

BRIEF TO LA COMMISSION DE LA PRESIDENCE,
DU CONSEIL ET DE LA CONSTITUTION

QUÉBEC-INUIT RELATIONS: THE NEED FOR
REAPPRAISAL AND IMPROVEMENT

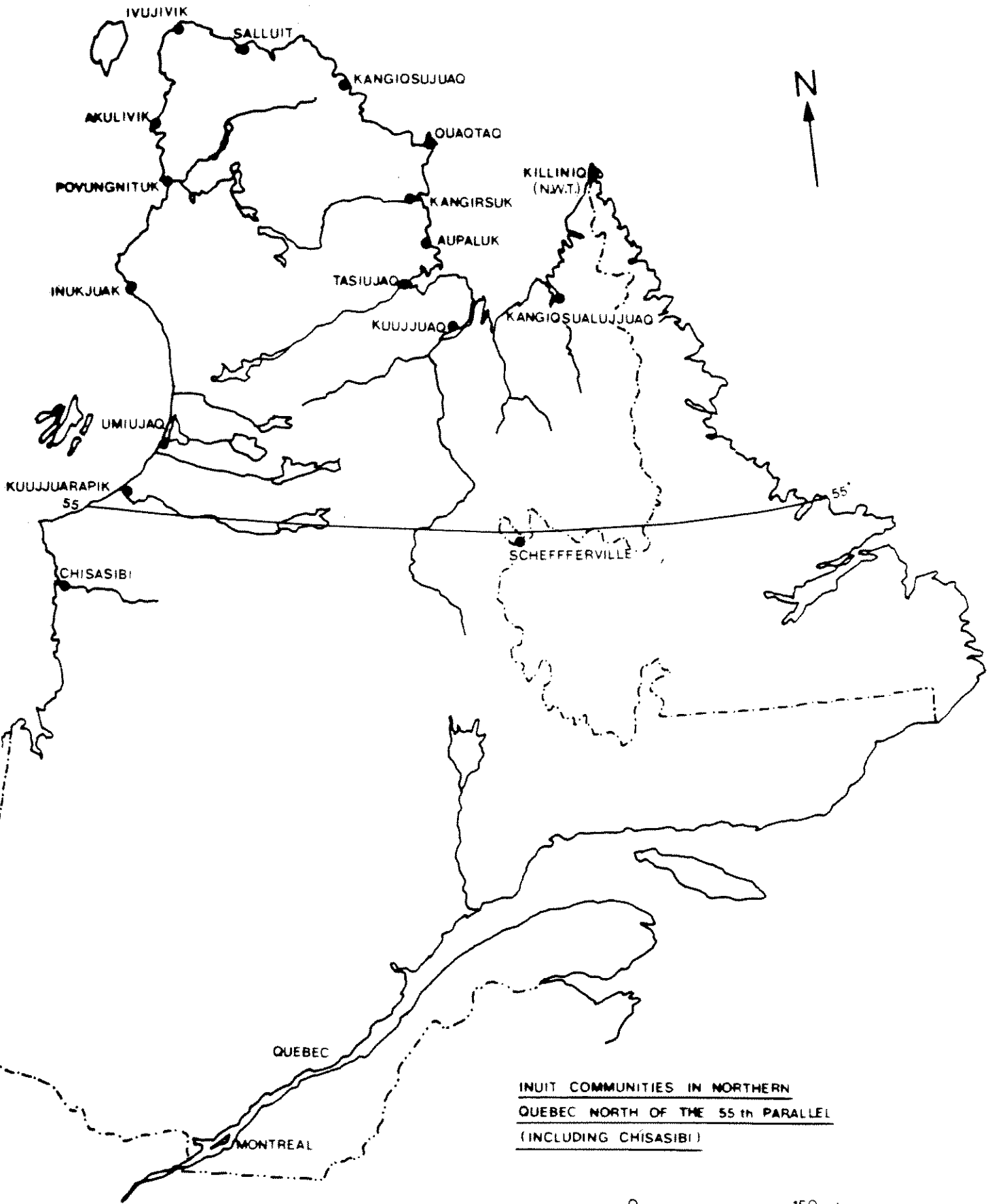
Submitted by Makivik Corporation
on behalf of the Inuit of Northern
Québec

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

0 ————— 150 miles

INTRODUCTION

We, Inuit of northern Québec, welcome this opportunity to express our views to the Parliamentary Commission which is examining the rights and needs of the aboriginal peoples of Québec.

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

Makivik is an Inuit organization created under Québec law¹ to represent the Inuit of northern Québec on economic, social and other issues related to the James Bay and Northern Québec Agreement and to safeguard Inuit rights. Membership in Makivik is composed solely of the Inuit beneficiaries of this Agreement, which was signed in 1975 and which 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 several years in constitutional issues. Currently, we are active participants in the constitutional process concerning aboriginal peoples, both at the national level and within Québec.

I. HISTORICAL BACKGROUND OF NORTHERN QUEBEC INUIT

In order to better appreciate the problems and concerns set forth in the present Brief, it is important to examine briefly our recent history.

¹ An Act to establish the Makivik Corporation, S.Q. 1978, c. 91.

In 1898, by parallel Acts of the Canadian and Québec governments, the northern border of Québec was extended to the East Main River without any reference to aboriginal rights. However, in 1912, Québec boundaries were again extended to their present northern limits by the Québec Boundaries Extension Act of 1912. This latter Act included the following obligation on the part of Québec:

«That the province of Québec will recognize the rights of the Indian inhabitants in the territory above-described to the same extent, and will obtain surrender of such rights in the same manner, as the government of Canada has heretofore recognized such rights and has obtained surrender thereof, and the said province shall bear and satisfy all charges and expenditure in connection with or arising out of such surrenders.»

Thus, though this obligation to recognize and settle aboriginal title has existed since 1912, Québec failed to pursue this matter until 1971 when the Québec Dorion Commission Report recommended that Québec reach an agreement with the aboriginal peoples in that territory. On April 30 of that same year, the then Premier Bourassa announced his intention to develop the hydroelectric power resources of the James Bay territory and subsequently established the James Bay Development Corporation, the purpose of which was to promote the exploitation of all the resources of the James Bay region. The James Bay Energy Corporation was also formed in 1971.

It must be remembered that back in 1969, Québec, Canada and the Indians of Québec Association had formed a tri-partite committee to study in a general fashion the problems of aboriginal peoples related to hunting, fishing and trapping. The discussions and meetings of the tri-partite committee from 1971 to 1973 were unsuccessful in dealing with the impending hydroelectric development in the Territory.

Indeed, by late 1972, Québec had advised the Indians of Québec Association that the James Bay Development Corporation would not modify its plans for the La Grande project despite the potential negative environmental and social impacts of the proposed project. Consequently, the Indians and Inuit of the territory on December 5, 1972, sought an interlocutory injunction which after almost one year of testimony was granted by Mr. Justice Albert Malouf on November 15, 1973. Construction work on the James Bay hydroelectric project was thus brought to a halt by the aboriginal peoples of that territory.

Four days later, on November 19, 1973, the then Premier Bourassa announced the decision to negotiate a settlement with the Cree and Inuit of northern Québec. Only three days later, on November 22, 1973, the Québec Court of Appeal reversed the decision of Mr. Justice Malouf and permitted the work on the hydroelectric project to continue.

