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J.B.N.Q.A. IMPLEMENTATION NEGOTIATIONS

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ከፍተኛ 22-23, 1988
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All Organizations Executive Meeting
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J.B.N.Q.A. IMPLEMENTATION NEGOTIATIONS (APRIL)

As reported last month John Lemieux of Byers Casgrain is now Makivik's principal negotiator. Mr. Lemieux is being assisted by Brian Craik from his Ottawa office and Don Allard is coordinating the negotiation activities and related meetings with the Inuit organizations. The negotiation team spent the month of March and early April meeting with representatives of the Inuit organizations in order to get a global view of the positions to be adopted at the table.

The first negotiation session took place in the Makivik offices on April 19, 1988. The session was devoted exclusively to reviewing the process and parameters of the negotiations. Also discussed in this context was the role and mandate of the negotiators and mediator. A general discussion took place concerning block funding, subjects to be negotiated and a general consensus as to a timetable for negotiations.

As a last item it was agreed that the next negotiation session would take place on May 2nd & 3rd in Montreal and that prior to that meeting Makivik would provide a partial list of issues to be discussed. A report on this meeting as well as the meeting set for May 30th & 31st will be reviewed next month.

J.B.N.Q.A IMPLEMENTATION NEGOTIATIONS (JULY)

Since April 19, 1988, when John Lemieux was appointed Makivik negotiator, there have been five negotiation sessions dealing with Implementation of the J.B.N.Q.A.. On June 14th Makivik officially submitted a list of 19 Negotiation Issues (Annex 1) which in Makivik's view have either not been implemented or have only been partially implemented. Each of these issues was reviewed with the federal negotiator Andrew Croll in order to explain the problems as we saw them.

On June 22-23, 1988 a J.B.N.Q.A. Organizations Executive Meeting was held in Montreal at the Ramada Inn. The purpose of the meeting was to review the present status of the issues identified by the Makivik negotiating team and to adopt specific proposals and strategies dealing with each one. The meeting was highly successful as all issues were dealt with, proposals adopted and a clear mandate given to the negotiator to proceed with the negotiations.

The negotiating teams met again on June 28, 1988 to receive and give forthcoming and updated information. On July 26th and 27th the 12th negotiating session took place in the offices of Byers Casgrain in Montreal at which time the Makivik negotiator tabled five official proposals to the federal negotiator. These proposals dealt with issues:

- #4 - *Proposal for Administration Support Funding for Landholding Corporations*
- #7(b)(c) - *Proposal for Measures and Funding Related to Wildlife Studies and Harvest Monitoring*
- #7(d) - *Enforcement Proposal (Hunting, Fishing and Trapping Regime)*
- #11 - *Proposal for Manpower and Training Programs Under J.B.N.Q.A.*
- #15 - *The Inuit of Quebec Claim to the Offshore Area
Inuit Land Selection-Community Islands*

Further meetings are scheduled for August and September at which time the remaining 15 issues will be presented as proposals with clear indication as to the policies Inuit expect from the Federal Government.

It is important to add that the Inuit negotiators are working very closely with the executive and staff of all organizations and that this is viewed as a combined effort to ensure that promises made have to be dealt with now and in keeping with the evolution of the Aboriginal rights as now reflected in federal policies.

We will in the near future be approaching the Government of Quebec with many of the same proposals. Many outstanding issues of the Agreement must be dealt with by both governments and the Inuit in a cooperative fashion and we wish to highlight the existive problems and their solutions to both governments.

It is difficult to predict with any accuracy when these negotiations will come to a

J.B.N.Q.A IMPLEMENTATION NEGOTIATIONS (AUG. - SEPT.)

As stated in the July report, Makivik has submitted 19 issues to the Federal Negotiator which we view as unimplemented or only partially implemented issues in relation to the J.B.N.Q.A.

Following a J.B.N.Q.A. all organizations review of the Agreement and issues in June, the J.B.N.Q.A. negotiating team has proceeded to table specific proposals covering these 19 issues. (see July report for full list).

On July 26th and 27th in Montreal the J.B.N.Q.A. negotiators tabled five proposals dealing with:

- 1) Issue #4 *Proposal for Administration Support Funding for Landholding Corporations*
- 2) Issue #7(b)(c) *Proposal for Measures and Funding Related to Wildlife Studies and Harvest Monitoring*
- 3) Issue #7(d) *Enforcement Proposal (Hunting, Fishing and Trapping Regime)*
- 4) Issue #11 *Proposal for Manpower and Training Programs Under J.B.N.Q.A.*
- 5) Issue #15 *The Inuit of Quebec Claim to the Offshore Area
Inuit Land Selection-Community Islands*

On August 22nd and 23rd in Montreal two additional proposals were tabled:

- 1) Issue #5 *Access to Federal Programs and Funding*
- 2) Issue #13 *Health and Social Services*

On September 12th and 14th in Kuujuaq, the 14th negotiating session, two proposals were tabled:

- 1) Issue #3 *Inuit Justice*
- 2) Issue #8 *Environmental and Social Impact Assessment*

Again on September 29th and 30th two other proposals were submitted to the federal negotiation team:

- 1) Issue #2 *Umiujaq Relocation*
- 2) Issue #9 *Incompatibility Clause*

There are ten remaining proposals to submit which we expect to finalize and table by November 16th. These issues deal with:

- 1) Issue #1 *Agreement on Formal Structure and Process*
- 2) Issue #6 *Fulfillment of Federal Obligations*
- 3) Issue #7(a) *Wildlife Legislation*
- 4) Issue #10 *Transportation*
- 5) Issue #12 *Education*
- 6) Issue #14 *Transfer Agreement*
- 7) Issue #16 *Socio-Economic Development*
- 8) Issue #17 *Housing for the Inuit of Ft. George*
- 9) Issue #18 *Taqpangayuk*
- 10) Issue #19 *Inuit Language and Culture*

The federal negotiators have been researching and studying the J.B.N.Q.A. proposals and have come back to us with questions and asking us for clarification on various issues. They have not however, officially responded to any of the proposals and are waiting for a complete set of proposals before tabling their decisions. These negotiations are made more complex by the fact that many of the Makivik proposals aiming at full implementation require the cooperation of both the federal and provincial governments.

To this end, Charlie Watt and Tikiile Kleist met with Quebec Energy Minister John Ciaccia and the Quebec Minister for Native Affairs Raymond Savoie on September 21, 1988 to explain the present Federal-Inuit process and to secure their cooperation in a joint Federal-Quebec-Inuit review of the J.B.N.Q.A. Quebec proved most agreeable to this type of review and though they are not part of the official Federal-Inuit negotiating process they have agreed to review each and every proposal with the negotiating parties. In order to facilitate this task Quebec has sought and secured the services of Mr. Pierre Coulombe, formerly Assistant Deputy Minister to the Executive Council of Social Affairs.

We are now in the process of preparing our first official meeting with the Quebec representatives, this to be followed before the end of October with a first inpartite meeting of Federal, Quebec and Inuit negotiators. It is the expressed desire of all parties to deal with these issues in a prompt and effective manner and we hope to see an early resolution of these issues.

[illegible]

- [illegible]

- [illegible]

דיריבונרשט' דאנערשטיג פארשטאנדן
דעם 22, 1988

א'רנ' א' 2: דאנערשטיג פארשטאנדן

פארשטאנדן פארשטאנדן: דיריבונרשט 6.4

1982 - שפאטש' פארשטאנדן

1984 - דאנערשטיג פארשטאנדן

דאנערשטיג פארשטאנדן, באלד - באלד פארשטאנדן

1987, דעם 22 - דאנערשטיג פארשטאנדן

א'רנ': דיריבונרשט פארשטאנדן
פארשטאנדן פארשטאנדן
פארשטאנדן פארשטאנדן
פארשטאנדן

ל'ר אדערשט: דיריבונרשט פארשטאנדן
פארשטאנדן פארשטאנדן
פארשטאנדן פארשטאנדן - דאנערשטיג
פארשטאנדן - דיריבונרשט פארשטאנדן

דאנערשטיג פארשטאנדן: דאנערשטיג פארשטאנדן
- 29.0.40 - פארשטאנדן
- פארשטאנדן
- פארשטאנדן
פארשטאנדן פארשטאנדן

אדערשט: דאנערשטיג פארשטאנדן

ד'תש"ס ס"ג, ד'תש"ס ס"ג, ד'תש"ס ס"ג
 22, 1988

$\Delta^{\epsilon} \nabla^{\delta}$ $a < 3$: $\Delta \nabla \epsilon^{\gamma} \sigma^{\eta}$ $\Delta^{\beta} \nabla \Delta^{\alpha} \beta^{\gamma} \sigma^{\eta}$

20 "לעזר ד' פארשטאנדן פארשטאנדן
 ד' פארשטאנדן פארשטאנדן
 20.0.20-22 ד' פארשטאנדן 20.0.24-26 ד' פארשטאנדן
 ד' פארשטאנדן פארשטאנדן
 ד' פארשטאנדן פארשטאנדן
 ד' פארשטאנדן פארשטאנדן
 ד' פארשטאנדן פארשטאנדן

A'ZNI: ΔΕΥΤΕΡΟΝ ΔΕΙΞΑΝΤΕΣ ΣΤΗΝ ΑΛΕΞΑΝΔΡΕΙΑ

[illegible]

ΔΓΛΡΛΔΡΔΓ: ΔΡΔΔΡΔΡΔΡ:
 >ΔΓ'Β'Σ'Δ' Δ'ΔΔΔΔΔ
 - ΔΔΔΔΔ' >ΔΓ'ΔΔΔ
 - ΔΔ'ΔΔ'Β'ΔΔΔΔΔΔ
 Δ'Β'ΔΔΔ'Β'Σ'Δ' Δ'ΔΔΔΔ
 - Δ'Β'ΔΔΔ'Β'Σ', ΔΔΔΔ'Β'Δ' ΔΔΔ'ΔΔΔΔ
 - ΔΔ'ΔΔΔΔΔΔΔ'Σ'
 ΔΡ'ΔΔΔ'Δ' Δ'ΔΔΔΔ
 - ΔΡ'ΔΔΔ'Δ' ΔΔ'ΔΔΔ'Δ'
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 - ΔΔΔΔ' ΔΔΔ'ΔΔΔΔ
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[illegible]

דאָקומענט פֿאַר דעם פֿאַרשטאַנד
 22, 1988

אָרענז 5: דאָס אָרענז בלאַנעט דאָקומענט

בלאַנעט דאָקומענט: דאָקומענט - 2.11
 - 2.12 פֿאַר דאָס אָרענז
 - 20.02

דאָס אָרענז בלאַנעט - דאָס אָרענז דאָקומענט

בלאַנעט דאָקומענט, דאָס אָרענז בלאַנעט, דאָס
 אָרענז דאָקומענט, בלאַנעט דאָקומענט, ל.פֿאַר
 דאָס אָרענז דאָקומענט

1981 בלאַנעט דאָקומענט -
 דאָס אָרענז דאָקומענט

דאָס אָרענז דאָקומענט

אָרענז:

דאָס אָרענז דאָקומענט בלאַנעט דאָקומענט
 דאָס אָרענז דאָקומענט

דאָס אָרענז דאָקומענט דאָקומענט
 דאָס אָרענז

ל.פֿאַר אָרענז:

אָרענז דאָקומענט בלאַנעט דאָקומענט

דאָס אָרענז דאָקומענט

דאָס אָרענז דאָקומענט:

אָרענז דאָקומענט דאָקומענט

דאָס אָרענז דאָקומענט דאָקומענט
 דאָס אָרענז דאָקומענט

אָרענז:

דאָס אָרענז דאָקומענט

ד'תשנ"ב י"ג י' אדר א' תשנ"ב
 22. 1988

ለፍርድ ቤቱ 6 & 11: ለዲፖዝዮን ልዩ ምርመራ/ሪፖርት, ልዩ ለዲፖዝዮን ልዩ ሪፖርት/ሪፖርት ማድረግ

29.0.4 מרש' דא' ו'נ'י'ס'ס'
 29.0.24 ב'נ'א' ב'ל' - א'ר'ל'ס'ס' א'ר'ס'ד'נ'ר'ס'
 29.0.25 ב'ר' ד'ל'ד' - ר'ר'ר'ר' א'ר'ס'ד'נ'ר'ס'
 29.0.26 א'ר'ר'ר' ב'ר'ר'ר'ר'ר'ר'
 29.0.27 ל'ר'ר'ר'ר' ב'ר'ר'ר'ר' ב'ר'ר'ר'ר'
 29.0.28, 29, 30 א'ר'ר'ר'ר'ר'ר' ר'ר'ר'ר'ר'
 29.0.31, 32 א'ר'ר'ר'ר'ר'ר' ד'ר'ר'ר'ר'ר'ר'

[illegible]

L^ae ADPDC": A'EN' e D e Δ' CDPLC'
 DPLe'PDC" A'ELDN' LσZDPLC"

$\Delta \Gamma L P \geq D P \Delta \epsilon$:
 $\wedge a \in L \wedge \sigma'' \in \Delta \Gamma \sigma''$, $\Delta \sigma'' \in \Delta \Gamma \sigma''$, $\wedge P b' \in \Delta \Gamma \sigma''$.
 $C \sigma''$, $\Delta \Gamma \sigma''$
 $\Delta \sigma \Delta \Gamma \sigma' \leq \Delta \Gamma C \sigma' \wedge \sigma' \in \Delta \Gamma \sigma' \wedge \sigma' \in \Delta \Gamma \sigma'$
 $\wedge \sigma' \in \Delta \Gamma \sigma' \wedge \sigma' \in \Delta \Gamma \sigma'$
 $\wedge \sigma' \in \Delta \Gamma \sigma' \wedge \sigma' \in \Delta \Gamma \sigma'$

[illegible]

דאָקומענט פֿאַר דעם 22. 1988

אָרענעם 7.1: דאָקומענט פֿאַר דעם 22. 1988

אָרענעם 7.1: דאָקומענט פֿאַר דעם 22. 1988

אָרענעם 7.1: דאָקומענט פֿאַר דעם 22. 1988

אָרענעם 7.1: דאָקומענט פֿאַר דעם 22. 1988

אָרענעם 7.1: דאָקומענט פֿאַר דעם 22. 1988

אָרענעם 7.1: דאָקומענט פֿאַר דעם 22. 1988

ד'פ'רלדן' ד'כ'ר'ר'ר'ר' ד'ע'רל'ר' 24.6

ב'ע	Δ'Δ'	ד'Δ'
ד'ל'ר'ר' א'ד'ר'ר'ר'ר' ר'נ'ר' - ר'ד'ר'ר'ר'ר'ר'ר'ר'ר'ר'ר'ר' - ר'ג'ר'ר'ר'ר'ר'ר'ר'r' - ר'נ'ל'ר'ר'ר'r'	ד'ל'ר'ר'ר'ר'r', Δ'ר'r'ר'r' - ר'r'r', ר'ר'ר'r'ר'r'r'r' - ר'ר'r'ר'r'r'r'r'r'r'r'r' -	ד'ל'ר'ר'ר'r'
ר'ר'r' - ר'ר'r'r' - ר'ר'r'ר'r'r'	ד'Δ'ר' ד'ל'ר'ר'r'r' - ר'r'r' Δ'ל'r'r'r'r' - ר'r'r'r'r' ר'r'r'	ד'Δ'ר' - ד'ל'r' - ר'r'r'
ר'r'r' ר'r'r'r' - ר'r'r'r'r' - ר'r'r'r'r'r'r' - ר'r'r' ר'n'l'r'r' -	ר'n'r' ר'r'r'r'r' ר'r'r' - 24.5.4 ר'r'r' - 24.5.3 24.8.5	ר'n'r' ר'r'r'r'r' - ר'r'r' - ר'r'r' -
(ר'r'r'r'r' ד'ל'r'r')	(ר'r'r'r' ד'ל'r'r'r'r'r' -)	(ר'r'r'r'r' - ד'ל'r'r'r'r'r' -)

דיריטוריום פאר די נאציאנאלע פארשטאנדן
דער 22, 1988

אין דער 7.3 נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן

פאר די נאציאנאלע פארשטאנדן: דיריטוריום 24.14

בערלין פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן
פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן
פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן

בערלין פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן
פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן

נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן
פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן

אין דער: פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן

פאר די נאציאנאלע פארשטאנדן: פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן
פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן

פאר די נאציאנאלע פארשטאנדן: פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן

- אין דער:
1. פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן
פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן
 2. פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן
פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן
פאר די נאציאנאלע פארשטאנדן פאר די נאציאנאלע פארשטאנדן

ᐃᓕᓴᓂᓄᓇ ᐅᓚᓴᓂᓄᓇ ᐅᓚᓴᓂᓄᓇ
ᔭᓂ 22, 1988

Λ'επ' 8:

4<0'0σ' 4>4Γσ'J' 4φ/4Δ0'

'b Δ ζ ρ C D / L σ 'b :

[illegible]

Λ' ε' η' :

בְּלִיבֵי אֱלֹהֵי יִשְׂרָאֵל
לְפָנֶיךָ יְיָ אֱלֹהֵינוּ
דְּרִיבֵי "לְפָנֶיךָ יְיָ"

$$L^2 \wedge D \neq D \wedge L^2:$$

d<Δ'd' Δ'εΔε'Δ'ε' Δ'ε'Δ'ε'Δ'ε' Δ'ε'Δ'ε'Δ'ε'
 b<L'Δ'ε'Δ'ε' Δ'ε'Δ'ε'Δ'ε' Δ'ε'Δ'ε'Δ'ε' Δ'ε'Δ'ε'Δ'ε'
 Δ'ε'Δ'ε'Δ'ε' Δ'ε'Δ'ε'Δ'ε' Δ'ε'Δ'ε'Δ'ε' Δ'ε'Δ'ε'Δ'ε'

ΔΗΛΩΣΗ

בְּלִיכֵי' דְּנִינִי פִּי אֶל־דִּי
 לְעֵדִי פִּי
 בְּלִיכֵי' דְּנִינִי אֶל־דִּי
 לְעֵדִי פִּי
 בְּלִיכֵי' דְּנִינִי אֶל־דִּי
 לְעֵדִי פִּי 23-7

Λ < L > Π :

- [illegible]

דאָקומענט פֿאַר דעם פֿאַרשטאַנד
דעם 22, 1988

- אָרענזש 9: אַלגעמײנע פֿאַרשטאַנד -
באַלדאָקומענט פֿאַר דעם פֿאַרשטאַנד אַלגעמײנע פֿאַרשטאַנד
- פֿאַרשטאַנד פֿאַרשטאַנד: פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
- "11.5.1 אַלגעמײנע פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
- אָרענזש: דאָקומענט פֿאַר דעם פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
- אַלגעמײנע פֿאַרשטאַנד: אַלגעמײנע פֿאַרשטאַנד פֿאַרשטאַנד
- פֿאַרשטאַנד פֿאַרשטאַנד: דאָקומענט פֿאַר דעם פֿאַרשטאַנד פֿאַרשטאַנד
פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
- "...דאָקומענט פֿאַר דעם פֿאַרשטאַנד פֿאַרשטאַנד
- אַלגעמײנע פֿאַרשטאַנד: 1. פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
2. פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד
פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד פֿאַרשטאַנד

**דיריבונר-סג' דכע'נין'ס' פאדלענדיג
ס' 22, 1988**

א'רנ' א' 10: בעלז'י'ס' דיריבונר-סג' פאדלענדיג'ס' -
דדערד'י'ס'ענ'ס'ג'

י'פאדלענדיג'ס'ג': 1974, א' 15: דעלעטעד'ס' בעלז'י'ס'ג' - ז'
אדב'ע
1975 - דיריבונר-סג' 29.0.36: בעלז'י'ס'ג' -
ענדיג'ד'י'ס'ג' ד'על'י'ס'ג', דיריבונר-סג', בעלז'י'ס',
אדב'ע, דיריבונר-סג' ד'על'י'ס'ג'.
1982: ד'על'י'ס'ג' - ג'א'
1983: - ג'א'ס' דיריבונר-סג' (בעלז'י'ס'ג')
- 60/40 בעלז'י'ס'ג' \$68.5 ג'א'
1988: ג'א' - לעלד'על' בעלז'י'ס'ג' דדערד'י'ס'ענ'ס'ג'
\$119 ג'א' (דדערד'י'ס'ענ'ס'ג' ד'על'י'ס'ג')

א'רנ': ד'על'י'ס'ג' ג'א'
אדב'ע, ענדיג'ד'י'ס'ג' ד'על'י'ס'ג', בעלז'י'ס',
דיריבונר-סג', דיריבונר-סג' ד'על'י'ס'ג'.
ג'א'ס'ג':
- אדב'על'י'ס'ג' אדב'על'י'ס'ג' ג'א'ס'ג'
- אדב'על'י'ס'ג' בעלז'י'ס'ג' דיריבונר-סג'
- אדב'על'י'ס'ג' ענדיג'ד'י'ס'ג' ד'על'י'ס'ג'
אדב'על'י'ס'ג'
- אדב'על'י'ס'ג' בעלז'י'ס'ג'

ל'ע אדב'על'י'ס'ג': ד'על'י'ס'ג' בעלז'י'ס'ג' בעלז'י'ס'ג' ג'א' -
ד'על'י'ס'ג' ד'על'י'ס'ג' ד'על'י'ס'ג'

אדב'על'י'ס'ג': אדב'על'י'ס'ג' דדערד'י'ס'ענ'ס'ג' בעלז'י'ס'ג' -
אדב'על'י'ס'ג' ד'על'י'ס'ג' ד'על'י'ס'ג'
ג'א'ס'ג' ד'על'י'ס'ג' דדערד'י'ס'ענ'ס'ג' בעלז'י'ס'ג' - אדב'על'י'ס'ג'
ד'על'י'ס'ג' ד'על'י'ס'ג'
אדב'על'י'ס'ג' ד'על'י'ס'ג' דדערד'י'ס'ענ'ס'ג' פאדלענדיג'
אדב'על'י'ס'ג' דיריבונר-סג'ג'ג'

אדב'על'י'ס'ג': ד'על'י'ס'ג' פאדלענדיג' דדערד'י'ס'ענ'ס'ג'ג'
ד'על'י'ס'ג'ג' אדב'על'י'ס'ג'

ॐ 22, 1988

ᐃᓐᓂᐃᓯᐃᓐᓂᓂᓂᓐᓂᓐ ᐃᓂᓂᓂᓂᓐᓂᓐᓂᓐ (15-ᓯ)

[illegible]

b6C NJF D'I' e e N e J Δ' A P L ' b ' σ Γ '

[illegible]

י.ד.י.י.

D'6DPC 15.0.19 (א"ל א"ן ח"ס פאדלד' דגנרע-ש
בנאד' א"ס א"ד' סטארקער)

[illegible]

D'bd' 15.0.21 (Λερ'ΠΥ'ρΔσ'' Λερ'Π'βΔ'ασ'ζ
Δ'ΕΔ Δ'δΔ' Λερ'ΠCΔσ'ι'ι' β'εηΔ'σΓ'ζ

$\Delta \Delta^{\prime} = 15.0.26$ ($\Delta \Delta^{\prime}$ - $\Delta \Delta^{\prime}$)

1. የጋራ ጥራት (የጋራ ጥራት ለማረጋገጥ የሚያስፈልጉትን ጥራት ማረጋገጥ)
 2. የጋራ ጥራት (የጋራ ጥራት ለማረጋገጥ የሚያስፈልጉትን ጥራት ማረጋገጥ)
 3. የጋራ ጥራት (የጋራ ጥራት ለማረጋገጥ የሚያስፈልጉትን ጥራት ማረጋገጥ)
 4. የጋራ ጥራት (የጋራ ጥራት ለማረጋገጥ የሚያስፈልጉትን ጥራት ማረጋገጥ)
 5. የጋራ ጥራት (የጋራ ጥራት ለማረጋገጥ የሚያስፈልጉትን ጥራት ማረጋገጥ)

$\Delta \subset D N' / \Gamma \subset \mathbb{R}^n$ "CL Δ " "be CD' Δ - σ D '- σ n .
 λ ' Γ - σ ' Δ σ n λ Γ ' d σ ϵ

אֶלְדֵּן:

- [illegible]

**דאָקומענטן פֿאַר דעם פֿאַרשטאנד פֿון
דעם 22, 1988**

- אָרענ'ס אַלע 14:** בעל-דאָלערס פֿאַר דעם פֿאַרשטאנד (1981)
- פֿאַרשטאנד פֿון דעם פֿאַרשטאנד:** 1975 דאָקומענטן "29.0.40 - דאָקומענטן
1981 בעל-דאָלערס פֿאַר דעם פֿאַרשטאנד (לפֿאַרשטאנד)
- דאָקומענטן פֿאַר דעם פֿאַרשטאנד
- דאָקומענטן פֿאַר דעם פֿאַרשטאנד
דאָקומענטן פֿאַר דעם פֿאַרשטאנד
- אַלע דאָקומענטן פֿאַר דעם פֿאַרשטאנד
דאָקומענטן פֿאַר דעם פֿאַרשטאנד
דאָקומענטן פֿאַר דעם פֿאַרשטאנד
- אָרענ'ס:** דאָקומענטן פֿאַר דעם פֿאַרשטאנד
29.0.40-פֿאַר דאָקומענטן
דאָקומענטן פֿאַר דעם פֿאַרשטאנד
דאָקומענטן פֿאַר דעם פֿאַרשטאנד
- לעבן אַדוואַט:** דאָקומענטן פֿאַר דעם פֿאַרשטאנד
- דאָקומענטן פֿאַר דעם פֿאַרשטאנד:** דאָקומענטן פֿאַר דעם פֿאַרשטאנד
דאָקומענטן פֿאַר דעם פֿאַרשטאנד
דאָקומענטן פֿאַר דעם פֿאַרשטאנד
1981 דאָקומענטן פֿאַר דעם פֿאַרשטאנד
- אָרענ'ס:** דאָקומענטן פֿאַר דעם פֿאַרשטאנד
דאָקומענטן פֿאַר דעם פֿאַרשטאנד
דאָקומענטן פֿאַר דעם פֿאַרשטאנד
דאָקומענטן פֿאַר דעם פֿאַרשטאנד

22, 1988

მეტი ადამიანი - მეტი პოპულაცი

243 ר'פכד' לΔכ' בנדא 1 דדס' מאס"מ 1975-7

ב'מאד' ד'ש'ר' מ'ע'נ'ר' ד'ג'ר'ר' L'ר'ר'ר'
ד'ר'ר'ר' מ'ע'ד' P'P'C'ר'ר' (ב'ש'ר'ר')

120 $\gamma^0 \gamma^1 \gamma^2 \gamma^3 \gamma^4 \gamma^5 \gamma^6 \gamma^7 \gamma^8 \gamma^9 \gamma^{10} \gamma^{11} \gamma^{12} \gamma^{13} \gamma^{14} \gamma^{15} \gamma^{16} \gamma^{17} \gamma^{18} \gamma^{19} \gamma^{20} \gamma^{21} \gamma^{22} \gamma^{23} \gamma^{24} \gamma^{25} \gamma^{26} \gamma^{27} \gamma^{28} \gamma^{29} \gamma^{30} \gamma^{31} \gamma^{32} \gamma^{33} \gamma^{34} \gamma^{35} \gamma^{36} \gamma^{37} \gamma^{38} \gamma^{39} \gamma^{40} \gamma^{41} \gamma^{42} \gamma^{43} \gamma^{44} \gamma^{45} \gamma^{46} \gamma^{47} \gamma^{48} \gamma^{49} \gamma^{50} \gamma^{51} \gamma^{52} \gamma^{53} \gamma^{54} \gamma^{55} \gamma^{56} \gamma^{57} \gamma^{58} \gamma^{59} \gamma^{60} \gamma^{61} \gamma^{62} \gamma^{63} \gamma^{64} \gamma^{65} \gamma^{66} \gamma^{67} \gamma^{68} \gamma^{69} \gamma^{70} \gamma^{71} \gamma^{72} \gamma^{73} \gamma^{74} \gamma^{75} \gamma^{76} \gamma^{77} \gamma^{78} \gamma^{79} \gamma^{80} \gamma^{81} \gamma^{82} \gamma^{83} \gamma^{84} \gamma^{85} \gamma^{86} \gamma^{87} \gamma^{88} \gamma^{89} \gamma^{90} \gamma^{91} \gamma^{92} \gamma^{93} \gamma^{94} \gamma^{95} \gamma^{96} \gamma^{97} \gamma^{98} \gamma^{99}$

