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**Presentation to the  
Senate Standing Committee on Aboriginal Peoples  
Special study on Aboriginal Governance**

**by the Makivik Corporation  
February 10, 1999**

**Introductory remarks**

We are appearing here today as part of the Standing Committee's special study on Aboriginal Governance, and we thank you for this opportunity to speak on this important issue.

My name is Pita Aatami, and I am the President of the Makivik Corporation. Assisting me is Mr. Harry Tulugak. In recent years he has been the chief negotiator for Nunavik in our discussions with the federal and provincial governments regarding the creation of a Nunavik Assembly and government for our territory.

For the record, I should indicate that Makivik represents all of the Inuit of Nunavik, or more specifically, the close to 9000 Inuit beneficiaries of the James Bay and Northern Quebec Agreement. We are proud Canadians who have stood up for our country on more than one occasion. We are also full tax payers at both the federal and provincial levels. Moreover, we are entrepreneurs. Makivik, for example, operates two of the country's more successfully aboriginal owned airlines, namely Air Inuit and First Air.

Nunavik is what we call our territory in Northern Quebec. It is an area where the Inuit are the overwhelming majority, and which includes the region of Quebec north of the 55<sup>th</sup> parallel. In recent months, we often find ourselves explaining

that Nunavik and Nunavut are two different places, despite the fact they are both Inuit territories with similar names.

Makivik and its predecessor, the Northern Quebec Inuit Association, negotiated the creation of many of the non-ethnic public institutions which currently operate in Nunavik. These include the Kativik Regional Government and the Kativik School Board. These public bodies were put in place as part of our land claims agreement almost 25 years before the new Nunavut Territory will see the light of day later this year.

#### **Nunavik's relationship with the federal government.**

Before going on with our presentation, we must emphasize that the question of governance constitutes only one component of our relationship with the federal government. Other components of this relationship include sections 35 and 91(24) of the relevant Constitution Acts, the federal government's fiduciary responsibilities to Inuit, and our modern-day treaty, the James Bay and Northern Quebec Agreement.

It is impossible to fully examine the nature, extent, and scope of self-government in isolation from these other aspects of our relationship with the federal government. In this context, there is a need to first evaluate the federal government's performance in honouring its obligations under other components of its relationship with the Inuit of Nunavik.

Unfortunately, the federal government's record in living up to its obligations to the Inuit of Nunavik is not good. For the better part of the past two decades Makivik has been locked in a uphill battle to get the federal government to fully

implement key provisions of the James Bay and Northern Quebec Agreement. Furthermore, during much of this period, we have also witnessed a succession of efforts by the federal government to deny its constitutional responsibilities to Inuit living in Nunavik. From where we stand, it is becoming painfully obvious that the federal government has adopted a policy of attempting to limit and reduce its relationship with the Inuit of Nunavik.

In recent years our problems with the federal government escalated. It is not difficult to come up with examples. The marine infrastructure program for Nunavik was the subject of our original land claims agreement as well as an implementation agreement signed many years later. And yet, after all this time, we are only being offered a program that is a mere shadow of what was originally envisaged. Instead of a \$120 million program for all Nunavik's 14 communities, we are only being given a \$30 million program for three communities.

Our region's housing crisis is the most poignant example of how the federal government has turned its back on the Nunavik Inuit. In 1995 the federal government unilaterally and arbitrarily ended its program which provided for the construction of new social housing for the Inuit of Nunavik. There is no justification for cutting the social housing for Inuit while retaining a similar program for First Nations living in provinces. The federal government has the same constitutional responsibility to Inuit and First Nations under section 91(24). Adding insult to injury, the James Bay and Northern Quebec Agreement guarantees that we are entitled to a housing program on the same basis as First Nations.

After exhausting all the usual means of resolving this matter, Makivik was left with no choice but to submit the issue to a formal Dispute Resolution

mechanism in 1998. In the meantime, almost five years have gone by since the federal government arbitrarily cut the social housing program in Nunavik. As a result, our region has an immediate need for 425 houses, and we are now getting reports of situations where as many as 23 people are being forced to live under one roof. I can assure members of this Committee that we did not enter into the James Bay and Northern Quebec Agreement, and redefine our rights and relationships in Canada, to get less than if we had not signed a land claims settlement.

Examples of how the federal government has let down the Inuit of Nunavik has also emerged in its approach to self-government issues. In 1987, the Minister of Indian Affairs and Northern Development surprised many people when he announced that the federal government had decided that it would not have primary responsibility for negotiating and implementing self-government arrangements with Inuit in provinces.