Nevertheless, the negotiations between the Cree and Inuit and the governments and corporations had begun and by November 15, 1974, an Agreement-in-Principle was reached.

After another year of negotiations, in 1975, a final agreement, the James Bay and Northern Québec Agreement, was entered into by Inuit of northern Québec with the federal and Québec governments.¹

The Agreement represents a fundamental document upon which we have based not only our present aspirations but also our future

¹ The actual signatories of the Agreement are the Northern Québec Inuit Association (N.Q.I.A.), the Inuit of Québec, the Inuit of Port Burwell, the Grand Council of the Crees (of Québec), the various Cree bands and their members, the Government of Québec, the Government of Canada, Hydro-Québec, la Société de Développement de la Baie James and la Société d'Energie de la Baie James. Under the Agreement, Makivik is the Inuit native party responsible for the full implementation of the Agreement and for protecting the rights of Inuit beneficiaries.

development as aboriginal peoples and participants in Québec and Canadian society.

Both present and future generations of Inuit will be directly affected by the operations of the public institutions and other bodies established as benefits under the Agreement on a regional basis. The Agreement represents the exchange of our aboriginal rights in and to land¹ in Québec for more clearly defined rights of a similar nature and for other rights and benefits which are specified in various sections of the Agreement.

In discussing the Agreement, there is often a natural tendency to focus on the problem areas. Seldom is any time spent on reflecting on its benefits. Without attempting to enumerate them all, the various positive aspects of the Agreement can be illustrated as follows:

- Regional and local institutions of a diverse nature were created so that Inuit would have greater control, politically, economically and culturally, over matters affecting us and our region. These bodies provide an important foundation upon which we must build.

- A land base for Inuit was legally recognized for Inuit communities and the harvesting activities throughout the territory.

- Large-scale development activities can only take place after the environmental and social impacts likely to affect our territory and the inhabitants have been evaluated by our regional entity (Kativik Environmental Quality Commission).

- Inuit participation has in many ways been expanded in matters not only affecting our communities, but the whole territory north of the 55th parallel.

¹ 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.

- Certain cultural rights, such as language education rights, are provided for in the Agreement. This fact has resulted in further language rights being provided in our territory under Québec's Charter of the French Language (Bill 101). However, Inuit cultural rights clearly require further legal recognition.

- Compensation monies administered by Makivik have enabled it to protect Inuit rights and interests and to provide support to other regional organizations in our territory. However, the compensation monies must be carefully administered so that the capital will always be available for future generations of Inuit. These monies were meant to constitute a type of trust fund for present and future generations of Inuit. They were not intended to replace or supplement government sources of funding ordinarily available to citizens. Like all other citizens, we too are taxpayers and are entitled as of right to such government sources of funding.

- Compensation monies and the power to invest it have enabled Makivik to create various subsidiary companies and thereby contributing to the economic development of the Region.

Despite the signing of the Agreement, many of the fundamental problems we experienced in the past still remain.

This is due largely to the fact that from 1867 to the present time, governments in Canada have failed to confirm unequivocally the rights and status of northern Québec Inuit. This uncertainty has had a destabilizing effect on our societies and has permitted the ongoing erosion of our rights and interests. Political and economic colonial policies have worked to deny us access to adequate resources. These factors have left us lacking in essential services and economic opportunities and cultural protections. 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.

II. PURPOSE OF BRIEF

The central purpose of the present Brief is to describe to members of this Parliamentary Commission some of our current problems and concerns in the context of our aspirations and goals as a distinct people. These aspirations and goals are set forth below.

The statement of problems and concerns in this Brief is not meant to be either comprehensive or exhaustive but instead simply represents a sampling of our more fundamental problems and concerns at this time.

The Brief concludes with a set of general recommendations for consideration and action by Québec.

III. INUIT ASPIRATIONS AND GOALS

There are certain aspirations and goals toward which we strive for as Inuit. These goals need not take centuries nor even decades to achieve. Through concerted and cooperative efforts with government, it is our position that our aspirations as a people can be realized in the relatively near future.

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.

1. Economic and Social Rights

- Right to land 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 collective¹ 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 north 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 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-consumptive² utilization of resources and habitats. 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 land rights and offshore development rights.

¹ 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.

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

- 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 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. There are serious disparities between the north and the south with respect to basic municipal services and infrastructures such as roads, power systems, water delivery and sewage disposal. Such regional disparities have serious short and long-term economic and social impacts on Inuit. We must work towards eliminating these disparities and providing adequate services to Inuit communities.

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 recognition and protection of Inuit rights and interests 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 property relating to Inuit culture and ancestry. Artifacts and other evidence associated with Inuit use and occupancy of lands and resources represent the 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 cultural, religious and educational importance to us. For educational and cultural pur-

poses, a greater proportion of Inuit cultural property must find a permanent home within our northern region.¹

3. Political Rights

- Right to self-determination within Québec society.²

We 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-determination³ 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. The right to self-government should include the right to fully participate in the management of our region, including its land and marine environment and biological resources, in recognition of Inuit continuing use and Inuit dependance, in whole or in part, for survival upon the resources of the region.

¹ 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 has yet been obtained in favour of northern Québec Inuit.

² 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.

³ 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.

- Right to our own institutions. Institutions of self-government have appropriate powers so as to adequately reflect our rights, interests and values. Our institutions must have access to adequate economic resources in order to be able to fully exercise their powers.

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 some of the problems and issues facing us. A great many of these problems and concerns relate to implementation of the James Bay and Northern Québec Agreement and for this reason, it is useful here, before we discuss our specific problems and concerns, to explain our view of the nature of the Agreement and some of its beneficial aspects.

Despite the acknowledged benefits of the Agreement discussed earlier, substantial problems related to both its contents and implementation as well as issues going beyond the Agreement, remain unresolved. Satisfactory resolution of these problems and issues are vital to both the present and future survival and well-being of northern Québec Inuit. In the following pages, Makivik has indicated some of the principal problems and concerns of northern Québec Inuit.

IV. STATEMENT OF PROBLEMS AND CONCERNS

A. ECONOMIC AND SOCIAL PROBLEMS AND CONCERNS

1. Lack of Adequate Budgets for Regional Entities

Lack of adequate budgets for regional entities in northern Québec weakens these entities and diminishes their powers to the extent that they are unable to effectively carry out their respective mandates. The absence of an adequate revenue-base in the Region makes the Kativik Regional Government and the various other regional entities highly dependant on yearly budgets from the Québec government. The financial weakness of these entities affects the ability of Inuit to control matters affecting them in the territory and places more power in the hands of the government of Québec. Kativik Regional

Government, Kativik School Board, Kativik Environmental Quality Commission, Kativik Regional Development Council and all Northern Village Corporations in northern Québec suffer from this common problem of funding shortages.

