

BRIEF TO  
THE COMMISSION ON THE POLITICAL AND  
CONSTITUTIONAL FUTURE OF QUEBEC

THE MAKIVIK CORPORATION  
AND  
THE NUNAVIK CONSTITUTIONAL COMMITTEE

NOVEMBER, 1990.

## EXECUTIVE SUMMARY

- The brief is submitted by both the Makivik Corporation and Nunavik Constitutional Committee. Makivik represents the Inuit of Quebec exclusively. The Committee exist to develop self-government proposals for the region north of the 55th parallel, and it was elected by the Inuit and non- Inuit residents of the region.
- The Inuit relationship with Quebec was largely determined by the James Bay and Northern Quebec land claims Agreement. With this Agreement, Inuit became the first group of Aboriginal People to freely choose to have their institutions and lands come under provincial jurisdiction. By opting to have their region administered by non-ethnic bodies, Inuit also chose not to isolate themselves from Quebecers in general.
- Inuit believe their region still lacks some overall powers and structure required for effective self-government. Quebec has acknowledged this and has agreed to enter into discussions on the matter. The Nunavik Constitutional Committee is currently proposing the creation of a single non-ethnic government which would come under Quebec jurisdiction.
- Inuit understand that Quebec will be taking whatever decisions needed to secure their future and maintain control over its destiny. As full fledged citizens, Inuit insist that they are entitled to directly participate in these decisions, especially where these decisions will directly affect them and their region.
- Inuit believe that their under developed economy is very vulnerable to any economic disruption which may occur as a result of Quebec's decision to move away from the Canadian status quo. They are calling on Quebec to deal with this problem by fostering economic growth in their region.
- Inuit recommend that steps be taken to ensure that their rights be enshrined in whatever framework Quebec chooses for its future. Inuit believe that Quebec can move in this direction by immediately proceeding to negotiate effective self-government arrangements for Nunavik.

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## 1. Introduction.

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On behalf of the people of Nunavik, the Makivik Corporation and the Nunavik Constitutional Committee are pleased to appear before The Commission on the Political and Constitutional Future of Quebec.

Before proceeding any further, it is important to explain what we mean by "Nunavik" and the "people of Nunavik".

For us, Nunavik is that region of Quebec which lies north of the 55th parallel. In making this statement, we stress that Nunavik is not a region that we have conveniently drawn up for self-serving reasons. Rather, Nunavik is our name for an area which is recognized as a distinct region by a variety of institutions, including the Government of Quebec. Nunavik is that region over which the Kativik Regional Government, the Kativik School Board, and other related bodies exercise their authority and competence.

It may also interest Commissioners to note that the Inuit of Quebec also claim the offshore area surrounding Quebec's northern borders as being part of Nunavik. It is a claim which the Inuit intend to pursue until the offshore area is properly recognized as being part of Nunavik.

Nunavik is a distinct region for a number of reasons. It is an area where Inuit are the overwhelming majority. It is area which roughly corresponds to that part of the Inuit homeland which falls within Quebec. Above all else, it is an area which is covered by an agreement between the Inuit and Quebec.

However, it would be incorrect to conclude that any reference to the people of Nunavik applies only to Inuit. Our references to the people of Nunavik include all permanent residents of the region, whether they be Inuit or non-Inuit. This is an important point since Inuit made a conscious decision to negotiate the creation of regional institutions which benefit, and are open to the participation of all residents, regardless of their ethnicity. This is the principle which Nunavik hopes to build upon in an effort to obtain greater powers of self-government.

We will also take this occasion to describe the origins and role of the Makivik Corporation and the Nunavik Constitutional Committee. In doing so, we call the Commission's attention to the fact that both these bodies were created with the direct support or participation of the Quebec National Assembly.

The Makivik Corporation was created under the James Bay and Northern Quebec Land Claims Agreement, and it was enacted into law by the Quebec National Assembly on June 23, 1978. Makivik is collectively owned by the Inuit of Quebec. It exists as a development corporation responsible for investing the Inuit compensation monies flowing from the James Bay and Northern Quebec Agreement.

Equally important is Makivik's mandate to represent, promote, and protect the rights and interests of the Inuit of Quebec. It is Makivik, for example, which represents the Inuit of Quebec in such national bodies as the Inuit Tapirisat of Canada or such international bodies as the Inuit Circumpolar Conference.

For its part, the Nunavik Constitutional Committee was created by the people of Nunavik through regional elections which took place on April 10, 1989. The six people elected to the Committee have the mandate to develop proposals for a constitution and new structures which will provide for greater self-government powers for Nunavik. The starting premise for this work is that Nunavik self-government structures will come under Quebec jurisdiction and will be non-ethnic in nature.