מס' תיק: 1975-1000000000

בשם ה' אלהינו יתברך

ד'ב'לדנדסד'י

בְּרִיָּה בְּלִיָּה בְּלִיָּה בְּלִיָּה בְּלִיָּה
בְּרִיָּה בְּלִיָּה בְּלִיָּה בְּלִיָּה בְּלִיָּה

ΔΕΓΝΥ" Λ'ΕΝΟ' ΕΛ'Ε' ΠΡ'ΕΜ' ΔΕΛ'Α'Ε
Δ'ΕΔ'ΕΛ'Ε'Ε'Ε'

משה ויהוה ויהוה ויהוה ויהוה ויהוה ויהוה ויהוה ויהוה ויהוה
ויהוה ויהוה ויהוה ויהוה ויהוה ויהוה ויהוה ויהוה ויהוה ויהוה

'Pσ''σ'' σ'ΠCD'γΔσ'χ'ρ'ε'σ' ρρ'CA'

דיריבונר-סג' דכח'נר'ס'ג' פ'CD'ר'נר'נר'נר'
ר' 22, 1988

א'ר'נ' א'ל' 17: ד'מ'ד' ר'ר'ר'ר'ר'

ר'פ'ד'ר'CD'ר'L'ר'ר': דיריבונר-סג' 29.0.42

ד'ר'ד'ר'ר' פ'ר'ר'ר'ר'ר' דיריבונר-סג' ר'ר'ר'ר'ר'
ד'ר'ר'ר'ר'ר' ד'ר'ד'ר'ר' ד'ל' ד'ר'ר'ר'ר'ר' פ'ר'ר'ר'
ר'ר'ר'ר'ר'

ר'C' R'ר'ר'ר'ר' ד'ר'r'r'ר'ר'r' 16, 1984-ר'
ר'C'ר'r'r'ר' ד'ר'ר'ר'ר'ר'ר' ד'ר'r'r'r'

א'ר'נ':

ר'C' r'r'r'r' ד'ר'r'r'r'r'r' r'r'r'r'r'r' פ'r'
r'

R'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'

L'r'r' R'ר'ר'ר':

ר'r'CD'ר'L'ר'r'r'r'r'r'r'r'r'r'r'r'r'r'
C'Δ'L'Δ'ר'r'r'r'r'r'r'

Δ'ר'L'ר'r'r'r'r'r':

ר'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'

ר'r'L'ר'r':

ר'r'r'r'r'r'r'r'r'r' (r'C'/r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'
Δ'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'
r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'r'

דיריבונרס פ' דאס פארגאנגענע
פ' 22, 1988

א'רנ' א' 18: צ'א'ר

פ' דאס פארגאנגענע: 1975 - דיריבונרס פ' דאס פארגאנגענע
פ' פארגאנגענע (1.8, 2.3, 2.6, 2.8, 2.9,
פ' 6, פ' 15, דאס פארגאנגענע)
1977 - פארגאנגענע פ' פארגאנגענע
1978 - דאס פארגאנגענע פ' #2
1978 - פ' פארגאנגענע (פ' פארגאנגענע)
1982 - פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע
1984 - פארגאנגענע פ' פארגאנגענע
1984 - פ' פארגאנגענע פ' פארגאנגענע
1985 - פ' פארגאנגענע פ' פארגאנגענע
1986 - פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע (פ' פארגאנגענע פ' פארגאנגענע)
1987 - פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע
1988 - פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע פ' פארגאנגענע (\$2.5 פ' פארגאנגענע)

א'רנ': דאס פארגאנגענע פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע

פ' פארגאנגענע: פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע פ' פארגאנגענע

דאס פארגאנגענע: פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע

א'רנ': 1. פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע
2. פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע
3. פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע פ' פארגאנגענע
פ' פארגאנגענע פ' פארגאנגענע

דיריבונר-סוף דכח'נרס'י' פCDרענרדן
ס' 22, 1988

א'רנ' א' < 19: ב'לכ'י' פ'ד' פ'ד'ל'י'נרס'י' >ר'ס'י' ד'ד' ד'ד'ר'י'ס'י'

י'פ'ד'ד'ר'CDר'L'ס'י': דיריבונר-סוף 29.0.4 - פ'ס'י' ד'ד'כ'ד'ס'י' ד'ד'ר'ס'י'י'

דיריבונר-סוף 29.0.35 - י'א'י'ד'ל'ד'י'ר'ל'ד'י', א'ר'ר'נ'י', >ר'ס'י'ר'נ'ס'י'

א'ר'נ'י':

פ'ס'י' ד'ד'כ'ד'ס'י' פ'ד'ל'י'נרס'י'י' ד'א'ר'ל'ד'ר'ד'ר'ס'י'

דיריבונר-סוף פ'ד'ל'י'נרס'י' (ד'ד'ס'ס'C'י'ב'ד'נ'ס'י', ד'ד'ר'ע'נ'ר'ס'י')

ד'ד'ס'ס'C'י'ב'ד'נ'י', ד'י'ב'ד'ר'ע'נ'ס'י', ד'ד'ר'ע'נ'ר'ס'י'

L'ס' א'ד'ר'ד'ר'י':

ד'י'ב'ל'ד'נ'ד'ר'C'י'כ'י'

ד'ר'ל'ר'ל'ד'ר'ד'ר'י':

L'ס' פ'ד'ל'י'נרס'י'נ'ר'י' \$700,000/ד'ר'J'C'L'י'

ד'ד'ר'י'י' ר'ד'נ'C'ד'ר'י' דיריבונר-סוף

א'ר'L'ד'נ'י':

ר'J'C'ד'ר'ד'ר'י' א'ד'כ'י' א'ר'L'ד'נ'י' ד'ר'C'י'd'ס'י'

"WITHOUT PREJUDICE"

CURRENT LIST OF J.B.N.O.A. NEGOTIATION ISSUES (#2)

Tabled at Negotiation Meeting #10
June 14, 1988

1. Inuit-Federal Agreement on formal Structure and Process for the Implementation of the J.B.N.O.A.
 - (a) Bipartite Process (Inuit-Canada)
 - (b) Formal Tripartite Implementation Process (Canada-Que.-Inuit)
 - (c) Inuit Participation in Program Policy Development
 - (d) Annual Reports
 - (e) Implementation Legislation
2. Umiujaa Relocation: Inuit - Federal Agreement on Services and Funding.
3. Inuit Justice: Federal Measures and Funding to Ensure Full Implementation of Chapter 20.
4. Inuit Landholding Corporations:
 - (a) Federal provision of Core or Similar Funding
 - (b) Ongoing Access to Federal Programs and Funding
5. Definition and Scope of Inuit and Inuit Communities' Entitlement and Access to Federal Programs and Funding.
6.
 - (i) Fulfillment of Federal obligations and adoption of Federal legislation for the guarantee of:
 - (a) Inuit Contract Priority
 - (b) Employment Priority
 - (c) Measures to create Inuit Enterprises and Employment
 - (ii) Plan for Management Training for Inuit to be Employed in the Administration of Federal Services

7. Federal Measures and Funding to ensure Management of Wildlife and Wildlife Harvesting and fulfillment of Federal Obligations:
 - (a) legislation
 - (b) harvest monitoring
 - (c) wildlife studies
 - (d) staffing and transfer of staff budgets
8. (i) Inuit-Federal Agreement on Federal Legislation to Implement the Federal Environmental Regime under Chapter 23.
(ii) Agreement on exercise of Federal Jurisdiction and responsibility in the case of Development Projects subject to J.B.N.Q.A.
9. Federal Amending Legislation Regarding Incompatibility Between the J.B.N.Q.A. Agreement and Other Legislation.
10. Federal Measures and Funding in Transportation Sector (e.g., community roads, wharves, seaplane bases, navigational aids, communication equipment, airstrips) (Ch. 29)
11. Federal Responsibilities for Manpower Training, Vocational Training and Adult Education (program transfers, administration, planning, special measures).
12. Education: Federal Proposal for 5-year Block Funding Agreement. (Ch. 17)
13. Health and Social Services: Implementation of Federal Obligations/Access to Federal programs. (Ch. 15)
14. Canada-Quebec Transfer Agreement (validity, scope) (Chap. 29.0.40)
15. Inuit Land Selection (Community Islands, Taq-pangayuk).
16. Socio-Economic Development:
 - (a) Measures to Promote Inuit Enterprises. (Ch. 29.0.1, 29.0.2, 29.0.3, 29.0.4)

- (b) Community Planning, Inuit Fur Trapping, Inuit Arts and Crafts, Tourism and Outfitting, Inuit Involvement in Service Industries, Inuit Commercial Fishing. (Ch. 19.0.35)
 - (c) Tripartite Consultative Body to Encourage Inuit Enterprises. (Ch. 29.0.37)
 - (d) Funding for K.R.G. Infrastructure to Assist Inuit Entrepreneurs. (Ch. 29.0.38, 29.0.39)
 - (e) Establishment of Joint Committee to Coordinate and Review Socio-Economic Development of Programs. (Ch. 29.0.33, 29.0.34)
 - (f) Review of Present Economic Development Programs Available to the Inuit of Quebec, including:
 - E.R.D.A.
 - N.E.P.D.
 - Eskimo Loan Fund
 - Ongoing D.I.A.N.D. Program Funding
 - Quebec Peripheral Regions Agreement
17. Housing for the Inuit of Ft. George (Chisasibi). (Ch. 29.0.42)
18. Inuit-Federal Agreement for establishment of Taqpangayuk. (Ch. 2.3.)
19. Inuit Language and Culture:
- (a) Funding of Avataq Cultural Institute
 - (b) Funding of Cultural Programs and Curriculum Development by the Federal Government.

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 1: **Future Implementation Mechanism**

BACKGROUND:

- 1975 JBNQA - no overall implementation
- 1980/1984 - 1982 federal review (Tait)
- 1984/1987 - implementation secretariat
- 1986 - Auditor General's Report
- 1987/1988 - Negotiations Phase II

ISSUE: Absence of effective federal policy or authority for implementation.

PRESENT STATUS:

- Joint Inuit-Cree paper (1986) resubmitted.
- Federal Negotiator's mandate
- Detailed Inuit Proposal

CONSIDERATIONS:

- sufficient authority
- political access
- administrative capacity
- inter-governmental coordination
- inter-departmental coordination
- accountability
- dispute settlement
- coordination with other treaties/claims

PROPOSAL: Draft agreement (administrative/legislative mechanism)

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 2: Umiujaq Relocation

BACKGROUND:

- JBNQA 6.4
- 1982 - Vote to Relocate
- 1984 - Inuit/Quebec
- Correspondence, Meetings - federal obligations
- 1987, July 22 - Quebec Decree of Recognition

ISSUES:

- Negotiation expenses
- Relocation expenses
- Regular programs
- Airstrip

PRESENT STATUS:

- Negotiation expenses
- Relocation expenses
- Regular programs - eligibility
- Airstrip - increase based on "C" class estimates

CONSIDERATIONS:

- program accessibility
 - 29.0.40 - Transfer Agreement
 - Landholding Corporation Access
 - Land Selection
- airstrip schedule Inuit-Quebec matter

PROPOSAL: To be part of overall settlement

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 3: **Administration of Justice**

BACKGROUND:

- JBNQA Section 20
- Circuit court
- Clauses 20.0.20-22 and 20.0.24-26 set out federal obligations
- No implementation by Canada
- Complex legislation and programs
- Federal and provincial jurisdiction

ISSUE: Adaptation of justice system to Inuit.

PRESENT STATUS:

- Have asked federal side why they have not fulfilled their obligations
- Have said we will table a proposal

CONSIDERATIONS: Integration of:

- Police Services
 - regional police force
 - crime prevention
- Court Services
 - court practices, Native courtworkers
 - sentencing
- Correctional Services
 - correctional institutions
 - inmate programs
 - probation and after care
- Community Social Services
 - youth programs
 - community crime prevention

PROPOSAL:

1. Establishment of a tri-partite Justice Advisory Commission to review all aspects of policing, courts and corrections in Nunavik.
2. Commission to conduct community studies and hold public consultations.

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 4: Inuit Landholding Corporations

- BACKGROUND:**
- Inuit (Settlement) Community Councils
 - JBNQA 1975: - Municipalities - Inuit Landholding Corporations
 - 1981 Federal-Quebec Transfer Agreement
 - LHC's: - manage land - community islands
- local harvesting licences - economic development/projects

- ISSUES:**
- lack of core/sustaining funding
 - ethnicity

- PRESENT STATUS:**
- Arbitrary program cuts explained
 - Functions of LHC's explained
 - Federal Negotiator invites proposal

- CONSIDERATIONS:**
- Federal obligation to provide Cat. 1 islands not respected
 - Role definition of LHC's
 - LHC's are only Inuit local ethnic authorities

- PROPOSAL:**
1. Role of LHC to include:
 - land management
 - planning
 - resource development
 - renewable resource protection
 - resource-related economic development
 - other (estate management)
 - project/business development
 2. Federal Review of Program Accessibility to take role into account, core funding sought.

LANDHOLDING CORPORATIONS

<u>DUTIES</u>	<u>TO DATE</u>	<u>FUTURE</u>
1) Administration of Category 1 lands	- Negotiated and signed land leases with organizations within the communities; - Elected a Board of Directors, established an office, hired staff to carry out this responsibility.	- Complete the negotiations for leases not yet signed and re-negotiate expired leases. - Establish leasing policies and standards that are uniform throughout the north. - Follow-up on land use regulations, environmental regulations, land improvement and maintenance projects. - Work with municipal corporations in town planning and development.
2) Wildlife and fauna protection	- Issue hunting and fishing permits where applicable.	- Ensuring that individuals requiring a permit, and plan to fish or hunt on category 1 or II lands have a permit. - Follow-up regarding catch, transportation of game, hunting and fishing sites used, and other related factors. - The responsibilities of Anguvigaq regarding wildlife and renewable resource management. - Co-ordination of an outfitting development plan for their community and region.

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 5: Inuit Eligibility to Federal Programs

BACKGROUND:

- JBNQA - 2.11
- - 2.12
- - 29.02

} Guaranteed access

- N.W.T. Government - broadened definitions
- KSB, KRG, Municipalities, LHC, KROHSS, Makivik - special regimes
- 1981 Federal-Quebec Transfer - restricted access
- Umiujaq - uncertain access

ISSUE:

- Inuit access to Federal Programs diminished by uncertainty
- Definition of "Federal Programs" to be strengthened

PRESENT STATUS:

- Issue presented to Federal Negotiator
- Inuit Proposal invited

CONSIDERATIONS:

- Entitlement to programs will be complex
- Need for ongoing policy input through implementation mechanism

PROPOSAL: Submission being developed

3) Community and
Economic
Development

- A number of the Land-
holding Corporations
own and operate small
businesses with the
communities; such as:
hotel and restaurant,
sporting good store,
snowmobile and motor-
cycle repair and part
shop, outfitting camps,
general store.

- These businesses
have been established
not only for the benefit of
the community but to pal-
liate the lack of financial
resources available to
the L.H.C.s.

- Obtain the capital re-
quired to efficiently start
and operate a business in
northern Québec.'

- Secure the working
capital to maintain and
improve the existing oper-
ations.

- Obtain the funding re-
quired for the training of
L.H.C. staff and sub-
sidiaries.

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 6 & 11: **Manpower Training, Inuit Employment
and Contract Priority**

BACKGROUND:

- 29.0.4 Devolution
- 29.0.24 KRG - vocational training
- 29.0.25 Canada and Quebec - comprehensive training
- 29.0.26 Inuttituut examination
- 29.0.27 Interim Joint Committee
- 29.0.28, 29, 30 Employment priority
- 29.0.31, 32 Employment and contract priority

ISSUES:

- Program delivery not adapted to Inuit
- Lack of facilities
- Implementation of Contract/Employment Priority

PRESENT STATUS:

- Issues identified
- Detailed proposal to be submitted

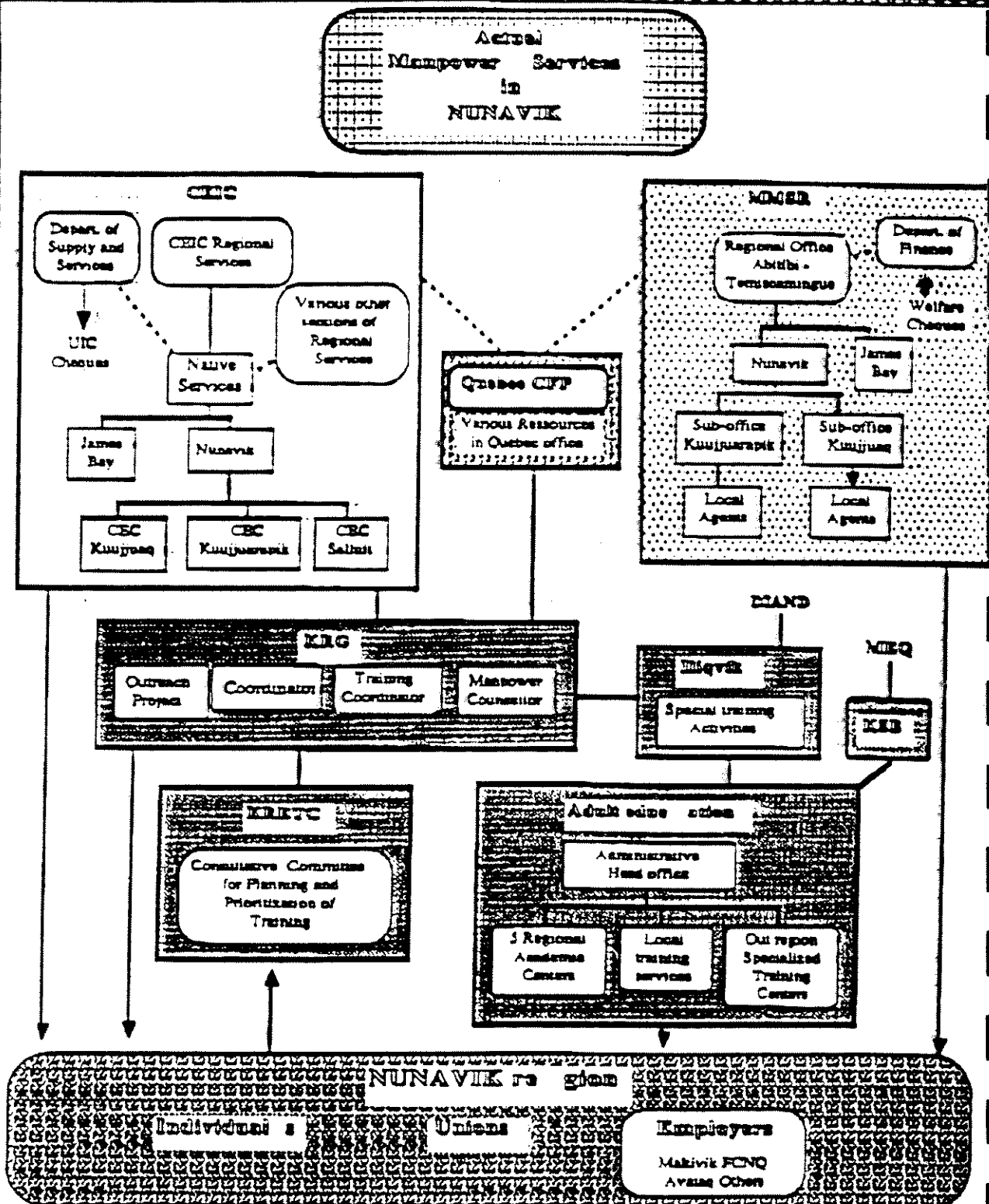
CONSIDERATIONS:

- Employment creation, training, U.I.C.. etc.
- Internal Northern Quebec organization
- Charter of Rights
- Abella Commission

PROPOSAL:

1. Devolution of services by block funding
2. Facilities (e.g., Training Centre)
3. Special measures - legislation - policy

Chart 1



Proposals for a Unified Manpower Network

Chart 2

Proposed
Manpower services
in
NUNAVIK



**BLOCK
FUNDING**

The logo for Island Block Funding is a square with rounded corners, containing the words "ISLAND" and "BLOCK FUNDING" in a bold, sans-serif font. "ISLAND" is positioned above "BLOCK FUNDING".

**BLOCK
FUNDING**

**BLOCK
FUNDING**

BLOCK FUNDING

BLOCK FUNDING

**BLOCK
FUNDING**

Department
of
Supply and
Services

Department
of
Finance

UNAVIK Assembly

UTC
Company

Walters
Company



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graph TD
    A[Nunavut Manpower and Training Commission] --> B[Commission Head Office]
    B --> C[Manpower Services]
    B --> D[Training Services]
    C --> E[Local Offices Hudson Bay]
    C --> F[Local Offices Ungava Bay]
    C --> G[Local Offices Hudson Strait]
    D --> H[Local Offices Hudson Bay]
    D --> I[Local Offices Ungava Bay]
    D --> J[Local Offices Hudson Strait]
  
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Nunavut Manpower and Training Commission

Commission Head Office

Manpower Services

Training Services

Local Offices Hudson Bay

Local Offices Ungava Bay

Local Offices Hudson Strait

```

graph TD
    A[Administrative Head office] --> B[Local Academic Centers]
    A --> C[Our region Specialized Training Centers]
    A --> D[Specialized Vocational Training Center]
  
```

Administrative
Head office

Local
Academics
Council

Specialized Vocational Training Center

Local Offices
Hudson Bay

Local Offices
Ungava Bay

Local Offices
Hudson Strait

Our region
Specialized
Training

NUNAVIK 75 5100
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Individuals **Private** **Unions**

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A YILLIK ÖZETİ

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 7.1: **Priority of Native Harvesting**

BACKGROUND:

- JBNQA 24.6
- Priority to guaranteed level
- Guaranteed level subject to principle of conservation
- If guarantee above safe level, all harvest to Inuit
- If below, shared with non-Natives

ISSUES:

- Limits on right to harvest must be supported by scientific studies
- Adequate research not done
- Harvesting rights now subject to arbitrary quotas

PRESENT STATUS:

- Issues identified
- Detailed Inuit proposal invited

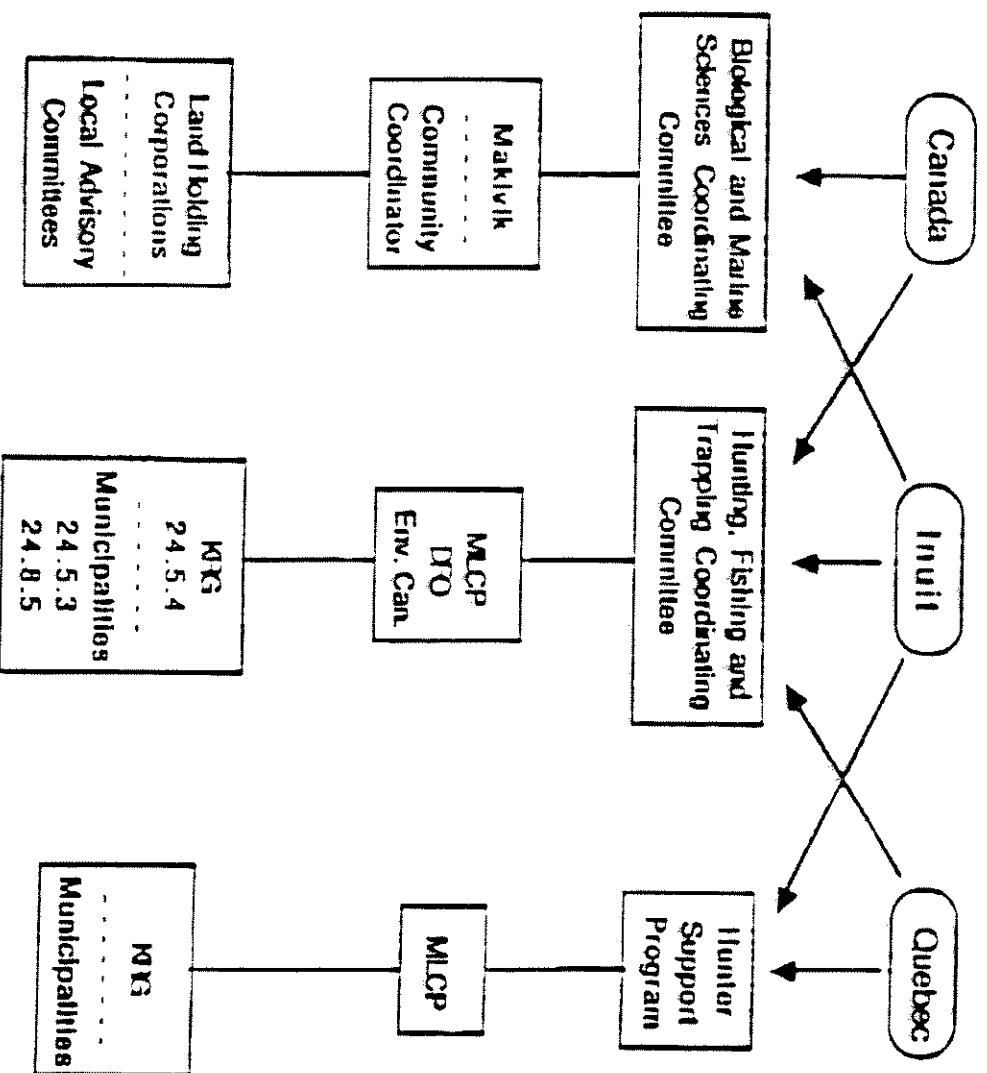
CONSIDERATIONS:

- JBNQA - Canada to fund studies
- Policy arguments on basis of:
 - Arctic Marine Conservation Strategy
 - Inuit Regional Conservation Strategy (ICC)
 - DFO research priorities

PROPOSAL:

1. Five-year research program to cover all species
2. Inuit involved in research program
3. Canada to fund:
 - Community Coordinator in Makivik
 - Local Advisory Committees (LHCs)
4. Research coordinated by Biological and Marine Sciences Coordinating Committee

Structure To Implement Sub-Section 24.6



JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 7.2: **Enforcement of Wildlife Regime**

BACKGROUND:

- JBNQA 24.10
- Canada and Quebec to ensure enforcement predominantly by Inuit
- Canada and Quebec to provide training and facilities
- In 1980-81, six Inuit received training
- All six graduated
- Only one offered permanent employment

ISSUES:

- Need for increased enforcement effort
- Permanent postings for Inuit

PRESENT STATUS:

- Included on list tabled
- Proposal from Inuit expected

CONSIDERATIONS:

- Primary responsibility is provincial
- Provincial officers enforce Federal laws on the mainland
- Offshore is Federal jurisdiction

PROPOSAL:

1. Canada to provide financial support in coordination with Quebec for training, creation of new posts, salaries, etc.
2. Investigate ways to phase out non-natives now holding permanent positions and replace with Inuit.

