach of the law; that no one is above the law; and that any acts of government or government officials which are not legally authorized or which are abusive are struck down. The Judiciary will also interpret the Constitution of Nunavik and protect its citizens not only from one another, but against the government itself should that be necessary.

In conjunction with the existing court system, Nunavik shall have a system of local and regional courts designed to handle a certain number of specific subject matters.

VI. ADMINISTRATION

Administration of the Nunavik government will consist of a number of government departments each answerable to a particular of the Executive Committee of the Nunavik government. These Nunavik government departments will each deal with the various subject matters of administration in the Nunavik region. Each of these departments will have its own staff and will be headed by an expert

administrator (similar to a Deputy-Minister) hired by the Executive Committee for that purpose. All government departments of Nunavik will be located in the Nunavik region in the Nunavik Government buildings.

There will be the following administrative departments:

- 1) Department of Economic Development (including employment)
- 2) Department of Education and Training
- 3) Department of Environment, Land and Resource Management
- 4) Department of Health and Social Services
- 5) Department of Local Affairs and Housing (includes recreation, general infrastructure and transportation)
- 6) Department of Revenue, Taxation and Administration (this Department would contain a Treasury; centralized accounting; centralized taxation, centralized personnel; centralized purchasing; centralized contentieux, and centralized transport and travel for all staff and employees of the Nunavik government)
- 7) Department of Culture and Communication
- 8) Department of Justice Administration and Police
- 9) Department of External Relations

These departments and their staff will carry out the day-to-day administration of the Nunavik region in accordance with direction received from the Executive Committee and in accordance with the legislation adopted and enacted and implemented by the Regional Assembly.

On an annual basis, each of these departments will have to submit their budget estimates to the Executive Committee for review and ultimately for approval by the Regional Assembly at its annual budget meeting.

VII. AMENDMENT OF CONSTITUTION

The Constitution of Nunavik can be amended as follows:

1. Any Assembly member may propose an amendment to the Nunavik Constitution;
2. Any amendment must be submitted to public referendum for approval;
3. Before a proposed amendment can be submitted to public referendum in Nunavik, it must receive approval by seventy-five per cent (75%) majority vote of the Assembly;
4. If a proposed amendment is approved by public referendum, then the amendment is then forwarded to Québec, for inclusion in appropriate legislation.

VIII. OFFICIAL LANGUAGES OF NUNAVIK

There shall be three (3) official languages in Nunavik:

- (1) Inuktitut
- (2) French
- (3) English

(Annexes attached)

