

BRIEF TO THE ROYAL COMMISSION ON THE  
ECONOMIC UNION AND DEVELOPMENT  
PROSPECTS FOR CANADA

THE FUTURE OF INUIT IN CANADA'S ECONOMIC  
UNION: NORTHERN PARTNERSHIP OR  
NEGLECT?

Submitted by Makivik Corporation  
on behalf of Inuit of Northern  
Québec

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## INTRODUCTION

This document will set out the primary issues that must be considered to develop a policy and program for the management of biological resources by the Inuit of northern Québec. The management of biological resources represents a very complex process and many fundamental decisions will have to be made. The creation of a workable policy and program will be difficult, but it must be achieved. Failure to do so will increase the dependency of Inuit on the south through the deterioration of food self-sufficiency and through the elimination of the options to achieve some form of economic development by the commercial exploitation of local resources.

In their political, economic and cultural involvement with conservation and management, Inuit must view themselves as part of a world-wide movement. They have responsibility to themselves, to their future generations and to all of the other people that share the planet with them. Four thousand years of survival from the resources of the North have taught the Inuit many skills and it has provided them with a vast amount of information about the resources and environment. The next few years will be a very critical period and the Inuit must have the strength to exhibit leadership and innovation in the protection of their environment and its resources.

The Inuit of northern Québec are fortunate to live in a region that is food-rich, but this does not mean that there is an unlimited abundance of resources. If care is not taken in the use of these resources, scarcity will be a result. Northern food resources and the habitats that support these resources must be considered as the most important source of long-term wealth for the Inuit. The basic principle for maintaining this wealth is conservation which is defined as: the use of resources by Inuit so that they may yield the greatest sustainable benefit to present generations while maintaining their potential to meet the needs of future generations. The goal of conservation is put into action by management, which is defined as all of the decisions and practices that are needed to protect or develop the resource base for the long-term benefit of Inuit.

In northern Québec, management must be a comprehensive approach that includes the biological resources, the habitats that support these resources and the current and future needs of Inuit (Figure 1). The management policy will set out the basic principles that are needed to give direction to establishing management goals, priorities and courses of action. The management program will set out the basic activities that are needed for resource planning and decision making at a local or regional level and with respect to particular problems or concerns.

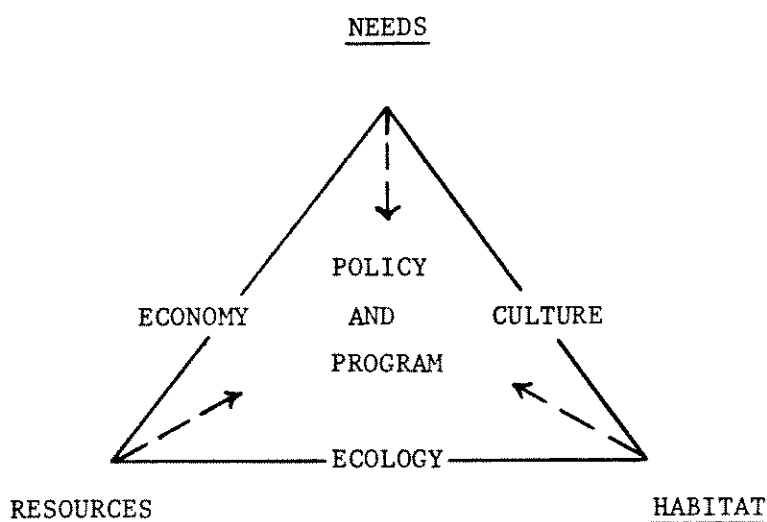


Figure 1

MONTREAL

(Location of Hearing)

SUMMARY

If the north is to contribute to strengthening Canada's economic union, a new consciousness must evolve which includes Inuit as full and active partners.

The Brief describes in some detail the problems and challenges faced by Inuit, concentrating to a large degree on northern Québec. We describe our fundamental goals and aspirations as a distinct people within Canada and demonstrate how federal-Québec relations and economic policies, or lack of them, have seriously detracted from our ability to realize our fundamental objectives.

Through misconceived government policies or outright neglect, we find ourselves, as a people, without adequate opportunities to significantly promote our self-reliance. More particularly, we bring to the attention of the Commission the alarming gap which continues to widen between Inuit and non-native Canadians in regard to economic and social development, the ineffectiveness of government programs and policies to date to alleviate such problems and the need for a new national perspective. In this regard, we seek a fresh approach which contributes to our growth rather than perpetuate our dependancy.

In order to alter the patterns of the past, the Brief proposes the following:

- formulation of a comprehensive national northern policy which, unlike other policies in the past, must include adequate mechanisms for coordination among government departments and compliance by both federal and provincial governments;

- changes which may be required to Canada's economic and political systems in order to provide for greater Inuit participation (with particular emphasis on self-government), so that economic decision-making may be more responsive to the needs and aspirations of the north;

- effective implementation of the spirit of Canada's Constitution through national policies which recognize Inuit rights and interests, reduce regional disparities in the north and ensure a more equitable sharing of the responsibilities and benefits of northern economic development.

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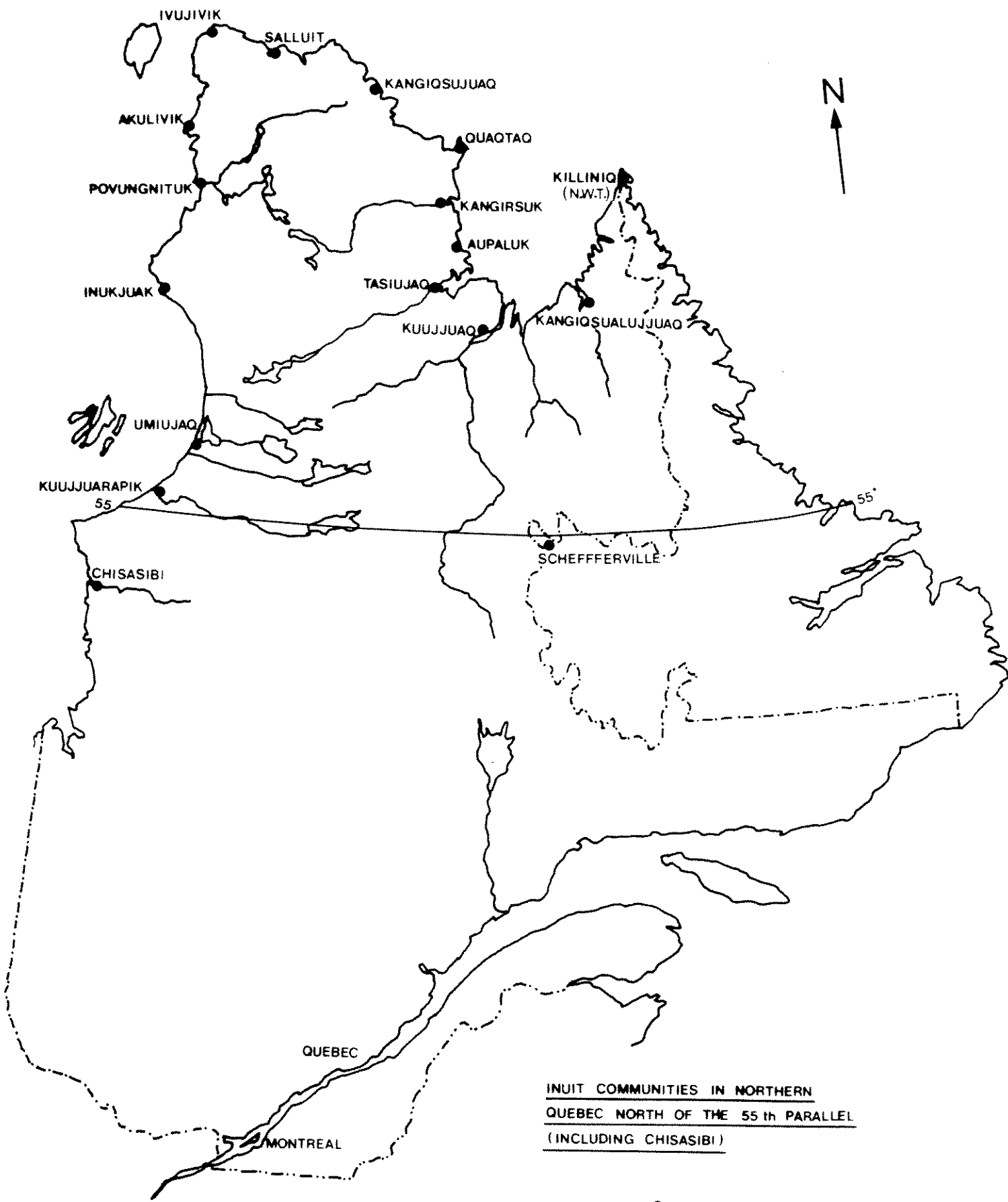
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INUIT COMMUNITIES IN NORTHERN  
QUEBEC NORTH OF THE 55th PARALLEL  
(INCLUDING CHISASIBI)

0 ————— 150 miles



## INTRODUCTION

There are approximately 5,800 Inuit in northern Québec. This territory, a part of the Inuit homeland in which we are the predominant population, is about one-third the size of Québec.

Makivik is an Inuit organization created under Québec law and represents the Inuit of northern Québec on economic, social and other issues related to the James Bay and Northern Québec Agreement. The Agreement was signed in 1975 and is the only comprehensive land claims settlement presently existing in Canada. Our corporation is also involved in various economic ventures, including a regional airline and construction company, within our northern territory. In addition, Makivik has been involved for the past five years in constitutional issues. Currently, we are active participants in the ongoing constitutional process concerning aboriginal peoples, both at the national level and within Québec.

Makivik feels that the central issues facing the Commission are vital for the future of Canada and we wish to ensure that Inuit concerns are adequately considered in the process. Due to our varied interests and background, we believe Makivik can make an essential contribution to the work of the Commission.

In considering our issues, it is important to realize that we have close relations with Inuit in other circumpolar regions both within and outside Canada. On the national level, there are approximately 25,000 Inuit in Canada, inhabiting northern Québec, Labrador and Nunavut (N.W.T.). This area, the Inuit homeland, includes approximately one-third of all the land in Canada. Moreover, Inuit constitute the majority population in these areas. On the international level, significant populations of Inuit are in Alaska (30,000), Greenland (42,000) and the Soviet Union (3,500).

During the past few years, Inuit in northern Québec and other parts of Canada have established economic and social development as a priority. However, whether through misguided government policies or outright neglect, we find ourselves, as a people, stripped of our economic rights<sup>1</sup> and without adequate opportunities to significantly promote our self-reliance. As northern peoples, we will never accept a system which exploits the natural resources within our vast region at the expense of our rights and our own development - and which precludes our full participation. Through the work of this Royal Commission, we hope to permanently alter the patterns of the past by providing the fundamental principles which must govern Inuit participation in Canada's economic union. Government policies and practices are sorely in need of change. If the north is to contribute to strengthening Canada's economic union, a new consciousness must evolve which includes Inuit as full and active partners in northern economic development.

More fully, the purposes of our Brief can be summarized as follows:

- 1) to indicate the importance of the north to Canada's future and the role Inuit can play, as partners, in achieving a strong economic union among the various regions of Canada;
- 2) to sensitize the Commission and all Canadians to the nature and scope of Inuit goals and aspirations;
- 3) to assess how federal-provincial relations and economic policies, or lack of them, have far-reaching effects on our ability, as Inuit, to realize our goals and aspirations;

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<sup>1</sup> See sub-heading 3.1 below where the right to an economic base to promote our self-sufficiency is elaborated.

- 4) to elaborate how the spirit of Canada's Constitution may be effectively implemented through national policies which recognize Inuit rights and interests, reduce regional disparities in the north and ensure a more equitable sharing of the responsibilities and benefits of northern economic development;
- 5) to bring to the attention of the Commission the alarming gap which continues to widen between Inuit and non-native Canadians in regard to economic and social development, the ineffectiveness of government programs and policies to date to alleviate such problems and the need for a new national perspective; and
- 6) to examine what changes may be required to Canada's economic and political systems in order to provide for greater Inuit participation so that economic decision-making be more responsive to the needs and problems of the north.

Makivik wishes to thank all members of the Royal Commission for this opportunity to submit our Brief and appear before the Commission. We are confident that our input can help to shape the political and economic «blueprint» which will eventually form part of the recommendations of the Commission. We hope our presentation will mark the beginning of a dialogue with the Commission which will continue throughout its mandate.

#### I. HISTORICAL BACKGROUND OF NORTHERN QUEBEC INUIT

In order to understand the dynamics which have led to our present position within this country, it is important to examine briefly our recent history.

In 1975, the James Bay and Northern Québec Agreement was entered into by Inuit of northern Québec with the federal and Québec governments.<sup>1</sup> Under the Agreement, it was intended that our aboriginal rights in and to land<sup>2</sup> in Québec were to be exchanged for other more clearly defined rights and benefits. Despite the signing of the Agreement, many of the fundamental problems we experienced in our past history still remain.

From 1867 to the present time, governments in Canada have failed to confirm unequivocally the rights and status of northern Québec Inuit. This continued state of uncertainty has had a destabilizing effect on our societies and has permitted the ongoing erosion of our rights and interests by both federal and provincial governments. Political and economic colonial policies have worked to deny us access to adequate resources. It has left us lacking in essential services and economic opportunities. It has offered us little or no cultural protection. We are today faced with unprecedented social problems, while our cultures and values are being eroded at an alarming rate.

This situation is unacceptable. The economic, social and political disadvantages we suffer are not mere coincidence. They are, at least in part, the consequences of perpetuating the uncertainty of our constitutional and other rights and status, while permitting their further erosion by the daily actions of governments.

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<sup>1</sup> The actual signatories of the Agreement are the Northern Québec Inuit Association (N.Q.I.A.), the Grand Council of the Crees (of Québec), the Government of Québec, the Government of Canada, Hydro-Québec, la Société de Développement de la Baie James and la Société d'Énergie de la Baie James. Under the Agreement, Makivik succeeds N.Q.I.A. as the Inuit native party to ensure the full implementation of the Agreement and to protect the rights of Inuit beneficiaries.

<sup>2</sup> Inuit aboriginal rights which do not relate to land in Québec, such as those relating to family law and other customary rights, have not been surrendered or extinguished. In addition, aboriginal rights in the offshore surrounding northern Québec still exist in favour of northern Québec Inuit.

If there are any lessons to be learned from our history, it is that we must fully determine our constitutional and other rights and status, as Inuit, and obtain further constitutional protections in order to enjoy positive growth and deter the constant pressures of assimilation. In so doing, it must be recognized that it is often necessary to provide different rights for different peoples or cultures. Otherwise, the rights of the majority would always prevail over those of the minority. In other words, equality of treatment for Inuit and other aboriginal peoples may often mean the right to be treated differently<sup>1</sup> from non-native Canadians.

A further lesson relates to the constitutional arrangements which took place early in Canada's history.

When the British North America Act was drafted and adopted in 1867 as an integral part of Canada's Constitution, it was provided in section 91(24) that «Indians, and Lands reserved for the Indians» are exclusive federal legislative jurisdiction. This unique constitutional provision also signifies that the federal government has a political<sup>2</sup> if not legal obligation of the highest order and is often referred to as the «federal trust responsibility».<sup>3</sup>

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<sup>1</sup> The right of Canada's aboriginal peoples to be different, i.e. to maintain their own identity, is supported by Québec's Human Rights Commission. See Native Rights in Québec: The Need to Raise the Level of Discussion - A Commentary by La Commission des droits de la personne du Québec, September 1980, p. 19. See also the Working Paper of the Commission des droits de la personne entitled, L'action positive et la charte des droits et libertés de la personne, March 1981, pp. 34-35.

<sup>2</sup> See the judgment of Mr. Justice Rand in St.-Ann's Island Shooting and Fishing Club v. The King (1950) S.C.R. 211 where he refers to the federal responsibility as «a political trust of the highest obligation».

<sup>3</sup> For purposes of comparison with the United States, see Hall, The Federal-Indian Trust Relationship, Institute for the Development of Indian Law, Washington, D.C., 1979.

Despite Canada's trust responsibility in regard to Inuit, our people were not made aware when Canada transferred jurisdiction over part of our homeland to Québec by virtue of the Québec Boundaries Extension Acts of 1912.<sup>1</sup> Nor were the repercussions of such transfer on our rights and our future adequately considered. The effects of this unilateral transfer were felt by us years later when we negotiated our land claims settlement in northern Québec. Although our aboriginal rights in and to the territory pre-existed the 1912 acquisition of Québec by a few thousand years, Québec insisted during negotiations of our land claims that it would only recognize ownership of Inuit lands in limited areas and where the subsurface contained no known mineral potential.<sup>2</sup>

Recently, a more enlightened attitude has been shown by federal and provincial governments in Canada in regard to constitutional issues. In matters affecting aboriginal peoples, governments appear committed to a constitutional process which includes the full and ongoing participation of aboriginal peoples. However, based on their historical experience, it is the position of most aboriginal peoples in Canada that the consent of each of them (Inuit, Indians and Métis) must be obtained for any constitutional amendments which directly affect them.

In light of the existing land claims process and the ongoing constitutional process involving aboriginal peoples, one might wonder what role this Royal Commission has to play in regard to Inuit. We would like to examine this question further in the next section.

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<sup>1</sup> S.C. 1912, c. 45; S.Q. 1912, c. 7.

<sup>2</sup> In regard to non-renewable resource development, see Nigel Bankes, Resource-leasing Options and the Settlement of Aboriginal Claims, Canadian Arctic Resources Committee (C.A.R.C.), Ottawa, 1983 at p. 190 where the author concludes: «The bottom line of the James Bay and Northern Québec Agreement is that Cree and Inuit are in a very poor position to participate in resource development in their traditional areas» since mineral rights in all land areas remain vested in Québec and existing rights of third parties are protected.

## II. EXISTING PROCESSES FOR CHANGE

### 2.1 Ongoing Constitutional Process

Constitutions are political as well as legal documents. They serve as fundamental expressions of values and cultures, of rights and freedoms and of human hopes and experiences. A constitution sets guidelines for the actions of both governments and citizens. In the Canadian context, it must reflect the principles of mutual respect and amity between existing communities of peoples, whether they be Inuit or Indian, French or English.

In this context, the recognition and affirmation of aboriginal and treaty rights in section 35 of the Constitution Act, 1982 and the creation of a separate Part for the elaboration of the rights of aboriginal peoples, could provide the cornerstone for the eventual development of an aboriginal charter of rights under Canada's Constitution.<sup>1</sup>

Although a further elaboration of aboriginal rights did not materialize at the last First Ministers Conference, it did result in the signing of the 1983 Constitutional Accord on Aboriginal Rights. Consequently, there will be three more opportunities at First Ministers Conferences in the next four years to further provide for our constitutional rights. In any event, other mechanisms are necessary to complement the constitutional process. Existing policies will have to change and new laws enacted, when necessary, if our present and future constitutional rights are to be fully implemented and respected on a consistent basis.

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<sup>1</sup> The Canadian Charter of Rights and Freedoms in Part I of the Constitution Act, 1982 would continue to apply. An aboriginal charter of rights in Part II would deal with aboriginal and treaty rights as well as other fundamental rights essential to the ongoing development of Canada's aboriginal peoples, as distinct peoples.

## 2.2 Aboriginal Claims Settlement Process

Another important avenue for change is the federal process for the settlement of comprehensive land claims established in 1973. While there may be many favourable aspects relating to land claims negotiations, the settlement of aboriginal claims is still predicated on the extinguishment and surrender of aboriginal rights. From a native perspective, government requirement for extinguishment or surrender is fundamentally inconsistent in spirit with the recognition and affirmation of aboriginal rights in Canada's Constitution.<sup>1</sup> Further, northern Québec Inuit should not have been required to negotiate aboriginal land rights in order to obtain essential services and basic structures for our communities and region. Generally, such services and structures are readily provided by governments to other Canadians.

A further limitation in the claims settlement process exists in regard to government programs. While it is possible to refocus normal government resources to enhance the efficiency of existing programs, it is not intended that new indeterminate programs geared solely to natives be provided by the federal government in settlements.<sup>2</sup> Therefore, the comprehensive land claims process alone is not designed to meet all the socio-economic and other needs of aboriginal peoples.

## 2.3 Government Departmental Process

Although a few exceptions exist, federal and provincial government departments generally do not provide policies or programs which adequately respond to the needs of native peoples. In many

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<sup>1</sup> See Section 35 of the Constitution Act, 1982. Due to the inclusion of Section 35 in Canada's Constitution, it is far from certain that Parliament could «extinguish» aboriginal rights in the future without amending the Constitution.

<sup>2</sup> See the D.I.A.N.D. pamphlet entitled, In All Fairness: A Native Claims Policy, Ottawa, 1981, p. 25.



instances, the philosophies or attitudes of civil servants are less than helpful in dealing with our various issues.

As Inuit from northern Québec, we encounter too often a prevailing attitude among federal civil servants that federal departments are no longer responsible for Inuit issues due to the signing of the James Bay and Northern Québec Agreement.<sup>1</sup> Despite the continuing constitutional responsibility for Inuit and the specific terms of the Agreement<sup>2</sup>, we do not have access to federal programs in an equivalent fashion to Indians.

The ineptness or unwillingness of government bureaucracies to adapt to the changes brought about by our land claims settlement has been recently commented upon by the federal government. In its February, 1982 report entitled «James Bay and Northern Québec Agreement Implementation Review», the Department of Indian and Northern Affairs concludes as follows:

«Lack of proper mechanisms, structures and attitudes regarding implementation has been a major impediment to the smooth and efficient implementation of the Agreement. The establishment of more effective systems for implementation can do a great deal to prevent the build up of the type of conflict and tensions which, in recent years, have consumed time and resources that could be used more productively in achieving the aims and objectives of the Agreement. No mechanisms, however, will make the Agreement work well unless all parties contribute their best efforts.»<sup>3</sup>

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<sup>1</sup> See Annex I of this Brief where the nature and extent of federal responsibilities in regard to Inuit and the region in and around northern Québec are listed.