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 7.3: **Migratory Birds and Marine Mammals**

BACKGROUND:

- JBNQA 24.14
- Canada to modify the Migratory Birds Convention Act and the Fisheries and Whaling Acts to eliminate any conflict with the JBNQA
- Canada not obliged to breach international obligations
- For migratory birds the issue is the spring hunt

ISSUES: The major problem is the spring hunt

PRESENT STATUS: Requested the federal government to provide a complete update on these files

CONSIDERATIONS: NWT land claims

PROPOSAL:

1. Federal government to investigate possibility of unilateral action for migratory birds
2. Want amendments to the Fisheries and Whaling Acts now rather than wait for TFN claim

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 8: **Environmental Protection Regime**

BACKGROUND:

- Section 23 provides environmental protection for developments North of the 55th parallel
- All general federal and provincial laws apply
- Special federal and provincial review processes
- Tri-partite advisory committee (KEAC)
- KRDC established under this section
- Clause 23.2.3 says Canada and Quebec shall adopt legislation if necessary to implement this section
- Quebec passed legislation but Canada has not

ISSUES:

- Federal legislation
- Scope of Regime
- Definition of "Project"

PRESENT STATUS:

- "Quebec Model" legislation
- Federal side to report on consultation with Environment Canada

CONSIDERATIONS:

- Federal Environmental Assessment and Review Process (EARP) currently under review
- New national legislation called for by Minister
- Effect on Section 23

PROPOSAL:

1. Full consultation with Canada on the national review of EARP to protect Section 23.
2. Special federal legislation to implement Section 23 social and environmental review procedures.
3. Full participation by Canada on the studies and discussions of KEAC.

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 9: Incompatibility Clause -
Federal Implementation Legislation

BACKGROUND: The James Bay and Northern Quebec Native Claims Settlement Act,

"11.5.1 Where there is any inconsistency or conflict between this Act and the provisions of any other law applying to the Territory, this Act prevails to the extent of the inconsistency or conflict."

ISSUES: Technical amendment - Reference to inconsistency between the Agreement and any other law

PRESENT STATUS: Proposal submitted

CONSIDERATIONS: Western Arctic (Inuvialuit) Claims Settlement Act (1984), states:

"... this Act or the Agreement ..."

PROPOSAL:

1. Seek amendment to incompatibility clause.
2. Follow-up proposal on other suitable amendments.

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 10: Federal Measures and Funding -
Transportation Sector

BACKGROUND:

- 1974, Nov. 15: Letter of Undertaking - Judd Buchanan
- 1975 - JBNQA 29.0.36: Canada and Quebec - seaplane bases, wharves, navigation aids, docking facilities, access road and streets.
- 1982: Tait Review - airstrips
- 1983:
 - Airstrip Agreement (Canada-Quebec)
 - 60/40 sharing to \$68.5M
- 1988: Airstrip - present T.C. estimate \$119M (w/o Umiujaq)

ISSUES:

- Umiujaq Airstrip
- Wharves, seaplane bases, navigational aids, docking facilities, access roads and streets
- Airstrip projects:
 - inadequate project estimates
 - regional navigational aids plan
 - worker-caused social problems
 - poor project monitoring

**PRESENT STATUS/
CONSIDERATIONS:**

- Umiujaq: KRG to schedule airstrip with Quebec ("B" or "C" Airstrips)
- Wharves: Separate Transport Canada-Inuit discussions
- Airstrips: Separate Transport Canada-Inuit discussions
- Interplay of Federal-Provincial Economic Development Agreements

PROPOSAL: Ensure adequate funding for transportation infrastructure

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 12: Education

- BACKGROUND:
- JBNQA Chapter 17
 - 17.0.2 Kativik School Board under Education Act
 - 17.0.67 KSB - power to enter agreements with Canada
 - 17.0.84, 85 Canada 25% - Quebec 75% funding

- ISSUES:
- Canada-Quebec financial arrangements
 - Canada wants greater certainty: Capital O&M
 - Canada proposal to block fund
 - KSB objective - direct access to federal program funds

- PRESENT STATUS:
- Canada withholding 1986-87 budget contribution
 - Bilateral Canada-Quebec budget talks and funding comparison studies
 - Canada proposes bilateral (KSB-Canada), trilateral (KSB-Canada-Quebec) talks

- CONSIDERATIONS:
- KSB under provincial jurisdiction
 - KSB insulated until Quebec passes along funding restraints
 - Budget forecasting to include new needs

PROPOSAL: Participate fully in Quebec-Canada discussions

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 13: Health and Social Services (Section 15)

BACKGROUND:

- Services complex
- Federal programs by HWC and DIAND
- JBNQA transfers most responsibilities to Quebec

ISSUES: Canada's retention of responsibilities

PRESENT STATUS:

- In negotiations have stated following are unfulfilled:
 - Clause 15.0.9 (community service/reception centres)
 - Clause 15.0.19 (adequacy of budget to KRCHSS)
 - Clause 15.0.20 (non-insured health benefits)
 - Clause 15.0.21 (recruiting and retaining staff; and Inuit employment and advancement opportunities)
 - Clause 15.0.26 (implementation to be gradual)
 - Schedule 1 (changes only by definitive action of KRCHSS and working group to oversee transfer of services)
- Federal government denies responsibility

CONSIDERATIONS: Will involve both HWC and DIAND

PROPOSAL:

1. Federal responsibilities remain based on "lifestyle" programming for Native communities
2. Canada and Quebec should fund special "catch-up" initiatives in dental care and for employment and advancement training
3. Jurisdictional issues and proposed catch-up program should be coordinated by a tri-partite committee

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 14: **Canada-Quebec Transfer Agreement (1981)**

BACKGROUND:

- 1975 JBNQA 29.0.40 - Unified System
- 1981 Canada-Quebec Agreement (bilateral)
 - no Inuit consent
 - municipal and related services
- Inuit Landholding Corporations never funded
 - eligibility for programs unclear
- Inuit subsidy levels in Northern Quebec compared with N.W.T.

ISSUES:

- Transfer Agreement does not fulfill 29.0.40 without Inuit signature
- "Municipal and related services" is vague
- Inuit eligibility for programs unclear

PRESENT STATUS: Not discussed

CONSIDERATIONS:

- Question: Can the Federal Government delegate obligations and powers under the JBNQA to Quebec without legislation?
- 1981 Agreement interpreted too broadly

PROPOSAL:

- Execution of New Transfer Agreement
- Programs to be reviewed and clarified so as to form the basis of Inuit eligibility
- LHC funding

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 15: **Land Selection - Community Islands**

BACKGROUND:

- 243 sq. miles Cat. 1 for each community in 1975
- Amount on mainland varied according to amount on community (near) islands
- 120 sq. miles for Killiniq Island

ISSUES:

- The community islands were part of the 1975 settlement
- Federal Government not yet set aside islands

PRESENT STATUS: Not yet discussed

CONSIDERATIONS:

- Continued federal use of Killiniq Island
- Separate issue from offshore claim
- Landholding Corporations to be responsible for these federal lands

PROPOSAL: Seek formal transfer of islands

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 16: Inuit Socio-Economic Development
(Chapter 29 JBNQA)

BACKGROUND:

- Program development and application 29.0.1, 29.0.2, 29.0.3, 29.0.4, 29.0.33, 29.0.34, 29.0.37, 29.0.39
- Areas for special emphasis (29.0.35, 38):
 - trapping, arts and crafts, tourism, service industry, fishing, mineral development

ISSUES:

- Clarify program eligibility
- Increase policy input - devolution
- Access existing programs:
 - E.R.D.A., N.E.D.P., Eskimo Loan Fund, DIAND, Peripheral Regions Agreement

PRESENT STATUS:

- Existing programs:
 - overall eligibility to be reviewed
 - E.R.D.A. - KRG proposal (on hold)
 - N.E.D.P. - Makivik proposal (pending)
 - E.L.F. - negotiations table
 - DIAND - see above
 - Peripheral Regions (needs position)

CONSIDERATIONS:

- Internal coordination (Makivik - KRG - KRDC - Federation of Coops - Local and regional)
- Effect of negotiations on existing application (N.E.D.P.).
- E.R.D.A., Peripheral Regions - need to coordinate discussions with negotiations

PROPOSAL: Seek global agreement on all aspects. (Present proposals are geared to monies available in programs and not to outstanding obligations.)

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 17: Inuit of Fort George

BACKGROUND:

- JBNQA 29.0.42
- Umiujaq Relocation Agreement contemplates assistance to Umiujaq and to residual community of Kuujjuarapik
- Canada not responded to letter of January 16, 1984 on its continuing obligations

ISSUES:

- Canada and Quebec must assist in resolving outstanding land allocation and selection issues
- Funding for infrastructure and housing

PRESENT STATUS: Tabled with federal negotiator

CONSIDERATIONS: Coordination with Cree

PROPOSAL: Tri-partite committee (Canada/Quebec/Makivik) to address all outstanding federal and Quebec obligations

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 18: Taqpangajuk

- BACKGROUND:**
- 1975 - JBNQA recognition and promise of services to Killiniq: (1.8, 2.3, 2.6, 2.8, 2.9, Ch. 6, Ch. 15, other)
 - 1977 - Killiniq request to relocate
 - 1978 - Complementary Agreement JBNQA #2
 - 1978 - Abandonment of Killiniq (Feb.)
 - 1982 - Federal review - offer to negotiate
 - 1984 - Killiniq Inuit Court Action
 - 1984 - Quebec agrees to set aside lands
 - 1985 - Makivik - DIAND review
 - 1986 - Start of federal negotiations on JBNQA (preliminary issue Tanqpangajuk)
 - 1987 - Federal testimony reveals lack of community support
 - 1988 - Negotiation and settlement of personal damage claims for Killiniq (\$2.5M)

ISSUES: Outstanding collective rights of the former residents of Killiniq Island, under the JBNQA

- PRESENT STATUS:**
- Creation of a community falls within KRG mandate
 - Issue included on list submitted to federal negotiator

CONSIDERATIONS: Provision of federal funds on Umiujaq model

- PROPOSAL:**
1. Seek support of KRG Quebec
 2. Seek heightened priority in KRG planning
 3. Use demonstrated, on-the-ground commitment and Quebec support to pressure federal negotiator for funding

JBNQA IMPLEMENTATION UPDATE

JUNE 22, 1988

ISSUE NO. 19: **Federal Funding in Support of
Inuit Culture**

BACKGROUND: • JBNQA 29.0.4 - devolution of administration
• JBNQA 29.0.35 - arts and crafts, services,
tourism

ISSUES: • Devolution of funding responsibilities
• Capital costs (ecomuseums, cultural centre)
• Ecomuseums, language commission, cultural
centre

PRESENT STATUS: Not yet discussed

CONSIDERATIONS: • Present funding \$700,000/year
• General guarantees of JBNQA

PROPOSAL: To table short proposal from Avataq

PRELIMINARY VERSION
VERSION PRÉLIMINAIRE

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(Δαφ. 85. 206 Δαδ. 1 Αφ. 4270/85 Σ. 4 ΣΠ. 120/85 Σ. 5 Σ. 13 Αφ. 524/85 Σ. 14, 1988-Γ)

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DATE < 2, 1988

Δαῖτα

1. Ἀποδοτικότητα ὁδοποιήσεων

2. Ἀποδοτικότητα

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4.5.18 ስለፈጠረው ጋራ ጥራት ለማረጋገጥ የሚገባውን ምርመራ ማድረግ አለበት፡፡ ስለፈጠረው ጋራ ጥራት ለማረጋገጥ የሚገባውን ምርመራ ማድረግ አለበት፡፡ ስለፈጠረው ጋራ ጥራት ለማረጋገጥ የሚገባውን ምርመራ ማድረግ አለበት፡፡ ስለፈጠረው ጋራ ጥራት ለማረጋገጥ የሚገባውን ምርመራ ማድረግ አለበት፡፡

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4.6 አጠቃላይ ማጠቃለያ

4.6.1 ስለፈጠረው ጋራ ጥራት ለማረጋገጥ የሚገባውን ምርመራ ማድረግ አለበት፡፡ ስለፈጠረው ጋራ ጥራት ለማረጋገጥ የሚገባውን ምርመራ ማድረግ አለበት፡፡ ስለፈጠረው ጋራ ጥራት ለማረጋገጥ የሚገባውን ምርመራ ማድረግ አለበት፡፡ ስለፈጠረው ጋራ ጥራት ለማረጋገጥ የሚገባውን ምርመራ ማድረግ አለበት፡፡

PRELIMINARY VERSION
VERSION PRÉLIMINAIRE

CANADA - INUIT OF QUEBEC
JBNOA IMPLEMENTATION NEGOTIATIONS
ISSUE # 1

(Per Inuit List of Issues Tabled June 14, 1988)

PROPOSAL FOR THE IMPLEMENTATION OF THE JBNOA

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

November 2, 1988

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PROPOSAL FOR THE IMPLEMENTATION MECHANISM

1. STATEMENT OF ISSUE

The James Bay and Northern Quebec Agreement (JBNQA) was signed on November 11, 1975. The Agreement sets out the rights, privileges and benefits in favour of the Inuit of Quebec and the respective obligations thereto of the Government of Canada and of the Government of Quebec. The Agreement creates a special relationship between the Government Parties and the Native Parties to the Agreement. The JBNQA is now protected by the Constitution of Canada under Section 35 of the Constitution Act, 1982.

1.2 At the time the JBNQA was signed, agreement had not been reached on an appropriate implementation mechanism although an Inuit proposal in this regard was briefly considered by the Parties. As a result, it was left to the Parties to fulfill their obligations in good faith.

1.3 To date, the obligations of the Government of Canada have not, in many cases, been fulfilled under the JBNQA in an effective, comprehensive and proper manner. This has meant that the rights in favour of the Inuit of Quebec have not been adequately recognized and respected by Canada. It has also meant that the Inuit of Quebec have had to spend substantial compensation monies to attempt to implement various provisions of the JBNQA, properly the funding responsibility of the federal government.

1.4 Canada, Quebec and the Inuit should agree on formal implementation mechanisms. The implementation mechanisms should include the establishment of the James Bay and Northern Quebec Implementation Commission and the Arbitration Board as described below in Section 4. A Complementary Agreement to the JBNQA should be signed by Canada, Quebec and the Inuit dealing with the implementation mechanisms.

2. BACKGROUND

2.1 Current Federal Policy

The initial policy statement by the Federal Government on the settlement of Native land claims was issued in

1981 and was entitled "In All Fairness". This policy envisaged the establishment of committees and other structures, but did not comment directly on the issue of implementation of the claims agreements.

A major revision of the Federal Government's comprehensive land claims policy was announced by the Minister of Indian Affairs and Northern Development in 1986. This statement serves as the current basis for federal land claims policy and specifies that all future final land claims settlement agreements are to be accompanied by implementation plans which are to be approved by the Federal Government and by the aboriginal claimants. Provisions relating to the management and decision-making agencies established under such agreements are to be subject to review and to amendment where the parties agree. The implementation plans are also to provide for regulatory impact assessments. The Minister also announced the establishment of a committee of Assistant Deputy Ministers who are involved in land claims negotiations. The Minister's statement does not discuss the issue of the implementation of comprehensive land claims which have already been signed by the Federal Government.

2.2 James Bay and Northern Quebec Implementation Review

As a result of statements made by the Native parties to the JBNQA before the House of Commons Standing Committee on Native Affairs, the Government of Canada eventually agreed to review its role in the implementation of the Agreement. This Review was carried out by the Department of Indian and Northern Affairs and reported in February 1982 (the Tait Report). The Review team discovered that there were "Several significant areas of implementation with regard to which there have been serious problems of implementation, unresolved disputes and, in some cases, a failure to fully implement the Agreement in both its spirit and letter." (P.9)

The Review team reviewed the process of the implementation of the JBNQA and the establishment of a more appropriate implementation mechanism. The following conclusions were reached by the Review team in this regard:

- routine matters were successfully implemented by DIAND but there were problems with respect to the interpretation of the Agreement and: "There has been insufficient capacity built into the system, especially at headquarters' level, to effectively deal with such issues."; (P.94)

- a major problem in coordination within DIAND "Has been a lack of clear focus for decision-making on Agreement issues" partially due to re-organizations and changes in key personnel; (P.95)
- the complexity and cost of implementing the various programs and services to be established under the JBNOA were underestimated by all parties to the Agreement; (P.91)
- the lack of a clear mandate for DIAND with respect to the implementation of the JBNOA meant that DIAND "Had very little clout or even influence with regard to the activities of other Departments."; (P.97)

The Review team noted that the Inuit of Northern Quebec had suggested the establishment of an Implementation Committee but this proposal was not accepted by the other parties to the Agreement. The Review team concluded that such a Committee, "Given the proper spirit, could play an effective role in defusing many serious issues before they lead to confrontation and legal actions." (P.99)

2.3 Indian Self-Government in Canada: Report of the Special Committee

The Report of the Special Committee of Parliament on Indian Self-Government (the Penner Report) was released in 1983 and dealt with the relationship between Indian First Nations and the Federal Government. The Committee recognized the importance of initiating a new federal policy, shielded from political intervention, to promote the fair and just resolution of outstanding land claims and to protect aboriginal and treaty rights. The Committee's recommendations included:

- the undertaking of Canada-First Nation negotiations to determine the precise nature of the powers of First Nation governments; (p.64)
- the creation of a specialized Dispute Tribunal, to be defined through negotiation, for the resolution of conflicts; (P.67)
- the creation of a Minister of State for Indian First Nations relations to have an advocacy role toward the interests of First Nations; (p.123)
- establishment of an independent officer (ombudsman) who would monitor and report to Parliament on "Official actions affecting Indian First Nations." (P.124)

3.4 Ministerial Task Force on Program Review

As part of its review of programs delivered to Indians and Natives, the Ministerial Task Force on Program Review (Nielsen Task Force) reviewed the claims settlement process. With respect to the negotiation of Native Claims, it recommended that the resolution of comprehensive claims be deferred until the federal policy with respect to Indian self-government had been determined. With respect to the implementation of the JBNOA, the study team noted that the Tait Report had "Uncovered a number of areas where, through misunderstanding, ambiguity and lack of action, there had been delays in fulfilling commitments." (P.261) The study team also noted the creation of the JBNOA Secretariat within DIAND and that progress had been made in terms of transferring responsibility for implementing economic programs in the Cree communities by way of federal funding through block grants. The study team did not raise any special concerns with respect to implementation of the JBNOA in spite of Inuit and Cree interventions to the Minister at the time.

2.5 Report of the Task Force to Review Comprehensive Claims Policy: Living Treaties: Lasting Agreements

The Report of the Task Force to Review Comprehensive Claims Policy (the Coolican Report) was commissioned by the Minister of Indian Affairs and Northern Development to examine all aspects of the Federal Government's comprehensive claims policy. The Report of the task force was released in December 1985 and called for the following changes with respect to the implementation of land claims settlements:

- that detailed implementation plans, along with mechanisms for implementation, should be negotiated as part of comprehensive claims settlements: (P.95)
- that consideration should be given to phased implementation, in which "certain matters agreed to in the course of negotiations should be implemented in advance of the complete agreement"; (P.95)
- that periodic reviews should be built into each agreement to examine "its performance against its objectives and to ensure that agreements have been kept up-to-date and remain relevant in their time": (P.96)

- that a dispute resolution process outside the courts should be negotiated as part of the final settlement with provision for "discussion between the parties as the first step in resolving any disagreement about implementation" but that where "disagreements cannot be resolved by discussion within a reasonable time, they should be resolved through arbitration"; (P.97)
- that a Commissioner for Aboriginal Land Claims Agreements should be appointed to monitor the effectiveness of the federal land claims negotiation and implementation process and report to Parliament annually on the experience with this process; (P.98)
- that the Commissioner would be independent of government but for administrative purposes would be attached to the Privy Council Office and would report to Parliament through the Standing Committee on Indian Affairs and Northern Development of the House of Commons. (P.98)

2.6 Report of the Auditor General, March 31, 1986

The March 31, 1986 Report of the Auditor General of Canada reviewed a number of program components of the Department of Indian Affairs and Northern Development. While reviewing the Comprehensive Claims Policy, the Auditor General noted that it was "essential that one department be responsible for coordinating implementation of Agreements". The Report noted that, although this was DIAND's role, "the Department cannot exert enough influence over other federal departments and agencies to ensure that they will fulfill their obligations under the Agreement". (P.107) The Report recommends that:

- when negotiating future settlements, DIAND should ensure "that the formal agreement is supplemented by a detailed implementation plan"; (Par. 11.109)
- and that annual reports should be tabled in Parliament as specified under the James Bay and Northern Quebec Native Claims Settlement Act; (Par. 11.114)

2.7 1986 Report of the Cree-Naskapi Commission

While the 1986 Report of the Cree-Naskapi Commission dealt mainly with the implementation of the Cree-Naskapi (of Quebec) Act, it also commented and made recommendations

In the overall implementation of the JBNQA. The following recommendations were made by the Commission:

- that new machinery of government, linked to the Prime Minister's office, be created for the implementation of the Cree-Naskapi (of Quebec) Act and that this mechanism take the form of a special representative of the Prime Minister; (P.33)
- that the special representative of the Prime Minister also be responsible for the implementation of the JBNQA and the Northeastern Quebec Agreement; (P.33)
- that the obligations of Canada under these three settlement agreements "be honoured in their spirit, as well as their letter"; (P.34)
- and that they be seen as "flexible agreements which allow problems to be solved through bilateral negotiations" and ongoing interaction; (P.34)

2.8 Review of the Government Implementation of the Inuvialuit Final Agreement

The June 1987 Review of the Government Implementation of the Inuvialuit Final Agreement was carried out by PMG Peat Marwick on behalf of the Department of Indian Affairs and Northern Development. Amongst other "lessons to be learned from the IFA Implementation", the following observations were made on the claims settlement implementation process:

- a Secretariat for an Implementation Coordinating Committee should be responsible for developing a plan, negotiating it with the Native group in question, and ensuring that it is carried out; (P.v)
- that there should be pre-planning so that an Implementation Secretariat is already in place when an agreement becomes law; (P.v)
- that Native implementation funding should be considered during negotiations; (P.IV.1)
- that the need for a high-level Implementation Coordination Committee should be considered during negotiations. (P.IV.2)

2.9 Common Recommendations

The reports and reviews noted above have all reached similar observations on the current federal process for implementing land claims settlement agreements and the reform of this process. The reports generally observe that the implementation of land claims settlements is more costly, time-consuming and difficult than usually perceived during the negotiation process. In addition, many significant issues are often deferred for resolution during the implementation phase. As a result, the reports and reviews have recommended that an administrative body should provide overall coordination for the implementation process. The reports also reach similar conclusions with respect to the necessity of a dispute resolution mechanism, preferably outside the courts, that would resolve problems by way of discussion if possible but with options for mediation or arbitration. The reports also emphasize the need for an overall monitoring reporting function and for the impartiality of such a reporting body. The importance of respecting the spirit and intent of the agreements, as well as their legal obligations, is also mentioned in many of these reports.

3. CURRENT FEDERAL APPROACH TO THE IMPLEMENTATION OF THE JBNQA

3.1 JBNQA Secretariat Experience

Following the 1982 Review of the Implementation of the JBNQA (the Tait Report), the Department of Indian and Northern Affairs created the James Bay and Northern Quebec Agreement Implementation Secretariat to coordinate the implementation of federal obligations under the Agreement. The Secretariat consisted of a Director, two officers (an officer for Inuit issues and an officer for Cree issues), two support staff and one secretary.

From the beginning, the Secretariat experienced difficulties. The Secretariat did not have any influence on decisions taken by DIAND or by other federal Departments. It was also ineffective in bringing about the necessary program and policy reviews related to the fulfillment of federal obligations under the JBNQA. The Secretariat also experienced a significant decrease in its influence within the Department and with other federal Departments when direct responsibility for it was delegated by the Assistant Deputy Minister to a Director General.

In 1986, the Deputy Minister of Indian Affairs and Northern Development gave a special mandate to the Director

General of Corporate Policy, to address the JBNOA implementation problems. When this proved to be equally unsatisfactory, the Department, under the Minister's discretion, put in place a mediated negotiation process which is currently being used to address issues related to the implementation of the JBNOA.

3.2 Mediated Negotiation Process

With a view to resolving problems related to the implementation of the JBNOA, the federal Cabinet, in 1986, provided the Minister of Indian and Northern Affairs with a special mandate to coordinate the implementation of the Agreement. At the same time, the Minister was also given authority to set up a special mediated negotiation process, a primary objective of which is the amendment of the JBNOA to establish a formal implementation mechanism. This process was to last until 1987 but the mandate was subsequently extended to March 1989.

The federal Cabinet also authorized the establishment of an inter-departmental coordinating committee of Assistant Deputy Ministers to act as a "clearing house" for federal departments with respect to the mediated negotiation process. Each department represented on the coordinating committee designated officials to deal with negotiation issues.

The mandate of the federal JBNOA negotiation team, the mediator and the inter-departmental coordinating committee of A.D.M.'s is scheduled to terminate in March 1989.

3.3 Failure of the Current Federal Approach

3.3.1 Narrow Perspective

The federal government, in spite of commitments in the JBNOA to develop policies and programs in accordance with the provisions of the Agreement, has repeatedly sought to interpret the Agreement in such a manner that it conforms with currently available program benefits and funding criteria. For example, Canada alleged that administrative funding for Landholding Corporations was not available because a program could not be found whereby this could be done.

3.3.2 Lack of Comprehensive Planning

The federal government has not prepared a plan for the comprehensive implementation of its obligations under the JBNOA. For example, the federal government has an obligation, under section 20 of the JBNOA, to provide detention facilities north of the 49th parallel. To date, there has been no study done by the federal government on the need for

such facilities and related specifications, plans or costs. Similar problems encountered include those in relation to economic development, adult training and protection of the environment.

3.3.3 Failure to See the JBNOA as a Living Document

The JBNOA is often perceived by federal program managers as a set of minimal requirements that they need only partially comply with. Requests to go beyond the strict legal interpretation of the provisions of the JBNOA often meet with an alleged inability to act. For example, the federal Department of the Environment initially staffed a "Northern Module" within their Quebec City office to assist in the implementation of the federal obligations under the Agreement. This office was closed in 1984 as a result of what the Department termed a "re-interpretation" of its legal requirements under the JBNOA. There was no consideration given to interests in the off-shore, migratory birds or the priority of Native harvesting under the Agreement. Moreover, the federal government did not discuss this move with the Inuit.

3.3.4 Reliance on Negotiation and Confrontation Instead of Implementation

The Ministerial Task Force on Program Review (Nielsen Task Force), with respect to the implementation of comprehensive claims settlements, stated that: "The comprehensive claims involve such broad issues that agreement may not be reached until a crisis develops". The implementation of the Agreement has been in a constant state of crisis since it was signed in 1975. This is due to the backlog of unresolved issues and to the inability of the Parties to the Agreement to address these issues in a comprehensive and effective manner. Also, unresolved issues make it more difficult for the Parties to resolve other emerging issues or to reach consensus in other areas.

The experience to date suggests that the current mediated negotiation process is unsatisfactory to both Canada and to the Inuit of Quebec as a long-term implementation mechanism. A new approach is required which will involve the establishment of an appropriate mechanism for the implementation of the JBNOA.

4. PROPOSED PLAN OF ACTION

4.1 The Commission

4.1.1 The James Bay and Northern Quebec Implementation Commission (the "Commission") shall be established to supervise and ensure the effective implementation of the James Bay and Northern Quebec Agreement ("JBNOA"); to resolve disputes that may arise over the interpretation and application of the JBNOA; to oversee the further elaboration of the JBNOA; and to consider any other matter that may affect the operation of the JBNOA.

4.1.2 The Commission shall consist of 7 members:

- 2 members appointed by Canada representing the Department of Indian Affairs and Northern Development and the Department of [to be determined];
- 2 members appointed by Quebec representing the Secrétariat aux affaires autochtones and the Department of [to be determined];
- 2 members appointed by the Inuit of Northern Quebec representing Makivik Corporation and the Kativik Regional Government; and
- the final member shall be confirmed by Order-in-Council on the recommendation of the six appointed members. This member will become the President of the Commission.

4.1.3 The members appointed by Canada and Quebec shall be at the Deputy Minister or Assistant Deputy Minister level. The members appointed by the Inuit of Northern Quebec shall be senior management mandated by the Board of Directors of Makivik Corporation and by the Executive Committee of the Kativik Regional Government.

4.1.4 The six appointed members shall be on the Commission for a term of two years.

4.1.5 The six appointed members may be removed for cause.

4.1.6 Where an appointed member dies, resigns, is absent or incapacitated or is removed for cause, a new member shall be appointed by the appropriate Party for the duration of the unexpired term of the former member.

4.1.7 The position of President of the Commission shall be a full-time permanent job. The President will be responsible for the supervision of the implementation of the JBNQA on a day-to-day basis.