1.1 Kativik Regional Government and Northern Village Corporations

Chapters 12 and 13 of the Agreement respectively provide for the establishment of thirteen northern village corporations and a regional government. 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 governments. The inadequacy of these budgets severely jeopardizes the ability of such entities to properly and effectively exercise their powers. Budgetary limitations result in a lack of sufficient personnel and technical assistance. For the same reason, powers of fundamental importance of the regional governments, such as those relating to land-use planning, recreation and culture and public services, are extremely difficult to exercise. The federal-provincial transfer agreement of 1981, which effectively transferred responsibility and funding of certain services for the Region from Canada to Québec, was opposed at that time by Makivik and the Kativik Regional Government.¹ We were concerned that our local and regional governments would not be ensured adequate involvement after a transfer and that Québec was not prepared to provide sufficient guarantees that

¹ 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.

housing and other essential services would be adequately funded. The freezing of northern global budgets¹ and other events demonstrate that Inuit concerns in this regard are fully justified.

In addition to the inadequacy of budgets available to the Kativik Regional Government from Québec, the Kativik Regional Government lacks adequate powers to encourage and enable an effective and meaningful role for Inuit in self-government on a regional basis in northern Québec.

1.2 Kativik School Board

Chapter 17 of the Agreement provided for the establishment of one school municipality for the entire territory north of the 55th parallel under the control of the Kativik School Board. The Kativik School Board is governed by the provisions of the Education Act² and is responsible for kindergarten, elementary, secondary and adult education. Each municipality in the region is entitled to elect one school commissioner to the Kativik School Board Council. In addition, the Kativik Regional Government has one of its regional councillors represented on both the Council and the Executive Committee.

Like most regional entities created under the Agreement, the Kativik School Board is limited in its ability to carry out its mandate because of inadequate funding. Funding is particularly lacking in the areas of teaching first and second language, program development (Inuktitut, French and English) as well as for research to develop an original set of programs and teaching materials appropriate for Inuit. This lack of funding prevents the School Board from fulfilling its mandate.

¹ See Québec Treasury Board decision of July 6, 1982, # 140018 which effectively froze capital budgets for northern Québec with the consequential effect of suspending programs.

² R.S.Q., c. I-14.

The School Board and other regional entities are unable to provide suitable training programs in the region. Most non-academic full-time training of individuals through the Kativik School Board now has to be done in facilities outside the region. There is also a need for northern administrative and program development centres.

Funding for replacement staff is also severely lacking. When employees take training courses during normal working hours, temporary replacement staff is required. Yet few regional organizations, including the Kativik School Board, have budgets for such replacement staff. A similar situation exists with respect to on-the-job training programs for the School Board. No funding is provided for extra personnel needed to carry out on-the-job training.

1.3 Landholding Corporations

A major purpose of the landholding corporations (LHCs) in each Inuit community is to receive, hold in ownership and administer the Category I lands. While some earn small amounts of revenue by leasing portions of the land, there presently exists no definite source of funding on an annual basis.

Due to the lack of funding available to the landholding corporations, Makivik implemented a 5-year scheme to partially finance their activities. However, a more stable and permanent source of funding is required. In addition, the landholding corporations often require technical assistance for their ongoing administrative and commercial activities. To date, Makivik has provided some assistance in this area.

1.4 Kativik Regional Development Council

The Kativik Regional Development Council (K.R.D.C.) was established in 1980 following an agreement between the Kativik Regional Government, Makivik and the Office de planification et de

développement du Québec (O.P.D.Q.). The creation of the K.R.D.C. was provided for in section 23.6 of the James Bay and Northern Québec Agreement. It became the tenth regional development council in Québec. Each of the ten administrative regions of Québec has such a body. The K.R.D.C. is the preferential consultative body of O.P.D.Q. with respect to economic and social development of the region north of the 55th parallel.

Though the powers of the K.R.D.C. appear sufficient for the tasks it must undertake, present budgets provided to the K.R.D.C. by O.P.D.Q. are not adequate to carry out its planned activities. For example, K.R.D.C. has a mandate in the coming year to hold an economic conference and to produce an initial regional development plan for northern Québec. These activities require substantial human and financial resources which are not available to K.R.D.C. unless additional funding will be forthcoming from O.P.D.Q. or another government source.

2. Lack of Economic Programs for Northern Québec

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 exception¹, 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 expressly contemplated in the Agreement.² 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:

¹ 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.

² 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)

«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)

As clearly indicated above, 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.¹ Yet, no assistance was available for start-up costs when Makivik set up such regional economic operations as Air Inuit and Kigiak Builders. Financial assistance for these large projects could have been provided through Special A.R.D.A.² 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.

¹ 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)

² 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.

Makivik cannot accept the excessive unemployment which is rampant in northern 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 lack of economic activity and high unemployment are major contributors to our social problems such as alcohol, drug abuse and youth-related crime. 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 not saving anything since additional costs are incurred under welfare, unemployment and rehabilitative social programs.

3. Economic and Social Development in Northern Québec

Fundamental to Inuit economic and social development in northern Québec is the availability of employment and business opportunities. 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 project proponents. Section 29.0.21 of the Agreement provides in part as follows:¹

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

¹ Note that Chapter 29 of the Agreement contains a number of Economic and Social development rights in favour of Inuit. For example, section 29.0.33 provides for the establishment of an interim joint committee to coordinate federal and provincial programs of socio-economic development available to Inuit. Section 29.0.39 provides for a mandatory obligation on the part of governments to provide financial and other assistance to Inuit entrepreneurs.

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)

From the above provisions, certain conclusions are evident. First, there is a mandatory duty on the part of Québec as well as Canada to establish Inuit priority both for jobs and contracts. This right of priority applies to all government projects in the territory (and possibly beyond) regardless of whether such projects are connected with or benefit Inuit communities.

Second, Inuit priority is also to be established in regard to any proponent for projects whose prime purpose is to provide goods and services to or for the benefit of Inuit communities. In this regard, section 29.0.32 goes even further in declaring that similar measures as apply to government contracts shall be applied as far as possible to non-government contracts and development in the Territory.

It must be emphasized that the provisions set forth in Chapter 29 of the Agreement in favour of Inuit are much more than affirmative actions¹ on the part of governments. Indeed, the rights

¹ The term «affirmative action» may be said to 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. Such patterns may result from calculated policies or merely through thoughtlessness, apathy or lack of awareness.

In regard to employment in industry, 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.

To some uninformed persons, any affirmative measures taken in favour of disadvantaged groups constitute «reverse discrimination» against the majority. However, the Canadian Charter of Rights and Freedoms in Canada's Constitution and the Québec Charter of Human Rights and Freedoms, as recently amended, specify that affirmative action programs are deemed to be non-discriminatory if they are validly adopted.

and obligations contemplated in this chapter are an integral part of a land claims agreement. Therefore, for this reason alone, both Québec and Canada are legally obliged to fulfill their commitments, since these rights were obtained as partial compensation and in exchange for other rights possessed by Inuit.

3.1 Priority in Employment

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 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.

Section 36 of the Regulation concerning Placement of Employees in the Construction Industry¹ establishes a general priority for native workers in the territory, while the clause found in the S.H.Q. contracts requires entrepreneurs working in the north to ensure that at least 25% of their total labour force is composed of native

¹ See Regulation 10 of the Act respecting Labour Relations in the Construction Industry, R.S.Q., c. R-20, s. 36.

peoples. To date, neither clause has been respected by most contractors, nor have they been enforced by Québec authorities.

As Inuit did not have the necessary cards and documents to work legally, contractors hiring Inuit workers have been obliged to ask local municipalities to pay the workers and be later reimbursed by the contractors. Unlike apprentices, Inuit labourers are not entitled to learn new techniques while working on construction sites.