<sup>2</sup> For example, section 2.12 of the James Bay and Northern Québec Agreement clearly provides that existing federal and Québec programs will continue to apply to northern Québec Inuit.

<sup>3</sup> See page 101 of the D.I.A.N.D. Report.

Similar contradictions and inconsistencies are evident within Québec government departments. On July 6, 1982, capital budgets for northern Québec were frozen and programs suspended as a result of a Treasury Board decision.<sup>1</sup> No consultation took place with us prior to such decision.

The Treasury Board made no reference in its decision to Québec's financial obligations under the James Bay and Northern Québec Agreement. In addition, there is little evidence from Québec that the government is willing to amend, when necessary, the Agreement. While there is token acknowledgment of the «dynamic» nature of our land claims settlement, the government is generally reluctant to amend the Agreement, either to reflect changing circumstances and conditions or to provide for the recognition of other Inuit rights not fully dealt with in the Agreement.<sup>2</sup> Conversely, when changes are made to Québec legislation related to the Agreement, prior consent is not sought from Makivik as required by our land claims settlement.<sup>3</sup> Usually, Québec's rationale is that such legislative amendments have not had the effect of amending the Agreement.

#### 2.4 Need for Global Review

As can be seen from the above, existing processes for change, while often useful, do not necessarily ensure that government policies, programs and laws will consistently respond to the interests of Inuit and other aboriginal peoples. The many interfaces between our economic and social issues and government decision-making still require further evaluation. Federal and provincial policies affecting

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<sup>1</sup> See Québec Treasury Board decision of July 6, 1982, # 140018.

<sup>2</sup> This position is often reflected in S.A.G.M.A.I., Québec's Secretariat concerned with native affairs (Secretariat des affaires intergouvernementales en milieu inuit et amérindien).

<sup>3</sup> The consent of the native parties to the Agreement is provided for generally in Section 2.15, as well as at the end of each chapter, of the Agreement.

Inuit must still be formulated in collaboration with us. In many instances, the policies should flow from our own institutions of self-government and then be reflected in the policies of federal and provincial governments.

In addition, it is important to determine how national policies could be implemented uniformly in the provinces through joint cooperation or otherwise.<sup>1</sup>

In light of the above, there is an obvious need for a more global review. While we do not view the work of the Royal Commission as a panacea for all our problems, the Commission can make both a timely and significant contribution to furthering the goals and aspirations of Inuit to the benefit of all Canadians.

#### IV INUIT ASPIRATIONS AND GOALS

It is our position that national goals and policies must not only accomodate, but also foster the growth of Inuit goals and aspirations. This view is reinforced by the principle in the Royal Commission's terms of reference<sup>2</sup> which provides that Canadian economic policy be assessed in the context of its relationships to «the broader aspirations of Canadians».

In order to realize Canada's potential and to secure sustained economic and social progress, it is important to achieve greater understanding of our objectives and aims, our rights and our interests.

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<sup>1</sup> National policies concerning aboriginal peoples must not be totally dependant on federal-provincial cooperation. See discussion below in sub-headings 4.2, 4.10.2 and 4.16.

<sup>2</sup> The Royal Commission's terms of reference are reproduced in Annex II of this Brief.

We propose to elaborate on the nature of Inuit aspirations and goals under three main sub-headings, namely, economic and social rights, cultural rights and political rights. However, the rights and principles enunciated under one classification may often include aspects of another.

### 3.1 Economic and Social Rights

- Right to an adequate land base and to its management and use. Land rights are an integral part of our aboriginal and treaty rights and, as such, are unique to aboriginal peoples. Land is the very essence of the Inuit way of life and Inuit identity. Protection of the land and control of its use are in fact protections of Inuit culture and Inuit economies. Consequently, our collective<sup>1</sup> and individual land rights must be so recognized as to be clearly enforceable against other users.

- Right to harvest wildlife on a priority basis, subject to principles of conservation and the right to fully participate in wildlife management. Inuit harvesting of wildlife in the circumpolar region constitutes both an aboriginal right and a cultural right. As such, it is a fundamental human right worthy of protection on the regional, national and international levels. Denial of Inuit priority use of wildlife in the circumpolar region for subsistence is the equivalent to a denial of our human rights. Since our food base is viewed as our long-term security, our rights to wildlife must extend to the land and to habitat protection. Inuit must participate in wildlife management to define the relationship between subsistence, commercial and non-consumptive<sup>2</sup> utilization of resources and habitats.

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<sup>1</sup> The collective or communal nature of aboriginal rights has been recognized by the Supreme Court of Canada. For example, see Calder v. A.-G. of British Columbia, (1973) 34 D.L.R. (3d) 145.

<sup>2</sup> Non-consumptive uses of resources and habitats include photographic expeditions, nature tours and other recreational and research activities.

In this regard, we must develop planning guidelines in order to satisfy the short and long-term needs of our culture and economies.

- Right to an economic base to promote our own self-sufficiency. Governments have artificially severed our rights of access to economic resources which are intimately tied to our ability to exercise our other economic, social, cultural and political rights. Adequate recognition must be obtained for our right to participate fully in economic development within our region, as well as rights relating to renewable and non-renewable resources, including sub-surface rights.

- Right to develop a balanced and diversified northern economy which accomodates and promotes both wage and subsistence economies. The continued viability of our subsistence economy should be further developed and we must ensure its stability and growth in the long-term. At the same time, we should promote industrial employment in our wage economy, giving careful consideration to any potential adverse effects on our subsistence economy, environment and culture.

- Right to adequate services in Inuit communities. We must work towards eliminating regional disparities due to the short and long-term economic, social and cultural implications of such disparities.

### 3.2 Cultural Rights

- Right to ensure our survival as a distinct people. A multitude of elements are required to ensure Inuit cultural survival. Ongoing use and development of Inuktitut as a working language in our region is crucial. We must also have culturally appropriate education

services of high quality. In addition, further constitutional recognition and protection of Inuit rights and interests in our region, including the offshore,<sup>1</sup> are needed to ensure our survival as a people. We must also have the economic resources to sustain the ongoing development of all aspects of Inuit culture.

- Right to use and enjoy cultural property relating to Inuit culture and ancestry. Artifacts and other evidence associated with Inuit use and occupancy of lands and resources represent a cultural, historical and ethnographic heritage of Inuit society. We have a special relationship with such evidence which requires further expression in terms of rights and responsibilities. The Inuit archaeological record is of spiritual, cultural, religious and educational importance to us. For educational and cultural purposes, a greater proportion of Inuit cultural property must find a permanent home within our northern region.<sup>2</sup>

- Right to determine our own membership and right to our own culture, language and traditions. Artificial distinctions as to who are aboriginal peoples have been created from time to time by governments. These distinctions have had adverse effects on aboriginal cultures. Only Inuit should determine who are members of their people. In addition, the Constitution must recognize more fully our right to our customs and traditions and the use and development of our

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<sup>1</sup> The cultural and economic significance of Inuit uses of offshore areas are discussed under sub-heading 4.11.

<sup>2</sup> The above principles on cultural property have been adapted from those found in the Nunavut Agreement-in-Principle respecting Archaeology which was agreed to in principle by the Office of Native Claims of Indian Affairs and Northern Development on July 23, 1983. No similar recognition of rights or principles exists in favour of northern Québec Inuit.

language and history. The preparation of an Inuit history from an Inuit perspective would contribute significantly to our cultural development.<sup>1</sup>

### 3.3 Political Rights

- Right to self-determination within the Canadian federation.<sup>2</sup> Inuit must have greater control over matters affecting us in our region. Self-determination goes much beyond entitlement to culture, language, traditional customs and the development of identity. Self-determination implies constitutionally protected powers over ourselves, our lands and resources. Mutually satisfactory modes of expressing the internationally accepted principle of self-determination<sup>3</sup> can be determined through further discussions with government.

- Right to self-government. This right embodies to some degree the principle of self-determination and is a fundamental right of aboriginal peoples which should be recognized in the Constitution. The right to self-government should include the right to fully

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<sup>1</sup> This view is reinforced in Task Force on Canadian Unity, A Future Together: Observations and Recommendations, January 1979, p. 59 which recommends that governments provide increased funding to native peoples to «enable them to undertake historical research and to publish histories of their tribes and communities».

<sup>2</sup> The right to self-determination is being used here in the domestic (or internal) sense and not to declare international sovereignty. For a similar usage under U.S. legislation, see Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450, 455-458.

<sup>3</sup> The right to self-determination is proclaimed in the United Nations Charter as well as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Canada has ratified these conventions.

participate in the management of our region, including its land and marine environment and biological resources, in recognition of Inuit continuing use and Inuit dependence, in whole or in part, for survival upon the resources in our region.

- Right to our own institutions. Institutions of self-government must be appropriate to our way of life and to our rights, interests and values. Our institutions must have access to adequate economic resources in order to be able to fully exercise the powers vested in them.

The above represent many of our goals and aspirations as a distinct people. In order to determine what may be preventing or retarding their realization, we must look at the problems and challenges facing us. This is the subject of the next section.

#### IV. EXISTING PATTERNS OF NORTHERN NEGLECT: PROBLEMS AND CHALLENGES

If there is one word to depict the overall conditions in northern Québec, it would be «neglect».<sup>1</sup> The reasons for such neglect are varied.

In some cases, inadequate budget allocations for northern Québec may be due to a lack of political clout to prevent such treatment in times when governments are cutting their budgets. In other cases, federal-provincial disputes may retard or prevent cost-sharing initiatives from being implemented. On other occasions, concrete steps are actually taken but are later found to be ineffective or inappropriate since the local population was not adequately consulted. Finally, some northern problems may simply be ignored.

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<sup>1</sup> Inuit do not have any monopoly on neglect. For socio-economic conditions among status Indians, see Indian Affairs and Northern Development, Indian Conditions: A Survey, Ottawa, 1980.



In this section of our Brief, we will describe the different problems and challenges we face as Inuit. The subject-matters we discuss are either economic in nature or their effects, among other consequences, have economic ramifications for Inuit. We believe that Canada's commitments to the sustained economic and social progress of its people and to the reduction of economic disparities between regions are no more than «paper» commitments when one assesses the actual conditions which permeate our communities and our region. If the existing patterns of neglect which we will describe should continue, it is highly unlikely that our people will play their rightful role within Canada's economic union.

#### 4.1 Infrastructure in Inuit Communities

In its February, 1982 report entitled «James Bay and Northern Québec Agreement Implementation Review», the federal government describes the existing conditions in Inuit communities in northern Québec. At page 30:

«Many communities experience overcrowded housing, inadequate water and sanitation services, little fire protection, poor roads and little municipal infrastructure. Education facilities are often poor ...»

It is worth noting that facilities and services available in Inuit communities in the Northwest Territories are clearly superior to those in similar communities in northern Québec. This is at least partly due to the jurisdictional disputes between Canada and Québec which took place in the 1960's and early 1970's.<sup>1</sup> As a result, essential services such as airstrips, housing, schools and municipal services, were not maintained and experienced serious decline. The impact of the existing conditions are described in the Implementation Review Report:

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<sup>1</sup> Lack of federal-Québec cooperation continues to be highly problematic in our region.

«The lack of proper sanitation facilities and poor housing constitutes a continuous health and safety hazard. These poor conditions are a major factor in the poor level of health in the communities and can be linked<sub>1</sub> to periodic outbreaks of serious diseases ...»<sup>1</sup>

Community infrastructure could have been the subject of economic programs under D.R.E.E.<sup>2</sup> which provided for Northlands Agreements in western Canada. However, such agreements are not available in Québec.

With the signing of the James Bay and Northern Québec Agreement and the subsequent unilateral transfer<sup>3</sup> to Québec of increased responsibilities with respect to housing and other services in Inuit communities, federal officials have been reluctant to provide services to Inuit in northern Québec. Due to the federal constitutional responsibility and Québec's tight economic situation,<sup>4</sup> northern Québec Inuit feel there must be access to both levels of government for essential and other services.

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<sup>1</sup> See page 34 of the federal Report. In regard to the substandard airstrips, see page 77 of the Report.

<sup>2</sup> D.R.E.E. is the federal Department of Regional Economic Expansion now being reorganized as D.R.I.E. (Department of Regional Industrial Expansion).

<sup>3</sup> In February 1981, the federal government signed an agreement with Québec transferring certain administrative responsibilities for providing housing, electricity and municipal services to Inuit communities. This transfer was made without the consent of the Kativik Regional Government and Makivik, contrary to the spirit and letter of sections 29.0.4 and 29.0.40 of the Agreement. Before they would approve the transfer of administrative responsibilities from the federal government, the two organizations had sought specific commitments from Québec in the transfer agreement that certain levels of services would be provided during each of the next five years.

<sup>4</sup> See the decision of the Québec Treasury Board, July 6, 1982, C.T. # 140018 which imposed a freeze on global capital budgets for northern Québec and suspended indefinitely an urgently-needed program to construct community centres.

On September 27, 1983, approximately eight years after the signing of the Agreement, a federal-provincial cost-sharing agreement was finally signed to allow a 10-year airstrip improvement program to begin in Inuit communities. We are hoping that cost-sharing arrangements will soon be concluded in respect to an accelerated program of construction for schools and housing, although a minor problem continues to divide the federal and Québec governments.<sup>1</sup> However, community centres and other municipal infrastructures are still sorely needed.

Recommendations:

1. Due to the adverse socio-economic and cultural impacts resulting from inadequate infrastructure, both in the short and long-term, the federal and Québec governments must make renewed efforts to cooperate and provide adequate facilities in Inuit communities through accelerated construction programs.
2. In order to promote increased self-government in Inuit territory, regional and local governments should be made parties<sup>2</sup> to federal-provincial agreements concerning infrastructure and other programs and services in northern Québec.
3. Administrative responsibility for the delivery of services to Inuit communities must never again be transferred, in whole or in

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<sup>1</sup> Cost-sharing arrangements for the \$34 million accelerated school construction program have not been agreed to for the past 6 months due to an ongoing federal-provincial dispute over \$600,000. While the school construction program is going ahead, Québec has indicated that Inuit communities will be penalized next year through program cutbacks if no federal-provincial agreement on schools is signed.

<sup>2</sup> An example of such tri-partite cooperation is the «Canada-Manitoba-Indian Child Welfare Agreement», entered into on February 22, 1982 by the federal and Manitoba governments with the Four Nations Confederacy. Tri-partite child welfare agreements have also been signed in New Brunswick (May 24, 1983) and Alberta (June 3, 1983).

part, between federal and provincial governments without Inuit consent.

#### 4.2 Economic and Social Programs Available to Inuit

Although the federal and Québec governments would readily agree that there is a serious lack of economic opportunities in northern Québec, little has been done to change this situation.

According to the spirit and letter of chapter 29 of the James Bay and Northern Québec Agreement, virtually all aspects of economic activity in the territory north of the 55th parallel require further government initiatives. As indicated by section 29.0.1, new programs are to be established:

«There is established a series of Native Economic Development Programs in favour of Inuit of Québec which shall operate in accordance with the rights, obligations, terms and conditions established by and in accordance with this Section.» (Emphasis added)

Despite such references, federal and Québec government departments have been reluctant to recognize that chapter 29 provides specific rights in favour of Inuit and that corresponding obligations must be fulfilled by government. Aside from one major exception<sup>1</sup>, no new programs have been created to implement chapter 29 and no laws have been proposed by the federal or Québec government for enactment by their respective legislatures.

The passage of new legislation to give effect to the new programs and to the rights and obligations in favour of Inuit is

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<sup>1</sup> The Inuit Hunter Support Program was implemented by Québec legislation (Bill 83) passed on December 16, 1982. See An Act respecting the support program for Inuit beneficiaries of the James Bay and Northern Québec Agreement for their hunting, fishing and trapping activities, S.Q. 1982, c. 47.

expressly contemplated in the Agreement.<sup>1</sup> Moreover, according to section 29.0.33 of the Agreement, an interim joint committee is supposed to be established, forthwith upon the execution of the Agreement (November 11, 1975), to coordinate the federal and provincial programs of socio-economic development available to Inuit. The joint committee is to be comprised of Inuit as well as federal and Québec representatives and section 29.0.34 sets out the mandate of the joint committee:

«The functions and powers of the committee shall be:

- a) to review the status of those government programs of economic and social development applicable to the Inuit of Québec in the Territory;
- b) on the basis of this review, to recommend to Canada and Québec feasibility studies in those areas where there is an apparent need;
- c) to review the feasibility studies and recommend the application of existing programs or, when necessary, their adaptation; in the absence of existing facilities, to recommend the creation of new programs.» (Emphasis added)

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<sup>1</sup> Section 29.0.44 provides in part:

«Legislation enacted to give effect to provisions of (chapter 29) may be amended from time to time by the National Assembly of Québec in matters of provincial jurisdiction, and by Parliament in matters of federal jurisdiction.»

This specific provision is complemented by the general provision in section 2.5 of the Agreement which provides in part:

«Canada and Québec shall recommend to the Parliament of Canada and to the National Assembly of Québec respectively, forthwith upon the execution of the Agreement, suitable legislation ... to protect, safeguard and maintain the rights and obligations contained in the Agreement.» (Emphasis added)

As clearly indicated by the above section, a complete re-evaluation of Inuit social and economic development programs is intended under the Agreement. Moreover, where necessary, new programs are contemplated. In addition, the Agreement provides a mandatory obligation on the part of Canada and Québec to provide financial and technical assistance to Inuit entrepreneurs.<sup>1</sup> Yet, no assistance was available for start-up costs when Makivik set up such regional economic operations as Air Inuit (airline company) and Kigiak Builders (construction company). Financial assistance for these large projects could have been provided through Special A.R.D.A.<sup>2</sup> programs if they had been available in Québec. Special A.R.D.A., which is delivered through the Department of Regional Economic Expansion (D.R.E.E.) requires federal-provincial agreement, which has not been arrived at to date for northern Québec.

On May 5, 1983, the Prime Minister of Canada tabled Bill C-152<sup>3</sup>, which provides for more comprehensive principles in dealing with regional disparities and disadvantaged regions. However, this Bill would set up a framework which requires federal-provincial agreements<sup>4</sup> in order for disadvantaged regions to benefit. Therefore, the regional entities of aboriginal peoples are not ensured of any direct involvement in the negotiation of such agreements. Based on our experience in northern Québec, it is likely that Inuit would

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<sup>1</sup> See section 29.0.39 of the Agreement which provides: «Canada and Québec shall support Inuit entrepreneurs by providing them with technical and professional advice and financial assistance.» (Emphasis added)

<sup>2</sup> Special A.R.D.A. (Agricultural and Rural Development Act) agreements complement the development agreements under D.R.E.E. Special A.R.D.A. encourages disadvantaged peoples, particularly those of Indian and Inuit ancestry, to start commercial ventures which will employ native peoples.

<sup>3</sup> See An Act respecting the organization of the Government (Bill C-152) at sections 15 et seq.

<sup>4</sup> See section 33 of Bill C-152 where «economic and regional development agreement» and «general development agreement» are defined to mean agreements with the government of a province.

continue to be deprived of the benefits of such programs since they are dependant on federal-Québec agreement.

A further problem is that many federal programs generally end up being applied to status Indians and not northern Québec Inuit, contrary to the federal constitutional responsibility for Inuit and the specific provisions of our Agreement.<sup>1</sup> A notable exception is the recent creation of the five-year \$345 million Native Economic Development Fund which applies to Inuit, Indians and Métis. However, it is still premature to determine to what extent Inuit will actually receive concrete benefits from this Fund.

Makivik cannot accept the excessive unemployment which is rampant in our communities as a result of overt government neglect. Although governments may be well-intentioned in their efforts to alleviate the situation, Inuit cannot afford to continue with piecemeal, disjointed and sometimes wholly inappropriate economic programs. The ongoing lack of economic activity and the presence of high unemployment are major contributors to our social problems such as alcohol, drug abuse and youth-related crime in Inuit communities. Moreover, by not providing for adequate economic and social programs, the federal and Québec governments are inadvertently fostering Inuit dependance on welfare and unemployment. By not making a major investment in our economic future through adequate programs and funding, governments are enjoying little financial saving since additional costs are therefore incurred under welfare, unemployment and rehabilitative social programs.

Much of this deficiency in government funding and programs is due to lack of adequate cooperation between Canada and Québec. In

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<sup>1</sup> See sections 2.12 and 29.0.2 of the Agreement which specifically provide that existing federal programs shall continue to be available to northern Québec Inuit on the same basis as they are available to other Inuit and Indians. In addition, continuing federal responsibility for Inuit was reaffirmed in the preamble to the James Bay and Northern Québec Native Claims Settlement Act, S.C. 1976-77, c. 32, which Act approved and declared valid the Agreement.

the February 1982 federal Implementation Review Report,<sup>1</sup> the profound effects of such poor federal-Québec cooperation is summarized as follows:

«Comprehensive development strategies with special emphasis on the needs of native people have been developed, and are being implemented in other northern areas of Canada through the mechanism of long-range development agreements, entered into by provincial and territorial governments and Canada. It is ironic that the Crees and Inuit, who appear, on the basis of the letter and spirit of the Agreement, to perhaps have a greater claim than others to such development assistance have as yet not received any significant help. This is an urgent problem which deserves immediate attention by all the parties to the Agreement.» (Emphasis added)

Recommendations:

1. In order to create a stronger economic union within Canada, the economic problems of the north must be addressed by devising a comprehensive and coherent development strategy<sup>2</sup> in collaboration with Inuit and other aboriginal peoples in northern regions.
2. The adverse social, economic and cultural impacts on Inuit due to a lack of effective economic programs in the north is unacceptable. Affirmative measures by both the federal government and Québec are necessary on an urgent basis. A much greater investment of federal and provincial funds are required for Inuit economic programs which must be designed to suit northern conditions and northern needs.
3. Northern Québec Inuit must not be deprived of urgently-needed federal programs due to federal-Québec disputes. In this

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<sup>1</sup> See Department of Indian and Northern Affairs, James Bay and Northern Québec Agreement Implementation Review Report, February 1982, at page 66.