We emphasize that work on Nunavik self-government proposals are not being carried out in isolation from Quebec. On the contrary, Quebec has been a keen and supportive observer of our efforts. The National Assembly passed resolutions authorizing Quebec's Chief Electoral Officer to assist us in organizing the referendum and elections necessary for the creation of the Nunavik Constitutional Committee. The election of this Committee was also the subject of a special 48 page supplement of *Le Devoir* which appeared on April 1, 1989. This supplement published in both French and Inuktitut was distributed throughout Quebec.

These actions demonstrate that our hopes, aspirations, and values are increasingly accepted within Quebec society. For obvious reasons, this is recognition highly significant and comforting for a group of people who have chosen to be a part of Quebec.

It is in this spirit that the Makivik Corporation and the Nunavik Constitutional Committee hope to take advantage of the Commission's work to solidify and build upon the already healthy relationship which exists between Quebec and Nunavik.

## 2. The nature of the relationship between the Inuit of Nunavik and Quebec.

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An unprecedented event took place with the signing of the James Bay and Northern Quebec Agreement. It went largely unnoticed and unreported amidst all the hoopla over the compensation monies being paid to the Cree and Inuit. However, we wish to highlight it here; for the first time in the history of Canada, a group of Aboriginal Peoples, having been offered a real choice, opted to have their lands and institutions come under provincial jurisdiction.

During the negotiations leading up to the James Bay and Northern Quebec Agreement, the Inuit were given the option of living on reserves coming under federal jurisdiction. Many people assumed that this would be the natural choice of Inuit. However, Inuit opted for Quebec jurisdiction, a decision which initially caught both federal and Quebec Governments by surprise.

Not only did Inuit opt to come under provincial jurisdiction, they also chose to have their territory and communities serviced and administered by non-ethnic bodies. In other words, the Kativik Regional Government, the Kativik School Board, the hospitals, and the municipalities of Nunavik are all public institutions which service the needs of Inuit and non-Inuit citizens. Moreover, all Nunavik residents are eligible



to vote and run in any elections relating to these public institutions.

The non-ethnic nature of Nunavik's institutions means that Inuit communities are open to all Quebecers. Although most of the land in these communities may be privately owned by the Inuit, Inuit and non-Inuit have the same right to use public facilities as they would in any other Quebec municipality.

Inuit were well aware that by opting for provincial jurisdiction and public institutions, they were in fact becoming full fledged citizens of Quebec. Although this means they are entitled to the same rights and privileges accorded to all other citizens, it also means that they have assumed the same responsibilities. In particular, it means that Inuit are full tax payers and proud to be so.

These decisions indicate a pattern whereby the Inuit consciously tied their future to that of Quebec. Instead of proceeding with the status quo by coming under federal jurisdiction, they took a leap of faith. They clearly placed their hopes, fortunes, and their survival as a people within the Quebec domain.

This was not a decision which the Inuit took lightly. Provincial jurisdiction was unknown territory. The Inuit knew there were risks, and for a while, it looked as if they made the wrong choice. This occurred shortly after the signing of the James Bay and Northern Quebec Agreement. At the time the Quebec Government was badly prepared to assume all of its obligations under the Agreement. It was also unaccustomed to dealing with the Inuit on such a comprehensive basis and the relation between the

two groups was strained for a time.

In recent years the situation has changed for the better, and both sides now view the Agreement as a workable and beneficial tool. Inuit are now in control of a variety of regional institutions, and they have seen dramatic and costly improvements in their housing, medical services, and community infrastructures. On the other hand, the use of non-ethnic institutions under the Agreement meant that Quebec could finally extend its administration, its governmental structures, and services to all of its citizens throughout the entire province.

Despite the many improvements brought about by the Agreement, Inuit are still facing enormous difficulties in a number of areas. Inuit society is plagued by numerous social ills, many of which can be traced to substandard education and dismal employment prospects. Furthermore, both the Quebec Government and Inuit have acknowledged that Nunavik still lacks some overall self-government powers and structures.

### 3. Recent efforts to promote greater self-government in Nunavik

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Effective self-government arrangements for Nunavik have long been a dream of the Inuit of Quebec. It was the motivating force behind the creation of Makivik's predecessor, the Northern Quebec Inuit Association. Needless to say, it was also one of the underlying objectives in the negotiations leading to the James Bay and Northern Quebec Agreement.

Throughout the negotiations the Inuit placed a top priority on obtaining greater self-government powers for their region. The result was reflected in the final Agreement. It provides for a variety of autonomous bodies with some real decision making powers. These include the Makivik Corporation and, as mentioned before, numerous public institutions. Together, these bodies have, in varying degrees, the power to deal with such important matters as education, housing, health care, economic development, and various local and regional services.