It is evident that in order for native manpower priority clauses to be effective, we must also establish a successful system for training and qualification. Appropriate provisions with sanctions for non-compliance are required in order to ensure that contractors will comply with priority criteria. At the same time, we must develop a workable system in the north so that employers can determine in timely fashion which native workers are available for work.

Efforts to take into account these various elements were recently made by S.H.Q. Conditions are to be included in S.H.Q. housing contracts which would require contractors to abide by certain terms and conditions. At least 8%¹ of the total price of the contract must be used to hire native workers who reside north of the 55th parallel.

¹ For housing contracts, 8% of the total contract is approximately equivalent to 10% of the mass salary portion of such contract. In order for 10% of the mass salary to be equivalent to the former S.H.Q. clause requiring 25% native manpower, one must assume that Inuit will continue to be hired only as labourers and will continue to work less than skilled workers. We expect this situation to improve in the future. Therefore, the 10% mass salary, or 8% of the total contract, will not be equivalent to the former S.H.Q. clause requiring at least 25% native manpower.

3.2 Priority in Contracts

There is often reluctance, if not denial, on the part of government officials that any actions taken by them are based on Chapter 29 of the James Bay and Northern Québec Agreement. They act as if Inuit have few if any rights under Chapter 29 and government has no corresponding obligations.

Sections 29.0.31 and 29.0.32 which establish Inuit priority in contracts, are a case in point. On July 6, 1982, seven years after the signing of the Agreement, the Québec Treasury Board passed a decision¹ which included a provision recognizing the principle of priority for northern enterprises to contracts as follows:

«To recognize the principal of granting, by the ministries and departments, of contracts to all businesses having their principal place of business north of the 55th parallel, even if they are not the lowest bidder on condition that the difference with the lowest submission does not exceed 15% and that the Québec content be at least equivalent.» (unofficial translation) (Emphasis added)

An effective preferential clause is highly important for Inuit economic development in that it allows Inuit enterprises to compete more favourably for construction contracts against companies from outside the northern region. Southern contractors are more established and have greater access to job markets and contract possibilities. It is very difficult for regional entrepreneurs, such as Kigiak Builders Inc. and the Fédération des Coopératives du Nouveau Québec, who only operate part of the year, to develop a strong financial base and train their own personnel under northern conditions.

¹ See C.T. # 140018.

Regardless of the difficulties of establishing viable northern enterprises, government departments do not respect the clauses in the Agreement or the Treasury Board decision when awarding government contracts.¹

The most blatant examples occurred last May, when the Ministère de l'Education awarded construction contracts for the Salluit and Kangirsuk schools. According to the May 31, 1983 telex which we received from the Deputy Minister of Education, Mr. André Rousseau, the Education Ministry does not feel that it has to comply with the 15% preferential criteria since, among other reasons, it is only a decision of the Treasury Board. In rejecting the competitive bids of Kigiak Builders Inc., Makivik's subsidiary, no mention whatsoever was made of Québec's responsibilities under the James Bay and Northern Québec Agreement.

No contracts have been granted to Inuit enterprises to build schools or houses in northern communities for the 1983 construction season. This is particularly unfair since it is primarily through Inuit perseverance and effort that additional federal monies (\$26 million) for accelerated programs for school and housing construction are being channelled into northern Québec.

In the future, in order to ensure that government contracts in our northern region are awarded to Inuit enterprises on a priority basis in conformity with section 29.0.31, an enforceable provision should be provided in legislation (or at least in a Cabinet Decree).

¹ It is worthy to note here the somewhat exceptional case of Sanak Maintenance Inc. Sanak is an Inuit enterprise recently established to provide maintenance services to all Inuit communities in northern Québec. Since it is taking over the maintenance services formerly provided by Québec government departments, Sanak will receive a budget from Québec to continue the maintenance responsibilities for Québec government buildings in northern communities.

Similar considerations are required to ensure priority to Inuit enterprises in non-governmental contracts in conformity with section 29.0.32 of the Agreement.

3.3 Proposed Elimination of Existing Priority Clauses by Québec's Treasury Board

In early spring of this year, we learned of the intentions of the Treasury Board to eliminate the 25% native manpower clause contained in S.H.Q. contracts and the 15% preferential clause in the Treasury Board decision of July 6, 1982 (C.T. # 140018). This unilateral proposal was particularly surprising since the provisions had only been adopted in 1982.

Makivik wrote to the President of the Treasury Board, Mr. Yves Bérubé,¹ expressing our concern over the proposed elimination of the existing priority clauses. Since no response was received from the Treasury Board, Makivik sent a telex to Mr. Bérubé² indicating that the issues involved were quite complex and that none of the alternatives proposed to date would serve to resolve Inuit problems. Therefore, Makivik requested the Treasury Board not to make any alterations to the existing provisions until it is given the opportunity to fully discuss the matter with the Treasury Board President or his designated representatives. For only in this manner could the full ramifications of any proposed changes be considered and appropriate and mutually satisfactory solutions be reached.

Although some preliminary steps were taken to further assess the priority clause issue, it still remains unresolved. In the meantime, Inuit enterprises continue to suffer great losses in terms of economic opportunities.

¹ Letter of March 28, 1983.

² Telex of May 4, 1983.

3.4 Potential Effect of Québec's Charter of Human Rights and Freedoms on Inuit rights and Québec obligations under the Agreement

Québec's Charter of Human Rights and Freedoms could be interpreted by some persons as limiting the right of government and our regional organizations to carry out certain affirmative measures contemplated under Chapter 29 of the Agreement, particularly in the area of priority of hiring of native workers. In order to avoid unnecessary legal challenges, it is essential to fully clarify through additional legislative enactment, that Québec's Charter should not be interpreted in a manner which may diminish or otherwise detract from the rights and obligations in favour of Inuit under the Agreement.¹

4. Essential Services and Community Infrastructures

Through the Agreement, the Québec government assumed increased responsibility for providing services in Inuit communities, particularly in the areas of health, education and municipal services.

¹ In this regard, we would recommend the following amendment to the Act approving the Agreement concerning James Bay and Northern Québec:

«7. The rights and freedoms in the Charter of Human Rights and Freedoms (R.S.Q., chapter C-12) shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the beneficiaries of the Agreement, including the rights, undertakings and obligations in favour of the beneficiaries which have been acquired or confirmed in the Agreement.

No provision of an act, even subsequent to this Act, may derogate from the sections of this Act, unless such act expressly states that the consent of the party referred to under section 1.11 of the Agreement has been obtained.»

While Québec wanted this transfer of responsibility from the federal government to take place, it now appears to be in a weak economic position to carry out its ongoing financial obligations. Further, the Kativik Regional Government and the local municipal governments have not been permitted an adequate and meaningful role in the administration of services and programs in the north.

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 comparable communities in northern Québec.

4.1 Catch-up Program for School and Housing Construction

On July 8, 1982, the Honourable John Munro, Minister of Indian Affairs and Northern Development announced that the federal Cabinet had allocated \$26.3 million for an accelerated program of construction for northern Québec Inuit housing and schools. Yet, due to federal-provincial disputes, a cost-sharing agreement in regard to housing has only recently been signed between Canada and Québec.