<sup>2</sup> For a similar view, see the D.I.A.N.D. report entitled James Bay and Northern Québec Implementation Review, February 1982, p. 66.



regard, new and effective mechanisms for greater federal-provincial-regional cooperation are sorely needed.

4. Regional and local governments in northern Québec should be fully empowered to deal independantly with both the federal government and Québec. Such a step would promote Inuit self-government and significantly reduce Inuit dependence on federal-Québec cooperation for regional socio-economic development.

5. The federal government must reaffirm its constitutional responsibility to northern Québec Inuit by providing equivalent programs as continue to be received by status Indians. For such purposes, an in-depth review of existing government programs available in northern Québec should be jointly undertaken with Inuit as soon as possible.

#### 4.3 Quality of Inuit Education and Training

If there is one element that could be singled out as being crucial to the future of Inuit, it is education and training. Our children are our most valuable resource and we must work together to secure the highest quality education possible for them. Only in this way will our children, as future leaders of Inuit, be prepared to meet the challenges of an increasingly changing world and ensure our continued development as a distinct people.

In order to meet our different needs, Inuit education must reflect Inuit identity and values. It must actively support the ongoing development of our traditions and culture. While a vital part of Inuit education has always been taught through traditional activities, it is also essential that our formal educational body, the Kativik School Board, have adequate funding to carry out all of its responsibilities.

Although we do not yet have adequate school facilities in Inuit communities, that alone would not be sufficient. At the same time, we desperately need to develop high quality education services and training programs for our people. The difference in the quality of northern education services, compared to the south, was recently highlighted by the Special Committee on Education of the N.W.T. Legislative Assembly in its 1982 report as follows:

«Measured in terms of achievement, students may reach high school without the knowledge and skills required for grade 9. Questions on this disparity were asked more than any others during the hearings. 'Why do teachers not teach grade 9 concepts in the ninth year of schooling?'

The problem is that, when students supposedly receive grade 9 in the community, and they go out - they discover they only have grade 6. Then they drop out of school and return to the community.»<sup>1</sup>

The establishment of the Kativik School Board in northern Québec does not in itself guarantee that high quality education services relevant to Inuit will be provided. A large amount of human and financial resources must be devoted to develop a suitable curriculum which includes Inuktitut materials, motivate parents and students, orient teachers and formulate suitable policies and programs. At the same time, adequate training is needed for Inuit adults since most have never enjoyed the opportunities of formal education.

A serious problem which we must address is to find the means of ensuring that Inuit with some work experience are able to work in the field of construction. With the new methods and techniques for building houses under Québec's housing program, many older Inuit with families to support find themselves no longer «qualified» to work. We believe that Inuit with acquired construction experience must not lose

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<sup>1</sup> See the Final Report of the Special Committee on Education, Learning: Tradition and Change in the Northwest Territories, March 1982, p. 28.

their livelihoods due to the subsequent imposition of more stringent rules or changes in construction methods. With sufficient creativity and determination, effective means can and must be found as soon as possible to employ our people, while at the same time providing for their further formal training.

Lack of education and training<sup>1</sup> have severe consequences for the economic and social development of Inuit and our goals towards greater self-reliance and self-determination. Moreover, school drop-outs and excessive unemployment contribute to social problems in Inuit communities. While some efforts are being made by the federal and Québec governments, the vital importance of Inuit education and training to our future militates in favour of more intense measures. We cannot afford to perpetuate a system of formal education which has virtually limited our people to vocational trades and produced only one university graduate.

Recommendations:

1. Culturally-appropriate education and training programs should be provided with accelerated increased funding and be incorporated as key elements in the development of a short and long-term economic development strategy for northern Québec.
2. Increased expenditures in the area of education and training services are essential in order to reduce regional disparities in the north and to upgrade the quality of such northern services equivalent to that existing in the south. Governments must recognize that it is more cost-effective to establish an adequate education system for

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<sup>1</sup> Some training courses for Inuit were recently begun at the Lac Hélène Vocational Training and Qualification Centre near LG-2 south of the 55th parallel. However, Inuit require adequate facilities within our territory. Moreover, the Lac Hélène centre is not an adequate response to the commitments in section 29.0.25 of the James Bay and Northern Québec Agreement to provide a full range of training courses and facilities to Inuit.

Inuit children than to provide remedial training programs to those same persons later when they are adults.

3. As a regional entity in northern Québec, the Kativik School Board can be an important institution to promote Inuit self-reliance and self-determination. Therefore, alternative sources of funding should be found to ensure greater independence for the policies and operations of the School Board.

#### 4.4 Economic Opportunities in Northern Québec

Canada's Constitution commits both Parliament and the provincial legislatures, together with the government of Canada and the provincial governments, to «furthering economic development to reduce disparity in opportunities».<sup>1</sup> Moreover, the Constitution provides specific provisions to enable affirmative action programs and policies to be implemented by governments so as to ensure equality of opportunity for aboriginal peoples as well as other Canadians.<sup>2</sup> While such fundamental principles have been included in the «spirit of the Constitution», as well as the letter, economic opportunities have not been created, nor have regional disparities been reduced, in northern Québec.

This situation is particularly unacceptable in light of the existing obligations of the federal and Québec governments under the James Bay and Northern Québec Agreement. A major benefit obtained by Inuit under the Agreement is the right to priority in regard to both employment and contracts on projects by government as well as other proponents. Section 29.0.31 provides in part as follows:

«For projects initiated or conducted by Canada or Québec or their agents, delegates, or contractors, and for projects by any proponent a major purpose of which is to provide goods or services to or for the benefit of Inuit communities the governments

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<sup>1</sup> See section 36(1)(b) of the Constitution Act, 1982.

<sup>2</sup> See sections 6(4) and 15 of the Constitution Act, 1982.

shall take all reasonable measures to establish Inuit priority in respect to employment and contracts created by such projects». (Emphasis added)

In addition, section 29.0.32 provides:

«Similar measures shall be applied as far as possible to non-government contracts and development in the Territory.» (Emphasis added)

Despite these provisions, no contracts have been granted by Québec to Inuit enterprises in the region to build schools or houses in our northern communities for the 1983 construction season.<sup>1</sup> This is especially unfair since it is primarily through Inuit efforts that additional federal monies (\$26 million) for the accelerated program for school and housing construction are being channeled into northern Québec. As a result, Inuit enterprises have already been unjustly deprived of millions of dollars of contracts which should have been accessible to them if the Québec government<sup>2</sup> had respected its commitment under the Agreement.

In regard to provisions establishing Inuit priority to employment in the region, it is important to emphasize that such provisions can only be effective if we establish a successful system for training and qualifying of workers. For example, in regard to construction, Inuit training and qualification have been virtually

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<sup>1</sup> On July 6, 1982, the Québec Treasury Board passed a decision (C.T. #1400189) recognizing the principle of priority for northern enterprises to construction contracts if their submissions are within 15% of the lowest bidder. However, government departments have continued to award contracts to the lowest bidder, arguing that the Treasury Board principle is only recommendatory.

<sup>2</sup> Although both federal and Québec monies are involved in relation to the school and housing construction program, it is the Québec government which receives the federal monies and grants the construction contracts through its departments and agencies. In light of the obligations under the Agreement, the federal government perhaps should have insisted upon adding a clause to the federal-provincial cost-sharing agreements which would have guaranteed Inuit priority to construction contracts, as well as employment.

neglected until very recently. Therefore, most Inuit workers are hired as unskilled labourers. Further, existing Québec laws and regulations, were abruptly applied to the territory without consultation after the signing of the James Bay and Northern Québec Agreement. As a result, our people do not have the necessary cards and documents to legally work on construction sites in their own region. The repercussions of applying existing labour and construction laws were not adequately considered by Québec prior to their implementation in our northern region. Nor was there any serious attempt to implement the rights and obligations in our land claims agreement, particularly in respect to training courses and facilities as well as employment and contract priority.

#### Recommendations

1. Laws of general application, particularly those relating to economic development, should be evaluated for their economic and social consequences with respect to Inuit and the north prior to their application in northern regions.
2. A much more concentrated effort is required from both the federal and Québec governments to ensure that additional economic opportunities are made available to Inuit through the establishment of appropriate programs. Such measures must be carried out in collaboration with Inuit regional organizations and in a manner which implements the «spirit of the Constitution».
3. In order to ensure compliance with the spirit and letter of the James Bay and Northern Québec Agreement, federal cost-sharing agreements with Québec must include suitable provisions to implement priority of employment and contracts to Inuit. Furthermore, both Canada and Québec should adopt appropriate legislation to promote economic development in Inuit territory and to fully respect their obligations under the Agreement.

#### 4.5 Need for Balanced Economic Development in the North

The economy in Canada's north is a mixed or dual economy, consisting of both subsistence and wage pursuits.<sup>1</sup> For a long time, government and industry have perceived large-scale, non-renewable resource development as the main, if not sole, form of economic development in the north.<sup>2</sup> This erroneous perception has resulted in numerous conflicts between the proponents of large-scale northern development and native peoples, whose regionally-based economies include extensive subsistence activities.<sup>3</sup>

In his final report on the Mackenzie Valley Pipeline Inquiry, Mr. Justice Thomas Berger commented on southern perceptions of northern development as follows:

«We have been committed to the view that the economic future of the north lay in large-scale industrial development. We have at times even persuaded the native people of this. We have generated, especially in northern business, an atmosphere of expectancy about industrial development. Although there has always been a native economy in the north, instead of trying to strengthen it, we have for a decade or more, followed policies by which it could only be weakened or even destroyed. We have believed in industrial development and depreciated the

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<sup>1</sup> The northern economy can be divided into four sectors: subsistence, trading of renewable resource produce, local wage employment and industrial wage employment.

<sup>2</sup> Recently, the government of Canada formally recognized the need to achieve a balance between wage employment and native subsistence activities. See «An Economic Agreement Between the Government of Canada and the Government of the Northwest Territories», dated December 21, 1982, section 2.2(d).

<sup>3</sup> We view native subsistence economies as an integral part of the «unique mixture of ... activity that reflects the traditional values of Canadian society» referred to in the guiding principles of the Royal Commission's terms of reference.

indigenous economic base. Indeed, people who have tried to earn a living by depending on that base have often been regarded as unemployed.»<sup>1</sup>

If we are to achieve balanced economic development in the north, hydroelectric development, mining and oil and gas activities must not necessarily be seen as the major or dominant uses of, or activities in, northern regions. Examples of local and regional uses of increasing significance in the north include Inuit cooperatives, local businesses, harvesting, tourism and outfitting, and commercial fisheries. Such small-scale local developments, with lesser adverse impacts, will be desirable and necessary in the future if we are to establish a more diversified and sustainable economy in arctic and sub-arctic regions.

The following sub-headings will examine more closely some of the basic elements relating to northern economic development. In so doing, it is important not to define northern development in purely economic terms. Rather, we must take into account the significant and complex inter-relationships between economic activity and the social and cultural problems which may result in regard to the indigenous populations.

#### 4.5.1 Land-Use and Development Plans

It would appear that, even today, most development proceeds in the north in the absence of comprehensive and coordinated planning. An appropriate land-use and development planning process could go a long way to ensuring that northern development proceeds at a rate or pace more suitable to northern peoples and with a greater balance of the values and interests competing for use of northern resources. An appropriate land-use and development plan would protect and promote

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<sup>1</sup> See Berger, Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry, 1977, vol. 1, p. 115. See also Annex III of this Brief where unemployment figures in regard to Inuit are calculated solely on the basis of wage employment.



Inuit goals and aspirations and balance Inuit rights and interests with the need to exploit certain non-renewable resources in the north.

In northern Québec, Inuit have not adequately participated in the planning process for land-use and development. As a result of the James Bay and Northern Québec Agreement, the Kativik Regional Government and local municipal governments have powers to formulate and implement a land-use plan under Québec law.<sup>1</sup> To date, however, adequate budgets have not been provided by Québec so it has not been possible to engage in such planning.

Moreover, new land-use powers, which have been conferred upon municipalities in other parts of Québec, have not been extended to our territory above the 55th parallel.<sup>2</sup> While those powers would have to be adapted to suit a northern context, it is inconceivable that Québec should have specifically excluded their application from the region where the municipalities which would benefit from them most are located.

In past years, it has been Hydro-Québec which has been permitted to carry out most of the planning in northern Québec. This has resulted in planning proposals which seek to develop all the rivers in northern Québec with hydroelectric potential, regardless of Inuit use of such rivers for both subsistence and transportation and with little consideration of the ecological role these river systems play in the environment of our region.

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<sup>1</sup> See An Act concerning Northern Villages and the Kativik Regional Government, R.S.Q., c. V-6.1, ss. 176 and 244.

<sup>2</sup> See An Act respecting Municipal Taxation and providing Amendments to Certain Legislation, R.S.Q., c. A-19.1. s. 266 of the Act provides: «This act does not apply in the territories situated north of the 55th parallel ...». In addition, section 1 of the Act excludes northern village corporations in our territory from the definition of municipal corporations under this Act.

Recently, Québec has provided Hydro-Québec with a new mandate under the law to establish a global development plan.<sup>1</sup> Such new mandate is in direct conflict with the powers of land-use planning provided to the Kativik Regional Government. While Hydro-Québec appears to have human and financial resources available, worth millions of dollars, to carry out its mandate of development planning, the Kativik Regional Government has been provided funding by Québec of relatively miniscule amounts.<sup>2</sup>

Inuit are opposed to the very real possibility that Hydro-Québec, with its obvious bias towards extensive hydroelectric development, should formulate a global development policy for our territory, on behalf of the government of Québec. While the formulation of such a policy may be useful for Hydro-Québec's internal purposes, we believe that the government of Québec will not be fulfilling its responsibility in this critical area of planning if, in effect, this vital function is left to Hydro-Québec.<sup>3</sup>

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<sup>1</sup> See the recent amendment to the Hydro-Québec Act, (Bill 4, An Act to Amend the Hydro-Québec Act and the Exportation of Electric Power, 1983) which adds section 21.3 to the present Hydro-Québec Act as follows: «The corporation shall establish a development plan in accordance with the form, tenure and periods fixed by the Government. The development plan must be submitted to the Government for approval.»

<sup>2</sup> Québec, through the Office de planification et de développement du Québec (O.P.D.Q.), recently provided a total of \$90,000 to the Kativik Regional Development Council for 1983-84 for initiating the research and preparation of a regional development plan.

<sup>3</sup> On December 16, 1980, Hydro-Québec made public a ten-year plan to develop all rivers in northern Québec with hydroelectric potential. This plan entitled A Strategy for the 80's was withdrawn less than two years later in favour of another plan entitled Stratégie des années 82-83 which proposed a two-year plan calling for a delay in any further hydroelectric development for at least six more years due to a lack of marketing possibilities.

Recommendations:

1. Land-use and development planning in the north must not be left to Crown corporations, such as Hydro-Québec, whose main purpose is the development of hydroelectric resources in northern Québec. Adequate funds should be provided to ensure the full participation of regional governmental bodies in the formulation and implementation of appropriate regional development plans in the north.
  
2. Land-use and development plans should be so designed as to provide a comprehensive set of rules and guidelines for land-use planning and socio-economic development in Canada's northern regions. If there is to be balanced economic development in the north, regional development plans must give particular consideration and special protection to certain rivers and other areas of vital importance to Inuit in these northern regions.

4.5.2 Large-Scale Development Projects

In 1972, the federal government issued a new policy statement on northern economic development. This statement gave rise to new hopes that the needs and aspirations of native northerners would not only be taken into account but be given a high priority. In addressing the House of Commons Standing Committee on Indian Affairs and Northern Development, at that time, the Honourable Jean Chrétien introduced the Statement of the Government of Canada on Northern Development in the 70's as follows:

«Fundamental to the government's statement is our belief that native northerners should derive early, visible, and lasting benefits from economic development. Our efforts must not only be turned to developing the natural resources of the north for the benefit of Canada as a whole. The development of northern resources must first improve the standard of living and the well-being of northern residents. All too often the economic activity of the past was at their expense.»

On the whole, the «early, visible, and lasting benefits» from economic development for native northerners never materialized in the 1970's. Nor did the «standard of living and the well-being of northern residents» improve.

In the 1980's, the policy statements have continued. For example, Canada's National Energy Program makes reference to the participatory role to be ensured to native northerners in regard to northern oil and gas exploration and development:

«... there will have to be assurance that the interests of the residents of this region are protected, and that they have the opportunity to play the role they desire in these activities. The native residents of the region seek - legitimately - more say in the decisions affecting energy development, and claim - rightfully - that they should enjoy more of the benefits, and fewer of the costs, from northern resource activity. The government of Canada, on its own and through its instruments governing private sector activity, will respond to these concerns. The need for frontier resources, given the other options that Canadians can proceed with, is not so great that it must override our social goals and obligations.»<sup>1</sup> (Emphasis added)

The National Energy Program goes on to elaborate how northerners will play a growing role in both the decisions and benefits associated with large-scale development and that resource development will only proceed at a rate and in a manner compatible with social and environmental concerns and objectives:

«In the North, our national objectives are to ease the energy cost-burden resulting from the lack of near-term alternatives to oil and, for the longer term, to achieve resource development at a rate and in a manner compatible with a delicate social and environmental balance, recognizing that northerners will play a growing role in both the

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<sup>1</sup> See Energy, Mines and Resources, Canada, National Energy Program 1980, p. 45.

decisions and benefits associated with that development. As indicated earlier, decisive energy action now can buy time for all of us - in the case of the North, time to ensure that native northerners in particular are adequately prepared for participation in development opportunities, and protected against the negative impacts that too often have characterized frontier resource development in Canada. In practical terms, this means acceptance by the government of Canada of a responsibility to establish more explicit and demanding ground rules for future energy projects. The government will consult closely with northerners in the process of developing these new rules of the game.»<sup>1</sup>

Despite these important principles in the National Energy Program, Canada proceeded to enact the Canada Oil and Gas Act<sup>2</sup> whose purpose is to accelerate oil and gas exploration and development of Canada lands. The Act makes no mention of proceeding «at a rate or in a manner compatible with a delicate social and environmental balance». Nor were such concerns provided for in parallel legislation. If the above-mentioned principles in the National Energy Program were to be adhered to, parallel legislation should have been adopted to establish a comprehensive and mandatory environmental and social impact assessment process, particularly for the north, to replace the inadequate federal process which currently exists.<sup>3</sup> Despite widespread criticism<sup>4</sup> of the federal Environmental Assessment and Review Process,

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<sup>1</sup> See National Energy Program 1980, pp. 76-77.

<sup>2</sup> See An Act to Regulate Oil and Gas Interests in Canada Lands and to Amend the Oil and Gas Production and Conservation Act, S.C. 1980-81-82, c. 81 (Bill C-48).

<sup>3</sup> In 1974, the federal Environmental Assessment and Review Process (E.A.R.P.), was established by Cabinet directives (revised in 1977). The E.A.R.P. process does not have the force of law but relies on in-house departmental compromise.

<sup>4</sup> For example, see McCallum, Discretion in Decision-Making: A Problem for Environmental Impact Assessment, (1975) 23 Chitty's Law Journal 73; Emond, Environmental Assessment Law in Canada, Toronto, 1978, pp. 209-276; Cotton and Emond, «Environmental Impact Assessment» in Swaigen, ed., Environmental Rights in Canada, Canadian Environmental Law Research Foundation, Butterworths, Toronto, 1981, c. 5.

Environment Canada's July 1983 discussion paper entitled «Environment Canada in the North» makes no reference to the serious inadequacies<sup>1</sup> in the existing process but, once again, enunciates many important principles.

In regard to local and regional benefits from oil and gas activities, the federal government is currently working out «Canada Benefits Plans»<sup>2</sup> with the oil and gas industry in regard to specific developments. After a program has been worked out with industry, consultation with local populations is supposed to take place. While it is too early to assess the effectiveness of Canada Benefits Plans, we feel that earlier consultation with native northerners and other affected populations would allow our comments to be taken more into account.

At this stage, it would appear that northern benefits packages, which may be worked out for specific oil and gas projects, are likely to vary from one project to another. In addition, the benefits derived from other forms of northern large-scale development, such as hydroelectric or mining projects, are subject to even greater variances both in nature and scope, if such benefits exist at all. For example, virtually no employment and training opportunities were worked out in favour of northern Québec Inuit when the Québec government proceeded with the construction of the massive James Bay

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<sup>1</sup> Although it is not publicly acknowledged by the federal government, there appears to be grave concern within the Department of Environment about the shortcomings of the E.A.R.P. process. See Federal Environmental Assessment and Review Office, Discussion Paper: Improvements to the Environmental Assessment and Review Process (E.A.R.P.), February 28, 1983.

<sup>2</sup> Generally, Canada Benefits Plans are intended to provide opportunities in employment, training and business on a local or regional basis. In particular, Northern Benefits packages are being worked out for specific projects. See, for example, Gulf Canada Resources Inc., Canadian Benefits Associated with Application for Exploration Agreement on Pooled Lands - West Beaufort Sea, December 21, 1982.

hydroelectric project. Even if effective policies on large-scale economic development are worked out in the future at the national level, there are currently no effective mechanisms to ensure that native peoples residing in the provinces will benefit from such policies, particularly in the case of provincial projects.

Recommendations:

1. Government policies and programs must clearly establish the right of Inuit to derive early, visible and lasting benefits from large-scale economic development projects in or directly affecting their regions. These benefits should be worked out in collaboration with the local populations affected. The range of benefits must not be limited to employment and training opportunities, but must also include such possibilities as equity participation<sup>1</sup> and revenue-sharing on a regional basis.
2. A comprehensive and mandatory process for environmental and social impact assessment is required in Canada's north and should be incorporated through national legislation. This process is particularly necessary in light of the recent Canada Oil and Gas Act, which implements a national energy program to accelerate oil and gas exploration and development.
3. The short and long-term impacts on native economies, communities and cultures must be given full consideration when proceeding with large-scale economic development in the north. In this regard, the pace of new development and the nature and degree of Inuit participation in such projects must be seen as vital factors.