The President shall be responsible for convening the Commission.

The President shall prepare an annual report in accordance with 4.1.15.

Where the President of the Commission dies, resigns or is incapacitated, the 6 appointed members of the Commission will call a special meeting to choose another President.

4.1.8 The Commission shall meet at least four times a year to review the functioning of the JBNQA.

4.1.9 The President of the Commission shall preside over meetings of the Commission.

4.1.10 The head office of the Commission shall be in the City of Montreal or at such other place as the parties to the JBNQA may designate.

4.1.11 The Commission may establish and delegate responsibilities to ad hoc or standing committees or working groups and seek the advice of non-governmental individuals or groups.

4.1.12 A quorum of the Commission consists of all members.

All decisions of the Commission shall be taken by consensus.

The Commission shall establish its rules and procedures.

4.1.13 The Commission shall receive and review all reports produced by the various Committees, Commissions and Working Groups set up under the sections of the JBNQA.

The Commission shall provide guidance and recommendations to the various Committees, Commissions and Working Groups where necessary.

4.1.14 No action lies against the Commission, any member thereof, or any person holding an office or appointment under the Commission, for anything done or reported or said in the course of the exercise or intended exercise of his official functions, unless it is shown to have been done in bad faith.

4.1.15 The President of the Commission shall prepare and submit to the federal Minister of Indian Affairs and Northern Development and to the Quebec Minister responsible for Native Affairs, an annual report, in English, French and Inuttitut, on the implementation of the JBN OA, and the Minister shall cause the report to be laid before the House of Commons and the Quebec National Assembly within the first 10 days on which the House of Commons or the National Assembly is sitting after the day the Minister receives it.

The President of the Commission shall provide Canada, Quebec and the Inuit of Northern Quebec with a copy of the said report.

4.1.16 Secretariat

A Secretariat shall be established for the Commission consisting of not more than 2 full-time employees. After the first year of operation, the Commission may, by unanimous agreement, alter the size of the Secretariat.

The Secretariat shall be responsible to, and under the direction and control of, the President of the Commission.

The Secretariat shall receive and distribute data when appropriate, report the results of meetings and decisions of the Commission and perform such other functions as the President of the Commission shall from time to time determine.

An official record of discussion and decisions of the Commission shall be kept by the Secretariat.

Agenda for meetings shall be prepared in advance and distributed to members by the Secretariat.

4.1.17 Canada, Quebec and the Inuit of Northern Quebec shall pay the remuneration and expenses of their respective members appointed to the Commission.

The remuneration of the President of the Commission and the employees of the Secretariat shall be paid equally by Canada and Quebec.

The operating costs of the Commission and the Secretariat shall be borne equally by Canada and Quebec.

4.2 Consultations

4.2.1 Either Canada, Quebec or the Inuit of Northern Quebec may request bilateral or trilateral consultations regarding any actual or proposed measure or any other matter that affects the interpretation, application, operation or implementation of the JBNQA.

4.2.2 The Parties to the consultations shall make every attempt to arrive at a mutually satisfactory resolution of any matter.

Dispute Resolution

4.3 Initiation of Procedures

4.3.1 If the Parties concerned fail to resolve a matter through consultations within 30 days of a request for consultation under 4.2, any Party may request in writing a meeting of the Commission. The request shall state the matter complained of and indicate the relevant provisions of the JBNQA. Unless otherwise agreed, the Commission shall convene within 30 days and shall endeavour to resolve the dispute promptly.

4.3.2 The Commission may call on such technical advisors as it deems necessary, or on the assistance of a mediator available to all Parties concerned, in an effort to reach a mutually satisfactory resolution of the dispute.

4.4 Panel of Experts

4.4.1 If a dispute has been referred to the Commission under 4.3 and has not been resolved within a period of 30 days after such referral, or within such other period as the Commission has agreed upon, or has not been referred to arbitration pursuant to 4.5, the Commission, upon request of any of the Parties, shall establish a panel of experts to consider the matter.

4.4.2 Within 15 days of the request to establish a panel, each Party involved in the dispute, in consultation with the other Party or Parties, shall choose two experts for the panel and the Commission shall endeavour to agree on an additional expert who shall chair the panel.

4.4.3 In all cases, experts shall be chosen strictly on the basis of objectivity, reliability and sound judgment and, where appropriate, have expertise in the particular matter under consideration.

Experts shall not be affiliated with or take instructions from any Party to the dispute.

4.4.4 The panel of experts shall establish its rules of procedure, unless the Commission has agreed otherwise.

The procedures shall assure a right to at least one hearing before the panel, as well as the opportunity to provide written submissions and rebuttal arguments.

The proceedings of the panel shall be confidential.

Unless otherwise agreed by the Parties, the panel shall base its report on the arguments and submissions of the Parties.

4.4.5 Unless the Parties to the dispute otherwise agree, the panel shall, within three months after the hearing, present to the Parties concerned a report containing findings of fact, the determination of the issue and recommendations, if any, for the resolution of the dispute.

4.4.6 Upon receipt of the report of the panel, the Commission shall agree on the resolution of the dispute, which normally shall conform with the recommendation of the panel.

4.5 Arbitration

4.5.1 An Arbitration Board (the "Board") shall be established to resolve disputes submitted to it in accordance with 4.5.9.

4.5.2 The Board shall consist of three arbitrators. The arbitrators shall be chosen as follows:

- (i) With respect to issues involving all three Parties - Canada, Quebec and Makivik Corporation (as the Inuit Party):

Each Party will appoint an arbitrator to the Board. The Parties appointed will designate, amongst themselves, the Chairman.

- (ii) With respect to issues involving only two Parties - Canada-Makivik, Quebec-Makivik, Canada-Quebec:

Each Party will appoint an arbitrator to the Board.

The two arbitrators will then choose a third arbitrator who will sit as Chairman on the Board.

4.5.3 Each arbitrator shall be replaced by the Party who appointed him. The term of office of all arbitrators shall be three years and they are eligible to be re-appointed on the expiration of the term.

4.5.4 The Board shall establish its rules and procedures.

4.5.5 Canada and Quebec shall provide the Board with adequate premises and staff to enable the Board to fulfill its functions.

4.5.6 All costs associated with the Board, including the remuneration of the arbitrators, shall be shared equally by Canada and Quebec.

4.5.7 A public register shall be kept of all decisions of the Board.

4.5.8 Jurisdiction

The Board shall have jurisdiction to arbitrate any dispute with respect to the meaning, interpretation, application or implementation of the JBNQA.

It shall have jurisdiction, after hearing the parties involved, to determine all questions of procedure including the method of giving evidence, and make an award, including interim relief, payment of interest and costs.

4.5.9 Initiation of Arbitration

If a dispute has been referred to the Commission under 4.3 and has not been resolved within a period of 30 days after such referral, the Commission may refer the dispute to compulsory binding arbitration on such terms as the Commission may adopt.

4.5.10 The President of the Commission [or the Party or Parties requesting the Arbitration] shall file a written submission with the Board setting out:

- (i) the names of the Parties to the dispute;
- (ii) the nature of the dispute;
- (iii) the facts;
- (iv) the issue to be arbitrated; and
- (v) the relief sought.

4.5.11 The hearing of the Board shall commence within thirty days after receipt by the Board of the written submission referred to in 4.5.10.

4.5.12 The hearing of the Board shall commence with the Party who requested arbitration presenting its case summarized in writing and supported by witnesses available for cross-examination. The other Party or Parties shall similarly present their cases followed by any intervenor.

The Party requesting arbitration shall have a final right of rebuttal after which argument shall be made by the Parties in the same order, consisting of a summary of the facts alleged and an explanation of any legal propositions advanced.

4.5.13 The Board shall have the powers to:

- (i) administer oaths and solemn affirmations to the Parties and witnesses;
- (ii) subpoena witnesses or documents;
- (iii) state an award as to the whole or any part of the dispute; and
- (iv) correct any clerical mistake, error or omission in an award.

4.5.14 Witnesses shall be examined under oath or solemn affirmation.

4.5.15 Award

The Board shall make its award in writing within 3 months after the hearing or at any other date to which all the parties to the arbitration agree in writing.

4.5.16 A copy of the award shall be delivered to all Parties to the arbitration and the award shall be enforced in the same manner as a judgment or an order of a court.

4.5.17 The award of the Board is final and binding on all Parties and shall not be challenged by appeal or review in any court except on the grounds that the arbitrators have erred in law or exceeded their jurisdiction.

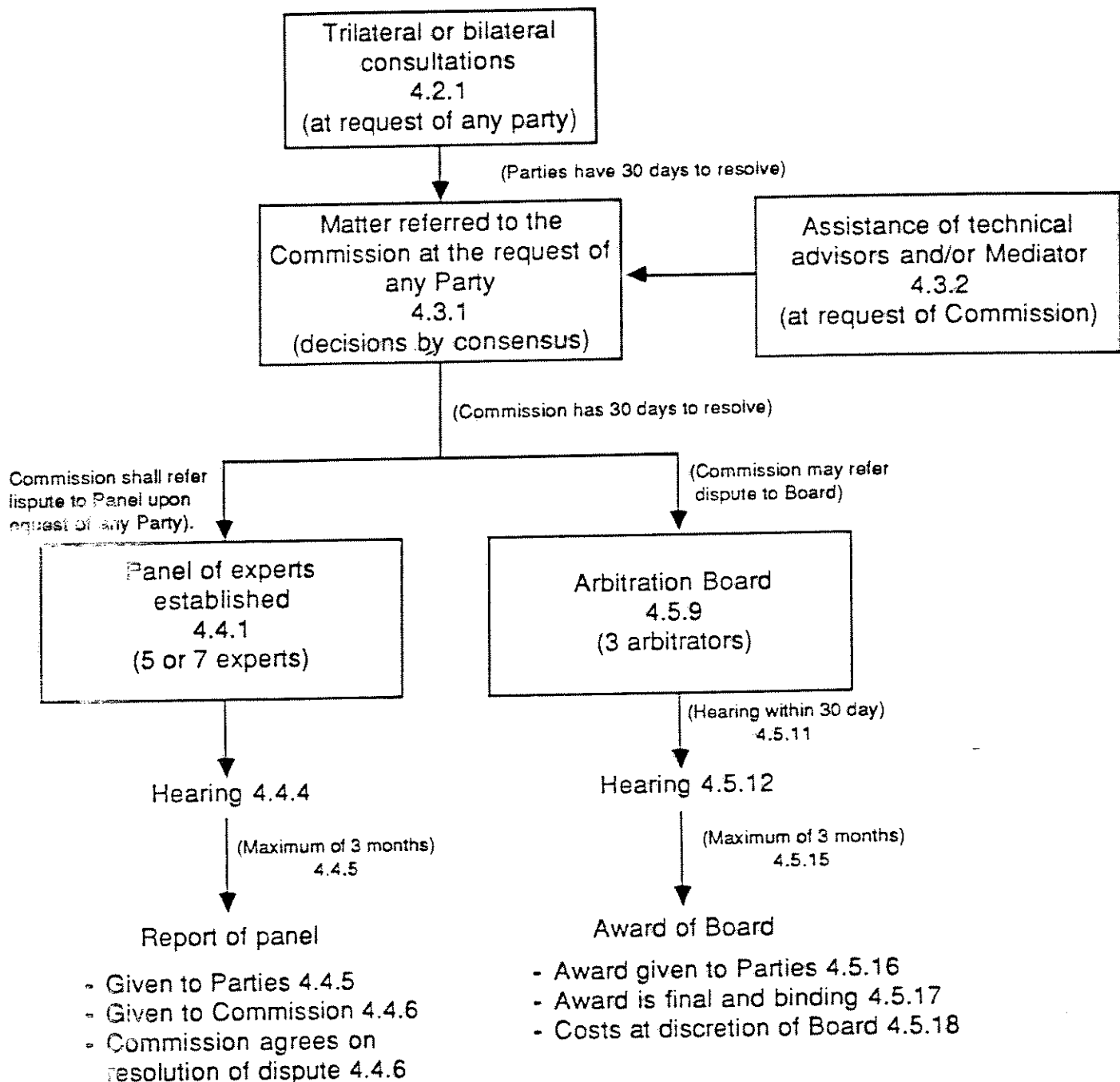
4.5.18 The costs of the arbitration are at the discretion of the Board and the Board may direct by whom and in what manner the costs or any part thereof shall be paid.

If the Board makes no decision as to costs, each Party shall bear its own costs.

4.6 Complementary Agreement to the JBNQA

4.6.1 The above plan of action shall be set out in a Complementary Agreement to the JNBQA to be signed by Canada, Quebec and the Inuit of Northern Quebec.

Implementation Proposal: Dispute Resolution Process



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2.16 באופן 26, 1985-7, LPA, המסמך שבו הודיע על פירוקו, המסמך
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Mr. Guy McKenzie-Jr
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CANADA - INUIT OF QUEBEC
JBNQA IMPLEMENTATION NEGOTIATIONS
ISSUE #2
(Per Inuit List of Issues Tabled June 14, 1988)

UMIUJAO RELOCATION
GREAT WHALE RIVER INUIT RELOCATION TO RICHMOND GULF

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

September 30, 1988

TABLE OF CONTENTS

1. STATEMENT OF ISSUE
2. BACKGROUND
3. PROPOSED PLAN OF ACTION

UMIUJAO RELOCATION
GREAT WHALE RIVER INUIT RELOCATION TO RICHMOND GULF

1. STATEMENT OF ISSUE

1.1 The Government of Canada failed to enter into an agreement with Makivik Corporation with respect to assistance to the Great Whale River Inuit in relocating to Richmond Gulf and in establishing the community of Umiujaa.

1.2 In addition, because the Canada-Quebec airstrip agreement for Northern Quebec was not amended in 1984 to add construction of the new community's airstrip to the construction schedule and the Umiujaa community does not yet have a proper Department of Transport-approved airstrip. The present airstrip is inadequate and dangerous.

2. BACKGROUND

2.1 The location of the National Defence installation at Great Whale River led to the eventual establishment of permanent Inuit and Cree communities.

2.2 The James Bay and Northern Quebec Agreement foresees the possibility of the construction of the Grande Baleine Hydroelectric Project which would greatly impact the community of Great Whale River.

2.3 Subsection 6.4 of the James Bay and Northern Quebec Agreement recognizes the right of the Great Whale River Inuit to decide to relocate to Richmond Gulf. The Agreement states:

"6.4 Great Whale River:

Should a majority of the Inuit of Great Whale River decide to move to Richmond Gulf within a period of five (5) years from the date of the coming into force of the Agreement, Québec agrees that Québec and/or its agencies or mandataries shall assist the Inuit of Great Whale, such assistance to include the provision of funds, in carrying out the move to Richmond Gulf, on terms and conditions to be negotiated.

Should the Inuit of Great Whale River decide to move to Richmond Gulf as aforesaid, Canada agrees to assist the Inuit of Great Whale River in carrying out the move to Richmond Gulf and establishing an Inuit Community in such location, within the scope of federal programs from time to time in effect and, in particular, programs in effect for the Inuit of Canada."

2.4 As a result of the objection of the provincial government and crown corporations to Inuit land selections at Great Whale River and because of traditional ties to and the importance of the area of Richmond Gulf to the Great Whale River Inuit, the community chose the majority of its Category 1 lands in the Richmond Gulf area (see JBNQA Section 6 Schedule 1, numbers 12 A and 12 B).

2.5 On March 17, 1978 the Associate Director General, DIAND, Quebec Region, at the request of the Northern Quebec Inuit Association (predecessor to Makivik Corporation), sent a plan outlining the steps necessary to undertake the Relocation Project. The plan included: a Tripartite (Canada-Quebec-Inuit Committee), data collection, community agreement, site identification and tripartite agreement in principle, planning for community infrastructure, cost estimates, approvals, surveys.

2.6 In April, 1978 the NOIA submitted a report entitled "A Summary of Preliminary Richmond Gulf Relocation Studies 1976 and 1977" to the members of the Relocation Committee, namely, Quebec, Hydro-Quebec and Canada (DIAND).

2.7 As agreed by the Relocation Committee, the participants each submitted draft terms of reference for a more detailed relocation study. Canada's proposal was comprehensive and covered all of the major aspects of relocation: population, community services, housing, sites, relocation, etc.

2.8 A report was commissioned by the Relocation Committee in 1978 and undertaken by Pluram Inc. in 1979. In its comments (February, 1980) on the report, DIAND indicated that it was satisfied that it was well done but that the levels of service discussed in the report were above those then available through DIAND programs. The report was then depicted by the DIAND representatives as comprising "a new base for negotiation", to be undertaken after the decision to relocate by the community, in the context of a four-way (Quebec, Hydro-Quebec, Canada, Inuit) negotiation.

2.9 The discussions of the Relocation Committee concentrated on the conclusions of the Pluram Report, the protocol for discussions at the time of the creation of the Great Whale River municipality and Cree Band of Great Whale River, housing, airstrips, the process of voting and the required protocol and the contents of the eventual Relocation Agreement. Canada participated in this process and in the decisions made.

2.10 In November, 1980, the representatives of Canada to the Relocation Committee put forth the idea that Canada's contribution through the Transfer Agreement, then being discussed among Canada, Quebec and the Inuit, would be the contribution of DIAND to the relocation. This was not acceptable to the Inuit party. It was conceded by the representatives of Canada that other federal departments such as Transport and CEIC might also contribute to the Relocation Projects. Representatives of these departments subsequently participated at the discussions at the invitation of DIAND.

2.11 Due to the prolonged discussions on relocation and to the time limitation on the decision to be taken by the Inuit Community to relocate, in October, 1982, Canada, Quebec and the Inuit signed an agreement on the process for voting, under the terms of which the parties to the Agreement agreed to commence negotiations after a vote in favour of relocation.

2.12 The vote of November, 1982 was positive.

2.13 In 1983 discussions were undertaken between Makivik and the Assistant Deputy Minister of Indian and Northern Affairs. As a result, DIAND indicated that a contribution to the project would be made once an agreement had been reached with Quebec.

2.14 On January 16, 1984, Makivik requested that Canada fulfill its role in the relocation through the negotiation of an agreement. At the same time, Makivik sent a copy of the draft agreement with Quebec which was close to being finalized. The letter set out in detail the specific areas in which the participation of Canada in the relocation was requested, including: housing, a recreation centre, relocation expenses, reimbursement of Inuit negotiation expenses (October, 1979 to March, 1984: \$535,848.53), postal facilities, communication services and employment and training services.

2.15 Canada has addressed indirectly and through its programs the provision of housing subsidies and postal facilities. There has also been a payment to Quebec of a portion of the costs incurred to relocate individual families. However, the Umiujaq airstrip is not yet (1988) constructed and negotiation expenses of the Inuit have not yet been reimbursed.

In addition, training needs and community infrastructure needs have not yet been resolved.

2.16 On February 26, 1985, Makivik Corporation wrote to the Minister of Indian Affairs and Northern Development to seek action on the remaining issues. In this letter a chronology of exchanges with Department officials was provided.

The federal reply of September 9, 1985, signed by then Minister David Crombie, while unsatisfactory in other respects, reaffirmed the federal recognition of responsibility to reimburse negotiation costs.

3. PROPOSED PLAN OF ACTION

Canada shall enter an agreement with Makivik Corporation to fulfill Canada's obligations under 6.4 of the JBNQA. The agreement shall include provision for:

- 3.1 reimbursement by Canada to Makivik for the costs incurred by the Inuit during negotiation on the Relocation Agreement (See Annex I);
 - 3.2 scheduling of the construction of the Umiujaq airstrip;
 - 3.3 completion of commitments to provide for the remaining infrastructure requirements of the community, including a recreation centre and wharf;
 - 3.4 reaffirmation of access by the Umiujaq Inuit to federal programs.
-

JOFFE, PENNEE, GAGNE & SILVERSTONE
AVOCATS—BARRISTERS & SOLICITORS

Annex 1

SAM SILVERSTONE
JILLES GAGNE
BERNARD PENNEE
AUL JOFFE

4898 RUE DE MAISONNEUVE 3e ETAGE
WESTMOUNT QUEBEC CANADA H3Z 1M8
TELEPHONE (514) 483-2780
TELEX 055 60367

May 18, 1984
By Messenger

Mr. Guy McKenzie
Federal Secretariat
Department of Indian and Northern
Affairs
Terrasses de la Chaudière
10 Wellington Street
Hull, Québec

Re: Great Whale River Relocation

Dear Guy:

This letter is in regard to the meeting between Makivik, Inuit representatives of Kuujjuarapik and D.I.A.N.D. on April 16, 1984 concerning the Great Whale River Relocation (Umiujaq). You are already in receipt of our Minutes of this meeting.

During the April 16 meeting, Inuit of Kuujjuarapik and Makivik raised the issue of the cost to Makivik of negotiations over the last several years on the Great Whale River relocation issue and the possibility of Canada reimbursing these monies to Makivik. Makivik undertook to tabulate the costs of these expenditures on the Great Whale River relocation to date and to submit them to D.I.A.N.D. as soon as possible. We have enclosed a copy of these expenditures from October 1, 1979 to March 31, 1984 inclusive and have broken them down in as much detail as possible at this time. The total arrived at is \$535,848.53 up to March 31, 1984.

In addition, on April 16 we discussed with you the possibility of Canada covering all travel and accommodation expenses for community representatives, Steering Committee members and Makivik representatives engaged in any negotiations with your government on the Great Whale River relocation issue. It was indicated to us at that meeting that Canada would look into the matter, but that in any case, it would probably be favourably disposed to such a request. Canada undertook to respond to us with an answer in the near future. Federal funding of these negotiations could take the form of a negotiation budget under the control of Makivik or simply reimbursement on a regular basis (for example, monthly) of all travel and accommodation expenses incurred by the above representatives in discussions or negotiations with Canada on this issue.

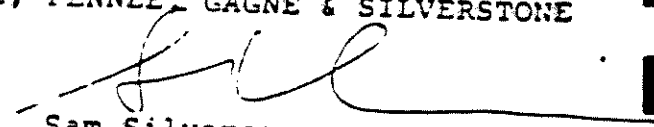
Mr. Guy McKenzie
Page 2
May 18, 1984

We understand that you are presently looking into the possibility of Canada providing 30 additional housing units for Umiujaq and we await to hear further news in this regard.

Thank you for your cooperation in this matter and please do not hesitate to contact us should you require further details with respect to any of the above matters.

Yours sincerely,

JOFFE, PENNEE, GAGNE & SILVERSTONE

Per: 

Sam Silverstone

SS/ek
Encls.

DETAILED LIST OF EXPENSES INCURRED BY MAKIVIK CORPORATION

ON THE GREAT WINDLE RIVER RELOCATION ISSUE

(SUBSECTION 6.4 OF JAMES BAY AND NORTHERN QUEBEC AGREEMENT) (OCT. 1, 1979 - MARCH 31, 1984)

	YEAR ENDING SEPT. 30, 1980	YEAR ENDING SEPT. 30, 1981	YEAR ENDING SEPT. 30, 1982	YEAR ENDING SEPT. 30, 1983	PERIOD ENDING MARCH 31, 1984	TOTAL
Travel	\$ 5,216.72	22,490.84	20,969.60	12,308.40	6,199.00	67,184.56
Accommodation	3,786.94	13,452.49	7,017.87	6,361.77	2,542.07	33,161.14
Legal fees - in-house	8,560.52	28,621.42	20,849.31	23,214.61	10,802.33	92,048.19
Part-time help		10,482.63	480.00	738.00	190.00	11,890.63
Freight - messenger		12.00	46.60	105.60	13.00	177.20
Postage	500.00	500.00	500.00	513.00	269.05	2,282.05
Delegate pay			18,386.37	3,120.00	550.00	22,056.37
Salaries	7,545.00	8,833.31	17,932.79	5,923.05		40,234.15
U.I.C.		118.26	307.37	95.52		521.15
Q.P.P.		204.48	294.21	84.90		583.59
Q.H.I.P.		121.26	537.97	177.70		836.93
Legal fees - outside	17,212.50	47,670.01	38,885.51	8,380.66	42,767.54	154,916.22
Rent - buildings			900.00	1,000.00		1,900.00
Telephone	1,000.00	1,129.09	1,000.00	1,178.79	500.00	4,807.88
Equipment rental		90.00		27.25		117.25
Aircraft charters		9,259.07	948.00			10,207.07
Public relations		160.38	94.17			254.55
Relocation - employees - airfare			262.50			262.50
Relocation - employees - freight & storage			181.30			181.30
Overtime meals		19.00				19.00
Overtime travel		7.50				7.50
Consultants	266.00	12,801.58				13,067.58
Library, maps, publications		768.15				768.15
Printing	2,000.00	2,363.57	2,000.00	2,000.00	1,000.00	9,363.57
Sub-total	\$ 46,087.68	159,105.04	131,593.57	65,229.25	64,832.99	466,848.53
Administration and overhead costs						70,000.00
TOTAL						\$ 535,848.53

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ASB-2JND-6 4D26,2JNDJL-426

המחבר מודה כי אין זה נכון להניח כי כל המידע
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2.2 අනුප්‍රාප්ති 30.0.21 - අනුප්‍රාප්ති අනුප්‍රාප්ති

65C 476 374 576 776 876 976 1076 1176 1276 1376 1476 1576 1676 1776 1876 1976 2076 2176 2276 2376 2476 2576 2676 2776 2876 2976 3076 3176 3276 3376 3476 3576 3676 3776 3876 3976 4076 4176 4276 4376 4476 4576 4676 4776 4876 4976 5076 5176 5276 5376 5476 5576 5676 5776 5876 5976 6076 6176 6276 6376 6476 6576 6676 6776 6876 6976 7076 7176 7276 7376 7476 7576 7676 7776 7876 7976 8076 8176 8276 8376 8476 8576 8676 8776 8876 8976 9076 9176 9276 9376 9476 9576 9676 9776 9876 9976 10076 10176 10276 10376 10476 10576 10676 10776 10876 10976 11076 11176 11276 11376 11476 11576 11676 11776 11876 11976 12076 12176 12276 12376 12476 12576 12676 12776 12876 12976 13076 13176 13276 13376 13476 13576 13676 13776 13876 13976 14076 14176 14276 14376 14476 14576 14676 14776 14876 14976 15076 15176 15276 15376 15476 15576 15676 15776 15876 15976 16076 16176 16276 16376 16476 16576 16676 16776 16876 16976 17076 17176 17276 17376 17476 17576 17676 17776 17876 17976 18076 18176 18276 18376 18476 18576 18676 18776 18876 18976 19076 19176 19276 19376 19476 19576 19676 19776 19876 19976 20076 20176 20276 20376 20476 20576 20676 20776 20876 20976 21076 21176 21276 21376 21476 21576 21676 21776 21876 21976 22076 22176 22276 22376 22476 22576 22676 22776 22876 22976 23076 23176 23276 23376 23476 23576 23676 23776 23876 23976 24076 24176 24276 24376 24476 24576 24676 24776 24876 24976 25076 25176 25276 25376 25476 25576 25676 25776 25876 25976 26076 26176 26276 26376 26476 26576 26676 26776 26876 26976 27076 27176 27276 27376 27476 27576 27676 27776 27876 27976 28076 28176 28276 28376 28476 28576 28676 28776 28876 28976 29076 29176 29276 29376 29476 29576 29676 29776 29876 29976 30076 30176 30276 30376 30476 30576 30676 30776 30876 30976 31076 31176 31276 31376 31476 31576 31676 31776 31876 31976 32076 32176 32276 32376 32476 32576 32676 32776 32876 32976 33076 33176 33276 33376 33476 33576 33676 33776 33876 33976 34076 34176 34276 34376 34476 34576 34676 34776 34876 34976 35076 35176 35276 35376 35476 35576 35676 35776 35876 35976 36076 36176 36276 36376 36476 36576 36676 36776 36876 36976 37076 37176 37276 37376 37476 37576 37676 37776 37876 37976 38076 38176 38276 38376 38476 38576 38676 38776 38876 38976 39076 39176 39276 39376 39476 39576 39676 39776 39876 39976 40076 40176 40276 40376 40476 40576 40676 40776 40876 40976 41076 41176 41276 41376 41476 41576 41676 41776 41876 41976 42076 42176 42276 42376 42476 42576 42676 42776 42876 42976 43076 43176 43276 43376 43476 43576 43676 43776 43876 43976 44076 44176 44276 44376 44476 44576 44676 44776 44876 44976 45076 45176 45276 45376 45476 45576 45676 45776 45876 45976 46076 46176 46276 46376 46476 46576 46676 46776 46876 46976 47076 47176 47276 47376 47476 47576 47676 47776 47876 47976 48076 48176 48276 48376 48476 48576 48676 48776 48876 48976 49076 49176 49276 49376 49476 49576 49676 49776 49876 49976 50076 50176 50276 50376 50476 50576 50676 50776 50876 50976 51076 51176 51276 51376 51476 51576 51676 51776 51876 51976 52076 52176 52276 52376 52476 52576 52676 52776 52876 52976 53076 53176 53276 53376 53476 53576 53676 53776 53876 53976 54076 54176 54276 54376 54476 54576 54676 54776 54876 54976 55076 55176 55276 55376 55476 55576 55676 55776 55876 55976 56076 56176 56276 56376 56476 56576 56676 56776 56876 56976 57076 57176 57276 57376 57476 57576 57676 57776 57876 57976 58076 58176 58276 58376 58476 58576 58676 58776 58876 58976 59076 59176 59276 59376 59476 59576 59676 59776 59876 59976 60076 60176 60276 60376 60476 60576 60676 60776 60876 60976 61076 61176 61276 61376 61476 61576 61676 61776 61876 61976 62076 62176 62276 62376 62476 62576 62676 62776 62876 62976 63076 63176 63276 63376 63476 63576 63676 63776 63876 63976 64076 64176 64276 64376 64476 64576 64676 64776 64876 64976 65076 65176 65276 65376 65476 65576 65676 65776 65876 65976 66076 66176 66276 66376 66476 66576 66676 66776 66876 66976 67076 67176 67276 67376 67476 67576 67676 67776 67876 67976 68076 68176 68276 68376 68476 68576 68676 68776 68876 68976 69076 69176 69276 69376 69476 69576 69676 69776 69876 69976 70076 70176 7

$\Delta \Gamma_{\text{eff}} = \Delta \Gamma_{\text{eff}}^{\text{SM}} + \Delta \Gamma_{\text{eff}}^{\text{NP}}$

2.3 ᐊᓕᓕᓱᓴᐅᐱᓐ 20.0.24 - ᐃᓐᓴᐅᐅᐱᐅᓂᓐᓴᐅᓐ ᐊᓕᓴᐅᓐ ᐸᓐᓴᓴᐅᓐ ᐸᐅᐱᓐᓴᐅᐱᓐ

ᓴᓴᐅᓐ, ᐃᓴᐅᓐ ᐱᓴᓕᓴᓴᐅᐅᐱᓐᓴᐅᓐ, ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐃᓐᓴᐅᐅᐱᐅᓂᓐᓴᐅᓐ ᐊᓕᓴᐅᓐ ᐸᓐᓴᓴᐅᓐ ᐸᐅᐱᓐᓴᐅᐱᓐ ᐸᓴᓐᓴᐅᓐ ᐃᓐᓴᐅᓐ ᐱᐅᓴᐅᐱᓐᓴᐅᓐ.