These institutions democratized the region's decision making process and they clearly placed Inuit in control of administrative bodies which were previously the exclusive domain of federal or Quebec bureaucrats. Despite these accomplishments, it soon became evident that Nunavik was lacking overall powers and structure required for effective self-government. It has

become obvious that the region's decision making powers are fragmented - they are divided up among autonomous organizations which often work independently of each other

Inuit want self-government arrangements in Nunavik which they can rely on to set their priorities, determine their future, and ensure the survival and growth of their culture and society. Thus, only a few short years after the signing of the James Bay and Northern Quebec Agreement, Inuit were again calling for effective self-government powers and structure for Nunavik.

Their call was heard by Premier Rene Levesque in 1983. He invited the Inuit of Nunavik to develop and submit proposals for new self-government arrangements for their region.

It was an offer that was quickly accepted by the Inuit. It set in motion a long and sometimes difficult task that is still on-going. In 1987 a referendum was held in the region which decided that the constitution for a proposed Nunavik Government would be drafted by an Working Group composed of elected members. It was also decided that the Working Group would be financed through a voluntary tax. It was the results of this referendum that led to the April 10, 1989 election of the Nunavik Constitutional Committee. As stated earlier, both the referendum and elections were organized with the assistance of Quebec's Chief Electoral Officer.

The voluntary tax has also been implemented and has succeeded in raising close to \$50,000 in a region that can only be described as less than affluent.

The Nunavik Constitutional Committee has proceeded with its work by carrying out extensive consultations with the people of Nunavik. It has endeavoured to keep various Quebec Ministers and officials informed of its progress.

The Committee has completed its first draft of a constitution for a Nunavik Government. It proposes the creation of a single non-ethnic government for Nunavik. This government would come under Quebec jurisdiction and would function with powers delegated by the Quebec National Assembly.

The first formal discussions with Quebec on the Committee's proposals were to begin in the spring of 1990. However, these discussions were put on hold due to circumstances that were beyond the control of ourselves or the Government of Quebec. We expect these discussions will begin shortly.

#### 4. New political and constitutional arrangements for Quebec and implications for Nunavik.

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Quebec is now undergoing a process to determine its political and constitutional future. We can safely conclude that this process also entails the rejection of Quebec's current political and constitutional place in Canada. In other words, the process itself is a rejection of the status quo.

Inevitably some will argue that this process actually undermines the existence of Canada as a viable country. This may turn out to be the case if people try to hang on to the status quo at all cost. In reality, the viability of Canada as a country can only be enhanced by abandoning the status quo and accommodating the necessary changes.

Having disowned the status quo, where do we go from here? It is obvious that Quebec will insist on all that it needs to secure its future and to control its destiny. This is perfectly understandable. However, once it has attained its objectives, Quebec should take steps to maintain strong links with the rest of Canada wherever possible. A Quebec that is secure in its future would probably find such links to be both rewarding and useful.

We also believe that it is important for Quebec to be honest with itself about who is entitled to be a full participant in any decisions concerning its political and constitutional future. Over the years Quebec has sought to have the Inuit identify themselves as full-fledge Quebecers, and the Inuit have responded with a series of critical decisions by which they tied their future to that of Quebec. As a result, the existence of the Inuit and Nunavik as an integral part of Quebec can no longer be denied simply because it may complicate Quebec's view of itself.

It is time for Quebec to demonstrate its commitment to the Inuit by making them a full partner in various processes to determine Quebec's future. Input through consultations and public hearings will not be enough. Inuit and the people of Nunavik must be involved in the mechanics of developing new arrangements for Quebec where these arrangements will directly affect the north. Ultimately, the legitimacy of such arrangements may well be measured by the extent to which the Inuit Nunavik were involved in the relevant decisions.

There are numerous examples of where our involvement will be essential. We know that in the coming years Quebec will be preoccupied with working out the details of whatever relationship might be put in place between southern Quebec and southern Canada. Unfortunately, this means that the need to work out the details of the relationship between northern Quebec and northern Canada may be ignored.

Some Commissioners may be aware that the Inuit of Quebec have been solidifying their ties with fellow Inuit in the rest of Canada, Greenland, Alaska, and even the USSR. This is especially important in relation to the Northwest Territories and Labrador

where Nunavik Inuit have many relatives and close friends. Thus, a new arrangement for Quebec based solely on a south-south relationship between itself and the rest of Canada will be incomplete. Any proposals for Quebec's political and constitutional future will have to address the north-north relationship between Nunavik and the Northwest Territories & Labrador. This will require the direct participation of the Inuit of Nunavik.

The options Quebec chooses for its future may well raise other concerns for the Inuit of Nunavik. Depending on how Quebec proceeds, Inuit will want to know what will happen to the rights and guarantees that they fought so hard to have entrenched in the Canadian Constitution. Likewise, they will ask what will be happening to the federal government's obligations to the Inuit under section 91(24) of the Constitution Act, 1867.