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<sup>1</sup> See Indian and Northern Affairs, Canada, Native Equity Participation in Natural Resource Projects: A Review of Current Initiatives, July 1982, pp. 4-17 to 4-19, which sets forth five techniques to assist native organizations in strengthening their bargaining position in equity participation negotiations.

4. Suitable mechanisms must be developed to ensure that Inuit inhabiting regions within provinces will actually benefit from future national economic development policies, regardless of any lack in federal-provincial cooperation.

#### 4.5.3 Regional and Community Development

As discussed earlier, balanced economic development in the north requires a much broader vision than the initiation of large-scale development projects in regard to non-renewable resources. We must ensure the creation and stimulation of local and regional economic opportunities for Inuit. We must also promote with renewed efforts native subsistence economies. To date, there has been a serious lack of effective government programs available to Inuit communities in northern Québec to assist us to strengthen our local and regional economies. This is due, at least in part, to the lack of federal-Québec cooperation on matters which affect us (see sub-heading 4.2).

In sharp contrast to the situation in northern Québec, the governments of Canada and the Northwest Territories have recently concluded a general economic development agreement to jointly select and implement increased initiatives for the socio-economic development of the Northwest Territories.<sup>1</sup> Among the stated purposes of this agreement are the following:

«The proposed initiatives (of the Agreement) would in particular seek to:

- a) improve skill levels and the general ability to meet the requirements for participation in a frontier economy;
- b) support business initiatives, including tourism, local economic planning and increased emphasis on the role of import substitution;

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<sup>1</sup> See An Economic Development Agreement between the Government of Canada and the Government of the Northwest Territories, dated December 21, 1982.



- c) plan the more systematic development of and access to information concerning opportunities arising from non-renewable and renewable activities;
- d) provide people in the Northwest Territories with opportunities to identify, plan and implement development projects such that a balance is achieved between wage employment activities and those that support the traditional native economy.»

Under that general agreement, a number of important subsidiary agreements<sup>1</sup> are being entered into to provide for economic programs related to inter-settlement trade of indigenous commodities between communities; planning and implementation of renewable resource projects; small business assistance; tourism development; community-based economic development planning; the enhancement of business management capabilities of northern businesses; and measures to provide aboriginal peoples with the opportunity to participate in training programs and employment opportunities and to overcome any barriers they might feel in participating in a wage economy.

Considering the high costs associated with the start-up and operation of northern commercial enterprises, substantial funds as well as creative and careful planning are required to ensure economic success. In this regard, some emphasis might be given to developing and supporting economic enterprises related to activities already familiar to Inuit, that is, building our economy around what we know best. Where possible, feasibility studies and pilot projects should be premised on maximizing the use of local skills and materials.

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<sup>1</sup> See A Subsidiary Agreement on Natural Resource Development Between the Government of Canada and the Government of the Northwest Territories, dated August 29, 1983; Canada-Northwest Territories Subsidiary Agreement on Domestic Market Development (Small Business and Tourism), dated June 16, 1983; Draft Subsidiary Agreement on Human Resource Development, as yet unsigned.

The whole area of commercialization<sup>1</sup> of subsistence activities in northern Québec should be further explored with a view to developing a northern cash economy based on renewable resources. For example, in other parts of the circumpolar world such as Scandinavia and the U.S.S.R., fish farming and fine fur ranching appear to be viable activities. Further, the processing and preserving of harvested food through vacuum packing, flash freezing and smoking could provide an important local industry which might benefit all Inuit. Also, wildlife species which are not presently harvested by Inuit for food may prove to be a commercially viable activity. In this regard, a study is currently underway in northern Québec with respect to cod, halibut and other marine fish.<sup>2</sup>

The marketing of by-products from Inuit subsistence hunting is also a possible avenue for small-scale development in northern Québec.<sup>3</sup> Export of local foods to Greenland merit further study due to the present potential for food exchange. One type of by-product which has proven successful in Iceland is eider down. Eider colonies are being managed by the local people for purposes of eider down collection.

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<sup>1</sup> Commercialization of certain renewable resources will require amendments to existing laws as well as close attention to the principles of conservation and biological data concerning each of the species involved. For example, commercialization of hunting of caribou by Inuit and the sale or serving of caribou meat in commercial establishments would require amendments to the Wildlife Conservation Act, R.S.Q., c. C-61 and the regulations under that Act. Note that in Greenland and the Northwest Territories laws and regulations already permit the sale of certain country foods in commercial establishments.

<sup>2</sup> See A Study Design to Assess the Feasibility of Re-Developing A Commercial Inshore Marine Fishery in the Ungava Bay Region, Makivik Corporation Research Department, November 1981.

<sup>3</sup> See An Act respecting the support program for Inuit beneficiaries of the James Bay and Northern Québec Agreement for their hunting, fishing and trapping activities, S.Q. 1982, c. 47, section 4 which contemplates the use of program funds for the marketing of products and by-products from hunting, fishing and trapping activities, with the exception of the development and financing of commercial fisheries.

Tourism is another important source of economic activity which could contribute to the development of a local and regional northern economy. In northern Québec, tourism as an industry is still in its early infancy. Substantial research and planning remains to be undertaken in northern Québec, if it is to develop a viable and competitive northern-based tourism industry.<sup>1</sup> Outfitting and sport camps are an important part of the tourist industry in the north. In order for these camps to remain competitive, they require funds for upgrading, publicity, improved access and possible expansion. In addition, many non-hunting and non-fishing tourism opportunities, such as nature and cultural appreciation tours, photographic expeditions and canoeing, among other recreational activities, remain to be developed.

Availability of suitable banking and other financial services at the community level in the north are other important elements for local and regional economic development. Such services not only provide incentives to individuals to save and invest in business activities, but also furnish vital sources of financing. Currently, there is only one bank facility located in northern Québec.

Recommendations:

1. If we are to ensure the development of a balanced, diversified economy in the north, regional and local employment and business as well as career opportunities must be the subject of renewed, intense efforts. In this regard, regional and community development should be determined by the northern populations affected, in collaboration with the appropriate government departments and agencies, so that program and funding arrangements may be implemented without undue delay.

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<sup>1</sup> In 1959, about 500 people visited the Northwest Territories as compared to 50,000 in 1982. In order to encourage tourism, the N.W.T. government has embarked on a three-year plan aimed at offering a re-direction of tourism and a better distribution of its economic benefits to all parts of the N.W.T., especially to communities and local businesses. The N.W.T. government is undertaking this plan with funds obtained pursuant to the June 16, 1983 Canada-Northwest Territories Subsidiary Agreement.

2. Commercialization of renewable resources should be further explored with a view to developing a northern cash economy based on such resources. Studies should be initiated with respect to potential commercialization of caribou and other wildlife species in northern regions. In this regard, laws should be amended so as to facilitate those commercial activities deemed desirable and feasible. Inuit must be essential participants in such studies.

3. In order to strengthen the regional economy, access to opportunities in regard to commercialization of certain wildlife species, tourism and other economic activities in northern Québec should be made available to Inuit on a priority basis.

4. In stimulating regional and community development, particular attention must be devoted to resolving the problems and needs of existing Inuit enterprises. Inuit cooperatives,<sup>1</sup> community landholding corporations and other local and regional entities urgently require government assistance in northern Québec.

5. Banking and other financial services must be made available in northern Québec communities. For such purposes, the Post Office could be the means through which these services are provided, if necessary, as in many foreign countries.

#### 4.6 Living and Operating Costs in Northern Québec

A fundamental characteristic of the north, one with which anyone who has ever lived or travelled in Canada's arctic and sub-arctic regions is familiar, is the high cost of living and of operating a commercial enterprise in the north.

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<sup>1</sup> Note that D.I.A.N.D. recently announced a new \$8 million Cooperatives Development Program for Inuit Cooperatives in the Northwest Territories and northern Québec. However, it is our understanding that only a minor fraction of the total amount will be made available to cooperatives in northern Québec.

Although Inuit housing, including heating and water delivery, are heavily subsidized<sup>1</sup> by the federal and provincial governments, food and fuel are at least 40% more in the north than in the southern parts of Canada. Consequently, an Inuit family buying food in a community in northern Québec, will pay \$1.60 for a litre of milk in comparison to 77¢ per litre in Montreal, \$1.40 for a loaf of bread (\$1.05 in Montreal), and \$4.50 for 3/4 pound of cheddar cheese (\$2.00 in Montreal). That same Inuit family when it purchases gasoline for a snow machine<sup>2</sup> or other vehicle will pay approximately 98¢ per litre in comparison to 59¢ per litre in Montreal. If northern fuel and transportation costs were reasonably reduced, food prices in our region would likely drop accordingly.

In regard to transportation, a similar situation prevails. A return flight from Montreal to Kuujuaq, a distance of approximately 1,000 miles, amounts to \$671.00. However, a 1500-mile return flight between Montreal and Miami, Florida, may be as low as \$331.70.<sup>3</sup> Therefore, it is cheaper for a Montrealer to travel to the southern part of the United States than it is for an Inuk to travel a little more than half that distance within the province of Québec.<sup>4</sup>

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<sup>1</sup> While Inuit housing may be subsidized, the overall housing supplied to federal and Québec government employees brought up to the north is of far superior quality, particularly in terms of facilities and living space per person.

<sup>2</sup> Increased costs in fuel, as well as ammunition and equipment, have made subsistence harvesting very expensive. Without assistance, some individuals would not be able to continue hunting for food and would have to turn to store-bought food.

<sup>3</sup> See Annex IV to the present Brief which provides a comparison of northern and southern air transportation costs.

<sup>4</sup> Airlines attribute such manifest cost differentials between northern and southern travel to the fact that in most northern travel, aircraft are often fully booked with passengers and cargo from south to north, but are virtually empty, with respect to cargo at least, on return flights. In southern flights, passenger and freight traffic are heavy enough to make both one-way and return flights profitable for the airlines involved.

The situation which results is that we, as northern inhabitants, are penalized with high transportation, food, fuel and other costs because we live in an area of low population density and little economic development. Yet, if fuel and transportation costs were not so exorbitant, economic conditions in our territory could begin to make a significant recovery.

The effects of elevated living and operating costs in the north are numerous. First, excessive living costs produce a tremendous drain on the financial resources of Inuit residents of northern communities. In many instances, government and private employers in the north do not provide subsidies to Inuit living and working in a northern community, but they do provide comprehensive subsidization to non-native southerners living and working in the same community.

Second, high costs are an important factor which often discourage the start-up, or else prevent the profitable operation, of commercial enterprises in the north.<sup>1</sup> This latter situation has the effect of severely decreasing the number of sustainable businesses and it forces prices even higher for the consumer. Since housing and fuel subsidies received from governments apply only to our residences, any Inuit commercial enterprises must pay the full costs of heating fuel and municipal services in our communities. Unlike southern regions, heating is required most of the year in northern Québec and a litre of heating oil costs us 58¢, as compared to 30¢ per litre in Montreal.

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<sup>1</sup> In addition to high operating costs, small northern business enterprises often face problems of lack of management skills and insufficient access to equity and operating capital.

In regard to construction, labour costs are approximately 90% higher in the north.<sup>1</sup> This is at least partly due to the higher fuel, transportation and other costs associated with housing and feeding construction workers. In addition, the cost of building materials is approximately 20% higher in the north due to the added transportation and related insurance costs.

Third, lack of adequate infrastructure can also serve to increase operating costs. For example, one of our subsidiaries, Air Inuit Ltd. is restricted to flying a daytime airline service due to lack of proper airstrips and navigational aids in most Inuit communities in northern Québec. Without the facilities to fly at night, Air Inuit has calculated <sup>2</sup> that its Twin Otters are flying at only 75% utilization. In order to meet the growing demand for scheduled and charter services, Air Inuit is obliged to purchase or lease additional aircraft since it is prevented from using its existing fleet to full capacity. Clearly such infrastructure

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<sup>1</sup> It should be noted that the construction industry in Canada uses a multiple of 2.2 in comparing northern and southern construction costs. (Note all figures used are for 1981)

On the basis of southern hourly construction costs recommended by the Association des Constructeurs du Québec utilizing a typical 50-hour work week, the cost per hour for a construction worker is \$27.84.

Additional costs per hour for northern construction are:

|  |                |
|--|----------------|
| Food   | \$ 3.50        |
| Lodging  | 10.50          |
| Travel   | 2.01           |
| Operating Costs (tools, trucks, etc.)          | 4.32           |
| Workmen's Compensation                         | 0.40           |
| Additional minimum hourly rate due to overtime | 4.17           |
| Total  | <u>\$24.90</u> |

Percentage increase in costs is \$24.90 over \$27.84 equals 89.4% or approximately 90%.

<sup>2</sup> Calculation is based on crew statistics (approximately 90 hours flying per person per month) and takes into account Ministry of Transport regulations in regard to maximum individual monthly flying hours (120 hours per month).

limitations in northern Québec communities impose additional and unfair financial burdens on our essential air service operations.

In conclusion, we find it inexcusable that the federal and Québec governments continue to ignore the daily realities faced by Inuit and other northerners. Concrete steps must be taken to alleviate both the costs of living and doing business in the north. If southern Canadians found themselves in a similar situation, we believe the governments concerned would act with due haste - or else face the consequences at the next election.

Recommendations:

1. It is recommended that a study be undertaken by the federal and Québec governments, together with Inuit, with a view to establishing as soon as possible appropriate fiscal measures, subsidies and other means to reduce the high living and operating costs in the north, particularly in regard to fuel and transportation.

5.7 Northern Scientific Research Policy

Although a variety of studies have been undertaken concerning the north and its environment, there still exists a significant lack of adequate baseline data and information in this regard. Such background information is vital to the decisions which will influence the future direction of economic development and its proper assessment in the north. Inadequate baseline data is especially evident with respect to wildlife and other Inuit interests which are central to the continuance of our subsistence economies. No comprehensive, coordinated approach by government and the academic community to scientific research in the north presently exists. In addition, the intimate knowledge and experience of Inuit in regard to northern regions and



and their delicate environments have not been sufficiently used in shaping the nature and methodology of northern scientific research.<sup>1</sup>

In Québec, two major government policy papers<sup>2</sup> on the subject of scientific research have been published and legislation enacted<sup>3</sup> to promote the advancement of science and technology. However, the policy papers and legislation do not make reference to the particular research needs of northern Québec. Nor is participation of aboriginal peoples in northern scientific research addressed.

The need for northern research programs is made more acute by the fact that development is now occurring both onshore and offshore at an accelerated pace. The absence of sufficient relevant data seriously affects the ability of government, industry and aboriginal peoples to accurately assess the potential impacts of large-scale development on the north and on our particular interests. Environment Canada has recently expressed concern over the lack of baseline data on Canada's north and has emphasized the pivotal role of northern scientific programs in achieving balanced development:

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<sup>1</sup> Recently, Inuit of Alaska were unsuccessful in their efforts to achieve due recognition, in the U.S. Arctic Research and Policy Act of 1983 (H.R. 2292), of the value and significance of Inuit knowledge to northern scientific research.

<sup>2</sup> See the Ministre d'Etat au Développement Culturel, Towards a Scientific Research Policy for Québec, Editeur Officiel du Québec, 1979; A Collective Project: Statement of Policy Objectives and Plan of Action for the Implementation of a Scientific Research Policy for Québec, Editeur Officiel du Québec, 1980.

<sup>3</sup> An Act to Promote the Advancement of Science and Technology in Québec, S.Q. 1983, c. 23.

«If balanced development is to be achieved in the North, government's northern science programs must keep pace with the accelerating pace of northern industrial activity. A much greater effort is required in basic research on the North's environmental systems and in environmental monitoring to test hypotheses and to assess the actual environmental effects of industrial activity in the northern environment.»<sup>1</sup> (Emphasis added)

In 1977, the Department of Indian Affairs and Northern Development recognized the importance of formulating a comprehensive scientific research policy in Canada's north and proposed a set of principles entitled «Guidelines for Federal Scientific Activities in Canada's North».<sup>2</sup> In addition, Environment Canada's July 1983 discussion paper entitled «Environment Canada and the North» includes the following commitments<sup>3</sup>:

- Encourage more intensive university training and research programs in the environmental sciences, with greater emphasis on northern environmental issues, and promote the allocation of higher funding levels for these endeavours;

- Encourage the establishment of strong northern-based science centres, independent of federal government or industry direction, in order to foster the development of a capable community of northern scientists and the conduct of research on priority issues as defined by northerners;

- Promote the active recruitment and training of native northerners, and encourage the application of their northern knowledge and experience in (Department of Environment's) programs.» (Emphasis added)

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<sup>1</sup> Environment Canada. Environment Canada and the North: A Discussion Paper, Ottawa, July 1983, pp. 23-24.

<sup>2</sup> The D.I.A.N.D. guidelines are reproduced in Science Council of Canada, Northward-looking: A Strategy and a Science Policy for Northern Development, Report No. 26, August 1977, Annex.

<sup>3</sup> See pages 30-31 of the Environment Canada discussion paper.

We consider such commitments by Environment Canada as important elements in establishing a comprehensive northern scientific research policy. However, if we wish to ensure proper compliance by and coordination amongst various government departments, guidelines or principles alone may not be enough. For example, under the Canada Oil and Gas Act,<sup>1</sup> the Minister of Energy Mines and Resources and the D.I.A.N.D. Minister each have their own area of responsibility in regard to oil and gas activities and environmental studies<sup>2</sup> in different areas of Canada lands. While certain interdepartmental agreements<sup>3</sup> to improve cooperation were signed with Environment Canada, we believe that the mechanisms to ensure relevant and coordinated northern scientific research should be established on a more comprehensive basis and made more visible to the public.

Recommendations:

1. A comprehensive northern scientific research policy<sup>4</sup> should be developed, in collaboration with Inuit, which fully utilizes their acquired knowledge and experience in regard to their regions and which takes into account their diverse interests. In this regard, Inuit

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<sup>1</sup> S.C. 1980-81-82, c. 81.

<sup>2</sup> See Section 49 of the Act.

<sup>3</sup> See «Memorandum of Understanding Concerning the Environmental Studies Revolving Fund Provided for in the Canada Oil and Gas Act» entered into by the Ministers of Energy Mines and Resources, D.I.A.N.D., Environment and Fisheries and Oceans and reproduced in Departments of Energy Mines and Resources and D.I.A.N.D., Presentation by the Canada Oil and Gas Lands Administration to the Special Committee of the Senate on the Northern Pipeline, September 14, 1982, Annex 6.

<sup>4</sup> Note that the Inuit Circumpolar Conference at its 3rd General Assembly in Frobisher Bay, N.W.T. in July 1983 adopted Resolution #83-17 calling for the creation of an International Scientific Commission made up of Inuit from the various circumpolar regions to gather, coordinate and disseminate scientific information concerning their arctic and sub-arctic regions.

should have the opportunity to be consulted and participate fully in all phases of northern research affecting their interests.

2. Effective visible mechanisms are required in regard to northern scientific research, in order to ensure proper coordination between the various departments of government and compliance by both federal and provincial governments.

3. In light of the potential adverse impacts on Inuit caused by new development projects in the north, it is important to provide Inuit with adequate funding to Inuit to undertake studies, independent from government and industry, relating to Inuit rights and interests so that they be adequately considered when proposed development projects are assessed for their environmental and social impacts.

#### 4.8 Use of Modern Technologies<sup>1</sup> in the North

Technological advances can have both positive and negative impacts on northern peoples and their regions. Modern technologies, if appropriate, can be a vital factor in promoting northern economic and social development.<sup>2</sup> For example, new communications technologies

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<sup>1</sup> The terms of reference of the Royal Commission suggest that the final report of the Commission include an examination of the «capital requirements and the cost structure in a highly competitive, technologically-sophisticated ... world environment» (emphasis added). Therefore, we wish to briefly comment on the use of modern technologies in the north.

<sup>2</sup> In some cases, modern technologies have been developed and are available for use but their application in the north is undertaken on a selective basis. For example, temporary work crews in northern Québec are often provided with facilities allowing for proper sewage removal and treatment. Most Inuit houses, on the other hand, are still equipped with «honey bags».

can be particularly helpful in reducing travel costs and increasing efficiency. In light of the formidable transportation costs associated with Canada's north, new computer technologies can provide alternative forms of communication over long distances, facilitating both north-south and inter-community exchanges.

The introduction of appropriate modern technologies in the north must also involve training northern peoples to apply and maintain these new systems. Such coordination of the application of new technologies with the development of northern expertise is fundamental if new methods and equipment are to be used successfully. For example, new schools were built in northern Québec, incorporating new technological advances in the heating and plumbing systems, but the training of Inuit to maintain and repair these new systems was not undertaken on a timely basis. Consequently, when such systems inevitably required servicing and maintenance, the necessary expertise did not exist within the communities affected.

In other instances, new technologies, inadequately tested with respect to their potential impacts on the northern environment, are being applied to the north with potentially disastrous results. For example, important technological problems must still be resolved in regard to oil and gas exploration and development in the circumpolar regions. The adequacy of oil spill<sup>1</sup> and other technologies in northern environments, and the degree of acceptable risk in proceeding with oil and gas activities in the absence of proven technologies,<sup>2</sup> still require further discussion and assessment with native and other northerners.

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<sup>1</sup> The Inuit Circumpolar Conference in its 3rd General Assembly meeting held at Frobisher Bay, N.W.T. in July 1983 adopted Resolution # 83-22 calling upon the governments of the United States, Canada and Denmark to assist in developing specific response standards for arctic oil spills.