ᓴᓴᐅᓐ ᐸᓴᓐᓴᐅᓐ ᐱᓴᓴᐅᐱᓐᓴᐅᓐ ᐱᓴᓴᐅᐱᓐᓴᐅᓐ. ᐸᓴᓐᓴᐅᓐ ᐸᓴᓐᓴᐅᓐ ᐱᓴᓴᐅᐱᓐᓴᐅᓐ, ᐃᓐᓴᐅᐅᓐ ᐃᓐᓴᐅᐅᐱᐅᓂᓐᓴᐅᓐ ᐸᓴᓐᓴᐅᓐ ᐃᓐᓴᐅᓐ.

(1) ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓕᓴᐅᓐ ᐸᓴᓐᓴᐅᓐ ᐱᓴᓴᐅᐱᓐᓴᐅᓐ ᐸᓴᓐᓴᐅᓐ ᐃᓐᓴᐅᓐ ᐃᓐᓴᐅᓐ ᐃᓐᓴᐅᓐ.

(2) ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓕᓴᐅᓐ ᐸᓴᓐᓴᐅᓐ ᐃᓐᓴᐅᐅᐱᐅᓂᓐᓴᐅᓐ ᐱᓴᓴᐅᐱᓐᓴᐅᓐ ᐸᓴᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓕᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ.

2.4 ᐊᓕᓕᓱᓴᐅᐱᓐ 20.0.25-26 - ᐱᓴᓴᐅᐱᓐ

ᓴᓴᐅᓐ, ᐸᓐᓴᓴᐅᓐ ᐸᓴᓐᓴᐅᓐ ᐊᓕᓴᐅᓐ ᐸᓐᓴᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ.

ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ, ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ.

ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ.

ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ.

3. ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ

3.1 ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ

ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ ᐊᓴᓴᓴᓴᐅᐱᓐᓴᐅᓐ.

መጽሐፍ, መጽሐፍት, ዘጠኝ ዓይነት ፍጥነት ለማሳደግና ለማስወገድ ለሚያስፈልጉት ሁኔታዎች ላይ ማስተካከል ይገባል። ለዚህም ምሳሌ ለሚያስፈልጉት ሁኔታዎች ላይ ማስተካከል ይገባል።

3.3 ወርሃዊ ሪፖርት ለማሳደግ

ወርሃዊ ሪፖርት 20.0.28-ገ ላይ አገልግሎት ለሚሰጡት ሰራተኞች ላይ ማስተካከል ይገባል። ለዚህም ምሳሌ ለሚያስፈልጉት ሁኔታዎች ላይ ማስተካከል ይገባል። ለዚህም ምሳሌ ለሚያስፈልጉት ሁኔታዎች ላይ ማስተካከል ይገባል።

4. ለወርሃዊ ሪፖርት ማሳደግ

4.1 ወርሃዊ ሪፖርት ማሳደግ

ወርሃዊ ሪፖርት 20-ዓ ላይ ለሚያስፈልጉት ሁኔታዎች ላይ ማስተካከል ይገባል። ለዚህም ምሳሌ ለሚያስፈልጉት ሁኔታዎች ላይ ማስተካከል ይገባል። ለዚህም ምሳሌ ለሚያስፈልጉት ሁኔታዎች ላይ ማስተካከል ይገባል።

ሌሎችም ማሳሰቢያዎች፡ (ሀ) ለወርሃዊ ሪፖርት ማሳደግ ማስተካከል ይገባል። (ለ) ለወርሃዊ ሪፖርት ማሳደግ ማስተካከል ይገባል። (ሐ) ለወርሃዊ ሪፖርት ማሳደግ ማስተካከል ይገባል። (ከ) ለወርሃዊ ሪፖርት ማሳደግ ማስተካከል ይገባል። (ወ) ለወርሃዊ ሪፖርት ማሳደግ ማስተካከል ይገባል።

4.2 ሌሎችም ማሳሰቢያዎች

ሌሎችም ማሳሰቢያዎች፡ ለወርሃዊ ሪፖርት ማሳደግ ማስተካከል ይገባል። ለዚህም ምሳሌ ለሚያስፈልጉት ሁኔታዎች ላይ ማስተካከል ይገባል። ለዚህም ምሳሌ ለሚያስፈልጉት ሁኔታዎች ላይ ማስተካከል ይገባል።

ՎՃՌՈՇՄԱՆ 1

Հաճախորդների համար հատկապես ձևավորված է համարակազմը՝ համապատասխանաբար

ԵՐԵՎԱՆԻ ՎՃՌՈՇՄԱՆ

- 3 երեւանի վճարողներ	\$35,000	\$105,000
Երեւանի		<u>\$105,000</u>

Տարածված ժամկետային

- Վճարողների զանգվածը՝ 450
 Վճարողների համարակազմը՝ 14
 Տարածված ժամկետային (14 շաբաթ
 x 2 շաբաթ / Վճարողներ
 x \$1,500 / Վճարողներ համարակազմ
 երեւանի 450 3-րդ համարակազմ)

- երեւանի	31,500
- համարակազմ	31,500
Երեւանի	<u>63,000</u>

Վճարողների զանգվածային

- 1 Վճարող (Վճարողներ ձևավորված)	50,000
- 1 Վճարող Վճարող (Վճարողներ ձևավորված)	50,000
- Վճարողներ	200,000
- Վճարողներ	35,000
- 2 Վճարող	50,000
- Վճարողներ Վճարողներ ձևավորված	50,000
Երեւանի	<u>435,000</u>

Երեւանի Վճարողների համարակազմը

\$603,000

121
CANADA - INUIT OF QUEBEC
JBNOA IMPLEMENTATION NEGOTIATIONS
ISSUE #3
(Per Inuit List of Issues Tabled June 14, 1988)

PROPOSAL ON ADMINISTRATION OF JUSTICE

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

September 12-14, 1988

PROPOSAL ON ADMINISTRATION OF JUSTICE
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 - 2.4 Paragraph 20.0.25-26 - Detention Institutions
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 - 4.1 Support for Public Consultations and Research
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PROPOSAL ON ADMINISTRATION OF JUSTICE

1. STATEMENT OF ISSUE

Section 20 of the JBNQA sets out a number of provisions related to the administration of justice in the Region north of the 55th parallel. Under this section of the Agreement, certain rights and guarantees are established in favour of the Inuit of Quebec and a number of specific obligations are set out which must be respected by the Government of Canada and the Government of Quebec.

It is the position of the Inuit of Quebec that specific obligations established under Section 20 have not been adequately implemented by either Canada or Quebec. Furthermore, the effect of this has been to deny Inuit of Quebec the rights and guarantees established under Section 20 and to perpetuate a system of justice in Northern Quebec that does not meet the needs of the Region and the Inuit of Quebec.

2. UNFULFILLED FEDERAL OBLIGATIONS

The following paragraphs of Section 20 of the JBNQA relating to the Administration of Justice (Inuit) remain to be fulfilled by Canada:

2.1 Paragraph 20.0.20 - Amendment of Federal Laws

The Criminal Code and the Canada Evidence Act shall be amended, if necessary, to suit the particular difficulties of the judicial district of Abitibi and to take into consideration Inuit customs and lifestyles, as well as to render justice more accessible to the Inuit.

To date, the federal government has not made necessary amendments to either the Criminal Code or the Canada Evidence Act to take into account the above considerations.

2.2 Paragraph 20.0.21 - Amendment of Criminal Code

Canada shall amend the Criminal Code to allow six jurors to be sworn in for the territories of Abitibi, Mistassini and Nouveau-Québec in the judicial district of Abitibi.

Canada has not fulfilled this obligation under the JBNQA.

2.3 Paragraph 20.0.24 - Sentencing and Detention Practices

Canada shall, with the cooperation of the Inuit, revise the sentencing and detention practices to take into account the culture and lifestyle of the Inuit.

Canada has not yet fulfilled this obligation. In the absence of any guidelines in this area, judges may impose sentences which are either:

- (a) too short and thus often seen by the offenders as holidays; or
- (b) too long and therefore very difficult on the families of Inuit offenders due to the great distance between detention centres and home and the "foreign" character of the institutional environment.

2.4 Paragraphs 20.0.25-26 - Detention Institutions

Canada shall, immediately after the execution of the JBNQA and after consultation with the Kativik Regional Government (KRG), establish appropriate detention institutions within the judicial district of Abitibi so that the Inuit are not detained, imprisoned or confined in any institution below the 49th parallel unless circumstances so require.

All Inuit, wherever sentenced or confined, have the right to be detained, imprisoned or confined in institutions located within the KRG territory if such institutions are adequate for these purposes having due regard to all circumstances.

Since the signing of the James Bay Agreement, detention institutions have not been established north of the 49th parallel by either Canada or Quebec; nor have there been any appropriate programs or facilities set up which would normally be linked to detention centres.

The establishment of detention centres north of the 49th parallel would provide Inuit communities with a more meaningful system of punishment and would, secondarily, create some employment opportunities in the north rather than as present, in southern Quebec.

3. OTHER CONSIDERATIONS

3.1 Native People and the Justice System

A substantial body of research has been carried out over the past few years with respect to Native people and the

administration of justice in Canada. Many reports have been written about the inability of the justice system to adequately respond to the needs of Native individuals and communities. Other studies have commented on the lack of understanding of the legal system by many Native people; the lack of Native participation in the delivery of justice-related services; the failure of the justice system to adequately incorporate Native traditions and cultural values; and the inappropriate nature of sentencing and detention practices with respect to Native people.

The overall conclusion reached by these reports is that new approaches are required in order for the justice system to appropriately respond to the needs of Native people. This has led to recommendations for the implementation of innovative approaches in the delivery of justice-related services in Native communities and, in particular, for increased Native participation and involvement in such critical areas as court services, correctional services, police services, parole and after-care.

The implementation of Section 20 by Canada and Quebec should take these recommendations into account. In addition to respecting the specific provisions of Section 20, the federal and provincial governments should be prepared to consider further innovative proposals such as the creation of local justice Committees; the direct involvement of KRG in the delivery of justice-related services; the increased use of community-oriented sentences instead of prosecution and incarceration; and the use of preventive programs at the community level.

3.2 Jurisdictional Complexities

That the administration of justice in Canada is a matter of considerable jurisdictional complexity is acknowledged. Provincial governments are responsible for such areas as court services, child protection legislation, provincial correctional services, and for the provision of community social services. The federal government is responsible for such areas as the Criminal Code, the Young Offenders Act, federal correctional and parole services. Moreover, under Section 91(24), the federal government has responsibility for "Indians and Lands reserved for the Indians". Finally, the Kativik Regional Government and the municipalities are responsible for enacting various local and regional by-laws and regulations within their respective areas of competence.

In order to devise an appropriate system of justice in Northern Quebec, attention must be given to these

jurisdictional concerns. The effective integration of the local, regional, provincial and federal elements of the system must be provided for in terms of the delivery of justice-related services. This can only be achieved by way of appropriate tripartite consultations and cost-sharing mechanisms.

3.3 Relationship with Section 18

Paragraph 20.0.28 of the JBNQA specifies that the provisions of Section 20 and Section 18 "shall be read together and, to the extent possible, administered and implemented uniformly" to achieve a sound administration of justice. Appropriate consultations will therefore be necessary to ensure that proposals related to the administration of justice in the Inuit communities are coordinated with proposals related to the administration of justice in the Cree communities.

4. PROPOSED PLAN OF ACTION

4.1 Support for Public Consultations and Research

In order to fulfill its obligations under Section 20, Canada shall participate in and provide appropriate funding for a tripartite program of public consultations and research studies on the needs of the people of the Region of Quebec north of the 55th parallel in relation to the administration of justice in their communities.

The objective of these public consultations and research studies will be as follows: (a) review the manner in which justice is currently administered in the region; (b) provide a survey of community attitudes and preferences in relation to the administration of justice in the region; (c) identify emerging community needs and justice-related problems; (d) clarify the jurisdictional responsibilities for the delivery and financing of justice-related programs and services; and (e) bring forward specific recommendations and proposals to address the needs and aspirations of the region in relation to the administration of justice.

4.2 Tripartite Justice Commission

The proposed program of public consultations and research studies shall be undertaken by a Tripartite Justice Commission to be established jointly by Canada, Quebec and

the Kativik Regional Government. The Tripartite Justice Commission will hold public hearings at the regional and local levels and will be responsible for planning and supervising the necessary research studies. The Tripartite Justice Commission will consider these findings and submit a report outlining specific recommendations to Canada, Quebec and the Kativik Regional Government. Upon submission of this report the three parties will convene an implementation task force which will recommend ways to implement the findings. These recommendations will include, but will not be limited to, recommendations respecting the form of a Quebec-Canada-Kativik Agreement on the Administration of Justice.

Canada shall agree that the activities of the task force are undertaken with a view to implementing the Commission's recommendations involving matters under Federal jurisdiction within a further one year period. A similar undertaking shall be sought from Quebec.

4.3 Commission Structure

The Tripartite Justice Commission shall be composed of three Commissioners. Canada, Quebec and the Kativik Regional Government shall each designate one of the Commissioners. The Commissioners shall be jointly responsible for hiring the necessary staff as summarized in the attached Appendix.

The appointments to the Commission shall be for a two-year period. The Commissioners shall report before the end of the two-year period.

4.4 Funding

The funding for the Tripartite Justice Commission shall be shared on a basis to be determined between Canada and Quebec. Funding arrangements shall be confirmed by way of an agreement to this effect signed by Canada and Quebec.

The estimated annual costs for the Tripartite Justice Commission are approximately \$600,000. The total cost of the Commission, over the proposed two-year period, will be approximately \$1 million.

APPENDIX 1

INITIAL ESTIMATE OF COSTS FOR TRIPARTITE JUSTICE COMMISSION

HONOURARIUMS FOR COMMISSIONERS

- 3 Commissioners @ \$35,000	\$105,000	
Sub-Total		<u>\$105,000</u>

PUBLIC CONSULTATIONS

- Cost of travel and other expenses related to holding public hearings (14 villages @ 2 villages/trip @ \$1,500/trip for 3 Commissioners and 3 staff)		
- Commissioners	31,500	
- Staff	31,500	
Sub-Total		<u>63,000</u>

RESEARCH AND ADMINISTRATION

- 1 researcher (includes travel)	50,000	
- 1 anthropologist (includes travel)	50,000	
- Research studies	200,000	
- Administration	35,000	
- 2 typists	50,000	
- Office and supplies	50,000	
Sub-Total		<u>435,000</u>

TOTAL ANNUAL BUDGET

\$603,000

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2. ለጥያቄው መሰረት
2.1 ለዕድሜና ልጅ ልማት ማስተካከል
3. ለልጅ ልማት ማስተካከል
3.1 ለጥያቄው መሰረት ልማት ማስተካከል
3.2 ለጥያቄው መሰረት ልማት ማስተካከል
3.3 ለጥያቄው መሰረት ልማት ማስተካከል
4. ለጥያቄው መሰረት ልማት ማስተካከል
4.1 ለጥያቄው መሰረት ልማት ማስተካከል
4.2 ለጥያቄው መሰረት ልማት ማስተካከል
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4.5 ለጥያቄው መሰረት ልማት ማስተካከል

CANADA - INUIT OF QUEBEC
JBNQA IMPLEMENTATION NEGOTIATIONS
ISSUE 4
(Per Inuit List of Issues Tabled June 14, 1988)

PROPOSAL FOR ADMINISTRATION SUPPORT
FUNDING FOR LANDHOLDING CORPORATIONS

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

July 27, 1988

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4. PROPOSED PLAN OF ACTION
 - 4.1 Commitment to Federal Funding
 - 4.2 Access to Other Program Funds
 - 4.3 Clarification of Access to DIAND Programs
 - 4.4 Level of Federal Funding
 - 4.5 Disbursement of Federal Funds

FUNDING FOR LANDHOLDING CORPORATIONS

1. STATEMENT OF ISSUE

The operation of the Inuit Landholding Corporations, established pursuant to Section 7 of the James Bay and Northern Quebec Agreement, has been seriously compromised by inadequate funding resulting, in part, from the failure of the Federal Government to continue such funding on a legal, equitable, operational or otherwise discretionary basis.

The lack of access to on-going funding has made it difficult for the Landholding Corporations to carry out the administrative responsibilities specifically assigned to them under the provisions of the JBNQA.

Furthermore, the Landholding Corporations have therefore not been able to protect and promote local Inuit economic, social, cultural and political interests as envisioned under the JBNQA.

2. BACKGROUND

2.1 Situation Prior to JBNQA

Prior to the signing of the JBNQA, responsibility for local community affairs and services in each Inuit village in Northern Quebec lay with the Inuit Community Councils. The Community Councils served as the principal instrument through which Inuit communities interacted with governments and other third parties on issues affecting the community as a whole, whether those issues were ethnic or non-ethnic, public or private, social or political in nature.

Funds administered by the Community Councils were derived principally from DIAND's budget for the provision of municipal services and from Core Funding to "Inuit settlements in Northern Quebec" as provided under the Indian and Eskimo Affairs Program for administrative purposes to enable the Councils to pursue a variety of administrative, social and inter-group activities.

Due to the distinction made under the JBNQA between institutions of an ethnic and non-ethnic nature, the activities formerly undertaken by Inuit Community Councils on behalf of Inuit settlements have devolved to two organizations, namely, the Inuit Landholding Corporations and the Northern Village Corporations. The latter are municipalities established under provincial jurisdiction and, since the

signing of the Transfer Agreement, are funded with respect to the provision of municipal services by the Québec Ministère des Affaires Municipales.

While the Inuit agreed to the application of Québec jurisdiction with respect to the creation of non-ethnic municipalities with specific non-ethnic functions funded by the Ministère des Affaires Municipales, other traditional roles of the Community Councils devolved to the Landholding Corporations. These Landholding Corporations are clearly the political, social and cultural successors of the Community Councils as ethnic Inuit institutions and are not excluded from federal jurisdiction. In accordance with the JBNQA, federal programs continue to apply to them. In addition to the numerous functions and obligations of the Landholding Corporations enumerated in the JBNQA, they continue to retain their role as the sole ethnic institution promoting Inuit interests of the community at the local level.

The Inuit understood the Landholding Corporations would retain some level of on-going funding from the Federal Government, similar to that provided to the Community Councils, as well as have access to other federal and provincial program funding.

3. PROVISIONS OF THE JBNQA

3.1 Enabling Legislation

The JBNQA provides for the establishment of Inuit Community Corporations for each of the 14 coastal communities located on the Quebec mainland, as well as for the community of Port Burwell located on Killisnoek Island in the Northwest Territories (Section 7, JBNQA).

Three years after the signing of the JBNQA, the Inuit Community Corporations were incorporated under an Act respecting the land regime in the James Bay and New Quebec territories (Bill 29), adopted pursuant to the JBNQA by the Quebec National Assembly on December 22, 1978. Under that legislation, the Corporations were renamed "Inuit Landholding Corporations". The Corporations own and administer 240 square miles of Category I lands per community on behalf of the Inuit residents. Not only do the the Landholding Corporations administer the interests of the individual communities with respect to Category I lands; they also administer such interests with respect to Category II lands, totalling 35,000 square miles.

3.2 Functions and Duties

The powers and duties of the Landholding Corporations with respect to Category I and Category II lands are principally those set forth in Sections 6 and 7 of the JBNQA. These include:

- (a) activities related to the ownership and administration of Category I lands of each community, particularly the use of lands for commercial, industrial, residential or other purposes, and the conclusion of all agreements with respect to same;
- (b) participation in, and approval of, certain aspects of the survey of Category I lands;
- (c) the nomination of participants in the survey crews carrying out the aforesaid work to be accomplished over a 5-year period following the coming into force of the JBNQA;
- (d) the negotiation, where necessary, of servitudes or other use agreements relating to the use of Category I lands for community services and services of direct or indirect benefit to the individual communities;
- (e) the negotiation of any agreement with respect to the extraction of minerals or the granting of mineral or other sub-surface rights with respect to Category I lands;
- (f) the negotiation of compensation or land replacement in the case of expropriation; and
- (g) the receipt and administration of certain nominal rents arising from leases and other rights of habitation granted by the provincial government prior to the execution of the JBNQA.

There are a number of other specific functions and duties designated to the Landholding Corporations under the JBNQA which are found in various Sections of the Agreement. These include:

- (h) functions with respect to the initial inscription of Inuit beneficiaries of the JBNQA in an Inuit Register and to subsequent changes of affiliation by Inuit beneficiaries from one Inuit community to another (Section 3),
- (i) the supervision of certain hunting and fishing rights of non-residents and non-Natives in Category I and II lands (Sections 7 and 24);

- (j) the exercise of certain rights with respect to the establishment of outfitting facilities on Category I, II and III lands (Section 24);
- (k) the exercise of certain rights concerning the establishment of commercial fisheries on Category I and II lands (Section 24);
- (l) the receipt from the government and dissemination to Inuit community members of information concerning exploration activities, pre-development activities, scientific studies and administrative activities with respect to Category I and II lands (Section 7); and
- (m) a number of functions which fall to specific Landholding Corporations as, for example, the Landholding Corporation of Kuujjuak which has certain responsibilities related to aspects of the James Bay Hydro Project.

3.3 Funding Obligations in JBNQA

The entitlement of Inuit Landholding Corporations to funding under federal programs is specified in Sections 2 and 29 of the Agreement.

Citizens' Rights:

"2.11 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 the Indian Act (as applicable) and from any other legislation applicable to them from time to time."

Federal and Provincial Programs:

"2.12 Federal and provincial programs and funding, and the obligations of the Federal and Provincial Governments, shall continue to apply to the James Bay Crees and the Inuit of Québec on the same basis as to the other Indians and Inuit of Canada in the case of federal programs, and of Quebec in the case of provincial programs, subject to the criteria established from time to time for the application of such programs."

Inuit Economic and Social Development:

"29.0.2 Programs, funding and technical assistance presently provided by Canada and Québec, and the obligations of the said governments with respect to such programs and funding shall continue to apply to the Inuit of Québec on the same basis as to other Indians and Inuit of Canada in the case of federal programs, and to other Indians in Québec in the case of provincial programs, subject to the criteria established from time to time for the application of such programs, and to general parliamentary approval of such programs and funding."

"29.0.25 Canada and Québec shall, on proposals from the Regional Government, provide, in accordance with criteria established from time to time, to Inuit individuals or groups the full range of training programs and facilities they require in order to qualify for jobs created by existing or planned developments in the Territory."

"29.0.39 Canada and Québec shall support Inuit entrepreneurs by providing them with technical and professional advice and financial assistance."

While the entitlement to funding is clearly specified in the JBNQA, the level of funding to be provided, and the administrative procedures for the provision of such funding, have not yet been determined. However, the 1982 Review of the Implementation of the James Bay and Northern Quebec Agreement acknowledged that federal funding for administration of the Inuit Landholding Corporations was, for the Federal government, an operational question and not a policy question. These monies have not yet been made available.

4. PROPOSED PLAN OF ACTION

4.1 Commitment to Federal Funding

The Federal Government shall recognize its obligation to provide a reliable source of on-going funding

to the Landholding Corporations to assist in carrying out the duties and functions assigned to the corporations under the JBNQA, as well as those which have been assumed and developed by the corporations as they have evolved since their establishment as entities entrusted with the land entitlement of the individual Inuit in each community. The funding provided by the Federal Government shall be equivalent to funds received by other Aboriginal institutions charged with administering similar responsibilities.

To the extent such funding comparisons are not readily available, or that various restrictions of a technical nature prevent access to existing federal programs, the Federal Government shall undertake to revise current programs and develop new program structures, funding guidelines, and administrative procedures to specifically provide for the adequate funding of the Landholding Corporations. The provision of such funding by Canada shall commence during the 1988-89 fiscal year.

4.2 Access to Other Program Funds

The Federal Government shall also recognize the right of the Landholding Corporations to retain access to other federal and provincial program funding.

Access to other federal and provincial program funding shall be appropriate, for example, with respect to specific social, economic or cultural projects as well as with respect to initiatives undertaken by Landholding Corporations. Eligibility for such funding would be determined according to regular program criteria. Similarly, individual Landholding Corporations shall be expected to have access to federal and provincial economic development programs dealing with business or investment opportunities.

4.3 Clarification of Access to DIAND Programs

A review of DIAND Programs shall be conducted in consultation with Makivik Corporation to assure access to DIAND services by the Landholding Corporations. This review will entail, among other things, the addition of the Landholding Corporations as specifically eligible parties.

4.4 Level of Federal Funding

The Federal Government shall provide a sufficient level of funding to enable the Landholding Corporations to meet their basic operational requirements. The annual amount

provided will be based upon the Inuit proposal of October 17, 1983 (previously tabled), taking into account the needs of the individual Landholding Corporations and escalated to take into account the Consumer Price Index. It is estimated that the total annual cost for the basic operational requirements of the Landholding Corporations will be approximately \$1 to \$1 1/2 million.