In regard to our urgently-needed schools, a federal-provincial argument over \$600,000 has prevented the signing for the past 6 months of a cost-sharing agreement on the \$34 million accelerated construction program. 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 concluded.

It is evident to us that an excessive amount of time has been taken to finalize the school and housing accelerated programs. Consequently, other important implementation problems under the James Bay and Northern Québec Agreement are not being addressed. As intended, the Agreement can provide significant, concrete benefits to Inuit. However, due to continuing cost-sharing obligations, a greater spirit of cooperation and positive will is essential between Canada and Québec.

4.2 Municipal Services

The quality of municipal services (mainly water purification and distribution, garbage collection and disposal and roads maintenance) is, to a large extent, dependant upon the quality of municipal infrastructures. The Québec municipal infrastructures five-year program which calls mainly for relocation of dump sites, and construction of main water and sewage systems in villages with large populations, almost came to a halt when the Québec Treasury Board¹ decided last summer to slow down and re-evaluate most government programs in the North. Irrespective of this five-year program, the implementation of which is not guaranteed, basic municipal infrastructure and equipment remain severely lacking in most northern Québec communities. Another area critically lacking in equipment and trained staff is that of fire protection.

4.3 Health and Social Services

Chapter 15 of the Agreement provided for the establishment of a Kativik Health and Social Services Council for the region north of the 55th parallel (known as Region 10A). Region 10A is divided

¹ See Québec C.T. # 140018, July 6, 1982.

into two health sectors: the Hudson Bay sector and the Ungava Bay sector. Other bodies involved in various aspects of health and social services are the hospitals and the municipal corporations. A serious lack of coordination between these various bodies presently exists.

The requirement in the Agreement¹ for the Regional Council of the Kativik Regional Government to exercise all the powers of the Kativik Health and Social Services Council prevents health and social services in northern Québec from being administered by its own Council. The many diverse powers and responsibilities of the Regional Council often result in insufficient attention being paid to the specific needs of health and social services for the region. A separate and distinct membership for the Kativik Health and Social Services Council could significantly alter this situation for the better. Further, the lack of adequate budgets have meant an absence of sufficient training programs for Inuit interested in participating in the delivery of health and social services in the region.

4.4 Recreation and Sports

In 1979, Québec issued a White Paper on recreation.² It made reference to the fact that, in 1964, it had been recommended by a previous committee that Québec recognize for all citizens the right to recreation and to assure them a minimum of recreational services.

In our isolated Inuit communities, facilities in regard to recreation are sorely inadequate. Most of our communities have no centres for recreational and sport activities. To date, Inuit have received thoroughly inadequate funding from Ottawa and Québec to properly implement sports and other recreational programs and facilities.

¹ See subsection 15.0.4 of the James Bay and Northern Québec Agreement.

² Livre Blanc sur le loisir au Québec, «On a un monde à recréer», Gouvernement du Québec, 1979.

It is significant to note that on February 5, 1981, the Kativik Regional Government received a letter concerning community centres from Mr. Eric Gourdeau, Associate Secretary General of S.A.G.M.A.I. and Mr. Patrick Kenniff, Deputy Minister of Municipal Affairs. The letter confirmed that the Treasury Board had appropriated \$2.7 million for community centres with the hope that additional funds could be made available since such centres were, in the government's view, «a priority in northern Québec». However, on July 6, 1982, the Québec Treasury Board advised the Ministry of Municipal Affairs to suspend construction of all community centres in the north which were not yet the object of a formal commitment in favour of the local municipal corporations.

Hence, although Québec has issued a comprehensive policy on recreation for Québécois in general, Inuit continue to suffer from a virtual lack of recreational and community facilities with far-reaching implications for Inuit health, both mental and physical.

5. Land-use and development planning north of the 55th parallel

Most development proceeds in northern Québec, as in other areas of 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 Inuit goals and aspirations and balance Inuit rights and interests with the need to exploit certain non-renewable resources in north Québec.

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.¹ 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.² 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.

Recently, Québec has provided Hydro-Québec with a new mandate under the law to establish a global development plan.³ Such

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

² See An Act respecting Land Use Planning and Development, 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.

³ 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.»

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.¹

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.²

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.

6. Economic Development at the Regional and Community Levels

For too long, as in other parts of the north, government and industry in Québec have perceived large-scale, non-renewable resource

¹ 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.

² 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.

development as the main, if not sole, form of economic development in the north. This erroneous perception has resulted in numerous conflicts between the proponents of these large-scale development projects and Inuit, whose regionally-based economies include extensive subsistence activities. A balance must be struck between large-scale and short-lived development projects and the more long-term local and regional economic activity if a permanent economic base is to be developed in northern Québec.

Balanced economic development in our Region requires a much broader vision than the sporadic 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. As indicated earlier, this is due, at least in part, to the lack of federal-Québec cooperation on matters which affect us.

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.¹ Under that general agreement, a number of important subsidiary agreements² are being entered into to provide

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

² 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.

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.

The whole area of commercialization¹ of subsistence activities in northern Québec should be further explored with a view to developing a northern cash economy based on renewable resources.² For example, in other parts of the circumpolar world such as Scandinavia and the U.S.S.R., fish farming and fine fur ranching

¹ 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.

² Note that the Ministère du Loisir, de la Chasse et de la Pêche has recently proposed to undertake a study to assess the feasibility of commercialization of caribou meat in northern Québec.

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.¹

The marketing of by-products from Inuit subsistence hunting is also a possible avenue for small-scale development in northern Québec.² 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.

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 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.³ Outfitting and sport

¹ 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.

² 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.

³ 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.

camps are an important part of such tourist industry. 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.

7. 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.

Although Inuit housing, including heating and water delivery, are heavily subsidized¹ by the federal and provincial governments in northern Québec, food and fuel are at least 40% more in the north than in the southern parts of Québec. 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

¹ 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.

purchases gasoline for a snow machine¹ or other vehicle will pay approximately 98¢ per litre in comparison to 55¢ 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 and at times even lower. 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 Québec.¹

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

¹ 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.

² 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 northbound, 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.

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.¹ This 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.

In regard to construction, labour costs are approximately 90% higher in the north.² This is at least partly due to the higher fuel, transportation and other costs associated with housing and

¹ 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.

² 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%.

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 ¹ 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 limitations in northern Québec communities impose additional and unfair financial burdens on our essential air service operations.² It will be at least ten years before the recently signed Canada-Québec airstrip agreement for northern Québec will have any positive effect on this situation.

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.

¹ 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).

² For instance, the poor quality of infrastructures make Air Inuit Ltd. a heavy risk for insurers who in turn exact formidable premiums compared to those for a similar southern operation.

B. CULTURAL PROBLEMS AND CONCERNS

8. Quality of Inuit Education and Training

Crucial to the future of Inuit are 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 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 some 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 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 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 training¹ 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.

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. Further, increased expenditures in the area of education and training services are essential in order to reduce regional disparities in northern Québec

¹ 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.

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.

9. Inuit Cultural Development and Protections

It is unfortunate that there is no chapter in the Agreement providing specifically for the full control by Inuit of their cultural rights. However, some cultural rights and protections for Inuit are found in Chapters 17 (Education), 20 (Justice), 23 (Environment and Future Development North of the 55th Parallel) and 24 (Hunting, Fishing and Trapping). Now in order to undertake diverse cultural projects and to engage in cultural activities substantial funding is required.