<sup>2</sup> See Science Council of Canada, Northern Development and Technology Assessment Systems, Background Study No. 34, January 1976, pp. 152-153, which sets forth some of the unresolved technological issues at that time with respect to oil and gas development in the arctic.

Presently, Atomic Energy of Canada Limited (A.E.C.L.) and the Department of Energy, Mines and Resources (E.M.R.) are making attempts to apply as yet unproven nuclear technology to Canada's northern communities,<sup>1</sup> predominantly inhabited by Inuit.<sup>2</sup> In this regard, no consultation has yet taken place by A.E.C.L. or E.M.R. with our communities.

The dangers of introducing nuclear technology into the north, without safe methods to dispose of radioactive waste and control radioactive leakage associated with the operation of these plants are obvious. Therefore, it is not surprising that Inuit from Greenland, Canada and Alaska recently adopted a resolution opposing nuclear activities, both military and non-military, in the circumpolar region. The resolution also specifically rejected the proposed plans of A.E.C.L. and E.M.R. for northern Canada with respect to installation of small-scale nuclear reactors.<sup>3</sup>

Recommendations:

1. If Inuit are to be treated as full partners in Canada's economic union, mechanisms must be established to ensure their participation in decisions concerning the appropriateness and safety of using new technologies, as they are developed, in Canada's arctic and sub-arctic regions.

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<sup>1</sup> See questions raised in this regard by Jim Fulton, M.P. in House of Commons Debates, May 27, 1983 at pp. 25783-84 and June 13, 1983 at p. 26286.

<sup>2</sup> See letter dated January 24, 1983 from D.G. Cerigo, Atomic Energy of Canada Limited to R. Lalonde, Regional Director, Conservation and Renewable Energy Office, E.M.R. where the northern Québec communities of Kuujjuaq (Fort Chimo), Kuujjuarapik (Great Whale River), Salluit and Inukjuak, among others, are being considered.

<sup>3</sup> See Resolution #83-01 of the Inuit Circumpolar Conference (I.C.C.), 3rd General Assembly held in Frobisher Bay, N.W.T. in July, 1983.

2. New technologies appropriate to the north should be promoted and made available on a timely basis, along with the necessary training programs, so as to facilitate northern economic development and improve the quality of life of northern Canadians. New communication technologies such as Telidon and computer-data link-ups could provide vital modes of access to information and research for northern peoples, thus facilitating and improving their means of participation in the many decision-making processes in both public and private sectors which affect the north on a daily basis.

3. Nuclear technologies should not be utilized in Canada's north until it is clearly demonstrated that such technologies are not hazardous to northerners or their environment and are more beneficial than other available alternatives.

#### 4.9 Wildlife Management and Protection<sup>1</sup>

It is essential to integrate an effective wildlife management framework when developing a comprehensive economic development policy for the north. As indicated earlier<sup>2</sup>, subsistence activities form a vital part of our regional economies. The harvesting of biological resources constitutes an important part of our aboriginal rights and provides us with a sustaining source of food. Therefore, Inuit and other aboriginal peoples must be fully involved in the management and protection of wildlife in their surrounding regions. It is unacceptable that meaningful Inuit participation in

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<sup>1</sup> See section III above - «Inuit Aspirations and Goals» - which describes Inuit rights to harvest wildlife and participate in wildlife management as one of our fundamental objectives.

<sup>2</sup> See sub-heading 4.5.2 above.

wildlife has not yet been realized in the various regions of Canada's north.<sup>1</sup>

Effective wildlife management systems should be developed in Canada's north on a regional basis and be so designed as to link together and provide comprehensive and coordinated management and protection of wildlife resources. In light of Inuit rights and interests, such wildlife management systems must reflect and promote the traditional and current levels, patterns and character of Inuit harvesting in the various northern areas, taking into account our present and future needs. Outfitting and other commercial ventures related to wildlife are also important to the growth of our subsistence economies. In many instances, cash obtained from such commercial ventures enables Inuit to pay for gasoline and other supplies necessary to pursue subsistence activities. Consequently, priority of Inuit harvesting for commercial, community and other subsistence purposes over recreational, sport or other uses by non-natives should be recognized as a basic principle. At the same time, we must also guarantee protection and conservation of critical wildlife habitat areas and implement other principles of conservation, as required.

Inuit participation in wildlife management in the offshore areas and on the international level are discussed in other sections of this Brief (see sub-headings 4.11 and 4.14).

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<sup>1</sup> Inuit involvement in wildlife management in the central and eastern arctic should substantially improve if the terms of the Nunavut Wildlife Agreement-in-Principle are implemented. In northern Québec, the situation looks far less promising. Under the James Bay and Northern Québec Agreement, the «Hunting, Fishing and Trapping Coordinating Committee» or «Annipukvik» was established with the objective of protecting Inuit and Cree harvesting rights in northern Québec and to ensure their participation in wildlife management. However, the Committee has not had any consistent influence on government policies and actions, most likely because it has largely advisory powers.



Recommendations:

1. In light of Inuit and other aboriginal rights and interests pertaining to wildlife, it must be recognized as a fundamental principle that Canada's aboriginal peoples have the right to participate fully in wildlife management affecting their regions. For such purposes, new and effective wildlife management systems may be required to provide for such input in a manner acceptable to northern aboriginal peoples.

2. Due to the fundamental importance of native subsistence economies in Canada's north, any comprehensive northern economic development policy must fully incorporate wildlife management considerations in a manner consistent with the rights, interests and perspectives of the aboriginal peoples affected. It is only in this way that the social, cultural and economic value of wildlife to native peoples can fully be taken into account in economic decision-making concerning Canada's north.

3. Wildlife management systems in the north must sufficiently provide for the priority of aboriginal harvesting rights over the recreational and other uses by non-native Canadians. Such priority should apply to commercial as well as community and other subsistence purposes.

4.10 Role of Regional and Local Governments - The Quest for Self-Determination in Northern Québec

As a result of the James Bay and Northern Québec Agreement, non-ethnic regional and local governments were established in the territory to provide Inuit with greater control over matters affecting us and our region. Through these and other regional bodies, it is intended under the Agreement that Inuit achieve greater self-determination on a regional basis.

Under the Act respecting Northern Villages and the Kativik Regional Government,<sup>1</sup> northern village corporations with basic municipal powers were established for Inuit communities. Similarly, the Kativik Regional Government was created with jurisdiction over the area north of the 55th parallel, which area constitutes approximately one-third the size of Québec.<sup>2</sup>

The Regional Government exercises similar powers as those of northern village corporations, such as land-use planning, in any part of the territory not forming part of a municipality. In addition, the Kativik Regional Government may, by ordinance, prepare minimum standards in regard to such matters as construction of houses and buildings, sanitary conditions, pollution prevention and sewage. It also has certain powers in the areas of local administration, transport and communications, police and manpower training and utilization.

In regard to the programs, the fundamental principle of regional and local control is provided in section 29.0.4 of the Agreement:

«The administration of the federal and provincial programs ... shall, to the fullest extent possible, be assumed by the Regional Government or the municipalities whenever appropriate, and when accepted by the parties directly concerned.»  
(Emphasis added)

In addition, existing services provided by the federal government were not to be altered until a «unified system» could be worked out between the Regional Government, the northern village corporations and Canada and Québec. In this regard, section 29.0.40 provides:

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<sup>1</sup> R.S.Q., c. V-61.

<sup>2</sup> Certain lands of the Cree community of Great Whale River (Category 1A and 1B lands) are excluded from the municipal boundaries of the Kativik Regional Government.

«The existing provision of housing, electricity, water, sanitation and related municipal services to Inuit shall continue, taking into account population trends, until a unified system, including the transfer of property and housing management to the municipalities, can be arranged between the Regional Government, the municipalities and Canada and Québec.» (Emphasis added)

Although no unified system was worked out, the federal government unilaterally transferred to Québec the administrative responsibility for providing such services on February 13, 1982, despite strong objections from Makivik and the Kativik Regional Government. This action, which we consider illegal, was particularly significant since it reduced our ability to have control over matters affecting us through our own institutions. It also points to the need for greater protections for regional and local governments against the excessive actions of their federal and provincial counterparts.

We now wish to examine other aspects which have impeded to date the rightful exercise of Inuit self-determination in our region.

#### 4.10.1 Overdependance on Québec Government Budgets

The absence of an adequate revenue-base in the region makes both the northern village corporations and the Kativik Regional Government almost wholly dependant on capital and operational budgets from the Québec government.

The inadequacy of these budgets severely jeopardizes the ability of our regional and local governments to properly and effectively exercise their powers.<sup>1</sup> Budgetary limitations result in a lack of sufficient personnel and technical assistance. Under the

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<sup>1</sup> To the same effect, see Rouland, Les Inuit du Nouveau-Québec et la Convention de la Baie James, Université Laval, Québec, 1978, pp. 157-158.

existing situation, the Québec government can virtually determine what powers our regional and local entities will or will not exercise, and to what degree, based on the specific budgets which Québec may chose to furnish.

If permitted to play their rightful role, our regional institutions can provide particular insight as to the values, perspectives, needs and priorities of Inuit in the region. However, the lack of an economic base in northern Québec and the financial dependance of our regional bodies have serious consequences for our socio-economic and political development in the north.

One of the issues highlighted in the terms of reference of the Royal Commission is to study and report on:

«The appropriate allocation of fiscal and economic powers, instruments and resources as between the different levels of governments and administrations».

We believe that this issue is highly relevant to our own situation and is fundamental to the economic, social and political development of our people. Currently, a municipal financing system is used in the north which is modelled on those used in more populated southern municipalities. Such a system is not appropriate for the north since it does not adequately take into account such important northern factors as the high cost of living, lack of economic opportunities, high unemployment and small populations.

In our view, comprehensive fiscal reforms are required for northern Québec which would ensure sufficient revenues on a regional basis. Although new fiscal formulas are currently being worked out for Québec municipalities to enable them to to obtain revenues from

hydroelectric and other developments, our regional and local governments have been excluded from such timely reforms.<sup>1</sup>

Recommendations:

1. In order to promote fiscal self-sufficiency for regional and local institutions in Inuit territory, comprehensive fiscal reforms must be undertaken, based on northern factors and conditions, and in collaboration with Inuit.

2. Regional revenue-sharing and other financing schemes should be examined with a view to providing greater financial independence to the regional and local governments and so as to enable them to adequately provide for sorely needed infrastructure in northern Québec.

3. In light of continuing regional disparities and the lack of economic opportunities, any municipal taxation system developed for the north must not place an unfair burden on its residents.

4.10.2 Impediments to Inuit Self-Government<sup>2</sup>

In the Royal Commission's information booklet entitled «A Commission on Canada's Future», the following statement is found on page 11:

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<sup>1</sup> See An Act respecting Municipal Taxation and Providing Amendments to Certain Legislation, S.Q. 1979, c. 72 at section 221 et seq. Section 1 of the Act excludes northern village corporations in the territory from the definition of municipal corporations. In addition, the criteria used under the Act and its regulations are not compatible with existing conditions in our region.

<sup>2</sup> See section III above - «Inuit Aspirations and Goals» - where adequate exercise of the right to self-government is identified as an aboriginal right and is one of our fundamental objectives.

« ... local government administration has no constitutional status, yet local governments fundamentally influence everything from the volume and pace of home construction to education to the patterns of economic development».

As we have indicated above, it is this type of influential role that we expect our regional and local governments to play at this time. Furthermore, the Kativik Regional Government and the northern village corporations are more than ordinary municipal governments. These entities were negotiated as part of our land claims settlement<sup>1</sup> and, at least for now, represent the existing institutions in northern Québec for Inuit self-government.

Aboriginal peoples across Canada have repeatedly indicated the importance of self-government to their own development. Moreover, self-government is intended to be one of the priority agenda items at the 1984 First Ministers Conference.

In examining our structures, we find several fundamental impediments to achieving Inuit self-government. As already stated, we lack the necessary economic base to ensure the free exercise of our powers and to retain our independence. Aside from some minor taxing powers, the only direct funding source is the Québec government. If our regional and local bodies wish to seek federal funding, Québec law requires that any funding agreements with the federal government be previously approved by Québec's Minister of Municipal Affairs.<sup>2</sup> Such paternalistic provisions are not acceptable to us and must be repealed

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<sup>1</sup> Unlike other Québécois and Canadians, northern Québec Inuit were not provided with regional and local governments as a matter of course. We were compelled to exchange our aboriginal rights in and to land in northern Québec in order to exercise municipal-type powers under Québec law. Therefore, our institutions must not be treated as ordinary municipal structures under Québec law, but be recognized as instruments of Inuit self-government.

<sup>2</sup> See sections 27 and 353 of the Act respecting Northern Villages and the Kativik Regional Government.

if northern Québec Inuit are to exercise freely adequate powers of self-government.

Earlier this year, Bill 38 was tabled in Québec's National Assembly which would impose further sanctions on all Québec municipalities.<sup>1</sup> The Bill reaffirms that an agreement between the federal government and the Québec government is the only framework through which the municipality may receive a subsidy from the federal government. Moreover, the Bill provides that any municipality that has received any subsidy from the federal government otherwise than with the agreement of the government of Québec forfeits its right to exact any sums of money that the Québec government would be required to pay to that municipality under its programs of municipal funding.<sup>2</sup>

A further problem relates to our right to establish regional institutions which respond to our particular needs, perspectives and interests.<sup>3</sup> During the negotiations of our native land claims settlement in 1975, the Québec government was only prepared to recognize regional and local government powers in the north if they coincided with those exercised by southern municipalities. There was virtually no room given to establish innovative government structures which would meet our particular needs. Eight years have now passed since the signing of our land claims settlement. Yet no significant amendments have been made to the laws regulating our regional and local governments to recognize our particular needs unless such amendments have been adopted for the benefit of all Québec municipalities. As a

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<sup>1</sup> See An Act respecting Government Funding of Municipalities (Bill 38), First Reading, introduced by the Minister of Municipal Affairs, Jacques Léonard.

<sup>2</sup> See section 2 of Bill 38. However, in no case may the amount withheld from the municipality exceed the amount of the federal subsidy.

<sup>3</sup> The right to our own institutions is a fundamental right related to our right of self-government. See sub-heading 3.3 below.

result, important cultural powers, such as greater control over Inuit cultural property,<sup>1</sup> are not exercised by our institutions.

As is evident, the consequences of this current arrangement are not only economic but have far-reaching social, cultural and political impacts. In light of the federal constitutional responsibility for Inuit, it is our position that our institutions of self-government must have direct access to federal funding and be able to have direct relations with the federal government, without Québec's approval. Although the federal government has set up a committee to do an in-depth examination into Indian self-government,<sup>2</sup> in collaboration with the Indians of Canada, no equivalent body has been established to assess the self-government needs of Inuit in northern Québec. We view this as another example of the federal government abandoning their responsibility under the Constitution in regard to Inuit.

Recommendations:

1. The relationship of regional and local governments in northern Québec to both the federal government and Québec must be re-evaluated with a view to providing increased rights and powers as well as greater self-determination to Inuit on a regional basis.

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<sup>1</sup> Such regional control, if effectively implemented, could serve to promote one of our fundamental cultural objectives, namely, to use and enjoy Inuit archaeological and other property relating to our culture and ancestry. See section III above - «Inuit Aspirations and Goals».

<sup>2</sup> On December 22, 1982, the House of Commons ordered: «That a Special Committee of the House of Commons ... be appointed to act as a Parliamentary Task Force on Indian Self-Government to review all legal and related institutional factors affecting the status, development and responsibilities of Band Governments on Indian Reserves».



2. It must be recognized as a fundamental principle by Canada and Québec that the regional and local governments in northern Québec are more than ordinary municipalities, since these bodies serve as existing instruments of Inuit self-government. In this regard, Québec laws must not be permitted to restrict, in any way whatsoever, the ability of regional and local entities of northern Québec Inuit to deal directly and independantly with both the federal and Québec governments.

3. In order to meet its constitutional responsibility, the federal government should appoint an equivalent body as exists in the case of status Indians, to assess the self-government needs of Inuit in northern Québec and other regions in Canada.

#### 4.11 Inuit Offshore Interests

As original inhabitants of Canada, our aboriginal rights in the offshore surrounding northern Québec derive from our use of the area for several thousand years.

As a coastal people, we extensively use the arctic waters and depend for subsistence on the resources in such waters. Inuit use of and reliance upon the marine environment are in many ways unique among aboriginal peoples. Moreover, marine resources are central to the continuance and long-term stability of our subsistence economy and culture. According to the current results of the «Research to Establish Present Levels of Native Harvesting», carried out by the parties to the James Bay and Northern Québec Agreement, approximately 70% of our local food is harvested in the offshore area. Therefore, the future of this area is critical to us.<sup>1</sup>

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<sup>1</sup> Despite Inuit aboriginal rights in the offshore, the N.W.T. Game Ordinance purports to render illegal certain harvesting activities by northern Québec Inuit, due to the absence of a general hunting licence under N.W.T. regulations. We find this situation totally unacceptable, particularly in light of the recognition of our rights under the Constitution Act, 1982 and since such licences are not readily available to northern Québec Inuit.

In order to protect our rights and interests, northern Québec Inuit seek meaningful participation in broad aspects of environmental management, including wildlife management, in the offshore area. For biological and other technical reasons, the environmental management zone would necessarily have to extend further than our immediate zone of interests in order to sufficiently protect Inuit interests. Furthermore, our framework for creating a viable northern economy in our region includes substantial Inuit involvement in economic ventures in the offshore, relating to both renewable and non-renewable resources. It is also our view that future offshore resource developments within our region should include an appropriate and rational scheme for revenue-sharing on a regional basis.

In the past, offshore resource development and possible transfers of jurisdiction were discussed by federal and provincial governments without Inuit involvement. While Canada seems prepared to recognize Inuit interests in offshore islands, the same is not always true for the vast marine area as a whole. In our view, such actions are somewhat inconsistent with Canada's position on the international level regarding Inuit use of offshore areas. For international purposes, the federal government has recognized and utilized the fact of Inuit use of the sea to reinforce Canada's claim for sovereignty or control of extensive offshore areas.<sup>1</sup>

It is our position that any future federal-provincial talks in regard to the offshore area should only proceed in a manner which does not prejudice Inuit rights and interests and, therefore, should include our direct participation as an interested party. If control over offshore resources is too rapidly transferred to the provinces, Canada would in effect be compelling aboriginal peoples to negotiate their rights and interests with an additional sovereign government.

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<sup>1</sup> See the Arctic Waters Pollution Prevention Act, R.S.C. 1970, (1st Supp.), c. 2, which was passed by Parliament to assert Canadian sovereignty in the Arctic. For such purposes, the preamble to the Act makes reference to Canadian Inuit.

To the extent that we would be required to negotiate our pre-existing aboriginal rights in federal offshore areas with the provinces, this would amount to an abdication by the federal government of its trust responsibilities to Inuit.

The present difficulties surrounding the offshore resources issue results, to some degree, from the inherent conflict-of-interest position of the federal government. On the one hand, the federal government must fulfill its trust responsibilities and other commitments to aboriginal peoples. On the other hand, the same government must ensure a workable relationship with the provinces and satisfy their evolving needs, particularly in the areas of energy and economic development.

Rather than ignore or neglect aboriginal interests, a possible step towards resolving this conflict-of-interest is to ensure that aboriginal peoples represent themselves and be accorded full participation in any federal-provincial talks which may significantly affect their offshore interests.

In regard to Inuit participation in regulating the use and management of the offshore area, certain commitments were made by the federal government during our land claims negotiations, which commitments still apply today and are not unilaterally revocable. The extension of local and regional government powers to at least part of the offshore area was specifically foreseen in the letter of federal undertakings, dated November 15, 1974, sent to us from the former Minister of Indian Affairs and Northern Development, Mr. Judd Buchanan. Sub-paragraph 5(iii) of this letter provides as follows:

«Canada, in cooperation with the government of the Northwest Territories, would undertake to discuss the application of local and regional government powers as far as is possible to such islands but under the exclusive jurisdiction of Canada or the Government of the Northwest Territories as appropriate.» (Emphasis added)

We believe that the fulfillment of such commitment would be compatible with the «spirit of the Constitution» since it would be an additional step towards recognizing and affirming Inuit aboriginal rights in the offshore area in accordance with section 35 of the Constitution Act, 1982. Moreover, under Canada's Constitution, Parliament cannot delegate directly its legislative powers to provincial governments<sup>1</sup> but it is legally permitted to do so with provincially constituted subordinate bodies, such as our regional and local governments.<sup>2</sup> Such a step would be consistent with our aspirations for greater self-determination.

Recommendations:

1. Canada must fully recognize Inuit aboriginal rights and interests in the offshore area around northern Québec as well as the economic, social and cultural significance of the area and its resources to Inuit. In view of these substantial and diverse interests, Canada should recognize the right of Inuit to participate as full partners in the use and management of the offshore area.
2. Any future federal-provincial talks in regard to the offshore area should only proceed in a manner which does not prejudice Inuit rights and interests and should include the direct participation of Inuit.

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<sup>1</sup> A.-G. Nova Scotia v. A.-G. Canada (Nova Scotia Interdelegation Case), (1950) 4 D.L.R. 369, (1951) S.C.R. 31.

<sup>2</sup> See La Forest, Delegation of Legislative Power in Canada (1975) 21 McGill L.J. 131; P.E.I. Potato Marketing Board v. H.B. Willis Inc., (1952) 4 D.L.R. 146, 2 S.C.R. 392; Coughlin v. Ontario Highway Transport Board, (1968) 68 D.L.R. (2d) 384.

4.12 Effect of Mobility Rights<sup>1</sup> in Northern Québec

According to the Royal Commission's terms of reference, the final report of the Commission should include recommendations as to the appropriate institutional and constitutional arrangements to promote, among other things, the «maintenance of a strong and competitive economy». In our northern context, we do not believe that such competition is intended to be completely unfettered.