4.5 Disbursement of Federal Funds

The disbursement of Federal funds shall be done by Makivik Corporation on the basis of a formula to be decided by Makivik and the Landholding Corporations. The Landholding Corporations and Makivik will follow normal accounting procedures.

CANADA - INUIT OF QUEBEC
JBNOA IMPLEMENTATION NEGOTIATIONS
ISSUE #5
(Per Inuit List of Issues Tabled June 14, 1988)

PROPOSAL REGARDING INUIT ENTITLEMENT AND ACCESS
TO FEDERAL PROGRAMS AND FUNDING

August 22-23, 1988

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2. BACKGROUND
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 - 4.1 Recognition of Principle of Continued Access to Federal Programs and Services
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PROPOSAL REGARDING INUIT ENTITLEMENT AND ACCESS TO FEDERAL PROGRAMS AND FUNDING

1. STATEMENT OF ISSUE

A major underlying principle of the JBNQA is that the Native parties to and beneficiaries of the Agreement would not only receive new specific rights and benefits but would also not suffer any reduction in the level of overall services and benefits available to them as a result of their signature of the Agreement. This important principle is recognized as one of the "principle provisions" of the Agreement under Section 2. These provisions of the Agreement guarantee that the Inuit of Quebec continue to be entitled to all of the rights and benefits of all other Canadian citizens and that federal programs and funding continue to apply to them on the same basis as to the other Indians and Inuit of Canada, with account to be taken of the fact that a number of specific programs or services are provided by way of the specific provisions of the Agreement.

It is the position of the Inuit of Quebec that continued access to certain federal programs, services and benefits has been severely limited or entirely terminated, on a unilateral basis by Canada, without equivalent programs or benefits provided for under the terms of the JBNQA. In addition, there are several areas where there are significant uncertainties as to the applicability of federal programs and services to the Inuit of Quebec, which must be jointly considered and mutually resolved.

2. BACKGROUND

2.1 During the negotiations leading to the signature of the JBNQA, the Inuit and the Crees were concerned that, upon signature of the Agreement, segments of the federal government might conclude that these Native groups would no longer require access to federal programs and funding. There was also a concern that government officials might attempt, in effect, to pay for the compensation provided to the Native parties by way of "savings" recovered through denial of Cree and Inuit access to various programs and services to which they had previously been eligible.

2.2 The expression of these concerns by the Native parties was accepted as reasonable by the federal and provincial governments and led to the inclusion of guarantees in this regard in the Agreement In Principle (signed on November 15, 1974); in sub-sections 2.11 and 2.12 of the JBNQA; in section 3(3) of the James Bay and Northern Quebec Native

Claims Settlement Act; and within several specific sections of the JBNOA related to the delivery of specified programs and services.

2.3 The issue of continued access to federal programs, services and benefits was also recognized as a significant issue of concern by the JBNOA implementation review process which reported to the Minister of Indian Affairs and Northern Development in February, 1982. The report prepared as a result of this review concluded as follows with respect to Inuit access to federal programs, services and benefits:

- (a) Native parties were not to suffer any reduction in the level of overall services and benefits available to them as a result of the Agreement.
- (b) Changes and shifts of responsibility to Quebec were to supplement and/or replace existing rights and benefits in such a way that there was to be no reduction of these rights and benefits.
- (c) On-going programs were to apply where there were no special provisions, thus ensuring that the Native parties received the whole spectrum of services available to Indian and Inuit people, including special rights, benefits and programs established under the Agreement.
- (d) The creation of "special programs" was not intended to exclude the native parties from access to particular programs which might, from time to time, be offered by DIAND or other federal agencies, if a similar program was not offered within the "special program" as established by the Agreement.

3. FEDERAL OBLIGATIONS

3.1 Agreement In Principle

The Agreement In Principle, signed on November 15, 1974, makes reference to the continued access of the Cree and Inuit to federal programs and funding as follows:

"6. Nothing contained in the Final Agreement shall prejudice the rights of the Native people as Canadian citizens of Quebec, and they shall accordingly be entitled to all of the rights and benefits available to all other citizens, subject to the

Indian Act (as applicable) and to any other legislation applicable to them.

7. Federal and provincial programs and funding, and the obligations of the Federal and Provincial Governments, shall continue to apply to the James Bay Crees and the Inuit of Quebec on the same basis as to the other Indians and Inuit of Canada in the case of federal programs, and of Quebec in the case of provincial programs, subject to the criteria established from time to time for the application of such programs".

Canada's responsibilities pursuant to Section 7 of the Agreement In Principle were also the subject of part of the Federal letter of undertaking, November 15, 1974, which stated the following:

"With respect to Clause 7 of the said Agreement in Principle, Canada undertakes, in particular, that programs and funding for education, housing and health, will continue to apply to the James Bay Crees and Inuit of Quebec without discrimination to the said Crees and Inuit because of any rights, benefits, or privileges arising from the Final Agreement, all of the foregoing subject to general Parliamentary approval of such programs and funding and the criteria established from time to time for the application of such programs".

3.2 James Bay and Northern Quebec Agreement

The relevant sub-sections of the Agreement are the following:

"2.11 Nothing contained in this Agreement shall prejudice the rights of the Native people as Canadian citizens of Quebec, and they shall continue to be entitled to all of

the rights and benefits of all other citizens as well as those resulting from the Indian Act (as applicable) and from any other legislation applicable to them from time to time.

2.12 Federal and Provincial programs and funding, and the obligations of the Federal and Provincial Governments, shall continue to apply to the James Bay Cree and the Inuit of Quebec on the same basis as to the other Indians and Inuit of Canada in the case of federal programs, and of Quebec in the case of provincial programs, subject to the criteria established from time to time for the application of such programs".

3.3 James Bay and Northern Quebec Settlement Act

follows: The relevant section of this statute is as

"3(3) All native claims, rights, title and interests, whatever they may be, in and to the Territory, of all Indians and all Inuit wherever they may be, are hereby extinguished, but nothing in this Act prejudices the rights of such persons as Canadian citizens and they shall continue to be entitled to all of the rights and benefits of all other citizens as well as to those resulting from the Indian Act, where applicable, and from other legislation applicable to them from time to time."

3.4 Special Provisions Under The JBNQA

The provisions of the JBNQA have resulted in a major reorganization of the way in which programs and services are delivered to the Inuit of Quebec in relation to such areas as education, health, income security, municipal services, etc. In some cases, these changes have included transfers of certain administrative responsibilities and funding mechanisms to the Province of Quebec and to Inuit institutions at the local and regional levels.

In this way, the specific provisions of the JBNQA replace general programs previously delivered to the Inuit of Quebec by the federal government. This avoids the problem of a duplication of services. However, it was also agreed during the JBNQA negotiations, as reflected in the provisions of the final Agreement and enabling legislation, that other programs or funding provisions available to Indians and Inuit in Canada would continue to apply to the Inuit of Quebec where no such specific provisions were included in the Agreement, so that the Inuit of Quebec would receive "the whole spectrum of services available to Indian and Inuit people plus the special rights, benefits and programs established by the Agreement" (Tait Report, p. 21).

In several of the sections of the JBNQA the principle of continued access to federal programs is reiterated to make it clearly understood that the specific provisions contained therein would not have the effect of terminating continued access to federal programs, benefits and services. Sub-sections 29.0.2 and 29.0.3 of the JBNQA should be noted in this regard.

The 1982 JBNQA implementation review also reached the general conclusion that many of the uncertainties, with respect to ongoing access by the Cree and Inuit parties to the JBNQA, were exacerbated by the failure of Canada to "analyse the budgetary impact of the Agreement from a global perspective" (Tait Report, p. 23) and from the lack of an overall implementation process that would have taken into account the changes in administrative and funding responsibilities (Tait Report, p. 24).

In order to address the issue of the applicability of federal programs and services to the Inuit of Quebec, it is necessary to review the issue using a more "global approach", taking into account both the full array of programs and services to the Indian and Inuit of Canada, as well as the various jurisdictional and administrative changes contained in the specific provisions of the JBNQA.

The Inuit of Quebec have taken the position that such a review is long overdue. It is also recognized, however, that such a review is of some complexity due to a variety of factors. These factors include the complexity of the various sections of the JBNQA and difficulties in reaching a common interpretation of some of the specific provisions contained therein. The complexity of the federal program and activity structures is another factor together with the fact that program authorities in this area are often

non-statutory in nature and have high levels of discretionary administrative criteria.

With respect to the application of federal programs to the Inuit of Quebec, the devolution of programs and budgets to the Northwest Territories is relevant. The "other Inuit" referred to in the JBNQA are primarily found in the Northwest Territories. The programs and services provided to the Inuit of the Northwest Territories and funded by Canada, especially when delivered by the Government of the Northwest Territories, have often not been available to the Inuit of Quebec. Similarly, the program development capacity of Northern Affairs has generally not been available to the Inuit of Quebec.

The basis for the delivery of the Indian and Inuit Affairs Program of DIAND is described in the departmental "Directory of Services". The authorities and program eligibility criteria listed in the Directory, however, make infrequent and varied reference to the Inuit of Quebec. In many instances, the Inuit of Quebec are not specifically mentioned. As a result, the eligibility of the Inuit of Quebec to these programs and services is left in doubt.

4. PROPOSED PLAN OF ACTION

4.1 Recognition of Principle of Continued Access to Federal Programs and Services

Canada agrees that the issue of the continued access by the Inuit of Quebec to the programs, services and benefits of the federal government, is an ongoing issue that deserves attention and for which special provision must be made by Canada in order for the rights and guarantees contained in the JBNQA to be fully implemented and respected.

4.2 Joint Program Review

In order for the principle of continued access of the Inuit of Quebec to the programs and services of the federal government, to be recognized and respected by Canada, it is agreed that the federal government will jointly undertake with the Inuit of Quebec a comprehensive review of federal programs and services for the Indians and Inuit of Canada in order to determine the applicability of these programs and services to the Inuit of Quebec. This review of federal programs and services will make specific reference, in this context, to the following: the relevant program authorities; the criteria under which eligibility for

program benefits is determined; the procedures for applying for benefits under the program; and the type of benefits available under the various identified programs.

4.3 Annual Updates

The federal government shall also recognize that the principle of the eligibility of the Inuit of Quebec to federal programs and services involves rights that continue into the future. The recognition of these rights necessitates a continued effort by Canada to keep program guidelines and other information up to date with respect to the eligibility of the Inuit of Quebec for benefits under the various federal programs and services. As departmental or program structures are reorganized or as new programs or benefits are established, it will be necessary to clarify the application of such programs and services to the Inuit of Quebec.

4.4 Review Mechanism

The principle of the eligibility of the Inuit of Quebec to federal programs and services applies to all of the programs of the federal government. The greatest levels of uncertainty in this respect, however, are with regard to programs in the Department of Indian Affairs and Northern Development. It is, therefore, proposed that the program review initially commence with the programs and services of DIAND and that the extension of this review to other federal departments and agencies be undertaken after the review of DIAND programs has been completed.

The review of DIAND programs and services will be carried out by a small working group, as designated on behalf of the Inuit of Quebec by Makivik Corporation, and as designated on behalf of Canada by DIAND. Canada shall agree to make all necessary information available to the working group and to provide for the necessary facilities for the review of this information and for preparation of a detailed report by the working group. The final report will identify any programs or services where there is uncertainty or a dispute as to the applicability of federal programs, services or benefits to the Inuit of Quebec. The final report will be subsequently presented to Canada by DIAND and to the Inuit of Quebec by Makivik Corporation.

4.5 Cost and Timeframe of Review

Canada shall provide for the participation of the Inuit of Quebec in this study by way of a Contribution Agreement to this effect with the Inuit of Quebec. It is estimated that the DIAND program review will be completed approximately six months after authorization is approved to undertake the project. The DIAND program review will cost approximately \$50,000 to \$75,000 for research (not counting the cost of DIAND staff time), production of the final report, and for a process of consultation to inform the Inuit of Quebec of the results of the program review.

4.6 Accountability

Canada and the Inuit of Quebec agree to further explore the need for extending this review to other federal departments and agencies and to consider how the program review can be kept up to date in the future. It is agreed that this question will need to be addressed in relation to the development of an implementation mechanism for the JBNQA and that the federal government is accountable for the recognition and enforcement of the principle of the entitlement and access of the Inuit of Quebec to federal programs, services and benefits.

ԵԱՀԿ - Ճափոնի Կոնվենտ

Պրիմորիեի մարզի Սիմբիրսկի շրջանի Պրիմորիեի մարզի

Ներքին գործերի (Ն) Կոնվենտ (Ն)

(Ճափոնի Կոնվենտի Պրիմորիեի մարզի Սիմբիրսկի շրջանի Պրիմորիեի մարզի 14, 1988-Գ)

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Final

CANADA - INUIT OF QUEBEC
JBNQA IMPLEMENTATION NEGOTIATIONS
ISSUES # 7(b) and (c)

(Per Inuit List of Issues Tabled June 14, 1988)

PROPOSAL FOR FEDERAL MEASURES AND FUNDING
RELATED TO WILDLIFE STUDIES AND HARVEST MONITORING

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

July 26, 1988

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The Hunting, Fishing and Trapping Regime recognizes a number of important rights in favour of the Native people of the Territory. These rights include the general right to harvest in the Territory "for personal and community use, commercial trapping and commercial fishing" (24.3.11); the exclusive right to trap in the Territory (24.3.19); the exclusive right to establish and operate commercial fisheries in Categories I and II and for certain species in Category III (24.3.26); the exclusive right to hunt and fish within Categories I and II (24.8.2); the exclusive right to harvest certain species of mammals, fish and birds (24.7.1); and, the exclusive right to operate outfitting facilities in Categories I and II together with a right of first refusal for such facilities in Category III (24.9.1). These rights, however, are subject to the conditions set out in Section 24.

2.2 Principle of Conservation

The Hunting, Fishing and Trapping Regime is subject to the "principle of conservation" which is defined as follows (24.1.5):

"Conservation" means the pursuit of the optimum natural productivity of all living resources and the protection of the ecological systems of the Territory so as to protect endangered species and to ensure primarily the continuance of the traditional pursuits of the Native people, and secondarily the satisfaction of the needs of non-Native people for sport hunting and fishing.

The principle of conservation is applied on a species-by-species basis in the Territory according to the jurisdictions of the responsible federal and provincial governments (24.5.1). However, the exercise of these powers of government with respect to Native and non-Native harvesting in the Territory is conditioned in two important ways. First, the exercise of the principle of conservation by government must incorporate the principle of the "priority of Native harvesting". In addition, governments are to act "only upon the advice of or after consulting with" the Hunting, Fishing and Trapping Coordinating Committee (24.5.2).

2.3 Priority Of Native Harvesting

Sub-Section 24.6 establishes the manner in which the principle of the priority of Native harvesting is to be applied in the Territory by the responsible governments and

FEDERAL MEASURES AND FUNDING RELATED TO WILDLIFE STUDIES AND HARVEST MONITORING

1. STATEMENT OF ISSUE

The JBNQA stipulates a principle of priority of Native harvesting whereby the Inuit and Crees are guaranteed certain levels of harvesting of all species in the James Bay & Northern Quebec Territory. It is further provided that the principle shall be applied by the responsible federal and provincial governments with respect to species under their control and jurisdiction through the allocation of quotas or, if a given species is not best managed by quotas, then by other means.

The application of the principle of Native priority including the establishment of such quotas necessitates the collection of information and basic data on wildlife populations and on the levels of harvesting activity by Natives and sport hunting and sport fishing non-Natives. This information and data base can be established and maintained by the government undertaking and/or funding the necessary research studies.

An adequate level of biological information combined with a capacity to monitor actual harvesting activities does not yet exist for this Territory for species under federal jurisdiction (i.e., marine mammals, migratory birds and anadromous fish). Without this information base, wildlife resources will not be adequately protected and Inuit harvesting rights will not be fully implemented. Inuit rights will continue to be subject to arbitrary harvesting quotas and species may be arbitrarily designated as requiring complete protection.

2. PROVISIONS OF THE JBNQA

2.1 Harvesting Rights Under The JBNQA

Section 24 of the JBNQA establishes the Hunting, Fishing and Trapping Regime for the Territory covered by the Agreement. The complexity of this Section derives from the fact that the provisions and obligations contained therein apply to both the federal and provincial levels of government, to both of the Native parties to the Agreement (i.e., to the Crees and to the Inuit), to all species of wildlife contained in the region, and to harvesting activities by both Natives and non-Natives on the various categories of land established under the Agreement.

the Coordinating Committee. Under this principle, the Native people are guaranteed levels of harvesting up to their traditional levels of harvesting. However, if the biologically safe level of harvesting is less than the guaranteed level of harvesting, then the safe level must not be exceeded. In this case the entire harvest is to be allocated to the Native people. Alternatively, if the permissible harvest exceeds the guaranteed level of harvesting, then the excess is to be divided among other harvesters, including non-Natives involved in recreational hunting and fishing, or allocated to other harvesting operations such as outfitting or commercial harvesting. The principle of the priority of Native harvesting therefore applies both above and below the traditional harvesting levels.

Between 1975 and 1980, annual harvest studies were conducted in the Inuit communities of Northern Quebec (24.6.2). These studies, entitled Research to Establish Present Levels of Native Harvesting, were used to establish a data base on Inuit harvesting patterns. These research findings were then used to establish the guaranteed levels of harvesting. This research, however, only reflects traditional harvesting levels and does not represent the information base necessary for the full implementation of the priority rights in favour of the Inuit contained in Section 24.

2.4 Government Obligations

Clause 24.6.3 stipulates that with regard to the allocation of harvesting quotas for Natives and non-Natives "the responsible governments" shall "in any given year" assure that game populations permit levels of harvesting equal to the guaranteed levels. Clause 24.6.4 specifically applies this principle to marine mammals and clause 24.6.5 similarly applies it to the harvesting of migratory birds.

Federal and provincial governments are responsible for determining the biological status and health of wildlife resources. Therefore, they must provide for the collection of this information on an annual basis and for the exchange of this information with the Native parties (24.4.38). Any limitations by government on the priority of Native harvesting, as a consequence of the application of the principle of conservation, must be supported by appropriate research findings. In addition, the sharing of resources between Natives and non-Natives can only be properly carried out on the basis of accurate information.

3. OTHER CONSIDERATIONS

This proposal takes into account a number of jurisdictional, operational and policy considerations.

3.1 Jurisdictional Considerations

The first consideration is the divided nature of governmental and departmental jurisdictions with respect to wildlife. The federal government is responsible for marine mammals, migratory birds and anadromous fish. The provincial government is responsible for game and inland fish species. At the federal level, the Department of Fisheries and Oceans is responsible for marine mammals and anadromous fish, while the Department of the Environment is responsible for migratory birds. The implementation of Section 24 involves both levels of government and several different departments. However, as the current negotiations do not presently involve Quebec, the proposals put forward in this document relate to Canada's responsibilities.

The Department of Fisheries and Oceans is now the key federal department concerned with the implementation of Section 24. At least three sectors of the department will be involved. The Science Sector has indicated that in 1988-89 it will place an increased priority on Arctic activities, including marine fisheries research, hydrographic and oceans research, and the development of an Arctic Strategic Overview. The Atlantic Fisheries Sector is responsible for managing the department's involvement in the Canada-Quebec EROA Fisheries Sub-Agreement and other activities. The Pacific and Freshwater Fisheries Sector is responsible for implementing the Arctic Marine Conservation Strategy.

Proposals for the effective implementation of the obligations contained in Section 24 must take these jurisdictional considerations into account.

3.2 Inuit Involvement

The second concern that must be addressed in implementing Section 24 is the principle of full involvement of the Inuit in the design of research programs in the North, in conducting field research at the community level, in interpreting the results of such studies, and in designing the resulting guidelines to be utilized by resource managers.

In the past, government officials have demonstrated some willingness to consider mechanisms (such as the Hunting, Fishing and Trapping Coordinating Committee) for the joint management of wildlife harvesting activities. However, it has been more difficult to establish joint efforts in the area of biological studies and related research projects.

The consultation process leading to the draft DFO Arctic Marine Conservation Strategy (AMCS) pointed out this weakness in the traditional response of departmental scientific research and management processes. In response, the AMCS, as released by the Minister of Fisheries and Oceans, proposes an extensive process of consultations and a high level of involvement by the Inuit in developing and implementing shared management processes. In particular, the AMCS states:

Efforts should be made to ensure that Inuit knowledge of the marine system is preserved and made available for use by all resource managers. Inuit hunters have used the marine environment for a long time and have amassed a large amount of empirical data about the system. It is important that this body of knowledge be used when management decisions are made. (p. 18)

3.3 National And International Interests

Thirdly, the implementation of Inuit harvesting rights in Northern Quebec must also be consistent with the recognition of Inuit interests by Canada at the national and international level. The proposed Inuit Regional Conservation Strategy, prepared by the Inuit Circumpolar Conference, will be of particular relevance in this regard.

3.4 Operational Concerns

The effective coordination of Inuit organizations in Northern Quebec is the fourth consideration that must be addressed. This proposal coordinates the scientific research and information collection aspects of the implementation of Section 24 with the various responsibilities currently being exercised by the Hunting, Fishing and Trapping Coordinating Committee, the Kativik Regional Government and the ERDA

Fisheries Sub-Committee. The proposal ensures a strong linkage to the Inuit hunters at the community level so that their knowledge, experience and advice will be effectively transmitted to other organizations and to other levels of decision-making.

4. PROPOSED PLAN OF ACTION

Taking these considerations into account, the following is proposed:

4.1 Five-Year Research Program

The federal government shall provide funding for the various research studies necessary to implement the principle of conservation in Northern Quebec for species under its jurisdiction and to implement, on an annual basis, the principle of the priority of Native harvesting. The objective of these research studies will be to determine the "optimum natural productivity" of the region by determining the size of the fish and animal populations that will produce the largest number of young, the natural and human factors affecting the health of these wildlife populations, and the optimum levels that can be set for the controlled harvesting of these species.

A research program to achieve this objective shall be jointly planned, developed and coordinated with the Inuit. It shall cover all species harvested by the Inuit and the relationship of these species to the Arctic marine environment. In recognition of the lack of basic information on many of these species, the difficulties in carrying out research in an Arctic environment, and the need to involve the Inuit communities in carrying out this research program, the research program contemplated by this proposal shall commence no later than fiscal year 1989-1990 and shall be scheduled over an initial five-year period.

Adequately funded and properly implemented, this research program shall result in a basic understanding of the biological resources of the region which can then be annually updated and amended as necessary. Consistent with the 1988-89 expenditure priorities as announced by the federal government, this research program would be funded out of existing departmental budgetary programs and allocations, which allocations or program descriptions would, if necessary, be adjusted to permit this specific research program, failing which new monies will be allocated. Funding levels would be established in the course of the present CSNOA Implementation negotiations.

4.2 Involvement of the Inuit

The federal government agrees as a matter of principle that there shall be full Inuit involvement in designing this research program, contracting for execution of this research in conducting the necessary field research at the community level, in interpreting the results, and in designing the resulting guidelines that are to be utilized by resource managers.

In recognition of this principle and to ensure the effective involvement of Inuit hunters at the community level, the federal government shall provide financial support for a Community Coordinator to help coordinate Inuit involvement in the five-year research program. This position shall be located within Makivik Corporation and shall be jointly appointed by Makivik and Kativik Regional Government. Financial support for this position shall be provided by way of a contribution agreement between DFO and Makivik Corporation. The estimated annual cost of this position for salary, travel and expenses would be approximately \$100,000.

In addition, the federal government shall provide funding in order to permit the organization and operation of Local Wildlife Committees at the community level. The Local Wildlife Committee in each community shall be composed of up to 5 members appointed jointly by the Landholding Corporation and Northern Village Corporations (local municipality) in that community.

The Local Wildlife Committees shall ensure that Inuit input is fully integrated into the five-year research program and can be used to inform Inuit hunters about this process and other government initiatives such as the proposed AMCS.

The Local Wildlife Committees would coordinate the involvement of Inuit hunters in this process and would also specifically ensure that local activities are coordinated with respect to (i) related aspects of the Hunter Support Program, (ii) the enforcement of federal, provincial, regional and local wildlife regulations, and (iii) other wildlife-related economic development projects.

The creation of Local Wildlife Committees of this nature will assist the Inuit Landholding Corporations in carrying out their responsibilities with respect to commercial fisheries on Category I and II (24.3.27); the control of non-Native hunting and fishing on Category I and II (24.8.2); and the establishment of outfitting facilities (24.9.1).

Federal support for the creation and operation of the Local Wildlife Committees shall be provided to Makivik. The annual cost to the federal government for operating and travel expenses related to the Local Wildlife Committees would be approximately \$100,000.

4.3 Biological and Marine Sciences Coordinating Committee

The federal government shall recognize the need for the creation of a new coordinating mechanism to be charged with the responsibility for planning, initiating and coordinating the proposed five-year research program. Federal engagement in jointly sponsored research projects will not be enough to ensure that the proposed research program is fully implemented.

This coordinating structure shall be known as the Biological and Marine Sciences Coordinating Committee ("BMSCC") and it shall be composed of equal representation from Canada (as nominated by Fisheries and Oceans Canada and by Environment Canada) and from the Inuit (as nominated by Makivik Corporation and Kativik Regional Government). The BMSCC will require specific terms of reference which shall include designing a coordinated series of specific research projects to carry out the five-year research program; setting joint priorities for carrying out this research; and coordinating the collection of this information with the full involvement of the Community Coordinator in Makivik Corporation and the Local Wildlife Committees as established by the Landholding Corporations.

The role of the BMSCC will complement the mandate and responsibilities of the Hunting, Fishing and Trapping Coordinating Committee ("HFTCC") as set out in Sub-Section 24.4 of the JBNQA. The role of the BMSCC will be to collect information and prepare research studies related to the biological resources of the region. This will allow the HFTCC to concentrate, as it does now, on the joint management of harvesting activities in the region. The results of the research studies carried out by the BMSCC will be of

assistance to the HFTCC in carrying out its responsibilities. Appropriate mechanisms will be developed for forwarding the resulting data and wildlife research findings to the HFTCC. The costs associated with the proposed BMSCC would be for secretariat services and for some travel for an annual total of approximately \$50,000. These costs could be provided for directly by government or by way of a contribution agreement with Makivik Corporation.

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ԸՆԴ 27, 1988

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Final

CANADA - INUIT OF QUEBEC
JBNQA IMPLEMENTATION NEGOTIATIONS
ISSUE #7. (d)
(Per Inuit List of Issues Tabled June 14, 1988)

ENFORCEMENT PROPOSAL
(Hunting, Fishing and Trapping Regime)

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

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WILDLIFE ENFORCEMENT PROPOSAL

1. STATEMENT OF ISSUE

With respect to enforcement of regulatory aspects of the Hunting, Fishing & Trapping Regime, the James Bay and Northern Quebec Agreement provides that a predominant number of persons involved in that activity shall be Native people. This federal and provincial undertaking has not been achieved. Greater involvement of the Inuit in the enforcement aspects of the wildlife harvesting regime is necessary, moreover, if an efficient, integrated wildlife management system is to be achieved.

Enforcement of the wildlife regime in Northern Quebec involves four regulatory aspects:

- (i) the particular provisions of the Hunting, Fishing and Trapping Regime established by the JBNQA;
- (ii) general Federal and Provincial regulations;
- (iii) Regional and Municipal by-laws; and
- (iv) local community harvesting rules.

2. OBLIGATIONS CONTAINED IN THE JBNQA

Sub-section 24.10 of the James Bay and Northern Quebec Agreement provides for the enforcement of the Hunting, Fishing and Trapping Regime:

24.10.1 A predominant number of the persons charged with enforcing the Regime established by and in accordance with this section shall be Native people.

24.10.2 To give effect to and provide adequate enforcement of the Regime, Quebec and Canada shall provide for the training of a sufficient number of Native people as conservation officers. To give effect to the foregoing Quebec and Canada shall modify, when necessary, the criteria required for acceptance as a trainee and establish and fund special facilities, courses and programs.

24.10.3 Native people duly qualified as conservation officers shall be empowered by Quebec or Canada, as the case may be, to act as Provincial conservation officers, game officers under the Migratory Birds Convention Act, fisheries officers under the Fisheries Act and such similar enforcement officers which may from time to time be provided for under applicable laws.