In June 1982, Makivik raised Inuit cultural concerns with Premier Lévesque. In September 1982, Mr. Lévesque responded to Makivik's inquiries and encouraged the formulation of a long-term cultural development plan. The Premier also made a commitment at that time to fund Inuit cultural needs subject to further discussions. Some of these needs include the following areas:

9.1 Education and Culture

It is generally acknowledged that education can be a highly important tool in promoting cultural development among Inuit.

Chapter 17 of the Agreement provides for several important cultural elements. Inuktitut is recognized as a primary teaching language (s. 17.0.59) along with English and French. The Kativik School Board may establish a curriculum development centre to select courses, textbooks and materials appropriate to Inuit (s. 17.0.63). The School Board's Council may provide for the establishment of

programs, the teaching of subjects and the use of course materials based on Inuit culture and language (s. 17.0.64). The Minister of Education cannot disallow any ordinances of the Council dealing with matters based on Inuit culture and language (s. 17.0.65).

In addition, school calendars may be established to take into account Inuit cultural activities (s. 17.0.67) and special training courses and qualifications may be established for Inuit teachers (ss. 17.0.69 and 17.0.74).

The problem to date with the above has been in obtaining adequate budgets for the School Board to fully exercise its powers in these culturally-related areas. Without adequate funding these powers have little meaning.

9.2 Archaeological Research and Property

Our experience with respect to archaeological research and property in the territory has often been far from satisfactory. Too often, archaeological research and activities have been undertaken in our region with little or no consultation with the Inuit communities or organizations concerned. In certain instances, communities have reported violation of their burial grounds by archaeologists.

The use of archaeological property, once it has been removed from its original site in the north, is also a matter of deep concern. A very high percentage of our archaeological property ends up on public display in museums in southern Canada and elsewhere in the world, particularly in the United States. Often, a number of rare items find their way into collections of private individuals both inside and outside of Québec. Few Inuit artifacts and other archaeological property are ever returned to Inuit or sent back to the region. One sad result of this practice is that non-natives in southern Québec and outside Québec are becoming more knowledgeable about Inuit history and culture than our own children and ourselves. As a distinct people, we are slowly being deprived of a primary source of our cultural heritage without our consent.

In the future, we must work out with both governments a new policy¹ which will provide adequate regional and local control in respect to archaeological property in the territory. In addition, such policy and the laws which implement it must guarantee that Inuit and our institutions have the use and enjoyment of Inuit archaeological property, particularly for purposes of education. We also must take into account the reality that the Inuit homeland and our cultural heritage transcend political boundaries.

10. Communications

It is generally accepted that communications is an extremely powerful cultural tool for any society. In this regard, Inuit culture continues to be particularly vulnerable due to the fact that we have insufficient rights and involvement in communications. Just as Québec seeks greater control over communications in Québec in order to protect the francophone culture, Inuit require adequate access and control of communications in northern Québec for our cultural purposes.

Due to the lack of communications in northern Québec, Makivik helped to establish an independent Inuit communications society called «Taqramiut Nipingat Inc.» (T.N.I.). Through T.N.I., Inuit learned to establish their own local radio stations in all of the Inuit communities (except Povungnituk which already had one). However, much work still remains in establishing a true communications

¹ In working out a policy to protect archaeological resources in northern Québec, it is worthwhile referring to the Archaeological Resources Protection Act of 1979, H.R. 1825 passed by the Congress of the United States which includes the following provision at section 4(g)(2): «In any case of any permits for the excavation or removal of any archaeological resource located in Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribes owning or having jurisdiction of such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribes.» (Emphasis added)

network in northern Québec and in the development of a northern communications policy.

In regard to some of the negative impacts of southern television on Inuit culture, we are now in a better position to understand and deal with such impacts.

On January 26-28, 1981, a conference on communications took place in Salluit, northern Québec where Makivik, T.N.I. and other Inuit organizations and individuals initiated discussions with government in regard to northern communications. These discussions included as well the lack of print media in northern Québec.

As the majority population in northern Québec, it is our position that Inuit must have access to greater control of communications in the territory than has been permitted us by Québec in the past. As we have mentioned earlier, the same forceful arguments for cultural protection which apply to francophones in Québec must surely apply to our own people.

11. Administration of Justice and Inuit Customs and Practices

11.1 Police

The training of Inuit police could help to ensure that certain aspects of northern administration of justice are made more relevant to Inuit. Under chapter 21 of the Agreement (Police), the Kativik Regional Government has the power to create by ordinance a regional police force. On a practical level, however, the Kativik Regional Government cannot adopt such an ordinance unless it has guarantees from the Québec Ministry of Justice that adequate budgets will be provided for such purposes. The Ministry of Justice is not ready to provide the necessary budgets and the Québec Provincial Police is not ready to phase itself out from the Region before the Québec government is sure that the new regional police force is

properly trained and established. One first step towards resolving this apparent deadlock situation would be a re-evaluation of the training program for Inuit police by the Regional Government and a greater degree of cooperation from the Ministry of Justice in this matter.

11.2 Administration of Justice north of the 55th parallel

Chapter 20 of the Agreement is certainly one whose implementation has been most neglected by both the federal and Québec governments. The most pressing matters under this chapter include the following:

- Sections 20.0.6 and 20.0.7 stipulate that particular rules of practice may be established for the judicial district of Abitibi, to take into account the customs, usages and ways of life of Inuit, and in order to facilitate and render justice more accessible. To our knowledge, nothing has been done yet in this area.

- Sections 20.0.8, 20.0.12, 20.0.16 and 20.0.23 provide that the judges, the personnel of the circuit court, the non-Inuit probation and information agents, as well as the district Coroner, must have a sufficient knowledge of Inuit customs, usages and ways of life. On the other hand, section 18.0.17 of chapter 18 (which should be read together with chapter 20), provides for information sessions for court personnel. It would certainly be a good idea to extend those information sessions to the court personnel working specifically with Inuit communities.

- Sections 20.0.13, 20.0.14, 20.0.15 and 20.0.17 provide for the setting up of several information and training sessions for Inuit desiring to qualify for various court positions. Although a certain amount of preliminary work has been done by the Kativik Regional Government and the Ministry of Justice in this area, progress to date is much too slow.

- Section 20.0.19 provides that special criteria shall be formulated with respect to eligibility of northern Québec residents to legal aid services. To our knowledge, no special criteria has yet been established.

- Section 20.0.25 provides for the establishment of appropriate detention institutions in Inuit territory. Despite the fact that location of a detention institution can play a major role in the rehabilitation of a Native inmate, nothing has yet been done in this regard.

A minimum immediate step which should be taken here is the formation of a joint Québec Ministry of Justice, federal Solicitor-General Department, Kativik Regional Government and Makivik working group with a mandate to make appropriate recommendations to ensure implementation of Chapter 20 of the Agreement.

12. Inuit Participation in Wildlife Management

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, we must be fully involved in the management and protection of wildlife. It is unacceptable that meaningful Inuit participation in wildlife management has not yet been realized in northern Québec. The following constitute our central problems in the area of wildlife management at this time.