If unrestricted, the massive influx of a temporary work force from southern parts of Canada when northern projects are announced would have severe consequences in the north. In such a situation, Inuit would be unable to compete. Northern unemployment would not be significantly reduced. Therefore, affirmative measures<sup>2</sup> are necessary in order to allow a stronger northern economy to be developed and a northern work force to become more established.

In regard to employment in industry in the north, affirmative action may refer to a comprehensive plan or program designed to ensure equality of opportunity at all employment levels. Such a plan or program would also provide for the implementation of those special measures necessary to ensure equality of results. By creating such economic opportunities, members of historically disadvantaged groups eventually are able to compete on equal terms with the more advantaged sectors of society.

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<sup>1</sup> The mobility rights we are referring to here are provided in section 6(2) of the Constitution Act, 1982, as follows: «(a) to move to and take up residence in any province» and «(b) to pursue the gaining of a livelihood in any province».

<sup>2</sup> When we point to «affirmative measures» or «affirmative action», we refer to any action taken to break the historic social patterns of rejection or neglect, based on ethnic or national origin, race, colour or other criteria, which have produced seriously disadvantaged minorities within Canada. Such patterns may have resulted from calculated policies or merely through thoughtlessness, apathy or lack of awareness.

It is important to note that the principles provided in the Commission's terms of reference emphasize that Canadian economic policy must be assessed in the context of its relationships to the broader aspirations of Canadians, which certainly must include Inuit. In addition, the Commission's report is to take account of, and respect, the spirit of the Constitution of Canada.

In the Constitution Act, 1982, affirmative action programs are generally provided for in section 15. In addition, section 6(4) expressly provides that the mobility rights of Canadian citizens and permanent residents may be restricted by affirmative action programs in certain cases. These provisions are consistent with the constitutional commitments in section 36 to promote equal opportunities for the well-being of Canadians and reduce disparities in economic opportunities.

Further, section 25 of the Constitution Act, 1982 provides that the rights in the Canadian Charter of Rights and Freedoms, such as mobility rights, must not be construed so as to abrogate or derogate from any rights or freedoms acquired by the aboriginal peoples of Canada by way of land claims settlements. As we indicated earlier, the James Bay and Northern Québec Agreement expressly provides for the right of Inuit to priority of contracts and employment.<sup>1</sup> Therefore, such rights prevail over the mobility rights of other citizens or residents. We also wish to emphasize that these priority provisions in favour of Inuit are much more than affirmative actions on the part of governments. Such rights and obligations are an integral part of our land claims agreement and, for this reason alone, both Canada and Québec are legally obliged to fulfill their commitments.

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<sup>1</sup> See sub-heading 4.4 above on «Economic Opportunities in Northern Québec» which examines sections 29.0.31 and 29.0.32 of the Agreement concerning Inuit rights to priority of contracts and employment.

Consequently, we would expect that the building of a «strong and competitive economy» in Canada will not be interpreted as unrestricted mobility of all Canadians to pursue contracts and employment in our northern region. Rather, in order to build a stronger economic union, Inuit in the north must be provided with equal opportunities to compete in the economic sector in accordance with the commitments in the Constitution and in their land claims settlements.

Recommendations:

1. If Inuit are to be full partners in Canada's economic union, the «maintenance of a strong and competitive economy» within Canada must ensure, at the same time, that aboriginal peoples have fair access to economic opportunities in their northern regions. In a northern context, this would mean that competition for contracts and employment by persons from outside the region would be subject to certain restrictions.

2. Appropriate affirmative action programs should be established and implemented, where necessary, so that equal opportunities are readily accessible to Canada's original peoples. Such programs should be developed in collaboration with the aboriginal peoples affected.

4.13 Effect of Federal-Provincial Equalization Payments on Canada's Aboriginal Peoples

The expressed purpose of Canada's equalization policy is to enable provincial governments to provide reasonably comparable levels of public services to their citizens without having to impose an undue tax burden on them. In this regard, section 36(2) of the Constitution Act, 1982 provides as follows:

«Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.»

While we are not entirely familiar with the details of the federal-provincial equalization payment formula, we would like to comment briefly on its relevance and effect on Inuit and other aboriginal peoples. If one looks at the inadequate services available to Inuit in northern Québec, one must conclude that the present equalization policy is not entirely working.

Regardless of whether aboriginal peoples live in a «have-not» province as we do in Québec, or whether they live in a «have» province such as British Columbia, Canada's aboriginal peoples often do not receive reasonable public services in comparison to other Canadians in those provinces.

In order to ensure that Canada's native peoples also enjoy essential public services of reasonable quality as provided in Canada's Constitution,<sup>1</sup> it is becoming quite clear that the equalization formula cannot continue to apply solely to provinces as a whole, but must take into account the different regions within Canada and their per capita expenditures.

Although our region is within Québec, our per capita expenditures are more comparable to those in the Northwest Territories (highest in Canada) than they are to the more southern parts of Québec. However, the equalization formula does not appear to take into account widely different costs of providing public services in the various regions of Canada. In this regard, the 1980 Report of the

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<sup>1</sup> See section 36(1)(c) of the Constitution Act, 1982 where such a commitment is made.



Special Representative on the Constitutional Development in the Northwest Territories provides as follows:

« ... N.W.T.'s fiscal need (\$4,135.00) is almost seven times that of P.E.I. (\$599.00), the province with the highest per capita level of equalization. However, application of the current equalization formula to the N.W.T. results in no entitlement for the G.N.W.T. because, as measured by the formula, the G.N.W.T. has a per capita capacity to derive revenues which is slightly above the national average.<sup>1</sup> (Emphasis added)

Unlike N.W.T., Québec does receive equalization payments. However, the relatively high fiscal needs in northern Québec probably serve to discourage the Québec government from appropriating sufficient budgets to ensure essential services of reasonable quality in our region.

A further reason for amending the equalization formula to take full account of regional differences is that such action would be both compatible and timely with the constitutional discussions on self-government, currently taking place between aboriginal peoples and federal and provincial governments. As we indicated earlier,<sup>2</sup> regional institutions of aboriginal peoples can only exercise their powers effectively if such institutions have access to sufficient fiscal resources.

Recommendations:

1. The existing system of equalization payments in Canada should be reviewed so as to incorporate additional principles which would ensure that aboriginal peoples across Canada will actually

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<sup>1</sup> See Report of the Special Representative (C.M. Drury), Constitutional Development in the Northwest Territories, January 1980, pp 111 - 112.

<sup>2</sup> See sub-heading 4.10.1 above.

realize the intended benefits from such payments in their regions. In other words, equalization payments must not be made solely on the basis of provinces as a whole.

2. The equalization policy in Canada should be appropriately amended by governments, in collaboration with the aboriginal peoples, so that equalization payments can support the self-government objectives of aboriginal peoples and better provide for their economic and fiscal needs.

#### 4.14 International Aspects of Inuit Rights and Interests

In order to reaffirm and strengthen the historic circumpolar ties among Inuit and to protect and promote their interests on the international level, Inuit of Alaska, Greenland and Canada<sup>1</sup> formed an international organization in 1977 known as the Inuit Circumpolar Conference (I.C.C.).<sup>2</sup>

Through the Inuit Circumpolar Conference, the overall objective of Inuit is to coordinate policies and strategies among Inuit so as to effectively promote the circumpolar environment as a whole and ensure our collective survival as a distinct circumpolar

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1 As already indicated, the approximate population figures for Inuit in the world's circumpolar regions are as follows: Alaska (30,000); Greenland (42,000); Canada (25,000); Soviet Union (3,500). I.C.C. membership is open to Inuit of U.S.S.R. and both formal and informal efforts are being made by I.C.C. officials on a continuing basis to encourage Soviet Inuit to join.

2 Structurally, the I.C.C. consists of a seven-member Executive Council (including the President), a Secretariat and a General Assembly. The General Assembly is composed of 54 Inuit delegates: 18 from each of the member party countries. The Executive Council meets at least twice a year and the General Assembly meets regularly every three years, alternating its location among Canada, Alaska and Greenland.

people.<sup>1</sup> In 1983, the I.C.C. applied for and obtained Non-Governmental Organization status (N.G.O.)<sup>2</sup> at the United Nations so as to provide Inuit with a greater degree of input at the international level.

However, in order to protect and advance their common interests, it is still essential that I.C.C. members from the different countries continue to work with their respective national governments. With respect to Canadian Inuit, the nature of our international interests, and the extent to which we can participate in the formulation of Canadian international policies affecting those interests, are the subject of the next sub-heading.

#### 4.14.1 Inuit International Interests

Inuit interests, within Canada's arctic and sub-arctic regions, are increasingly being regulated at the international level. Currently, these interests include such diverse subject-matters as whales, seals, polar bears, fisheries, migratory birds, renewable and non-renewable resource management and development in Canada's offshore

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<sup>1</sup> For the purposes of this Brief, it is interesting to note that the current central concerns of the I.C.C. are: (1) survival and development of Inuit language and culture; (2) development by nations of a circumpolar policy which properly balances resource exploitation with protection of the fragile arctic environment, the wildlife and the culture and traditions of Inuit; and (3) promotion on the international level for the recognition of aboriginal rights as cultural and human rights.

<sup>2</sup> Non-Governmental Organization Status, or N.G.O. status as it is more commonly known, is a special and preferential consultative status granted by the United Nations to certain organizations which qualify. The Inuit Circumpolar Conference has Category II N.G.O. status at the United Nations which enables the I.C.C. to send observers to public meetings of the Economic and Social Council and its subsidiary bodies and submit written statements relevant to the work of the Council. The I.C.C. may also consult with the United Nations' Secretariat on matters of mutual concern.

areas, environmental protection and acid rain.<sup>1</sup> Therefore, we believe that the principle of Inuit participation should apply to the determination of Canada's international policies in matters which directly affect our interests.

On isolated occasions, Inuit representatives have been included as part of Canadian delegations to international organizations<sup>2</sup> or conferences<sup>3</sup>. However, a major drawback of this form of participation is that an Inuit member of such delegation would be compelled to conform to Canada's position even if it were contrary to the position of Canadian Inuit.

In order to protect our interests, we believe it may be far more effective if Inuit had direct representation on administrative bodies or committees of the government of Canada, which are involved in formulating or implementing international policies and agreements. For example, we have tried in the past without success to become members of the federal government's Technical Committee and Administrative Committee concerning polar bears. Such collaboration might have resulted in mutually acceptable changes to Canada's international policy instead of the unilateral imposition of quotas which eventually took place in the Northwest Territories.

In addition, there is a growing need for the development of international standards for environmental protection, including wildlife management, which would serve to balance the competing economic uses of the world's circumpolar regions. As Inuit, we would

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<sup>1</sup> Inuit immigration and economic and cultural relations with Inuit outside Canada will be dealt with under the next sub-heading.

<sup>2</sup> International Whaling Commission in Brighton, England on July 21-26, 1982.

<sup>3</sup> Law of the Sea Conference in New York, N.Y. in 1976.

like to be actively involved within Canada in the formulation of Canada's international positions.

Recommendations:

1. Due to the far-ranging interests of Inuit on the international level, Inuit should have representation on administrative bodies or committees of the government of Canada involved in formulating or implementing policies and agreements, of an international nature, which directly affect Inuit interests.
2. As a general rule, Inuit should be informed and consulted in timely fashion, through established procedures, prior to Canada entering into any international agreements which directly affect Inuit interests.

4.14.2 Economic and Cultural Relations between Canadian and Greenlandic Inuit<sup>1</sup>

Due to the common coastal boundary in the Davis Strait, Canadian and Greenlandic Inuit share similar circumpolar interests such as environmental protection, use and management of marine areas and economic development.<sup>2</sup>

Recommendations:

1. Due to the historical and ongoing ties between Canadian and Greenlandic Inuit, Canada should provide additional funding to Inuit

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<sup>1</sup> Reference is not being made here to Alaska since relations between Canada and the United States are already well established.

<sup>2</sup> In this regard, it is worth noting that Greenland opted out of the European Economic Community by referendum in 1982 and is currently seeking economic ties with other trading nations, including Canada.

of Canada so as to facilitate economic, social and cultural relations between both peoples.

2. Canada, in collaboration with Inuit, should explore possible amendments to immigration and excise laws so as to encourage economic trade and travel by Inuit between Canada and Greenland.

#### 4.15 Inuit Political Representation

It is well recognized that the political institutions of both federal and provincial governments make decisions on a regular basis which affect the lives and future development of all peoples in Canada. Yet Inuit, like other aboriginal peoples in Canada, still do not enjoy adequate representation in Parliament or provincial legislatures.<sup>1</sup> The political process which currently exists tends to determine our future for us in our absence. We are treated more as wards of the State than contributing partners. As a result, the federal and provincial policies which are adopted often run counter to aboriginal interests and serve to perpetuate both our problems and dependency.

This lack of political representation and decision-making is an institutional barrier to our right of self-determination. Through the political decisions of others, whether benevolent or misguided, the exercise of our own rights and powers are further minimized. More fundamentally, it effectively undermines our own values, priorities and aspirations and erodes our collective ability to be self-reliant as a distinct people.

Moreover, the lack of effective fiscal and other powers and resources in our own regional institutions of self-government com-

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<sup>1</sup> In recent years, there has been one Inuit Member of Parliament and one Inuit Senator from the Northwest Territories. There has never been an Inuit representative from northern Québec or Labrador in the federal Parliament or provincial legislatures.

pounds the problem and continues to breed the same familiar themes among Canada's aboriginal peoples. Canada's economic union will not be strengthened by unilateral government actions, inappropriate and ineffective programs, inadequate access to vital information, or by ignoring the rights and needs of aboriginal peoples. In effect, to positively alter our political history, we speak essentially of the need for a new relationship with governments.

The political-economic-cultural interface is a crucial one, which has been recognized, at least in general terms, in the Royal Commission's terms of reference. For example, the Commission is requested to make recommendations on:

«changes in the institutions of national government so as to take better account of the views and needs of all Canadians and regions, and to encourage the further development of the Canadian economic union.»

We would like to examine more closely the means which are available to achieve this objective.

#### 4.15.1 Electoral Boundaries

Under the present electoral system, there is little opportunity for Inuit in northern Québec to be elected to either the federal Parliament or the Québec National Assembly.

The electoral districts in northern Québec are established so as to include some of the much larger non-native communities below the 55th parallel. These other municipalities, with which we have little in common, are included in order to meet certain minimum population requirements established by law for electoral districts.<sup>1</sup>

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<sup>1</sup> For Canada, see Electoral Boundaries Readjustment Act, R.S.C. 1970, c. E-2, as amended. For Québec, see An Act Respecting Electoral Representation, S.Q. 1979, c. 57.

As a result of such criteria, Inuit votes are a small minority of the total votes in the electoral districts which include our region. This is especially unjust<sup>1</sup> since Inuit are the predominant population in a territory one-third the size of Québec in which we have our own particular problems and interests. Therefore, we should merit the creation of a separate electoral district. In order to provide greater opportunities for direct Inuit political representation, Makivik has made detailed submissions to the federal and Québec governments proposing the realignment of electoral boundaries. To date, our submissions have not received serious consideration by either Canada or Québec.<sup>2</sup>

Recommendations:

1. In view of the serious political, economic and cultural implications of inadequate Inuit political representation in the House of Commons, a new federal electoral district should be created for the region in Québec north of the 55th parallel.<sup>3</sup> The boundaries of this

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<sup>1</sup> See, for example, the special criteria employed by the Federal Electoral Boundaries Commission for N.W.T. as contained in subsection 13(2)(b) of the Electoral Boundaries Readjustment Act, R.S.C. 1970, c. E-2 in order to create the electoral district of Nunatsiag in the eastern arctic.

<sup>2</sup> On February 21, 1980, Makivik submitted a brief to the Commission de la Représentation Electorale du Québec urging the creation of a single electoral district for the region north of the 55th parallel. On February 24, 1983, Makivik submitted another brief to the Federal Electoral Boundaries Commission for Québec urging the creation of a similar electoral district for the region north of the 55th parallel at the federal level.

<sup>3</sup> The same amending Act of Parliament would have to provide for the realigning of the electoral boundaries of the present federal electoral districts of Abitibi and Manicouagan in such a manner that the northern boundary delimitations of these two electoral districts be constituted by the 55th parallel in the province of Québec.



new electoral district should coincide with the jurisdictional boundaries of the Kativik Regional Government<sup>1</sup> and should be represented by one Member in the House of Commons. Similar representation should be ensured Inuit in Québec's National Assembly.

#### 4.15.2 Self-Government

Regardless what fundamental changes are made to improve Inuit representation in Parliament or the provincial legislatures, we will seek to improve our existing forms of self-government.<sup>2</sup> Due to our different values, perceptions and priorities, increased self-government on a regional basis is vital to our future as a distinct people.

Inuit have occupied the arctic and sub-arctic for thousands of years. We worked cooperatively to feed and cloth ourselves, nourished our language, culture and traditions, and enjoyed collective self-government. Today, we continue to view self-government as an integral part of Inuit aboriginal rights which require further elaboration under Canada's Constitution.

Section 35 of the Constitution Act, 1982 provides for the basic recognition and affirmation of our aboriginal rights. Further, section 27 provides that the Canadian Charter of Rights and Freedoms shall be interpreted in a manner consistent with the preservation and enhancement of the multi-cultural heritage of all Canadians. In

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<sup>1</sup> The Kativik Regional Government, created under Québec law, generally has jurisdiction for the territory in Québec north of the 55th parallel. See An Act concerning Northern Villages and the Kativik Regional Government, R.S.Q., c. V-61.

<sup>2</sup> As already indicated, the House of Commons established a Special Committee on December 22, 1982 to act as a Parliamentary Task Force on Indian Self-Government in regard to band governments on Indian reserves. However, no equivalent committee has been established to evaluate the self-government needs of Inuit.

addition, the 1983 Constitutional Accord on Aboriginal Rights, signed at the last First Ministers Conference, assures all aboriginal peoples that «self-government» will form part of the agenda at the 1984 Conference.

Consistent with the spirit in Canada's Constitution, we would urge the Royal Commission to fully take into account the principle of self-government when making its recommendations to the federal government, so as to ensure that Inuit and other aboriginal peoples will have a full and active role, as partners, in Canada's economic union.

As Inuit of northern Québec, we have already described to some degree the impediments we face in achieving greater self-government through our regional and local bodies.<sup>1</sup> Hopefully the recommendations you make in your final report will serve to support the efforts of all aboriginal peoples towards adequate self-government.

Recommendations:

1. Existing structures of self-government for Inuit and other aboriginal peoples, as well as their aspirations for significantly expanded forms of self-government, must be fully taken into account in determining the appropriate role of Canada's aboriginal peoples as full and active partners in Canada's economic union. This is particularly important in any future re-distribution of the division of powers in Canada's Constitution.<sup>2</sup>

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<sup>1</sup> See sub-heading 4.10.2 above.

<sup>2</sup> It has recently been indicated that the Royal Commission is «preparing the ground» for a possible re-structuring of the division of powers under Canada's Constitution. See page 2 of Reform of the Senate: A Discussion Paper, presented to the Special Joint Committee of the Senate and House of Commons on Senate Reform on June 16, 1983 by the Honourable Mark MacGuigan.

4.15.3 Reform of Senate and House of Commons

In December, 1982, a Special Joint Committee to study reform of the Senate was established. According to the terms of reference of this Committee, the purpose of Senate reform is:

«To strengthen (the Senate's) role in representing people from all regions of Canada and to enhance the authority of Parliament to speak and act on behalf of Canadians in all parts of the country.»

As Inuit, it is too early for us to take definitive positions since we must examine further all possible options. However, we would like to make certain preliminary comments. It is certainly true that the Senate does not adequately reflect the regional and cultural interests in this country, particularly those of aboriginal peoples and minorities. In principle, we believe that Senate reform should move in the direction of representing regional diversity to provide some balance to the majority view in the House of Commons. This could prove far more beneficial than changing the Upper House to provide a new power base for provinces. With the latter option, federal-provincial disputes might well increase should there be a partisan majority different from that in the House of Commons. Such an unfortunate occurrence would be to the detriment of all Canadians and would likely cause the further alienation of aboriginal and other peoples of Canada.

If Inuit and other aboriginal peoples are to be more adequately represented in political decision-making in Canada's national institutions, then some form of regional representation must be established on a basis other than mere population. In this regard, various options for creating electoral districts for aboriginal peoples are worth further evaluation.

Equally important, are the functions and powers a reformed Senate would exercise. Depending on our degree of representation, we

would then assess what greater forms of protection might be available to us in regard to our linguistic, cultural and other aboriginal rights.

As important as Senate reform may turn out to be, we do not believe that it can provide a total answer to Inuit political representation. As stated earlier, it is fundamental to us that the constitutional initiatives towards greater self-government for aboriginal peoples be continued. In addition, we wish to consider reforms for the House of Commons.<sup>1</sup> In this regard, it may be possible to establish a minimum number of seats based on electoral districts made up of aboriginal peoples. Once again, further study will be required.

Recommendations:

1. Further study to reform both the Senate and House of Commons should be undertaken with a view to ensuring increased representation of Inuit and other aboriginal peoples in political decision-making in Canada's national institutions. In considering such reforms, there must be full collaboration with Canada's aboriginal peoples.

2. Processes to consider reforms for Canada's national institutions must not serve to diminish the need to provide greater self-government to Canada's aboriginal peoples. In light of the dire lack of self-determination exercised by aboriginal peoples, the constitutional process in regard to self-government and other aboriginal matters must proceed on an urgent basis.

4.16 Need for a Comprehensive National Northern Policy

In order to take into account in a cohesive and coordinated fashion the multitude of issues which we have covered in our Brief, we

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<sup>1</sup> We have already discussed the possibility of re-aligning electoral boundaries in northern Québec. See sub-heading 4.15.1 above.

would propose the elaboration of a national northern policy.<sup>1</sup> Such a policy must not be restricted to the Territories but must also include sub-arctic areas as northern Québec. A suitable process would have to be devised so that a comprehensive strategy may be formulated in collaboration with aboriginal peoples and other northerners. Many of the principles we highlight in this Brief could form the basis for a national policy.