3. BACKGROUND

3.1 Need for Improved Enforcement

Due to the growing number of non-Natives who are coming to the region, there is an increasing need in Northern Quebec for improved supervision and enforcement of the Hunting, Fishing and Trapping Regime and of other wildlife regulations. At the present time, the greatest need for improved supervision and enforcement is required in the Southern Ungava area where caribou, salmon and arctic char attract many sport hunters and fishermen.

Prior to 1985, there were approximately 15 outfitters operating in the Inuit Region. Their capacity was limited to the size of their base camps. After 1985, when a new system for caribou hunting was authorized, the number of clients in the Region increased approximately 40% from 3,531 in 1986 to 4,902 in 1987. This increase is expected to continue.

As commercial fisheries increase in number and volume, supervision of harvest quotas at catch site (boat or land) and at site of export is required. The sport hunting and fishing activities of tourists also require supervision. In the near future, a workforce of several thousand people will be involved in the construction of the Great Whale River Hydro Complex, thereby creating a serious need for enforcement measures in the Hudson Bay area.

The present staff, equipment and offices for enforcement of the wildlife regime are all funded by Quebec. The federal government participated in the initial discussions concerning enforcement but failed to follow through with concrete action.

3.2 Limited Current Enforcement

The Inuit region is currently serviced from posts located at Kuujjuaq and Radisson. The Kuujjuaq post is responsible for the entire Territory north of the 55th parallel. It is staffed by 1 permanent non-Native officer, 1 permanent Inuk officer, and 1 temporary non-Native officer. These people are assisted for short periods of time during the summer and fall by part-time Inuit officers. The latter are also required, during the caribou season, to assist on an infrequent basis in operations at Shetterville, in North-eastern Quebec.

Permanent equipment at the Kuujjuaq post is limited to skidoos, a truck and canoe/motor. There are no aircraft. However, a plane is stationed at Kuujjuaq during the peak sport hunting and fishing season in order to patrol the Kuujjuaq and Kangisualujjuaq region. Also, a certain number of hours for flying are allocated to the post when aircraft are locally available.

The Radisson post is responsible primarily for the northern James Bay region. In particular, it deals with the problems associated with the infrastructure of the La Grande Hydro-Electric Project. It is also called on to assist in southern Hudson Bay when the Kuujjuaq post is unable to respond to a request. The Radisson post is staffed by 1 permanent non-Native officer and 1 permanent Cree officer.

3.3 Enforcement Training

After 5 years of negotiation, training in wildlife enforcement was provided in 1981 for 6 Inuit. The Federal Government participated in the design of the program but only Quebec offered and funded the program. Subsequently Quebec took the position that permanent jobs were not available for these 6 individuals upon graduation due to funding and civil service limitations.

One individual was offered consecutive temporary jobs, which meant a very low salary, no job security and no benefits. The other 5 individuals were called on to assist during the sport hunting peak period in late summer and early fall. This situation persisted until 1983 when 1 permanent job was offered. In the meantime, however, the other individuals were forced to take other jobs.

4. PROPOSED PLAN OF ACTION

4.1 Two Enforcement Zones

For administrative purposes, the area north of the 55th parallel extending to the Labrador border will be divided into two main zones: the east-west division will be along the 73rd degree of longitude. The Eastern zone will service the Ungava Bay region and the Western zone the Hudson Bay and Hudson Strait region. The Eastern zone will have a post at Kuujjuaq, while the Western zone will have a post at Kuujjuarapik. The two communities have jet service from Montreal and are the 'gateways' for each zone.

4.2 Enforcement Personnel

The Kuujjuaq post will require a minimum of 3 officers. The Kuujjuarapik post will begin with 2 full-time officers, to be increased during construction of the Great Whale River Hydro Complex. The majority of officers will be Inuit. In addition to the full-time officers, each community will have 1 auxiliary Inuk officer.

4.3 Equipment Needs

Each post will have the standard equipment, i.e., skidoos, all-terrain vehicles, trucks, canoes, motors, radios, camping gear, etc. Each auxiliary officer will also have the appropriate equipment. Office space, housing and other infrastructure will be provided for the main posts as required.

The main concern of any program dealing with enforcement is effective patrol. In Northern Quebec, the only realistic means of patrol is by light aircraft equipped with floats. These patrols must be made regularly and frequently. For this purpose, an aircraft is required on a full-time basis. One officer in each post will be a licensed pilot. In addition to the purchase of an aircraft and support facilities, funds will be made available for aircraft charter to respond to other needs on an emergency basis.

4.4 Jurisdictional Responsibilities

There is a need to clarify responsibility for the enforcement of the three levels of regulations in the Territory. This includes responsibilities for training of enforcement personnel, hiring of wildlife officers and the provision of adequate funding for enforcement of wildlife regulations at the following three levels:

- (i) federal regulations concerning migratory birds (in the offshore area and on mainland Quebec) and federal regulations concerning marine mammals and fish in the offshore area;
- (ii) provincial regulations concerning fish and game on mainland Quebec, including federal species for which management and regulatory responsibility have been transferred to Quebec;
- (iii) regional and local by-laws enacted by the Kativik Regional Government or the municipalities and local rules for self-regulation of Inuit hunting.

4.5 Appointment of Wildlife Officers

The Federal Government is responsible for the appointment of Wildlife Officers to enforce federal regulations both on offshore and on mainland Quebec. In appointing Wildlife Officers, Canada must respect the commitments in the JBNQA relating to the training and employment of Inuit.

4.6 Funding

The Federal Government shall provide adequate funding for the improved supervision and enforcement of wildlife harvesting regulations for species under federal jurisdiction. In that connection, as the enforcement of federal and provincial regulations are to be carried out in a coordinated manner, Canada shall undertake immediate discussions with Quebec to ensure that such funding is provided to Quebec to offset training, salary, and infrastructure costs, based on the estimates (Appendix I) for the following:

- (i) Training of an adequate number of Inuit to fill new permanent positions, including pilot training for at least 2 individuals.
 - (ii) Training of auxiliary conservation officers for each community.
 - (iii) Establishment of permanent and auxiliary posts and provision of necessary equipment for the permanent and auxiliary posts.
 - (iv) Annual operating budgets for the above.
-

APPENDIX I

INITIAL ESTIMATE OF COSTS FOR
IMPLEMENTATION OF THE ENFORCEMENT OF THE
WILDLIFE REGIME, JBNOA *

Annual:

Manpower:

- Salaries	\$30,000 X 5	\$ 150,000
- Benefits	\$15,000 X 5	\$ 75,000
- Housing	\$20,000 X 5	\$ 100,000

Operations:

- Travel	\$ 50,000
- Offices	\$ 40,000
- Aircraft (300 hours per year)	\$ 120,000
- Equipment maintenance	\$ 50,000
- Auxilliary posts	\$ 75,000
- Ongoing training	\$ 20,000

Annual Total \$ 680,000

Initial:

Equipment Purchase:

- trucks (2)	\$ 50,000
- skidoos (15)	\$ 90,000
- boats/motors (2)	\$ 30,000
- trail radios (15)	\$ 30,000
- base radios (2)	\$ 20,000
- general equipment (camping, safety, etc.)	\$ 40,000

Sub-Total \$ 260,000

Training Costs:

- Training course for minimum of 4 officers

Sub-Total \$ 60,000

Initial Total \$ 320,000

* This estimate in 1988 dollars is subject to revision based upon detailed costing studies.

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7-11-12-14, 1988

Δαδης

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FINAL

CANADA - INUIT OF QUEBEC
JBNQA IMPLEMENTATION NEGOTIATIONS
ISSUE #8
(Per Inuit List of Issues Tabled June 14, 1988)

PROPOSAL REGARDING ENVIRONMENTAL AND SOCIAL IMPACT
ASSESSMENT AND REVIEW OF FEDERAL DEVELOPMENT PROJECTS

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

September 12-14, 1988

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 - 2.2 Guiding Principles
 - 2.3 Scope of Section 23
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 - 3.1 Public Review of Low Level Military Flying Activities over Labrador and Northern Quebec
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PROPOSAL REGARDING ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT AND REVIEW OF FEDERAL DEVELOPMENT PROJECTS

1. STATEMENT OF ISSUE

Section 23 of the JBNQA establishes the Environmental and Social Protection Regime in Quebec north of the 55th parallel. Under this regime specific environmental and social impact assessment and review procedures are established for development projects under provincial jurisdiction (Sub-Section 23.3) and under federal jurisdiction (Sub-Section 23.4). Section 23 provided for the creation of the Kativik Environmental Advisory Committee (Sub-Section 23.5) with members appointed by Canada, Quebec and the Kativik Regional Government. This Committee is the official forum for consultation amongst the responsible governments in the Region "concerning their involvement in the formulation of laws and regulations relating to the Environmental and Social Protection Regime." (Paragraph 23.5.24)

The Environmental and Social Protection Regime recognized and confirmed a number of important rights in favour of the Inuit of Quebec with respect to future development in the Region. These rights are both procedural and substantive and must be respected by both Canada and Quebec when development projects are considered for the Region. Furthermore, both Canada and Quebec are obliged, within their respective jurisdictions, to give effect to the rights and guarantees contained in Section 23 and, where necessary, to adopt or amend applicable federal and provincial laws of general application respecting environmental and social protection in the Region.

The Government of Canada has failed to adopt the legislative and regulatory measures necessary to ensure that the rights and guarantees in favour of the Inuit of Quebec are fully recognized and protected with respect to proposed development projects subject to federal jurisdiction.

Canada has also failed to establish appropriate administrative and coordinating structures to ensure that the rights and guarantees provided under Section 23 are adequately respected and properly enforced when development projects are under consideration by the federal government.

2. BACKGROUND

2.1 Precedence of Section 23

Paragraph 23.2.3 ensures that the environmental and social impact assessment and review procedures, established by way of Sub-Section 23.4, take precedence over the general federal Environmental Assessment and Review Process (EARP):

"23.2.3

All applicable federal and provincial laws of general application respecting environmental and social protection shall apply in the Region to the extent that they are not inconsistent with the provisions of the Agreement and in particular of this Section ...".

The EARP process was confirmed by way of an Order in Council under the Government Organization Act (P.C. 1984-2132, 21 June 1984).

The JBNQA provides, however, that the procedure outlined in Sub-Section 23.4 may be incorporated into EARP as long as the federal review process "provides for Native involvement to at least the degree provided in this Section [23]" (Paragraph 23.4.1).

The priority of the JBNQA provisions, to the extent that they depart from the federal EARP procedures, or have not been incorporated into the regular federal review process, is a fundamental consideration that must be respected by Canada in terms of developing appropriate legislative and regulatory measures and implementing appropriate administrative arrangements.

2.2 Guiding Principles

Section 23 outlines a series of "guiding principles" that are to be used by the responsible governments and various agencies created under this Section while carrying out their respective duties and obligations. The guiding principles are set out in Paragraph 23.2.4:

- (a) The protection of Native people, societies, communities and economies, with respect to developmental activity affecting the Region;
- (b) The minimizing of the impacts on the Native people by development activity;
- (c) The protection of Native hunting, fishing and trapping rights;
- (d) The protection of wildlife resources, physical and biotec environment and ecological systems with respect to development activity;
- (e) The involvement of the Native people and others in the Region in the application of the regime;
- (f) The rights and interests of non-Native people;
- (g) The right to develop by persons acting lawfully in the Region; and
- (h) The minimizing of negative environmental and social impacts of development activities by the use of the impact assessment and review procedures.

These "guiding principles" are to be followed during all phases of the environmental and social impact assessment and review process provided for under Section 23. The federal EARP Guidelines do not include a list of guiding principles. In contrast, the federal Guidelines merely state that the EARP procedures are intended to "ensure that the environmental implications of all proposals", for which the federal government has decision-making authority, are fully considered "as early in the planning process as possible and before irrevocable decisions are taken." (Guidelines, Section 3)

2.3 Scope of Section 23

Unlike Section 23 of the JBNQA, there is no mention of Native rights in the federal EARP Guidelines and no requirement for either proponents or "initiating departments" to review the socio-economic impacts of development projects except for "social effects directly related to those environmental effects" (Paragraph 4(1)(a)).

In the Initial Assessment Guide (issued by the Federal Environmental Assessment Review Office (FEARO) and followed by federal departments and agencies during the initial assessment phase of the EARP review procedures), there is similarly no mention of the need to consider the impact of development proposals on Native rights and only a brief reference to "native groups" in Appendix 1.

The EARP Guidelines are significantly narrower in scope than those set out in Section 23. For example, the definition of "development project" (Sub-section 23.1) and the application of the Section 23 provisions to all projects in the Region "subject to federal jurisdiction" (Paragraph 23.4.1) are broader in scope than the corresponding provisions under the EARP Guidelines. The EARP Guidelines only apply to "proposals" for which the Government of Canada has a decision-making authority (Guidelines, Section 2). The EARP Guidelines also contain a number of gaps in coverage not found in Section 23. For example, the EARP Guidelines only apply to certain federal Crown Corporations when it is a "corporate policy" of the corporation to apply the EARP process. In contrast, the Sub-section 23.4 provisions apply to all projects subject to federal jurisdiction which will have an environmental or social impact on the Region.

The level of environmental assessment and review that must be carried out by project proponents is also significantly different under the Section 23 and EARP processes. The definition of "impact assessment" under paragraph 23.1.3 of the JBNQA specifies that both the beneficial and adverse effects of proposed projects are to be studied in relation to their impact on the environment and people of the Region and that alternatives to the project are to be examined. The level of information required under such impact assessments is further described under Schedule 3 of Section 23. In contrast, the definition of an "Environmental Impact Statement" under the EARP Guidelines (Section 2) only specifies that the proponent is to prepare a "documented assessment of the environmental consequences" of the proposed project.

The non-comprehensive application of EARP within the area of federal jurisdiction, together with the restricted nature of the impact statements required under the EARP Guidelines, has the effect of putting Native people and communities in the position of having to first justify their interest in this process and to then try to have proponents and federal departments adequately respond to their concerns. These difficulties are not encountered by the Inuit of Quebec with respect to the application of Section 23 of the JBNQA.

2.4 Assessment and Review Procedures

Attached are Appendices outlining the assessment and review procedures under EARP and Section 23. The two sets of procedures are similar in approach. They both consist of an initial assessment phase, a public review phase and a final decision-making and authorization phase. The procedures to be followed during each of the three phases of the impact assessment and review process under Section 23 are also summarized in the Appendices along with references to the appropriate paragraphs in the JBNQA.

2.4.1 Initial Assessment Phase

The EARP Guidelines are based on the philosophy of self-assessment by proponents under initial assessment guidelines developed by the various "initiating departments" within the federal government. The initiating departments inform FEARO as to the content of these guidelines and of their application with respect to proposed projects. As a result of initial environmental evaluations, initiating departments may approve, reject or modify proposals or refer the proposed project to the Minister of the Environment for a public review.

The Section 23 provisions related to the initial assessment phase are significantly different. Clauses 23.4.2 to 23.4.8 provide for a Screening Committee composed of members representing Canada and the Kativik Regional Government. The Screening Committee reviews proposed projects and makes recommendations to the Federal Administrator. The Federal Administrator, under paragraph 23.4.9, has the responsibility to consider these recommendations and decide whether the project should proceed at this stage, be reassessed, or proceed to the review panel phase. The Federal Administrator also has the responsibility for issuing the guidelines to the proponent for preparation of the Environmental and Social Impact Statement.

Section 23 incorporates the philosophy of self-assessment but also includes the principle of joint screening of projects by Canada and KRG. The key decisions are also made by the Federal Administrator and not by the initiating departments as under the EARP Guidelines.

2.4.2 Review Panel Phase

Under Section 23, two of the five members of the review panel must be Native people or their representatives as designated by the Kativik Regional Government (Paragraph 23.4.12).

By contrast, the EARP Guidelines stipulate that review panel members must "be unbiased and free of any potential conflict of interest ... [and] be free of any political influence" (Guidelines, Section 22).

The funding for the KRG representatives is provided for by the Kativik Environmental Advisory Committee (Paragraph 23.4.12) while funding for the EARP Review Panel comes from the federal government.

2.4.3 Final Decision Phase

Under the EARP Guidelines, the final decision rests with the initiating department. If necessary, the matter may be referred to Cabinet for collective consideration (Guidelines, Section 33).

By contrast, under Section 23, the Federal Administrator is responsible for considering the recommendations of the review panel and then making the necessary decisions (Paragraph 23.4.23). The decision of the Federal Administrator is binding on the proponent which might be another federal department, agency or Crown Corporation (Paragraph 23.4.27). The decision of the Federal Administrator is subject to review for cause by the Governor in Council which may approve the project or alter the terms and conditions set by the Federal Administrator (Paragraph 23.4.29).

3. OTHER CONSIDERATIONS

3.1 Public Review of Low Level Military Flying Activities over Labrador and Northern Quebec

On February 13, 1986, the Associate Minister of National Defence requested the Minister of the Environment to hold a public review of low level military flying activities in Labrador and over parts of Quebec. The review is to include a study of a proposed NATO Tactical Fighter Weapons Training Centre in Goose Bay, Labrador. It has been

determined that the proposal is to be subject to a public review under the EARP procedures as well as an environmental and social impact assessment under Section 23.4 of the JBNQA.

So that the proposal be subject to only one assessment and review process, a Memorandum of Understanding was signed between KRG, the Minister of the Environment, and the Federal Administrator incorporating certain features of the Section 23.4 review procedures into the EARP review. These features included incorporating the "guiding principles" of Section 23 into the EARP review; distribution of documents to KRG; consultation with the Kativik Environmental Advisory Committee on the terms of reference for the review panel; appointing a person proposed by KRG to the review panel; and, appointing an analyst designated by KRG to the review panel Secretariat.

connected to the James Bay Phase
This is the only development project, under federal jurisdiction which has been ~~proposed for Northern Quebec~~ since the signing of the JBNQA. The Section 23 procedures have only been partially complied with to date. The federal government recognizes that Section 23 applies over part of the region where the project is taking place, and agrees to the importance of incorporating the guiding principles into the review and the need for Inuit representation on the review panel. The necessity for the Inuit of Quebec to negotiate for such basic matters as the incorporation of the guiding principles and Inuit representation underlines the need for the enactment of legislative protection for the rights and guarantees contained in Sub-Section 23.4 of the JBNQA.

3.2 Proposals for Reforming the Federal Environmental Assessment and Review Process

In September, 1987 a Discussion Paper entitled Reforming Federal Environmental Assessment was released by the Minister of the Environment. This Paper indicated the federal government's intention to improve the federal environmental assessment and review process and invited public comment on policy issues related to the EARP procedures and policy framework. Subsequent to the release of this paper, the FEARO conducted a series of meetings and consultations to ascertain the views of interested organizations and individuals.

As part of this consultation process Makivik Corporation made a submission to FEARO on behalf of the Inuit of Quebec. In addition, representatives from Makivik

Corporation and KRG attended the National Consultation Workshop on Federal Environmental Assessment Reform hosted by FEARO in May, 1988. At these meetings it was emphasized that any reform of the federal environmental assessment and review process would have to take into account the land interests of aboriginal people and the provisions of existing aboriginal land claims settlements, such as those in Northern Quebec and the Western Arctic, which involve specific social and environmental impact assessment and review procedures.

4. PROPOSED PLAN OF ACTION

4.1 Recognition of Federal Responsibilities

Canada shall take the necessary steps to fully recognize, protect and enforce the rights and guarantees of the Inuit of Quebec as provided for under the provisions of Section 23 of the JBNQA.

Canada shall immediately undertake to enact appropriate legislative and regulatory protections; establish effective administrative structures and policy guidelines; adopt measures to ensure that federal appointments as stipulated under Section 23 are made in a timely and responsive manner; and, agree with the Inuit of Quebec to enter into a consultative process related to the design and implementation of these legislative and administrative mechanisms.

4.2 Enactment of Legislative Protection

The Inuit of Quebec have long taken the position that federal obligations with respect to environmental protection under Section 23 of the JBNQA shall be the subject of federal legislation.

The enactment of federal legislation is foreseen by the following Paragraphs of the JBNQA: 23.2.2, 23.2.3, 23.5.24, 23.5.25, 23.5.31, 23.7.2 and 23.7.7. The Province of Quebec has provided legislative enactment of and protection for the provincial obligations under Section 23 by way of the Environmental Quality Act (Chapter 11).

The federal legislative provisions shall be enacted as a separate statute or incorporated within broader federal environmental assessment legislation of the type proposed by the Honourable Tom MacMillan, Federal Minister of Environment.

4.3 Administrative and Coordinating Structures

4.3.1 In order for the Government of Canada to fully and effectively implement the provisions of Section 23 it is necessary to clarify and reach agreement upon the relationship between general federal environmental provisions (EARP or a reformed federal review process) and the specific provisions of the JBNQA. This must be accomplished without diminishing either the procedural guarantees established under Section 23 or the scope of the social and environmental impact statements stipulated under Section 23.

4.3.2 A Federal proposal for the enactment of federal legislation shall be submitted to the Kativik Environmental Advisory Committee for joint consideration with the Inuit of Quebec as provided for under Paragraph 23.5.24 of the JBNQA. The legislative proposal shall also be accompanied by proposals for the establishment of appropriate administrative structures and policy guidelines. These guidelines will relate to such matters as the operation of the Screening Committee referred to under Paragraph 23.4.2; the appointment of KRG representatives to review panels as specified under Paragraph 23.4.12; and the manner in which the Screening Committee is to be informed of development projects being considered by the federal government; etc.

4.3.3 The Government of Canada shall also undertake to make the following appointments in a more timely and effective manner: the Federal Administrator as stipulated under Paragraph 23.1.2; the federal members of the Screening Committee as stipulated under Paragraph 23.4.2; and the federal members of the Kativik Environmental Advisory Committee as stipulated under Paragraph 23.5.1.

4.4 Access to Federal Environmental Programs and Services

In some respects, the federal environmental assessment and review program provides benefits and services not specifically contemplated by the JBNQA. An example is the financial assistance provided to Native groups and other participants in the federal environmental assessment and review process. The Inuit of Quebec shall retain access to these federal services and benefits in a manner similar to other Native people and citizens of Canada.

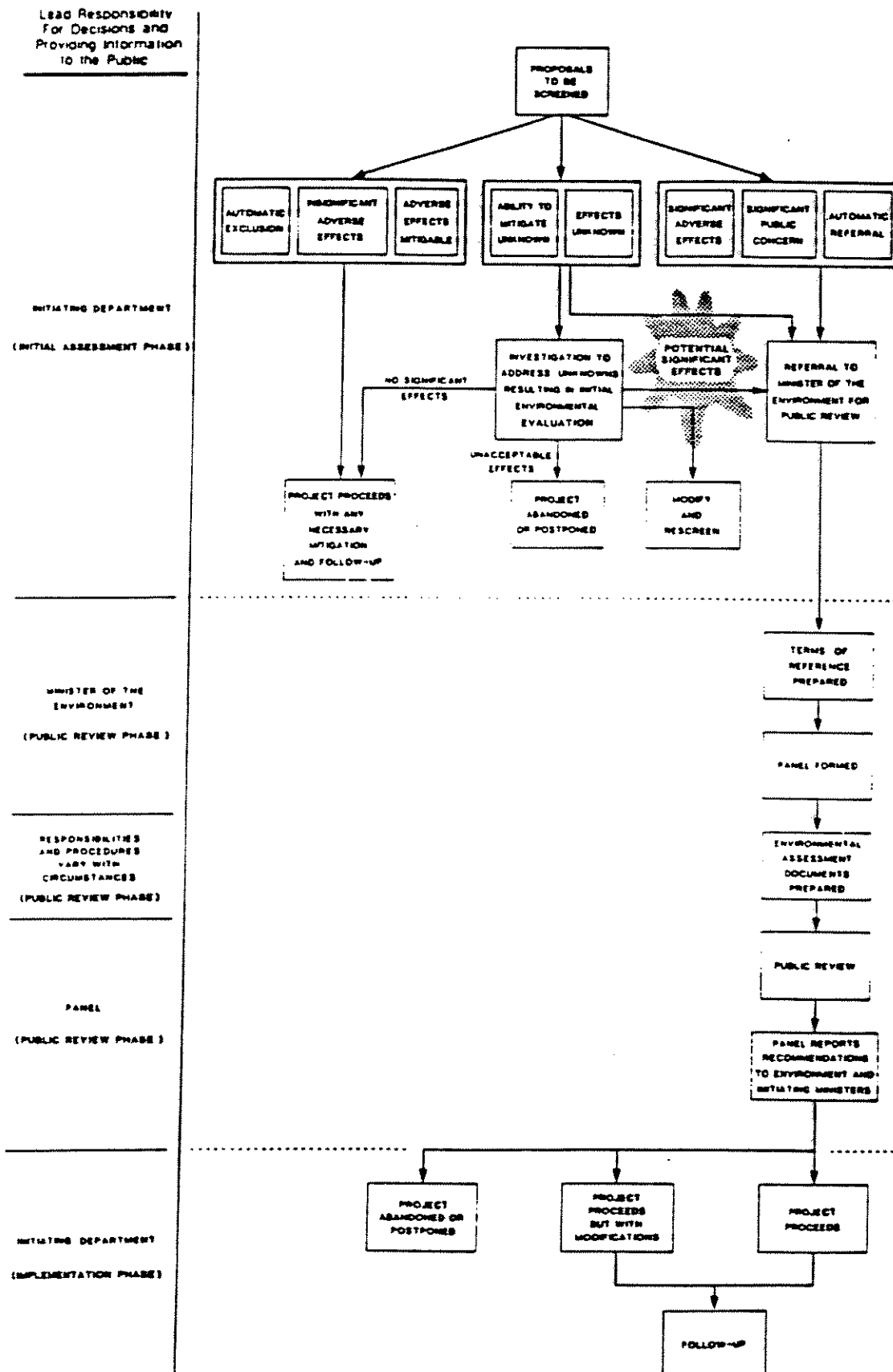
4.5

Participation in Federal Reform Process

The Inuit of Quebec have been involved in the public consultations related to the federal government's proposals for reform of its overall environmental assessment process. The Government of Canada shall keep the Inuit of Quebec informed through formal consultation on all aspects of the reform proposals so as to enable the Inuit of Quebec to determine whether such proposals have an impact on the rights and guarantees found in Section 23 of the JBNQA.