The minister did eventually retract his position in the face of strenuous objections from Makivik and national Inuit organizations. However, last year, the current Minister of Indian Affairs and Northern Development made similar statements denying the federal government's primary responsibility for Inuit living in provinces. We have already felt the impact of this statement in the federal government's stance in our self-government discussions, and we now understand that, for the first time, the Department of Indian Affairs and Northern Development will no longer consider funding anything more than 50% of our negotiating costs. Unfortunately, we are seeing elements of the Minister's statement emerging with alarming frequency in various federal initiatives, policies, and communications.

As one can see, the federal government's track record in honouring its obligation to the Inuit of Nunavik leaves a lot to be desired, and it is a source of uncertainty when it comes to exploring the development of new relationships based on aboriginal governance. With this caveat in mind, we are prepared to elaborate our views on Nunavik's desire to gain greater self-government and self-reliance.

### **The Development of Public Government in Nunavik**

Our efforts to create the Nunavik Assembly and Government trace their origins back to the early days of the 1970s when we first established the Northern Quebec Inuit Association. The original purpose of this association was not to negotiate a land claims agreement, but rather to fight for a regional government and adequate representation in both Parliament and the Quebec National Assembly.

Shortly afterwards, Quebec announced its plans to build the massive James Bay hydro electric project, the fledging association was soon drawn into land claims negotiations. Inuit took advantage of this process to negotiate various forms of non-ethnic institutions for their territory, including the Kativik School Board, the Kativik Regional Government, Kativik Board of Health and Social Services, and numerous other organizations. Our negotiators intended to regroup all these institutions under one government headed by an elected assembly.

At the time, the federal and provincial governments were unsure about concentrating so much power in one body, and our negotiators eventually ran out of time and had to settle for a land claim agreement that fell short of

providing a unified system of government for their territory. Inuit were not overly worried about this particular shortcoming in their land claim agreement because we believed it was only a matter of time before we would be able to bring all the public bodies under the jurisdiction of a single elected assembly and government for the territory.

The 1980's saw numerous efforts to establish a process that would lead to the creation of a Nunavik Assembly and Government, but serious tripartite negotiations did not start until 1994. The negotiations actually began when the Quebec Liberals were still in power, and they continued after the Parti Quebecois was elected. With the support of the Nunavik representatives, the federal government remained a party to all the negotiations even when the newly elected Parti Quebecois government attempted to propose otherwise.

Although there were some differences among the parties, these negotiations were remarkably successful. In a little less than a year, 75% of the agreement took shape, and Quebec officials had even begun working on the necessary cabinet memorandum. Unfortunately, the entire process was sidetracked by the political developments surrounding the Quebec referendum, and our negotiations came to a standstill. Despite the best efforts of the Inuit of Nunavik, it proved impossible to revive the negotiations in the aftermath of the referendum.

Our process remained in limbo until Premier Bouchard visited Nunavik in the summer of 1997. We took advantage of the opportunity to propose that a tripartite Commission be established to make recommendations for the creation of a Nunavik Assembly and government. We argued that the commission approach had been used successfully to prepare for the creation of the first government of the new Nunavut Territory.

Both Quebec and Canada agreed with the idea of establishing a commission, and negotiations on the necessary political accord began in earnest early in 1998. It was supposed to be ready for signature four months later, but last minute intransigence, first by the federal government, and then by Quebec, meant that the accord would not be ready to be signed until late summer of 1998. By then the Quebec general election was looming on the horizon, and once again our process fell by the wayside. At this point in time, the federal government remains ready to sign, but we are still waiting to hear from Quebec.

The end result is that after 25 years, and two intense rounds of negotiations, we are no further ahead in our quest to bring all the public bodies in our territory under the jurisdiction of a single elected assembly. We must emphasize that our negotiations have fallen apart on two separate occasions through no fault of our own.

### **The Federal Government's Role in Nunavik**

The Inuit of Nunavik clearly support a tripartite approach to negotiating and implementing self-government arrangements for our territory, and we would obviously have little difficulty in making a variety of recommendations that would also be applicable to the Government of Quebec. However, we believe this Committee's report will have its greatest impact as it relates to federal policies and approaches concerning aboriginal governance. We will therefore focus our recommendations on the federal government's role in our efforts to create a Nunavik Assembly and Government.

**( 1 ) The Federal government should do more than play the role of interested bystander in our negotiations.**

It is true that the federal government has usually been ready to participate in our negotiations, and it is currently ready to sign our Political Accord to establish a Nunavik Commission. However, it rarely shows any signs of assuming any responsibility for driving the negotiation process to a successful conclusion. Rather, it tends to limit its role to protecting its interest, and sometimes those of other Aboriginal Peoples.