It is our view that such a new national perspective can be vital in strengthening the economic union within Canada if the north and its aboriginal peoples in particular are viewed as equal partners. The vision we advocate would follow the spirit of Canada's Constitution, providing for equal opportunities and reducing regional disparities. At the same time, such policy would promote the recognition and protection of aboriginal rights and interests in accordance with Part II of the Constitution Act, 1982.

If a national northern «blueprint» is to contribute to strengthening Canada's economic union, it must be applied with commitment and consistency. Appropriate mechanisms must be found to improve federal-provincial cooperation and ensure provincial compliance<sup>2</sup> with a national policy. Equally important, a new policy must contemplate full implementation through legislation, including methods of direct enforcement of such policy by the aboriginal peoples affected.

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<sup>1</sup> Note that the United States has recently adopted such an approach to arctic policy in the form of H.R. 2292 and S. 373 the Arctic Research and Policy Act of 1983. This legislation was passed by the U.S. Senate on June 27, 1983. Though there are a number of deficiencies in this Act, it still represents an important step by a nation to generate a more comprehensive approach to northern policy.

<sup>2</sup> Mechanisms for provincial compliance with a national northern policy would necessarily follow if the government of Canada has the primary responsibility for managing the national economy, as stated in the Royal Commission's terms of reference (see Annex II of this Brief). In any event, Parliament could implement a national northern aboriginal policy through legislation.

Recommendations:

1. In order to coordinate policy-making and decision-making in Canada in regard to the north, a comprehensive national northern policy must be formulated and implemented through legislation, in collaboration with the aboriginal peoples affected. The effectiveness of such a policy will depend on whether provincial cooperation as well as compliance with a national northern policy can be ensured.
  
2. Any national northern policy which is formulated must recognize, as basic principles, Inuit and other aboriginal peoples in the north as full and equal partners in Canada's economic union. In addition, such policy should implement the spirit of Canada's Constitution by further recognizing and protecting aboriginal rights and interests, reducing regional disparities and providing public services of reasonable quality to all northerners.

SUMMARY OF RECOMMENDATIONS

V. SUMMARY OF RECOMMENDATIONS

Infrastructure in Inuit Communities

1. Due to the adverse socio-economic and cultural impacts resulting from inadequate infrastructure, both in the short and long-term, the federal and Québec governments must make renewed efforts to cooperate and provide adequate facilities in Inuit communities through accelerated construction programs.

2. In order to promote increased self-government in Inuit territory, regional and local governments should be made parties to federal-provincial agreements concerning infrastructure and other programs and services in northern Québec.

3. Administrative responsibility for the delivery of services to Inuit communities must never again be transferred, in whole or in part, between federal and provincial governments without Inuit consent.

Economic and Social Programs Available to Inuit

1. In order to create a stronger economic union within Canada, the economic problems of the north must be addressed by devising a comprehensive and coherent development strategy in collaboration with Inuit and other aboriginal peoples in northern regions.

2. The adverse social, economic and cultural impacts on Inuit due to a lack of effective economic programs in the north is unacceptable. Affirmative measures by both the federal government and Québec are necessary on an urgent basis. A much greater investment of federal and provincial funds are required for Inuit economic programs which must be designed to suit northern conditions and northern needs.



3. Northern Québec Inuit must not be deprived of urgently-needed federal programs due to federal-Québec disputes. In this regard, new and effective mechanisms for greater federal-provincial-regional cooperation are sorely needed.

4. Regional and local governments in northern Québec should be fully empowered to deal independantly with both the federal government and Québec. Such a step would promote Inuit self-government and significantly reduce Inuit dependence on federal-Québec cooperation for regional socio-economic development.

5. The federal government must carry out its constitutional responsibility to northern Québec Inuit by providing equivalent programs as continue to be received by status Indians. For such purposes, an in-depth review of existing government programs available in northern Québec should be jointly undertaken with Inuit as soon as possible.

#### Quality of Inuit Education and Training

1. Culturally-appropriate education and training programs should be provided with accelerated increased funding and be incorporated as key elements in the development of a short and long-term economic development strategy for northern Québec.

2. Increased expenditures in the area of education and training services are essential in order to reduce regional disparities in the north and to upgrade the quality of such northern services equivalent to that existing in the south. Governments must recognize that it is more cost-effective to establish an adequate education system for Inuit children than to provide remedial training programs to those same persons later when they are adults.

3. As a regional entity in northern Québec, the Kativik School Board can be an important institution to promote Inuit self-reliance

and self-determination. Therefore, alternative sources of funding should be found to ensure greater independence for the policies and operations of the School Board.

#### Economic Opportunities in Northern Québec

1. Laws of general application, particularly those relating to economic development, should be evaluated for their economic and social consequences with respect to Inuit and the north prior to their application in northern regions.

2. A much more concentrated effort is required from both the federal and Québec governments to ensure that additional economic opportunities are made available to Inuit through the establishment of appropriate programs. Such measures must be carried out in collaboration with Inuit regional organizations and in a manner which implements the «spirit of the Constitution».

3. In order to ensure compliance with the spirit and letter of the James Bay and Northern Québec Agreement, federal cost-sharing agreements with Québec must include suitable provisions to implement priority of employment and contracts to Inuit. Furthermore, both Canada and Québec should adopt appropriate legislation to promote economic development in Inuit territory and to fully respect their obligations under the Agreement.

#### Land-Use and Development Plans

1. Land-use and development planning in the north must not be left to Crown corporations, such as Hydro-Québec, whose main purpose is the development of hydroelectric resources in northern Québec. Adequate funds should be provided to ensure the full participation of regional governmental bodies in the formulation and implementation of appropriate regional development plans in the north.

2. Land-use and development plans should be so designed as to provide a comprehensive set of rules and guidelines for land-use planning and socio-economic development in Canada's northern regions. If there is to be balanced economic development in the north, regional development plans must give particular consideration and special protection to certain rivers and other areas of vital importance to Inuit in these northern regions.

#### Large-Scale Development Projects

1. Government policies and programs must clearly establish the right of Inuit to derive early, visible and lasting benefits from large-scale economic development projects in or directly affecting their regions. These benefits should be worked out in collaboration with the local populations affected. The range of benefits must not be limited to employment and training opportunities, but must also include such possibilities as equity participation and revenue-sharing on a regional basis.

2. A comprehensive and mandatory process for environmental and social impact assessment is required in Canada's north and should be incorporated through national legislation. This process is particularly necessary in light of the recent Canada Oil and Gas Act, which implements a national energy program to accelerate oil and gas exploration and development.

3. The short and long-term impacts on native economies, communities and cultures must be given full consideration when proceeding with large-scale economic development in the north. In this regard, the pace of new development and the nature and degree of Inuit participation in such projects must be seen as vital factors.

4. Suitable mechanisms must be developed to ensure that Inuit inhabiting regions within provinces will actually benefit from future national economic development policies, regardless of any lack in federal-provincial cooperation.

#### Regional and Community Development

1. If we are to ensure the development of a balanced, diversified economy in the north, regional and local employment and business as well as career opportunities must be the subject of renewed, intense efforts. In this regard, regional and community development should be determined by the northern peoples affected, in collaboration with the appropriate government departments and agencies, so that program and funding arrangements may be implemented without undue delay.

2. Commercialization of renewable resources should be further explored with a view to developing a northern cash economy based on such resources. Studies should be initiated with respect to potential commercialization of caribou and other wildlife species in northern regions. In this regard, laws should be amended so as to facilitate those commercial activities deemed desirable and feasible. Inuit must be essential participants in such studies.

3. In order to strengthen the regional economy, access to opportunities in regard to commercialization of certain wildlife species, tourism and other economic activities in northern Québec should be made available to Inuit on a priority basis.

4. In stimulating regional and community development, particular attention must be devoted to resolving the problems and needs of existing Inuit enterprises. Inuit cooperatives, community landholding corporations and other local and regional entities urgently require government assistance in northern Québec.

5. Banking and other financial services must be made available in northern Québec communities. For such purposes, the Post Office could be the means through which these services are provided, if necessary, as in many foreign countries.

#### Operating Costs in Northern Québec

1. It is recommended that a study be undertaken by the federal and Québec governments, together with Inuit, with a view to establishing as soon as possible appropriate fiscal measures, subsidies and other means to reduce the high living and operating costs in the north, particularly in regard to fuel and transportation.

#### Northern Scientific Research Policy

1. A comprehensive northern scientific research policy should be developed, in collaboration with Inuit, which fully utilizes their acquired knowledge and experience in regard to their regions and which takes into account their diverse interests. In this regard, Inuit should have the opportunity to be consulted and participate fully in all phases of northern research affecting their interests.

2. Effective visible mechanisms are required in regard to northern scientific research, in order to ensure proper coordination between the various departments of government and compliance by both federal and provincial governments.

3. In light of the potential adverse impacts on Inuit caused by new development projects in the north, it is important to provide Inuit with adequate funding to undertake studies, independent from government and industry, relating to Inuit rights and interests so that they be adequately considered when proposed development projects are assessed for their environmental and social impacts.

### Use of Modern Technologies in the North

1. If Inuit are to be treated as full partners in Canada's economic union, mechanisms must be established to ensure their participation in decisions concerning the appropriateness and safety of using new technologies as they are developed in Canada's arctic and sub-arctic regions.

2. New technologies appropriate to the north should be promoted and made available on a timely basis, along with the necessary training programs, so as to facilitate northern economic development and improve the quality of life of northern Canadians. New communication technologies such as Telidon and computer-data link-ups could provide vital modes of access to information and research for northern peoples, thus facilitating and improving their means of participation in the many decision-making processes in both public and private sectors which affect the north on a daily basis.

3. Nuclear technologies should not be utilized in Canada's north until it is clearly demonstrated that such technologies are not hazardous to northerners or their environment and are more beneficial than other available alternatives.

### Wildlife Management and Protection

1. In light of Inuit and other aboriginal rights and interests pertaining to wildlife, it must be recognized as a fundamental principle that Canada's aboriginal peoples have the right to participate fully in wildlife management affecting their regions. For such purposes, new and effective wildlife management systems may be required to provide for such input in a manner acceptable to northern aboriginal peoples.

2. Due to the fundamental importance of native subsistence economies in Canada's north, any comprehensive northern economic development policy must fully incorporate wildlife management considerations in a manner consistent with the rights, interests and

perspectives of the aboriginal peoples affected. It is only in this way that the social, cultural and economic value of wildlife to native peoples can fully be taken into account in economic decision-making concerning Canada's north.

3. Wildlife management systems in the north must sufficiently provide for the priority of aboriginal harvesting rights over the recreational and other uses by non-native Canadians. Such priority should apply to commercial as well as community and other subsistence purposes.

#### Overdependence on Québec Government Budgets (Regional and Local Governments)

1. In order to promote fiscal self-sufficiency for regional and local institutions in Inuit territory, comprehensive fiscal reforms must be undertaken, based on northern factors and conditions, and in collaboration with Inuit.

2. Regional revenue-sharing and other financing schemes should be examined with a view to providing greater financial independence to the regional and local governments and so as to enable them to adequately provide for sorely needed infrastructure in northern Québec.

3. In light of continuing regional disparities and the lack of economic opportunities, any municipal taxation system developed for the north must not place an unfair burden on its residents.

#### Impediments to Inuit Self-Government

1. The relationship of regional and local governments in northern Québec to both the federal government and Québec must be re-evaluated with a view to providing increased rights and powers, as well as greater self-determination to Inuit on a regional basis.

2. It must be recognized as a fundamental principle by Canada and Québec that the regional and local governments in northern Québec are more than ordinary municipalities, since these bodies serve as existing instruments of Inuit self-government. In this regard, Québec laws must not be permitted to restrict, in any way whatsoever, the ability of regional and local entities of northern Québec Inuit to deal directly and independantly with both the federal and Québec governments.

3. In order to meet its constitutional responsibility, the federal government should appoint an equivalent body as exists in the case of status Indians, to assess the self-government needs of Inuit in northern Québec and other areas.

#### Inuit Offshore Interests

1. Canada must fully recognize Inuit aboriginal rights and interests in the offshore area around northern Québec as well as the economic, social and cultural significance of the area and its resources to Inuit. In view of these substantial and diverse interests, Canada should recognize the right of Inuit to participate as full partners in the use and management of the offshore area.

2. Any future federal-provincial talks in regard to the offshore area should only proceed in a manner which does not prejudice Inuit rights and interests and should include the direct participation of Inuit.

#### Effect of Mobility Rights in Northern Québec

1. If Inuit and other aboriginal peoples are to be full partners in Canada's economic union, the «maintenance of a strong and competitive economy» within Canada must ensure, at the same time, that



aboriginal peoples have fair access to economic opportunities in their northern regions. In a northern context, this would mean that competition for contracts and employment by persons from outside the region would be subject to certain restrictions.

2. Appropriate affirmative action programs should be established and implemented, where necessary, so that equal opportunities are readily accessible to Canada's original peoples. Such programs should be developed in collaboration with the aboriginal peoples affected.

#### Effect of Federal-Provincial Equalization Payments on Canada's Aboriginal Peoples

1. The existing system of equalization payments in Canada should be reviewed so as to incorporate additional principles which would ensure that aboriginal peoples across Canada will actually realize the intended benefits from such payments in their regions. In other words, equalization payments must not be made solely on the basis of provinces as a whole.

2. The equalization policy in Canada should be appropriately amended by governments, in collaboration with the aboriginal peoples, so that equalization payments can support the self-government objectives of aboriginal peoples and better provide for their economic and fiscal needs.

#### Inuit International Interests

1. Due to the far-ranging interests of Inuit on the international level, Inuit should have representation on administrative bodies or committees of the government of Canada involved in formulating or implementing policies and agreements, of an international nature, which directly affect Inuit interests.

2. As a general rule, Inuit should be informed and consulted in timely fashion, through established procedures, prior to Canada entering into any international agreements which directly affect Inuit interests.

#### Economic and Cultural Relations between Canada and Greenland

1. In light of the common coastal boundary and circumpolar interests shared with Greenland, Canada should undertake a study into the possibility of developing closer economic and cultural relations between Canada and Greenland so as to mutually benefit both countries.

2. Due to the historical and ongoing ties between Canadian and Greenlandic Inuit, Canada should provide additional funding to Inuit of Canada so as to facilitate economic, social and cultural relations between both peoples.

3) Canada, in collaboration with Inuit, should explore possible amendments to immigration and excise laws so as to encourage economic trade and travel by Inuit between Canada and Greenland.

#### Electoral Boundaries

1. In view of the serious political, economic and cultural implications of inadequate Inuit political representation in the House of Commons, a new federal electoral district should be created for the region in Québec north of the 55th parallel. The boundaries of this new electoral district should coincide with the jurisdictional boundaries of the Kativik Regional Government and should be represented by one Member in the House of Commons. Similar representation should be ensured Inuit in Québec's National Assembly.

### Self-Government

1. Existing structures of self-government for Inuit and other aboriginal peoples, as well as their aspirations for significantly expanded forms of self-government, must be fully taken into account in determining the appropriate role of Canada's aboriginal peoples as full and active partners in Canada's economic union. This is particularly important in any future re-distribution of the division of powers in Canada's Constitution.

### Reform of Senate and House of Commons

1. Further study to reform both the Senate and House of Commons should be undertaken with a view to ensuring increased representation of Inuit and other aboriginal peoples in political decision-making in Canada's national institutions. In considering such reforms, there must be full collaboration with Canada's aboriginal peoples.

2. Processes to consider reforms for Canada's national institutions must not serve to diminish the need to provide greater self-government to Canada's aboriginal peoples. In light of the dire lack of self-determination exercised by aboriginal peoples, the constitutional process in regard to self-government and other aboriginal matters must proceed on an urgent basis.

### Need for a Comprehensive National Northern Policy

1. In order to coordinate policy-making and decision-making in Canada in regard to the north, a comprehensive national northern policy must be formulated and implemented through legislation, in collaboration with the aboriginal peoples affected. The effectiveness of such a policy will depend on whether provincial cooperation as well as compliance with a national northern policy can be ensured.

2. Any national northern policy which is formulated must recognize, as basic principles, Inuit and other aboriginal peoples in the north as full and equal partners in Canada's economic union. In addition, such policy should implement the spirit of Canada's Constitution by further recognizing and protecting aboriginal rights and interests, reducing regional disparities and providing public services of reasonable quality to all northerners.

ANNEX I: FEDERAL RESPONSIBILITIES RELATING TO  
INUIT AND THE REGION IN AND AROUND  
NORTHERN QUEBEC

## FEDERAL RESPONSIBILITIES RELATING TO INUIT AND THE REGION IN AND AROUND NORTHERN QUEBEC

| SUBJECT MATTER                                      | SOURCE   | DESCRIPTION  | TIME PERIOD  | COMMENTS  |
|---|--|--|--|---|
| <u>Constitutional Powers &amp; Responsibilities</u> |  |  |  |   |
| - International Conventions and other Agreements    | - might be justifiable under s. 91<br>- peace order and good government, <u>Constitution Act, 1867</u> | - polar bear, migratory birds, whales, fisheries, acid rain, etc.  | - continuing indefinitely or as indicated in specific agreements |   |
| - Wildlife  | - ss. 91(1A) & 91(6), <u>Constitution Act, 1867</u>  | - jurisdiction in offshore areas<br>- compiling statistics, carrying out research, providing financial assistance for wildlife activities within northern Québec |  |   |
| - Migratory birds and other species                 |  | - legislating with respect to species of birds and animals which migrate in and out of any province  |  |   |
| - Fisheries   | - s. 91(12), <u>Constitution Act, 1867</u>   | - jurisdiction in offshore areas and in regard to conservation of fish within northern Québec  |  | - Parliament can legislate with respect to fish conservation as opposed to proprietary and marketing aspects within provincial boundaries |

| SUBJECT MATTER   | SOURCE  | DESCRIPTION   | TIME PERIOD | COMMENTS   |
|--|---|---|-------------|--|
| <ul style="list-style-type: none"> <li>- Weather forecasting and weather modification</li> </ul> | <ul style="list-style-type: none"> <li>- might be justifiable under s. 91 - peace order and good government, <u>Constitution Act, 1867</u></li> </ul> |   |             | <ul style="list-style-type: none"> <li>- affects aeronautics, among other matters</li> </ul>   |
| <ul style="list-style-type: none"> <li>- Federal Spending power</li> </ul>                       | <ul style="list-style-type: none"> <li>- s. 91(1A), <u>Constitution Act, 1867</u></li> </ul>  | <ul style="list-style-type: none"> <li>- includes power to spend and to lend</li> </ul>   |             | <ul style="list-style-type: none"> <li>- very broad power</li> <li>- by attaching conditions to grants and loans it can influence scope and direction of policies and programs within northern Québec</li> </ul> |
| <ul style="list-style-type: none"> <li>- Indians, and Lands Reserved for the Indians</li> </ul>  | <ul style="list-style-type: none"> <li>- s. 91(24), <u>Constitution Act, 1867</u></li> </ul>  | <ul style="list-style-type: none"> <li>- federal trust responsibility includes Inuit as well as Indians - <u>Re Eskimo (1939) S.C.R. 104</u></li> </ul> |             | <ul style="list-style-type: none"> <li>- broad federal power which can be used to promote economic, social, cultural and political interests of Canada's aboriginal peoples</li> </ul>                           |
| <ul style="list-style-type: none"> <li>- Criminal law powers</li> </ul>                          | <ul style="list-style-type: none"> <li>- s. 91(27), <u>Constitution Act, 1867</u></li> </ul>  | <ul style="list-style-type: none"> <li>- criminal laws apply to northern Québec as in other areas of Canada</li> </ul>                                  |             | <ul style="list-style-type: none"> <li>- does not include administration of justice - s. 92(4), <u>Constitution Act, 1867</u></li> </ul>   |
| <ul style="list-style-type: none"> <li>- Communications</li> </ul>                               | <ul style="list-style-type: none"> <li>- s. 92(10) (a), <u>Constitution Act, 1867</u></li> </ul>  | <ul style="list-style-type: none"> <li>- television, radio and telephone by satellite</li> </ul>  |             |  |
| <ul style="list-style-type: none"> <li>- Education</li> </ul>                                    | <ul style="list-style-type: none"> <li>- s. 91(1A), <u>Constitution Act, 1867</u></li> </ul>  | <ul style="list-style-type: none"> <li>- federal spending power</li> </ul>  |             | <ul style="list-style-type: none"> <li>- primary education powers are vested in Québec</li> </ul>  |

| SUBJECT MATTER   | SOURCE   | DESCRIPTION   | TIME PERIOD  | COMMENTS  |
|--|--|---|--|---|
| - Air Transport  | - might be justifiable under s. 91 - peace order and good government, <u>Constitution Act, 1867</u>  | - airports and navigational aids  | - <u>Re Aeronautics, 1932 (A.C.) 54</u><br>- <u>Johanneson v. Municipality of West St-Paul (1952) S.C.R. 292</u> |   |
| Navigation and Shipping  | - s. 91(10), <u>Constitution Act, 1867</u>   | - jurisdiction in offshore area as well as limited responsibilities in navigable lakes and rivers in northern Québec                |  |   |
| <u>Federal Responsibilities Arising Out of the James Bay and Northern Québec Agreement</u> | - James Bay and Northern Québec Agreement (JBNQA)<br>- James Bay and Northern Québec Native Claims Settlement Act, <u>S.C. 1976-77, c. 32 (Bill C-9)</u> |   |  |   |
| Special Responsibility for Northern Québec Inuit   | - Bill C-9 Preamble  | - «And Whereas Parliament and the Government of Canada recognize and affirm a special responsibility for the said Crees and Inuit.» | - continuing indefinitely  | - this preamble in Bill C-9 affirms the trust responsibility provided for in s. 91(24) of the <u>Constitution Act, 1867</u> |
| Housing  | - s. 29.0.40, JBNQA  | - existing housing arrangement to be continued until a unified system can be arranged between the                                   |  | - joint obligation of Canada and Québec. Also, 50/50 cost-sharing with Québec for northern housing under                    |