12.1 Hunting, Fishing and Trapping Coordinating Committee («Annitukvik»)

Section 24.4 of the James Bay and Northern Québec Agreement provided for the establishment of a Hunting, Fishing and Trapping Committee consisting of government and Native members and with the mandate to manage wildlife in the region basically north of the 49th

parallel in Québec subject to the overall Hunting, Fishing and Trapping Regime set forth in Chapter 24 of the Agreement.

However, due to the insensitivity of certain government members, the Committee under present conditions has not been effective in discussing the general issues of wildlife management, conservation and research in an objective, professional manner. A further problem is the inability of the Committee to meaningfully participate in wildlife management for the Region due to its lack of adequate powers.

A first step towards resolving these difficulties with the Committee would involve certain amendments to Chapter 24 and the associated legislation to ensure direct Inuit participation through the Committee in wildlife management in the territory.

12.2 Outfitting and the Inuit Right of First Refusal

Section 24.9 of the Agreement provides for Inuit priority in outfitting in the region. This priority takes the form of a right of first refusal for Inuit to operate as outfitters in Category III lands for a period of thirty years from the execution of the Agreement. This right of the Native parties to the Agreement was recently challenged and the court interpreted the right of first refusal in favour of the Native parties.¹ For some reason, Québec has chosen to appeal this court decision. Therefore, all outfitting on Category III lands has remained blocked. As a result, there has been no progress towards an agreement on a plan for the rational development of outfitting in the territory.

Under the Agreement, outfitting is intended to be one of the principal methods of controlling non-native sport hunting and fishing.

¹ See Judgment of Mr. Justice André Savoie rendered on August 31, 1981 in the matter of Naskapis de Schefferville Band et al vs Le Procureur Général de la Province de Québec et al, S.C.M. 500 05 014559 809, presently in appeal before the Court of Appeal for the District of Montreal, C.A.M. 500 09 001307 818

However, there has been recent attempts by Québec to enlarge the areas (caribou hunting zone 04) to which non-natives have access without having to go through outfitters.

A step towards resolving this outfitting issue would have to involve Québec respecting both the spirit and letter of the Agreement in this matter. In addition, Québec should not further delay through court action, the formulation of a mutually acceptable plan for the rational development of outfitting in the territory.

12.3 Inuit Conservation Officers

After five years of bitter struggle, Inuit were successful in obtaining a training program for conservation officers as provided under section 24.10 of the Agreement. To date, five Inuit received training and graduated under the program.

One officer does work on a year-round basis in Kuujjuaq, but on a renewable, casual employee basis. This means he is not eligible for any of the benefits of full-time employment. The other four graduates are hired seasonally only and then laid off for six months. Consequently, with the exception of the Kuujjuaq region, there is little or no enforcement of the sport hunting and fishing regulations nor protection of the specific rights of Inuit under Chapter 24 of the Agreement.

An effective and well-organized enforcement plan for northern Québec should be established. For such purposes, an expanded budget is required from Québec, and at least two more posts (in addition to Kuujjuaq), with equipment and a budget for patrols should be established for the region north of the 55th parallel.

13. Scientific Research Policy for northern Québec

Although a variety of studies have been undertaken concerning northern Québec and its environment, there still exists a

significant lack of adequate baseline data and information. Such background information is vital to the many decisions which will influence the future direction of development and its proper assessment in northern Québec. 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, public bodies such as Hydro-Québec and the James Bay Energy Corporation and the academic community to scientific research in northern Québec presently exists. In addition, the intimate knowledge and experience of Inuit in regard to northern regions and their delicate environments have not been sufficiently used in shaping the nature and methodology of northern scientific research.

Two major Québec policy papers¹ on the subject of scientific research have been published and legislation enacted² 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 Inuit 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.

¹ 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.

² An Act to Promote the Advancement of Science and Technology in Québec, S.Q. 1983, c. 23.

A comprehensive northern scientific research policy should be developed, in collaboration with northern Québec Inuit, which fully utilizes their acquired knowledge and experience in regard to the region 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.

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

14. Use of Modern Technologies in northern Québec

Modern technologies, if appropriate, can be a vital factor in promoting northern economic and social development.¹ For example, new communications technologies can be particularly helpful in reducing travel costs and increasing efficiency. In light of the formidable transportation costs associated with northern Québec, 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 into northern Québec communities must also involve training northern peoples to use and maintain these new systems. Such coordination of

¹ 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».

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, some 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 northern Québec with potentially disastrous results. For example, Atomic Energy of Canada Limited (A.E.C.L.) is making attempts to apply as yet unproven nuclear technology to Canadian northern communities¹ including those in northern Québec.² These Québec communities are all predominantly inhabited by Inuit. No consultation has yet taken place by A.E.C.L. 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. It is unacceptable that A.E.C.L. should proceed in this manner when Québec has, since 1978, placed a moratorium on further nuclear development in Québec.

New technologies appropriate to northern Québec should be promoted and made available by Québec on a timely basis, along with the necessary training programs, so as to facilitate improvement of

¹ 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.

² 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.

northern Québec economic and social development and improve the quality of life for Inuit.

In addition, mechanisms must be established to ensure Inuit participation in decisions concerning the appropriateness and safety of using these new technologies in northern Québec.

C. POLITICAL PROBLEMS AND CONCERNS

15. Electoral Districts: Need for Greater Political Representation

It is only since 1969, that Inuit were able to vote in Québec elections.¹ Although as Inuit we are now able to exercise our right to vote, we do not enjoy under the present electoral system any real representation in the National Assembly, nor is there any real opportunity for Inuit of northern Québec to be elected to the National Assembly. The electoral districts in northern Québec include some of the larger non-native municipalities below the 55th parallel so as to meet certain minimum population requirements established by law. The result is that the more southern municipalities, with which Inuit communities have little in common, are included in the same electoral district with our own communities. As a result, Inuit votes represent a small minority of the total votes in such electoral districts and

¹ Section 48(c) of the Elections Act, R.S.Q. 1964, c. 7 provides as follows:

«The following shall not be entered on an electoral list nor shall they vote:

.....
(c) Indians domiciled on land reserved for Indians or held in trust for them, whether or not such land is situated in a municipality;»

Section 48(c) was repealed in An Act to Amend the Election Act, S.Q. 1963, c. 13, s. 1. It is interesting to note that section 48(c) legally only applied to Indians. However, in practice, the same policy appeared to be carried out in Inuit communities in northern Québec.

our issues do not receive adequate political representation in the National Assembly.

Section 20 of the Agreement-in-Principle of 1974, which led to the signing of the James Bay and Northern Québec Agreement of 1975, contemplated future discussions between the governments and Inuit with respect to the adequacy of existing federal and provincial electoral boundaries in providing meaningful political representation for Inuit inhabitants of the region. However, the final Agreement is silent on this subject. Several submissions were made to the two governments by both Makivik and the Kativik Regional Government proposing realignment of electoral boundaries so as to provide greater opportunities for direct Inuit representation.¹ It is our position that population size must not be the predominant criteria in determining northern electoral districts.²

Although the new «southern» district called Ungava has now been established to include our communities, the rest of the territory north of the 55th parallel has no electoral district. When issues arise affecting our homeland but which are outside the immediate boundaries of our communities, there is no member in the National Assembly who technically represents such issues as part of his or her riding.

To date, our proposals have not received serious consideration by either Canada or Québec.