We raise these concerns not to be obstructionists, but because they are important to us. It is possible that many of our questions will be easily answered. However, dealing with some of our concerns may prove to be a complicated undertaking. Whatever the case, any new arrangement for Quebec will have to address our issues to the same extent that it will have to deal with concerns of Quebecers in general. Again, we believe that such an undertaking will only be possible with the direct participation of the people of Nunavik.



## 5. Economic considerations regarding the future of Nunavik.

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A number of Quebec leaders have made it clear that any proposals for Quebec's political and constitutional future will have to be assessed in terms of its economic viability. They obviously believe that it would be pointless to pursue any new arrangements if they fail to provide Quebec with the economic resources necessary to promote its interests and control its destiny.

We are already witnessing the inevitable debate over whether Quebec would be better off under Canadian federalism or some other arrangement. We can be fairly sure that this debate will not provide any crystal clear answers either way. Without such a clear cut answer, there will be a degree of economic risk in any decision by Quebec to move away from the Canadian status quo.

Many Quebecers are likely to accept such a calculated risk once Quebec's choice for its future are made clear. And why not? Quebec's impressive economic performance of recent years indicates that it should be able to withstand any economic disruptions that might result from a change in its political status.

Unfortunately, the situation is far different in Nunavik. Constant recession is probably the best way to describe the state of our economy.

It is true that most people have come to accept poor economic statistics from the outlying regions. However, from the perspective of those who suffer its consequences, these statistics are unacceptable because they make too many victims. We can no longer tolerate alcohol and drug abuse, high rate of juvenile delinquency, violent deaths, chronic unemployment and large welfare rolls. We can no longer accept that our youth be doomed to a lifetime of unemployment.

On top of all this the people of Nunavik must endure what is probably the highest cost of living of any region in Quebec. The costs are often two to three times higher than in southern Quebec. Last spring Makivik conducted a survey comparing southern food prices to the average prices in three Nunavik communities. We found that milk which cost \$1.02 in the south is priced at \$2.22 in the north. A 99 cent bag of carrots cost \$2.54 in our communities. Nunavik resident will often pay \$8 for potatoes that would sell for \$1.99 in Montreal. And the list goes on and on.

The under-developed state of our economy also dampens our hopes for effective self-government arrangements for Nunavik. We know that it will be close to impossible to sustain a strong Nunavik Government without a solid economic base and resulting tax base.

There is some good news on the horizon. Like elsewhere in Quebec, a sense of entrepreneurship is taking root among some of our people. A number of small businesses are being established in Nunavik's larger centers which cater to the tourist industry or the service sector. They are beginning to produce some jobs, although there are too few to have any significant impact on the region's economic statistics. These small businesses could

probably create many more new jobs if Nunavik was able to support a substantially higher level of economic activity. This unlikely to happen until the people of Nunavik become true partners with Quebec in the development of the region's resources.

To summarize, we want to emphasize that Nunavik's limited economy has no leeway in which to absorb the negative effects of any economic disruption brought on by the political uncertainty surrounding Quebec's future. We therefore believe that the Quebec Government should protect Nunavik from this possibility by taking immediate steps to foster economic growth in our region.

Like many other Quebecers, the people of Nunavik will ultimately have to assess options for Quebec's future in terms of the region's economic development prospects.

## 6. Conclusion and recommendations .

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The Inuit of Nunavik were invited to become full citizens of Quebec. They responded positively by deciding to place their institutions under Quebec jurisdiction. By relying on non-ethnic institutions, the Inuit also chose not to isolate themselves from other Quebecers. It is for these reason the Inuit of Nunavik now claim the right to fully participate in Quebec's decisions about its future.

Like other Quebecers, Inuit hope that their concerns about their rights, future, and economic opportunities will be addressed in whatever arrangement that Quebec chooses for itself. Inuit do not believe this will present any difficulties if they are full participants in the decisions about Quebec's future. Moreover, Inuit believe that it should be possible to enshrine their rights and interests within a Quebec framework. The exact means by which Inuit can have their rights enshrined within a Quebec framework will only become apparent once Quebec chooses an option for its future.

In the interim, much could be accomplished if the Inuit and the Government of Quebec would proceed to negotiate new self-government arrangements for Nunavik. Such an arrangement would give Inuit a well defined example of how their rights could be accommodated within a Quebec framework. Likewise, a Nunavik self-government would provide Quebec with concrete model of how

Inuit could exercise their rights within whatever arrangements Quebec might choose for its future.

Inuit believe that such negotiations are imminently feasible since their proposals for Nunavik self-government are based on non-ethnic models that would come under Quebec jurisdiction. For these reasons, the Inuit strongly recommend that the Commission calls on the Government of Quebec to immediately proceed with accelerated negotiations with the representatives of Nunavik for purposes of creating effective self-government arrangement for Nunavik.