| SUBJECT MATTER  | SOURCE   | DESCRIPTION   | TIME PERIOD   | COMMENTS  |
|---|--|---|---|---|
|   |  | Kativik Regional Government, the municipalities and Canada and Québec.  |   | CMHC's social housing program.  |
| Infrastructure  | - s.29.0.36, JBNQA   | - undertake studies respecting establishment of sea-plane bases, public wharves, airstrips, navigational aids and docking facilities, including access roads and streets in each community  | - continuing indefinitely   | - joint obligation with Québec  |
| Social Research   | - s.29.0.43, JBNQA   | - consultation with Inuit on studies undertaken affecting Inuit cultural and social life.   | - continuing indefinitely   | - joint obligation with Québec  |
| Economic and Social Development (including community infrastructure and training) | - s.29.0.2, JBNQA<br><br>- s.29.0.25, JBNQA<br><br>- ss.29.0.29 and 29.0.30, JBNQA | - Federal programs, funding and technical assistance for Inuit economic and social development<br><br>- vocational training programs and facilities for present and future jobs in the territory<br><br>- training and employment of Inuit staff within bureaucracy of Territory north of the 55th parallel | - continuing indefinitely<br><br>- continuing indefinitely<br><br>- continuing indefinitely | - joint obligation with Québec. The administration of the federal programs are to be assumed by the Kativik Regional Government or the municipalities as appropriate (s. 29.0.4, JBNQA).<br><br>- joint obligation with Québec<br><br>- joint obligation with Québec in consultation with Kativik Regional Government |

| SUBJECT MATTER                                 | SOURCE  | DESCRIPTION   | TIME PERIOD  | COMMENTS   |
|--|---|---|--|--|
|  | - s.29.0.39, JBNQA  | - support of Inuit entrepreneurs by providing them with technical and professional advice and financial assistance  | - continuing indefinitely  | - joint obligation with Québec   |
|  | - ss.29.0.33, 29.0.34 & 29.0.35, JBNQA                    | - obligation to create an Interim Joint Committee to review federal and provincial programs of socio-economic development available to Inuit under Chapter 29 of JBNQA  | - upon execution of J.B.N.Q.A. until completion of mandate (unless coordination taken over by Kativik Regional Government) | - joint obligation with Québec (as yet unfilled)   |
|  | - ss. 24.4.35, 24.4.36 & 24.4.37, JBNQA                   | - consultation with Hunting, Fishing and Trapping Coordinating Committee prior to submitting a new regulation or other decision for enactment and endeavouring to respect views and positions of Hunting, Fishing and Trapping Coordinating Committee | - continuing indefinitely  | - joint obligation with Québec   |
|  | - s.24.10.2, JBNQA  | - training programs for Inuit conservation officers   | - continuing indefinitely  | - joint obligation with Québec   |
| Compensation                                   | - s.25.1.5, JBNQA   | - compensation payments   | - over 10 years from March 31, 1976  | - joint obligation with Québec   |
| Relocation of Inuit of Killiniq (Port Burwell) | - ss.2.3, 3.1.2, 6.1.1, 6.2.1, 6.Sched.1, & 25.1.6, JBNQA | - Killiniq (Port Burwell) recognized as an Inuit community under the JBNQA  | - continuing indefinitely  | - Canada and/or N.W.T. has effectively negated the existence of Killiniq (Port Burwell) by cutting off |

| SUBJECT MATTER  | SOURCE  | DESCRIPTION  | TIME PERIOD  | COMMENTS   |
|---|---|--|--|--|
| Relocation of certain Inuit in Resolute Bay and Grise Fiord, N.W.T. | - chapter 3, JBNQA (general provisions providing for beneficiaries) | - Resolute Bay and Grise Fiord relocation: Based on oral undertakings to return Inuit moved 30 years ago back to Inukjuak, northern Québec   | - continuing indefinitely                                  | services and evacuating the inhabitants. Efforts currently being made to reestablish the community elsewhere.<br><br>- to further entrench Canada's sovereignty claim to the Arctic, the government relocated Inuit from northern Québec to the high Arctic in the mid-1950's. |
| Hunting, Fishing Trapping   | - s.24.4, JBNQA<br><br>- s.24.4.24, JBNQA                           | - participation on Hunting, Fishing and Trapping Coordinating Committee. Each party on this Committee pays the remuneration and expenses of its members and the experts it requests<br><br>- parties to the JBNQA must furnish the Hunting, Fishing and Trapping Coordinating Committee with all information in their possession relevant to the functions of the Coordinating Committee | - continuing indefinitely<br><br>- continuing indefinitely |  |
|   | - s.24.14.3, JBNQA  | - measures to modify or amend <u>Migratory Birds Convention Act (R.S.C. 1970, c. M-12)</u> which conflict or are incompatible with Chapter 24 of JBNQA   | - continuing indefinitely                                  |  |

| SUBJECT MATTER | SOURCE   | DESCRIPTION   | TIME PERIOD   | COMMENTS   |
|----------------|--|---|---|--|
|                | <ul style="list-style-type: none"> <li>- s.25.14.5, JBNQA</li> </ul>   | <ul style="list-style-type: none"> <li>- measures to modify or amend the Fisheries Act (R.S.C. 1970, c. F-14) and the Whaling Convention Act (R.S.C., c. W-8) and other legislation which conflict or are incompatible with Chapter 24 of the JBNQA</li> </ul>  |   |  |
|                | <ul style="list-style-type: none"> <li>- s.24.3.24, JBNQA</li> </ul>   | <ul style="list-style-type: none"> <li>- assist in establishment of trappers' association and trapping industry</li> </ul>  | <ul style="list-style-type: none"> <li>- continuing indefinitely</li> </ul> | <ul style="list-style-type: none"> <li>- joint obligation with Québec</li> </ul> |
|                | <ul style="list-style-type: none"> <li>- s.24.3.30, JBNQA</li> </ul>   | <ul style="list-style-type: none"> <li>- formulate guidelines and advisory programs regarding control of harvesting activities</li> </ul>   | <ul style="list-style-type: none"> <li>- continuing indefinitely</li> </ul> |  |
|                | <ul style="list-style-type: none"> <li>- s.8.10.1(a), JBNQA</li> </ul> | <ul style="list-style-type: none"> <li>- participation of Environment Canada in advisory capacity on the Caniapiscau Koksoak Joint Study Group established to conduct studies to determine the impacts caused by the diversion of the Caniapiscau fishes of the Caniapiscau Koksoak river system</li> </ul> | <ul style="list-style-type: none"> <li>- continuing indefinitely</li> </ul> |  |
|                | <ul style="list-style-type: none"> <li>- s.8.10.1(b), JBNQA</li> </ul> | <ul style="list-style-type: none"> <li>- Canada, through its appropriate departments, must provide the Caniapiscau-Koksoak Joint Study Group with all available federal information pertaining to the fishes of the Caniapiscau Koksoak river system.</li> </ul>  | <ul style="list-style-type: none"> <li>- continuing indefinitely</li> </ul> |  |

| SUBJECT MATTER | SOURCE  | DESCRIPTION   | TIME PERIOD   | COMMENTS  |
|----------------|---|---|---|---|
| Justice        | <ul style="list-style-type: none"> <li>- s.20.0.20, JBNQA</li> <li>- ss.20.0.21 &amp; 20.0.22, JBNQA</li> <li>- ss. 20.0.24 &amp; 20.0.25, JBNQA</li> </ul> | <ul style="list-style-type: none"> <li>- undertaking to amend the Criminal Code and Canada Evidence Act to suit the particular difficulties of the judicial district of Abitibi (northern Québec) and to take into account the circumstances, usages, customs and way of life of the Inuit and to render justice more accessible to them</li> <li>- revision of rules regarding juries in the Territory</li> <li>- revision of sentencing and detention practices in the Territory</li> </ul> |   | <ul style="list-style-type: none"> <li>- jointly with Québec</li> <li>- jointly with Québec</li> </ul>                |
| Offshore Area  | <ul style="list-style-type: none"> <li>- Federal letter of undertaking of November 15, 1974 (arising out of JBNQA negotiations)</li> </ul>                  | <ul style="list-style-type: none"> <li>- aboriginal claims of northern Québec Inuit to offshore area as yet unsettled</li> </ul>  | <ul style="list-style-type: none"> <li>- continuing indefinitely</li> </ul> |   |
| Environment    | <ul style="list-style-type: none"> <li>- s.23.4, JBNQA</li> </ul>   | <ul style="list-style-type: none"> <li>- federal environmental and social impact assessment and review procedure for northern Québec. This procedure is specific to northern Québec and is intended to replace the Environment Assessment and Review Process (E.A.R.P.) in effect elsewhere in Canada</li> </ul>  | <ul style="list-style-type: none"> <li>- continuing indefinitely</li> </ul> | <ul style="list-style-type: none"> <li>- as yet the provisions of 23.4 have not been incorporated into law</li> </ul> |

| SUBJECT MATTER           | SOURCE   | DESCRIPTION  | TIME PERIOD  | COMMENTS                       |
|--------------------------|--|--|--|--------------------------------|
|                          | <ul style="list-style-type: none"> <li>- s.23.5, JBNQA</li> <li>- s.8.18, JBNQA</li> </ul> | <ul style="list-style-type: none"> <li>- Environmental Advisory Committee made up of members appointed by Kativik Regional government, Canada and Québec</li> <li>- laws of Canada continue to apply to Le Complexe La Grande (1975) project and to all future hydro-electric developments in the Territory</li> </ul>                                 | <ul style="list-style-type: none"> <li>- continuing indefinitely</li> <li>- continuing indefinitely</li> </ul> |                                |
| Health & Social Services | - Ch. 15 JBNQA Sched. 1 (par. 4)   | - improvement of health and social services for Aupaluk, Port Burwell and Akulivik and all new communities (such as Umiujaq)   | - beginning in 1975  | - joint obligation with Québec |
| Richmond Gulf Relocation | - s.6.4, JBNQA   | - activated by positive vote taken November 1 & 2, 1982 and consists of assistance to the «Inuit of Great Whale River in carrying out the move to Richmond Gulf and establishing an Inuit community in such location, within the scope of federal programs from time to time in effect and, in particular, programs in effect for the Inuit of Canada» | - to begin when vote taken and to continue until new community fully established                               | - joint obligation with Québec |

| SUBJECT MATTER   | SOURCE                    | DESCRIPTION  | TIME PERIOD               | COMMENTS                       |
|--|---------------------------|--|---------------------------|--------------------------------|
| Education  | - s.17.0.84, JBNQA        | - maintain adequate funding for educational services and programs to the population of the territory north of the 55th parallel  | - continuing indefinitely | - joint obligation with Québec |
|  | - s.17.0.85, JBNQA        | - contribution to the annual budget of the Kativik School Board  | - continuing indefinitely | - joint obligation with Québec |
| General Federal Responsibility for Programs and Funding    | - ss.2.12 & 29.0.2, JBNQA | - Continuation of federal programs and funding   | - continuing indefinitely |                                |
| Federal Interests  | - s.2.13, JBNQA           | - rights of the Crown in right of Canada regarding federal properties and installations in the Territory are not affected by JBNQA unless otherwise specified  | - continuing indefinitely |                                |
| Federal Implementation Process for Obligations Under JBNQA | - s.2.5, JBNQA            | - obligation to «forthwith upon the execution of the Agreement (to recommend to Parliament) suitable legislation ... to protect, safeguard and maintain the rights and obligations contained in the Agreement» | - continuing indefinitely | - joint obligation with Québec |

| SUBJECT MATTER | SOURCE           | DESCRIPTION   | TIME PERIOD            | COMMENTS |
|----------------|------------------|---|------------------------|----------|
| Implementation | - s.10, Bill C-9 | - Minister of DIAND's Annual Report to Parliament regarding status of implementation of JENQA | -continuing until 1998 |          |



ANNEX II: TERMS OF REFERENCE - ROYAL COMMISSION  
ON THE ECONOMIC UNION AND DEVELOPMENT  
PROSPECTS FOR CANADA

TERMS OF REFERENCE  
ROYAL COMMISSION ON THE ECONOMIC UNION  
AND DEVELOPMENT PROSPECTS FOR CANADA

The Committee of the Privy Council have before them a report from the Prime Minister, the Right Honourable Pierre Elliott Trudeau, submitting:

That Canada is a country of tremendous opportunity, committed to the sustained economic and social progress of its people, to the reduction of economic and fiscal disparities between regions, and to a fair distribution of the advantages and burdens of national development;

That significant changes are occurring in the world economy, particularly in the sphere of industrial activity, the utilization of natural resources and movement of capital within and among countries, changes which will have important consequences for Canada;

That existing economic relationships among countries and among individuals and groups within countries are characterized on the one hand by increasing interdependence and at the same time by intensified competition;

That to respond to the challenges of rapid national and international change in order to realize Canada's potential and to secure sustained economic and social progress, it will be of importance to achieve greater understanding of the aspirations of the regions of Canada, greater co-ordination between actions of governments in Canada and greater support for the Canadian economic union.

Therefore, the Committee of the Privy Council, on the recommendation of the Prime Minister, advise that the Honourable Donald Stovel Macdonald together with such other persons as may be named from time to time be appointed Commissioners under Part I of the Inquiries Act to inquire into and report upon the long-term economic potential, prospects and challenges facing the Canadian federation and its respective regions, as well as the implications that such prospects and challenges have for Canada's economic and governmental institutions and for the management of Canada's economic affairs.

The Committee further advise that the study include an examination of and a report on:

- (a) the appropriate national goals and policies for economic development, including consideration of the following:
  - trends in labour market requirements and conditions;
  - developments in the supply of raw materials, including energy sources;
  - capital requirements and the cost structure in a highly competitive, technologically-sophisticated and interdependent world environment;
  - trends in productivity, standards of living and social progress;
  - industrial adjustment and growth;
  - regional economic development opportunities and constraints in a national economic framework;

- the integrity of the Canadian economic union as it relates to the unity of Canada and the ability of all Canadians to participate in increased economic prosperity;
- (b) the appropriate institutional and constitutional arrangements to promote the liberty and well-being of individual Canadians and the maintenance of a strong and competitive economy including consideration of the following:
  - means for improving relations between governments, business, labour and other groups in Canadian society;
  - the appropriate allocation of fiscal and economic powers, instruments and resources as between the different levels of governments and administrations;
  - changes in the institutions of national government so as to take better account of the views and needs of all Canadians and regions, and to encourage the further development of the Canadian economic union.

The Committee also advise that in pursuing such inquiry and preparing the report, the Commissioners proceed by reference to the following principles:

- (a) the Canadian economy is founded on the enterprise and productivity of individual Canadians supported by a unique mixture of public and private sector activity that reflects the traditional values of Canadian society;
- (b) Canadian economic policy must be assessed in the context of its relationships to Canadian political and economic independence and to the broader aspirations of Canadians as must be reflected in the responsibilities of governments;
- (c) the Government of Canada has the primary responsibility for managing the national economy, for encouraging reasonably balanced economic growth among the various regions of the country and for ensuring that fiscal disparities among provinces are reduced, while at the same time the provincial governments also have important responsibilities in the development and carrying out of economic and social policy;
- (d) the report should take account of, and respect, the spirit of the Constitution of Canada and assume a continuing Canadian federal structure not significantly different from its present form.

The Committee also advise that the Commissioners:

1. be directed, within the ambit of their work, to seek the views of all provincial and territorial governments as well as interested Canadians from all walks of life and all regions of the country;
2. be authorized to establish such advisory bodies of prominent Canadians as they deem desirable to assist them in the examination of any aspect of their terms of reference;

3. be authorized to adopt such procedure and methods as they deem appropriate for the proper conduct of the inquiry;
4. be assisted by the officers and employees of the departments and agencies of the Government of Canada as may be required for the conduct of the inquiry, particularly in having access to written material;
5. be authorized to sit at such times and in such places in Canada as may be required;
6. be authorized to exercise all of the powers conferred upon them by section 11 of the Inquiries Act;
7. be authorized to engage the services of such staff and technical advisers, including counsel, as they consider necessary or advisable to aid them in the conduct of the inquiry at rates of remuneration and reimbursement as may be approved by Treasury Board;
8. be authorized to rent office space and space and facilities for public hearings in co-operation with the federal Department of Public Works as they may deem necessary at such rental rates as are consistent with the policies of the Department of Public Works;
9. be authorized to publish special studies as may be appropriate from time to time;
10. be directed to submit their report to the Governor in Council with all reasonable dispatch but not more than three years from now;
11. be directed to file with the Dominion Archivist the records of the inquiry as soon as reasonably may be after the conclusion of the inquiry.

The Committee further advise that the Honourable Donald Stovel Macdonald be the Chairman of the Commission.

ANNEX III: INUIT WAGE EMPLOYMENT AND UNEMPLOYMENT  
PERCENTAGES FOR NORTHERN QUEBEC BY  
COMMUNITY AS OF 1982

INUIT WAGE EMPLOYMENT AND UNEMPLOYMENT PERCENTAGES FOR NORTHERN  
QUEBEC BY COMMUNITY AS OF 1982\*

| Municipality    | Old Village Name  | Population | Population<br>Age 16-65 |      | Active Pop-<br>ulation<br>(capable of<br>working) |      | No. Employed<br>in wage<br>economy |      | Percentage<br>Unemployed<br>** |
|-----------------|-------------------|------------|-------------------------|------|---|------|------------------------------------|------|--------------------------------|
|                 |                   |            | No.                     | %    | No.   | %    | No.                                | %    |                                |
| Kuujuarapik     | Great Whale River | 588        | 328                     | 55.8 | 227   | 69.2 | 142                                | 62.6 | 37.4%                          |
| Inukjuak        | Inoucdjouac       | 665        | 343                     | 51.6 | 248   | 72.4 | 120                                | 48.4 | 51.6                           |
| Povungnituk     | Povungnituk       | 765        | 372                     | 48.6 | 244   | 65.5 | 140                                | 57.4 | 42.6                           |
| Akulivik        | Cape Smith        | 278        | 141                     | 50.7 | 83  | 58.6 | 67                                 | 80.7 | 19.3                           |
| Ivujuvik        | Ivujuvik          | 200        | 86                      | 43.0 | 65  | 76.2 | 29                                 | 44.6 | 55.4                           |
| Salluit         | Saglouc           | 520        | 213                     | 41.0 | 156   | 73.2 | 86                                 | 55.1 | 44.9                           |
| Kangiqtujuag    | Wakeham Bay       | 304        | 152                     | 50.0 | 111   | 72.7 | 44                                 | 39.6 | 60.4                           |
| Qaqtuq          | Koartac           | 159        | 75                      | 47.2 | 56  | 74.7 | 36                                 | 64.3 | 35.7                           |
| Kangirsuk       | Payne Bay         | 223        | 97                      | 43.5 | 72  | 74.1 | 43                                 | 59.7 | 40.3                           |
| Aupaluk         | Aupaluk           | 101        | 45                      | 44.6 | 36  | 80.0 | 25                                 | 69.4 | 30.6                           |
| Tasiujaq        | Leaf Bay          | 95         | 52                      | 54.7 | 45  | 86.3 | 32                                 | 71.1 | 28.9                           |
| Kuujuuaq        | Fort Chimo        | 833        | 412                     | 50.1 | 334   | 81.0 | 172                                | 51.5 | 48.5                           |
| Kangiqtualujuag | George River      | 325        | 152                     | 46.8 | 116   | 76.6 | 52                                 | 44.8 | 55.2                           |

\* Source: Gouvernement du Québec, Ministère des Institutions financières et Coopératives - «Les Inuit du Nouveau-Québec: Leur Milieu Socio-Economique», March 1983.

\*\* Note: It is acknowledged that the wage economy is only one type of employment and therefore, these figures are not entirely representative since many Inuit are self-employed.

ANNEX IV: COMPARISON OF NORTHERN AND SOUTHERN  
AIR TRAVEL COSTS

COMPARISON OF NORTHERN AND SOUTHERN TRAVEL COSTS  
(as of October 1, 1983)

| From:        | To:             | Distance:<br>(One-Way) | Cost of<br>One-Way Trip | Cost of<br>Return Trip |
|--------------|-----------------|------------------------|-------------------------|------------------------|
| Kuujuuaq     | Kangirsuk       | 147 miles              | \$ 106.00               | \$ 212.00              |
| Kuujuuaq     | Tasiujaq        | 70 miles               | 68.00                   | 136.00                 |
| Kuujuuaq     | Kuujuuarapik    | 424 miles              | 347.00                  | 671.00                 |
| Kuujuuaq     | Salluit         | 409 miles              | 223.00                  | 446.00                 |
| Kuujuuaq     | Kangiqsujaq     | 224 miles              | 171.00                  | 342.00                 |
| Kuujuuarapik | Inukjuak        | 278 miles              | 145.00                  | 290.00                 |
| Montréal     | Kuujuuaq        | 998 miles              | 347.00                  | 671.00 or<br>541.00*   |
| Montréal     | Kuujuuarapik    | 763 miles              | 306.70                  | 591.00 or<br>449.00*   |
| Montréal     | Calgary         | 1,986 miles            | 379.00                  | 735.00 or<br>497.00*   |
| Montréal     | Vancouver       | 2,288 miles            | 445.00                  | 867.00 or<br>585.00*   |
| Montréal     | New York        | 338 miles              | 135.00                  | 273.70 or<br>178.65*   |
| Montréal     | Miami           | 1,800 miles            | 299.15                  | 577.00 or<br>331.70*   |
| Montréal     | London, England | 3,252 miles            | 810.50                  | 1,608.50 or<br>670.50* |

\* Assuming at least 14 or 21 days advance booking and depending on whether travel is done on a weekday or weekend. All fares are quoted with tax included.