We believe that it is hardly acceptable to either Québec or ourselves that, under the circumstances, Inuit have no effective

¹ Specifically, on February 21, 1980, Makivik submitted a Brief in this regard to the Commission de la Représentation électorale du Québec in respect to the region north of the 55th parallel.

² In our 1980 Brief, we cited as precedence both the electoral district in Québec for the Magdalen Islands, whose voting population is approximately nine thousand, and the federal electoral district of Nunatsiak in N.W.T., where the population numbers only eight thousand.

political representation in Québec's foremost political institution. This problem can partially be resolved by altering the present configuration of electoral boundaries in northern Québec.

16. Lack of Adequate Revenue-Base for Region North of the 55th Parallel

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.¹ Budgetary limitations result in a lack of sufficient personnel and technical assistance. Under the 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.

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 since it does not adequately take into account such important northern factors as the high cost of

¹ 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.

living, lack of economic opportunities, high unemployment and small populations.

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.¹ Such paternalistic provisions are not acceptable to us and must be repealed 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.² 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.³

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 obtain revenues from

¹ See sections 27 and 353 of the Act respecting Northern Villages and the Kativik Regional Government.

² See An Act respecting Government Funding of Municipalities (Bill 38), First Reading, introduced by the Minister of Municipal Affairs, Jacques Léonard.

³ See section 2 of Bill 38. However, in no case may the amount withheld from the municipality exceed the amount of the federal subsidy.

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

17. The Agreement as a Dynamic Document

We view the James Bay and Northern Québec Agreement as a first major step both in the evolution of Inuit-Québec relations and in acquiring an adequate degree of self-determination on a regional basis within both Québec and Canada. Where necessary, therefore, the Agreement must be built upon. It must be seen as a «living» document, capable of adapting to new government policies and to changing political, economic and social circumstances. For such purposes the Agreement must not be seen as closed, static or final.

Evidence of Québec's static approach to the Agreement appears from the fact that new land use² and taxation powers³ conferred upon municipalities in other parts of Québec have not been extended to the territory above the 55th parallel. While those powers would have to be adapted to suit a northern context, it is inconceiv-

¹ 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.

² See An Act respecting Land Use Planning and Development, S.Q. 1979, c. 51. Section 266 of this Act provides:

«This Act does not apply in the territories situated north of the 55th parallel nor in the Territory described in the schedule to the James Bay Region Development Act (R.S.Q., c. D-8), after excluding the municipalities contemplated in section 40 of the said act.»

³ See An Act respecting Municipal Taxation and providing Amendments to certain legislation, S.Q. 1979 c. 72. Section 1 of this Act excludes northern village corporations in the territory from the definition of municipal corporations under this Act.

able that Québec should have specifically excluded their application from the region where the municipalities which would benefit from them most are located.

The principle in this regard is stated in subsection 2.11 of the Agreement:

«Nothing contained in this Agreement shall prejudice the rights of the native people as Canadian citizens of Québec, and they shall continue to be entitled to all of the rights and benefits of all other citizens as well as those resulting from any other legislation applicable to them from time to time.»

It follows that additional benefits contained in new legislation of general application in the province must automatically apply with appropriate adaptation to our northern territory.

In addition, there must be a mechanism established, with adequate Inuit participation, for the assessment of the relevancy and applicability of any new legislation to our northern region.

18. Periodic Revision of Certain Provisions of the Agreement

Similarly for ensuring that the Agreement is a dynamic and «living» document and one which remains effective and relevant over time, certain provisions of the Agreement should be reviewed by the parties on a periodic basis, such as two-year intervals, to determine whether, either in light of changed circumstances or the provisions of subsequent aboriginal land claim settlements or other agreements with aboriginal peoples of a similar nature, the Agreement should, by mutual consent, be amended. For example, the provisions of the Agreement and the law relating to the powers of the Kativik Regional Government would constitute provisions requiring such periodic review and possible revision.

19. Amendments to the James Bay and Northern Québec Agreement and associated legislation

As the «Inuit native party» under the James Bay and Northern Québec Agreement, it is Makivik's responsibility to ensure that Inuit rights and benefits are maintained. No amendments to the terms of the Agreement may be made without Makivik's consent and the laws flowing from it must respect its terms.

Amendments have in the past been made by Québec to various legislation which have had the effect of altering the Agreement without Makivik's consent.¹ In order to redress this situation and avoid unilateral amendments in the future, an appropriate procedure to obtain our consent should be established.

CONCLUSIONS AND RECOMMENDATIONS

1. The James Bay and Northern Québec Agreement signed in 1975 has permitted development to proceed in northern Québec but has failed to provide the substantial benefits to Inuit communities which it was supposed to do. A formalized implementation procedure is necessary in order to ensure that Québec, as well as Canada, meet their obligations under the Agreement in favour of Inuit beneficiaries. The Agreement establishes no overall process for coordinating and overseeing the implementation of the rights and obligations under the Agreement.

Since the Agreement does not provide for such procedure, it is essential to establish a tri-partite (Canada-Québec-Inuit) Committee to coordinate, review and finalize all budgets for programs and bodies contemplated by the Agreement. The decisions of this

¹ See for example, section 657 of the Education Act, R.S.Q. c. I-14, as opposed to subsection 17.0.57 of the James Bay and Northern Québec Agreement; An Act to amend various legislation respecting municipalities (1982) L.Q. c. 63, arts 250 to 255, amends arts. 66, 68, 69, 70, 76 and 77 of the Kativik Act.

Committee could be subject to federal and provincial Treasury Board approval when required. Conflicts between Canada and Québec should not prevent the creation of such Committee since there are too many important issues requiring participation of all three parties. For example, existing cost-sharing arrangements between Canada and Québec in regard to schools, housing and other areas make the holding of tri-partite meetings a necessity.

We therefore recommend that a formalized implementation process be established through appropriate legislation; it is highly preferable that such a process include the establishment of a tri-partite Committee.

2. A comprehensive policy in relation to aboriginal peoples is presently necessary in order to improve relations between Québec and its aboriginal peoples. It is recommended that a permanent parliamentary commission be established to develop such a policy in collaboration with aboriginal peoples. This policy should then be fully integrated into all government policies in Québec. This permanent commission could also be used to deal with all the problems and concerns raised in the present Brief as well as all future problems Inuit and other aboriginal peoples may encounter.

3. Political and other institutions in northern Québec must not be manipulated through Québec government budgets. Presently such institutions have little ability to exercise their powers due to the inadequacy of their annual budgets. In the future, less dependency on government budgets for such institutions must evolve through such possible schemes as revenue-sharing on a regional basis.

4. Problems related to economic development in northern Québec have never been confronted adequately by government. This is one of the most pressing issues facing Inuit and other aboriginal peoples at this time. A special parliamentary commission should also be establish-

ed to investigate ways and means of building a northern economy in cooperation with Inuit and other aboriginal peoples. Governments must begin to recognize that Inuit and other aboriginal peoples have a direct interest in economic and other benefits from developments taking place in their respective regions and must not only be subjected to the adverse environmental and social impacts from such developments.

5. Parties to the James Bay and Northern Québec Agreement should establish a procedure for the periodic review, at two-year intervals, of certain provisions of the Agreement with a view to determining whether amendments to the Agreement and its related legislation are required in order that they maintain their relevancy and meaningfulness in light of new circumstances.