If Quebec fails to sign the Political Accord, our experience indicates that the federal government will do little, if anything to revive our stalled process. We find this particularly frustrating since the fiduciary obligations along with section 91(24) indicate that negotiating and implementing aboriginal governance is the primary responsibility of the federal government.

**( 2 ) The federal government should clearly acknowledge its primary responsibility for Inuit living in provinces.**

Nunavik Inuit support the tripartite approach to resolving aboriginal issues, and this was obvious 25 years ago when we negotiated our land claim agreement. Today, we continue to pursue non-ethnic institutions of self-government for our territory, an arrangement which allows for significant provincial participation in our affairs. Had we opted for purely aboriginal forms of self-government, much of this provincial participation in our affairs would have been unconstitutional.

Our approach would appear to be in keeping with the federal government's desire to address aboriginal issues through tripartite arrangements. And yet, our willingness to embrace a tripartite approach is rewarded by a federal



government which seizes the situation as an opportunity to disown its primary responsibility for Inuit living in provinces. The federal government's stance on this matter serves as a disincentive for embracing a tripartite approach.

**( 3 ) The federal government should refrain from unilaterally offloading responsibilities or costs to the regional or provincial governments.**

Constantly being on guard against the possibility of unilaterally offloading by the federal government can be a serious impediment to the successful conclusion of self-government agreements. Our experience with the cuts in our housing program in Nunavik teaches us that the federal government will offload when given the opportunity, and that it can have dire consequences for the Inuit of Nunavik.

**( 4 ) With the creation of Nunavut, the federal government should take steps to reaffirm its commitment to Nunavik and Labrador Inuit, and Inuvialuit.**

Makivik and the Inuit of Nunavik strongly support the creation of Nunavut and will join in the celebrations with our brothers and sisters when their new territory comes into being on April 1 of this year. However, with the creation of this new territory, we do not want to see a situation where the federal government's initiatives and relationship with Inuit will automatically default to Nunavut. We do not want to be known simply as "the Inuit outside of Nunavut". Unfortunately, we are already starting to see the first signs of this attitude in some federal departments.

While we recognize that our proposed Nunavik Assembly will not operate on

the same scale as the Nunavut Legislative Assembly, it is just as important to the future of our people.

**( 5 ) The federal government should ensure jurisdictional space for aboriginal governance at the national level by inviting the national aboriginal leaders to participate in federal-provincial-territorial processes and discussions concerning the operation and future of the Canadian federation.**

The Standing Committee's discussion paper indicates that the primary focus of self-government should be "tangible initiatives at the local or regional level". We strongly agree, but not at the expense of reducing aboriginal participation in federal-provincial-territorial processes on national issues. The federal government has chosen to exclude Aboriginal Peoples from direct participation in the current discussions about the social union and the administrative rebalancing of the Canadian Federation. Grounds for such exclusion are not obvious since it is easy to see how discussions on these issues can have a direct impact on Aboriginal Peoples and their institutions.

It should be noted that in the past, national Aboriginal Leaders were invited to participate in constitutional conferences and other processes concerning the future of the Canadian Federation. Since only governments are entitled to participate in such forums, aboriginal involvement in these processes was largely viewed as defacto recognition that aboriginal self-government constitutes a third order of government in Canada. Conversely, failure to provide for aboriginal participation in such forums could be viewed as downgrading the status of aboriginal governance within the Canadian Federation.

**( 6 ) The federal government should work with Aboriginal Peoples to develop national policies and measures to give provinces the confidence to fully engage in tripartite negotiations to develop new forms of government in Canada.**

We have arrived at this conclusion because, in our experience, we were always attempting to break new ground in our negotiations to create a Nunavik Assembly and government. While the establishment of a territorial assembly is nothing new for Canada, the creation of a second assembly within a province is something which has never been done before.

It may be easier for the federal government to get a handle on such issues because it is used to dealing within an intergovernmental environment which involves provincial and territorial jurisdictions. By comparison, provinces are not used to sharing power or dealing with other jurisdictions within their borders. Most of their experience in this regard is limited to municipalities and purely delegated forms of authority. However, the municipal model is clearly an inappropriate starting point for negotiations concerning aboriginal self-government.

The federal government should be ready to work with Aboriginal Peoples and provincial governments to foster the innovative thinking required to negotiate and implement effective forms of aboriginal governance in Canada.