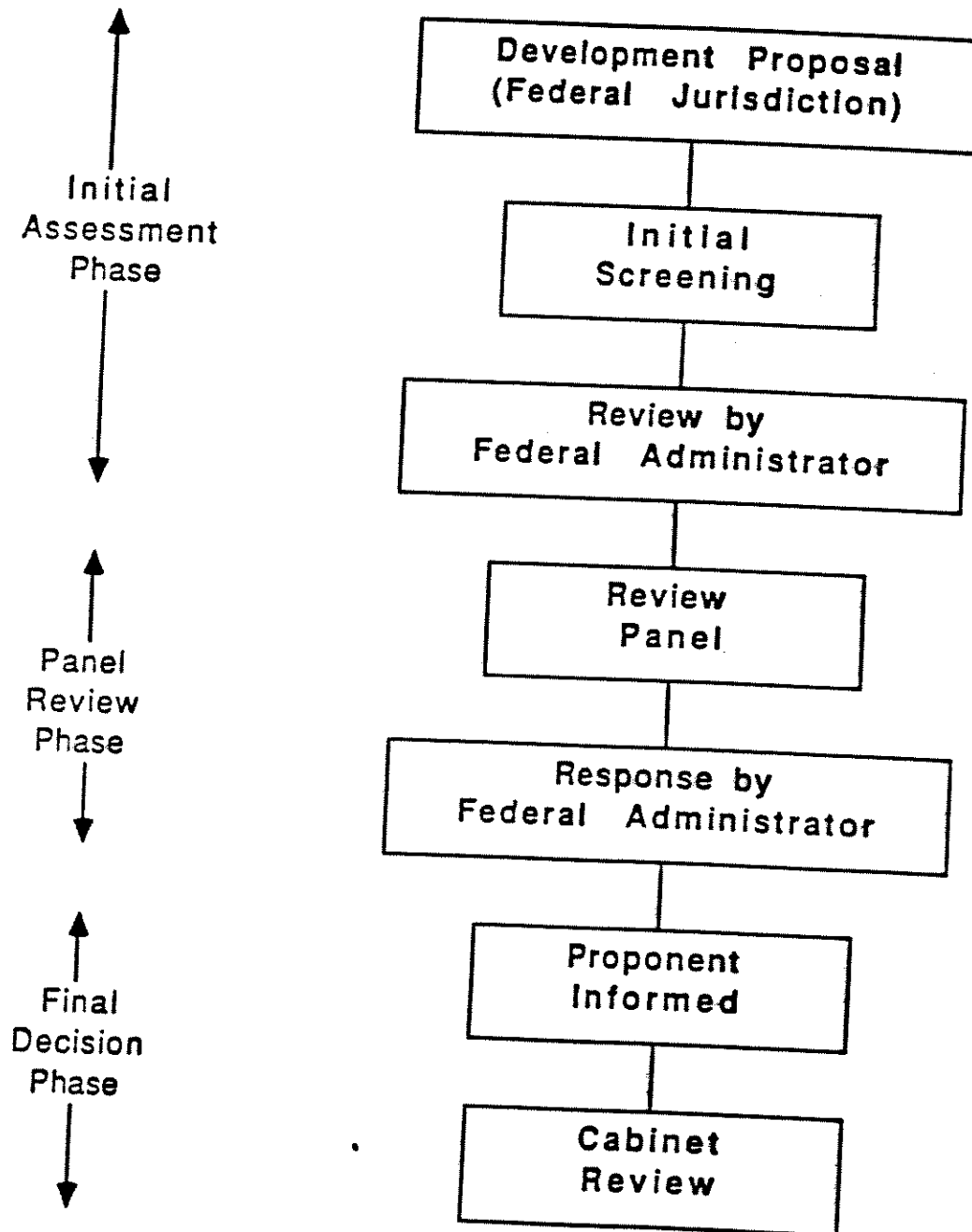
APPENDIX ONE

Federal Environmental Assessment and Review Process

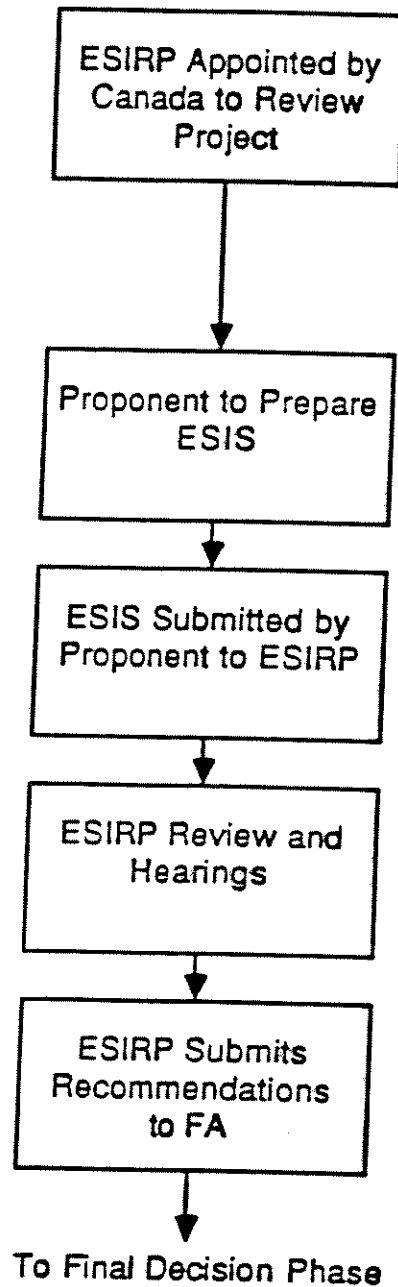


APPENDIX TWO

JBNQA Section 23 - Environmental and Social Impact Assessment and Review Procedures for Development Projects Under Federal Jurisdiction



Phase Two: Review Panel Phase



23.4.14 ESIRP to review Schedule 1 projects and projects referred to it by FA

23.4.11 ESIRP as 23.4.1 review body

23.4.12 Membership

23.4.12 ESIRP appointed and funded by Canada

23.4.12 KRG representatives funded by KEAC

23.4.13 KRG representatives can be members of KEQC

23.7.5 Option for joint federal - provincial review

23.4.16 Follows guidelines issued by FA and/or ESIRP

23.4.17 KRG may make representations to proponent

23.4.15 Proponent submits statement to ESIRP

23.4.18 Statements Submitted through the FA

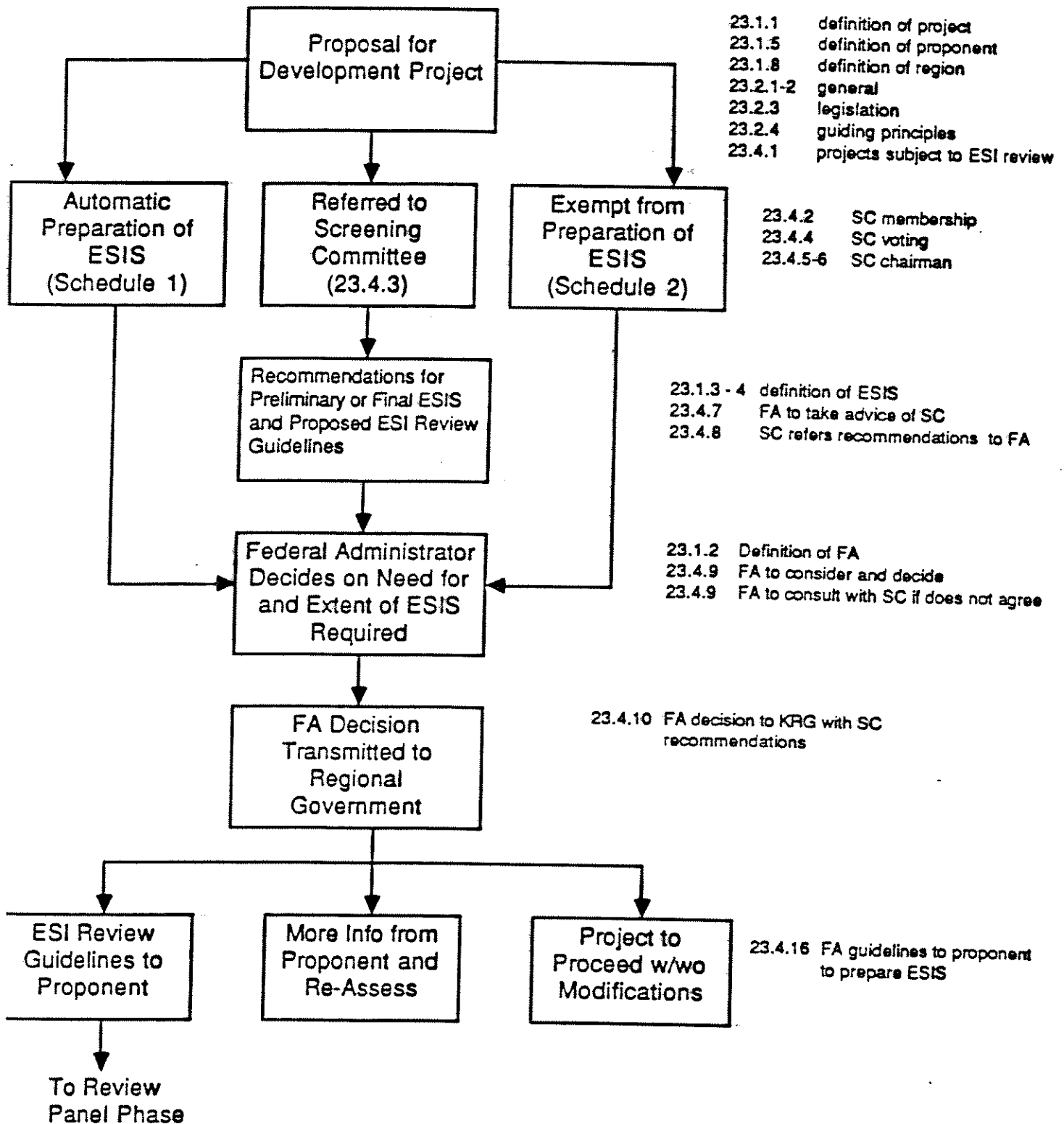
23.4.19 KRG to receive copy of ESIS from ESIRP

23.4.20 ESIRP to receive written and oral representations

23.4.21 ESIRP reviews and makes recommendations on:
a) whether or not project to proceed
b) terms and conditions
c) remedial measures
d) further review necessary

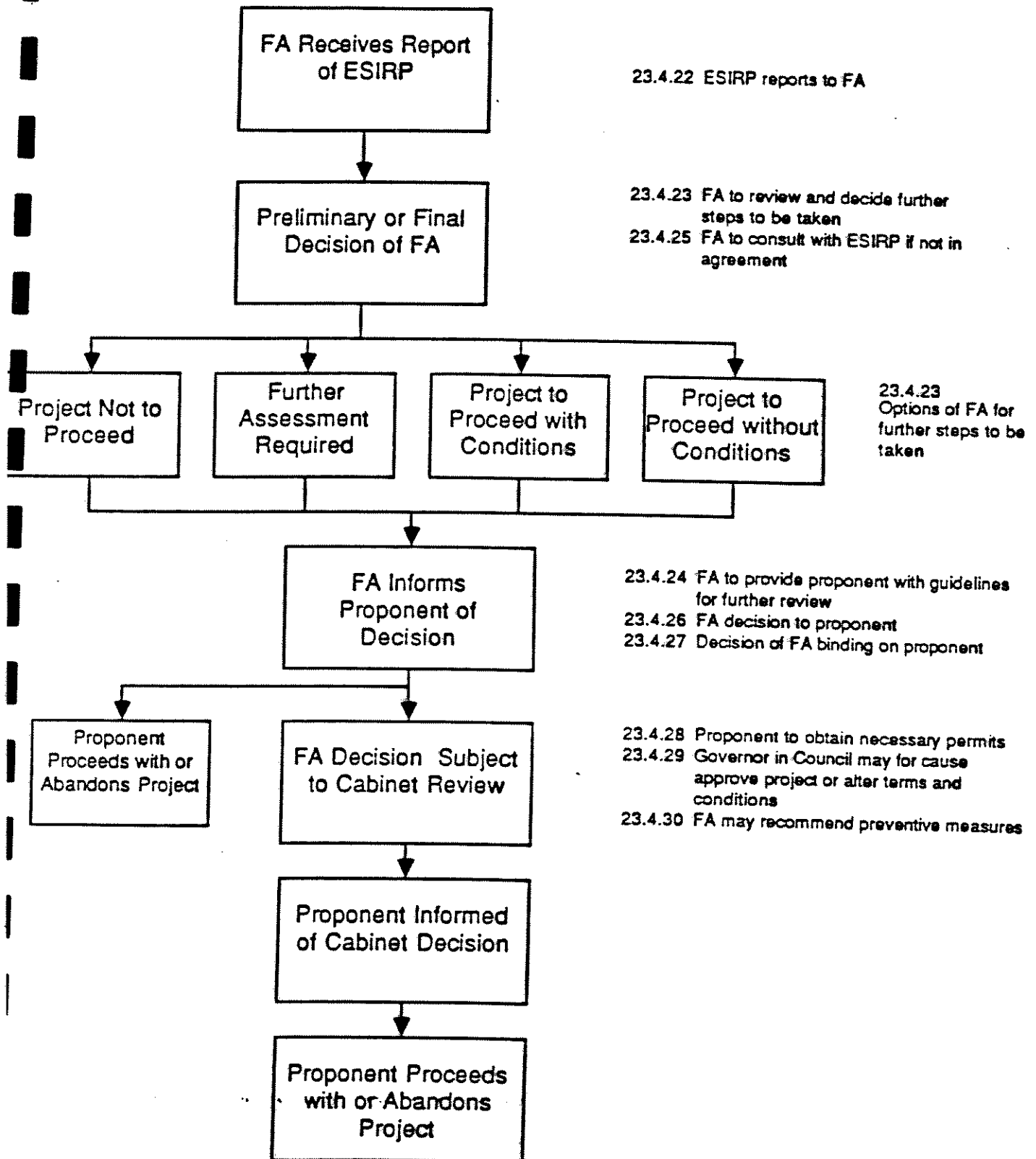
ESIRP, Environmental and Social Impact Review Panel
KEAC Kativik Environmental Advisory Committee
KEQC Kativik Environmental Quality Commission

Phase One: Initial Assessment Phase



ESIS Environmental and Social Impact Statement
SC Screening Committee
FA Federal Administrator
KRG Kativik Regional Government

Phase Three: Final Decision Phase



2. ለዕቅድ ማረጋገጫ

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"8. ለሕግ ማረጋገጫ ለሚያስፈልጉ ሰነድ ሆኖ ሊያገለግል ይችላል፡

FINAL

CANADA - INUIT OF QUEBEC
JBNQA IMPLEMENTATION NEGOTIATIONS
ISSUE #9
(Per Inuit List of Issues Tabled June 14, 1988)

INCOMPATIBILITY CLAUSE JBNQA

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

September 30, 1988

TABLE OF CONTENTS

1. STATEMENT OF ISSUE
2. BACKGROUND
3. PROPOSED PLAN OF ACTION

INCOMPATIBILITY CLAUSE JBNQA

1. STATEMENT OF ISSUE

Section 2.5 of the James Bay and Northern Quebec Agreement calls for federal and provincial legislation to approve, to give effect to, and to declare valid the Agreement and to protect, safeguard and maintain the rights and obligations contained in the Agreement. Such legislation is to provide that, where there is an inconsistency or conflict between the legislation and the provisions of any other federal or provincial law applicable to the Territory, the former is to prevail to the extent of such inconsistency or conflict. Section 2.5 of the JBNQA reads:

"2.5 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 approve, to give effect to and to declare valid the Agreement, and to protect, safeguard and maintain the rights and obligations contained in the Agreement. Canada and Québec undertake that the legislation which will be so recommended will not impair the substance of the rights, undertakings and obligations provided for in the Agreement.

Both the federal and provincial legislation approving and giving effect to and declaring valid the Agreement, if adopted, shall provide that, where there is an inconsistency or conflict between such legislation and the provisions of any other federal or provincial law, as the case may be, applicable to the Territory, the former legislation shall prevail to the extent of such inconsistency or conflict. Canada and Québec acknowledge that the rights and benefits of the Indians and Inuit of the Territory shall be as set forth in the Agreement and agree to recommend that the federal and provincial legislation approving, giving effect and declaring valid the Agreement

will provide for the repeal of Sub-Section c), d) and e) of Section 2 of the federal Québec Boundaries Extension Act, 1912, and of the same Sub-Sections of Section 2 of the Schedule to the provincial Québec boundaries extension act, 1912.

The provincial legislation approving, giving effect to and declaring valid the Agreement shall allocate lands in the manner set forth in the Agreement, notwithstanding any other provincial laws or regulations."

The federal government enacted The James Bay and Northern Quebec Native Claims Settlement Act ("JBNQNCSA"), S.C. c. 32, to fulfill its obligations under Section 2.5 of the JBNQA. Section 8 of the JBNQNCSA reads:

"8. Where there is any inconsistency or conflict between this Act and the provisions of any other law applying to the Territory, this Act prevails to the extent of the inconsistency or conflict.

Since the coming into force of the latter Act, the federal government has provided further protection for native claims settlements. Section 4 of The Western Arctic (Inuvialuit) Claims Settlement Act, ch. 24, 32-33 Eliz. II, provides:

"4. Where there is any inconsistency or conflict between this Act or the Agreement and the provisions of any other law applying to the Territory, this Act or the Agreement prevails to the extent of the inconsistency or conflict.

The James Bay and Northern Quebec Native Claims Settlement Act may be interpreted as restricting the case of conflict or inconsistency to the Act itself and not extending to the JBNQA. The Inuit of Quebec take the position that the federal government has not fully protected, safeguarded and maintained the rights and obligations contained in the JBNQA as stipulated in Section 2.5 of the JBNQA.

2. BACKGROUND

The Quebec government has fulfilled its obligations under Section 2.5 of JBNQA by enacting:

(1) general legislation (Bill 32) approving the JBNQA and providing for the case of conflict and inconsistency in Section 7; and

(2) specific legislation implementing each section of the JBNQA and providing for the case of conflict and inconsistency within each statute.

The federal government, contrary to the original intentions of the parties, has only enacted general legislation (i.e. the JBNONCSA) approving the JBNQA. It has not enacted specific legislation to protect the rights and obligations set out in the JBNQA.

3. PROPOSED PLAN OF ACTION

The government of Canada shall agree to amend Section 8 of the James Bay and Northern Quebec Native Claims Settlement Act as follows:

"8. Where there is any inconsistency or conflict between this Act or the Agreement and the provisions of any other law applying to the Territory, this Act or the Agreement prevails to the extent of the inconsistency or conflict."

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Final

CANADA - INUIT OF QUEBEC
JBNQA IMPLEMENTATION NEGOTIATIONS
ISSUE 11

(Per Inuit List of Issues Tabled June 14, 1988)

PROPOSAL FOR MANPOWER AND TRAINING PROGRAMS
UNDER THE JBNQA

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

July 26, 1988

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1. Statement of Issue
 - 1.1 Administrative Structure
 - 1.2 Training Programs
 - 1.3 Adult Education and Training Facilities
 - 1.4 Employment
 2. Related Considerations
 3. Proposed Plan of Action
- Appendix 1 - Provisions of JBNQA
- Appendix 2 - Administrative Structure (Chart 1)
- Appendix 3 - Facilities Required for Adult Education (Preliminary Estimate)

MANPOWER AND TRAINING PROGRAMS UNDER THE JBNQA

1. STATEMENT OF ISSUE

The James Bay and Northern Quebec Agreement (1975) sets out Federal and Provincial Government commitments to improve the delivery of Manpower and Training Programs to the Inuit, to grant employment priority to the Inuit and to establish certain procedures for the awarding of contracts. These commitments are to be achieved by delegating policy-making authority, modifying existing policy and placing emphasis on development in certain sectors. (See Appendix 1 for a summary of JBNQA provisions.)

Improvements of service delivery and devolution of program responsibility to the Region have not yet been accomplished. As a result, the present system for delivery is complex, cumbersome and often ill-suited to Northern Quebec.

1.1 Administrative Structure

The attached diagram sets out the present administrative structure in all its complexity (See Appendix 2). More than 50 administrators are involved in the various aspects of the administration of manpower services in Northern Quebec. Of these, over 40 are located in the North and reside in Inuit communities. Their responsibilities are often closely related and overlap.

The present administrative framework is costly, complex and inefficient. This proposal provides for a unified Manpower and Training System developed to meet the needs in the North which will be more effective and less costly than the present administration.

1.2 Training Programs

The present program criteria do not take into account the Northern Quebec context where a largely immobile aboriginal population of approximately 3,000 adults is scattered across a vast area in 14 small communities.

The problems with existing programs are several:

1. Minimal class sizes for the training courses are often too great for the small Inuit communities;

2. Allowable expenditures are neither sufficient to attract experienced teachers nor adequate to offset student costs for attendance;
3. Policy emphasis upon job placement training over upgrading and institutional course purchases is inappropriate since few employers in the Kativik Region qualify as Program Coordinators. Rather, emphasis must be placed upon upgrading and institutional course purchases as most adult Inuit do not have sufficient basic education to benefit from training programs or to start private businesses.

1.3 Adult Educational and Training Facilities

Under the JBNQA, programs and necessary facilities for the training and education of Inuit adults are to be provided by Canada and Quebec. The Provincial Government, using some federal funds, converted the Lac Hélène construction Camp into a training centre for the instruction of construction-related trades. The centre operated from 1982 to 1986 and cost more than five million dollars. The centre was a failure for a number of reasons. The courses in construction trades did not take into account Inuit community needs. As well, the centre was isolated from Inuit communities and, therefore, did not attract Inuit applicants. The operating costs were high because the centre was not integrated into any community and could not use existing services. In addition, the centre was set up over the objections of Inuit communities and organizations. The centre eventually closed. Thus, there still remains a need for adult education and training facilities in the Inuit communities.

1.4 Employment

Workers from outside the Region occupy 42% of the jobs. Greater emphasis must be placed on granting employment priority to the Inuit.

Over 60% of the adult Inuit population has less than eight years of schooling. Therefore, an acute need for adult training and education presently exists to enable the Inuit to qualify for local employment opportunities. Moreover, the population is growing rapidly with 40% under the age of 15 (1988). Many of the young leaving school do not have sufficient training to take up employment opportunities.

2. RELATED CONSIDERATIONS

2.1 The "Canadian Jobs Strategy" places emphasis on a local, private-sector oriented program. This program is ill-suited to the Inuit communities as only a small private sector exists in the North. The largest employers in the North are institutional and, as such, do not qualify for many of the Manpower Training courses. As the institutional and the private sector employers are generally too small to qualify as Program Coordinators under the "Canadian Jobs Strategy", the Inuit Communities do not benefit from this National Program.

2.2 The programs entitled: Skill Investment, Skill Shortages, Community Futures, Innovations, Job Entry and Job Development, can be adapted to Northern Quebec, but in the past such adaptations have been difficult to negotiate and short-lived because of subsequent changes made to the National Program. Moreover, the shift from institutional course purchases to employer-related arrangements presumes greater mobility and employment experience in the North. It also presumes a certain type of entrepreneurial milieu which does not yet exist in Northern Quebec.

2.3 The direction taken in the Memorandum of Understanding on Economic and Regional Development in Quebec (June 9, 1988) (Peripheral Regions Agreement - Canada/Quebec) is in keeping with the Proposal. The M.O.U. emphasizes the need for coordination between human resource development and the overall economic development strategy. This is to be achieved through consultation with the Regions. For the 'Resource Regions', human resource development is one of the main approaches. It is also recognized that some special measures may also be needed. In the present case, the 'special measure' required is a new and concerted effort to implement what was agreed to in 1975.

Full implementation of this proposal assumes the cooperation and participation of the counterpart provincial departments and agencies.

3. PROPOSED PLAN OF ACTION

3.1 The Federal Government shall create a Kativik Manpower Advisory Committee which will include equal membership from Kativik Regional Government (KRG), Kativik School Board, Canada and Quebec. The functions of this Committee shall be:

- a. to advise the respective authorities on ways to improve and rationalize their administration of manpower services in Northern Quebec;
- b. to monitor the employment, adult education and training related services in Northern Quebec;
- c. to receive the recommendations of Kativik Regional Government (29.0.25, JBNQA) with respect to these services;
- d. to recommend ways for Kativik Regional Government and the Municipalities to take over delivery and policy formation activities (29.0.4, JBNQA);
- e. to assume the coordinative and consultative functions of existing manpower training committees and corporations, including KRETC and CFP.
- f. to receive and recommend action on proposals submitted for the training of health workers, game wardens and conservation workers, teachers and justice workers.

3.2 Canada shall finance the administrative costs of Kativik Regional Government and Kativik School Board related to the Committee.

3.3 Employment and Immigration Canada and the Department of Indian and Northern Affairs shall, commencing immediately, negotiate an agreement with Kativik Regional Government for the provision of adequate funding to Kativik Regional Government for training programs and adult education including related facilities and the local administration of services (unemployment insurance, employment services). This agreement shall:

- a. have a five-year renewable term and commence no later than April 1, 1989;
- b. provide grant or block funding with an escalation formula) which will allow for maximum flexibility;

- c. provide for access to new programs;
- d. provide for long-term need assessments and program monitoring studies upon which subsequent five-year renewal agreements will be based.

3.4

With respect to contract and employment priority, Employment and Immigration Canada and the Department of Indian and Northern Affairs shall agree to appoint a Task Force which, in conjunction with the Kativik Regional Government, shall develop means to implement the articles of the JBNQA. These proposals shall be submitted to the Kativik Manpower Advisory Committee for review and implementation. It is understood that these proposals shall include:

- a. measures whereby the Inuit and Inuit-controlled entities will be afforded contract opportunities on a preferential basis through sole-source, directed-purchase, restricted-invitation and weighted-bidding mechanisms;
- b. administrative measures (posting, advertising, application processing, etc.);
- c. recommendations for comparable measures to be instituted by Quebec where appropriate and where federal funds are involved.
- d. draft regulations or legislation to give effect to the proposals;

3.5

Employment and Immigration Canada shall agree to transfer all facilities in the Territory to KRG and agree to phase out its local and regional offices over a two-year period, according to a schedule to be discussed and agreed to by KRG.

3.6

Employment and Immigration Canada and the Department of Indian and Northern Affairs shall agree to fund the establishment of adult education and

training facilities by KRG, including classrooms, student and teacher residences and a regional training centre, based on the attached schedule (see Appendix 3) and in accordance with a construction schedule to be negotiated.

3.7

The maintenance of the above-mentioned buildings shall be included in the overall funding of these services.

APPENDIX 1

Provisions of the JBNQA - Manpower and Training Program

Manpower and Training is one of the Native Economic Development Programs described in Section 29 of the Agreement. Under this program, Canada is to promote the efforts of the Inuit and assist them in pursuing the objectives of the program (29.0.3). In particular, the Kativik Regional Government and municipalities are to assume the administration of the program (29.0.4). K.R.G. is to coordinate the federal and provincial agencies involved in the funding of manpower and training programs (29.0.27).

The Kativik Regional Government and the Municipalities under the JBNQA, have important roles in the administration and institution of Manpower and Training programs:

"29.0.04 The administration of the federal and provincial programs referred to in paragraphs 29.0.2 and 29.0.3 shall, to the fullest extent possible, be assumed by the Regional Government or the municipalities whenever appropriate, and when accepted by the parties directly concerned."

"29.0.24 The functions, powers and duties of the Regional Government shall be to receive proposals from the municipalities for vocational training programs and to advise the responsible federal and provincial authorities:

- a) on all matters pertaining to the effective utilization and development of manpower resources in the Territory;
- b) on all measures deemed appropriate to facilitate vocational training, placing in employment, reclassification, retraining, rehabilitation,

- change of employment and mobility of manpower;
- c) on all matters dealing with qualitative and quantitative manpower requirements and the preparation and coordination of training programs; and
 - d) on all measures to ensure the establishment of employment bureaus in the Territory to provide qualified Inuit with access to the provisions for which they are qualified; such bureaus, to the fullest extent possible, shall be staffed by Inuit."

Inuit rights in this area provide the terms of reference for the new program including among other things:

- a. certification of unilingual Inuit candidates (29.0.26);
- b. employment of Inuit into senior management levels within the Territorial bureaucracy (29.0.28);
- c. A plan for employment of Inuit into the bureaucracy of the Territory (29.0.29);
- d. Special measures for training and employment of Inuit by Quebec and Canada (29.0.30);
- e. Contract and employment priority on all projects to benefit the Territory (29.0.31 and 29.0.32).

Sectorial Obligations

1. Health:

Section 15, Schedule 1, article 1:

"(1) This Section shall preserve and improve the scope, extent, conditions and availability of existing health and

social services and related services, but in a way that does not inhibit mutually desirable changes in programs or in their administration; foster progressively the training and education of health and social services personnel from among the Native people; and recognize the unique needs and the problems associated with meeting such needs in northern areas."

2. Education:

"17.0.3 The Kativik School Board shall have jurisdiction and responsibility for elementary and secondary education and adult education."

"17.0.61 The Kativik School Board may, for educational purposes, enter into agreements with Canada or with any school board, educational institution or individual, subject to the laws governing such agreements."

"17.0.69 The Kativik School Board may establish by ordinance special training courses for its teachers."

3. Justice:

"20.0.13 The Department of Justice of Québec shall, after prior consultation with the Regional Government, establish formation and training programs for Inuit for the positions of clerk and assistant-clerk of the itinerant court, sheriff, deputy-sheriff, stenographer and interpreter."

4. Conservation:

"24.10.2 To give effect to and provide adequate enforcement of the Hunting, Fishing and Trapping Regime established by and in accordance with this Section,

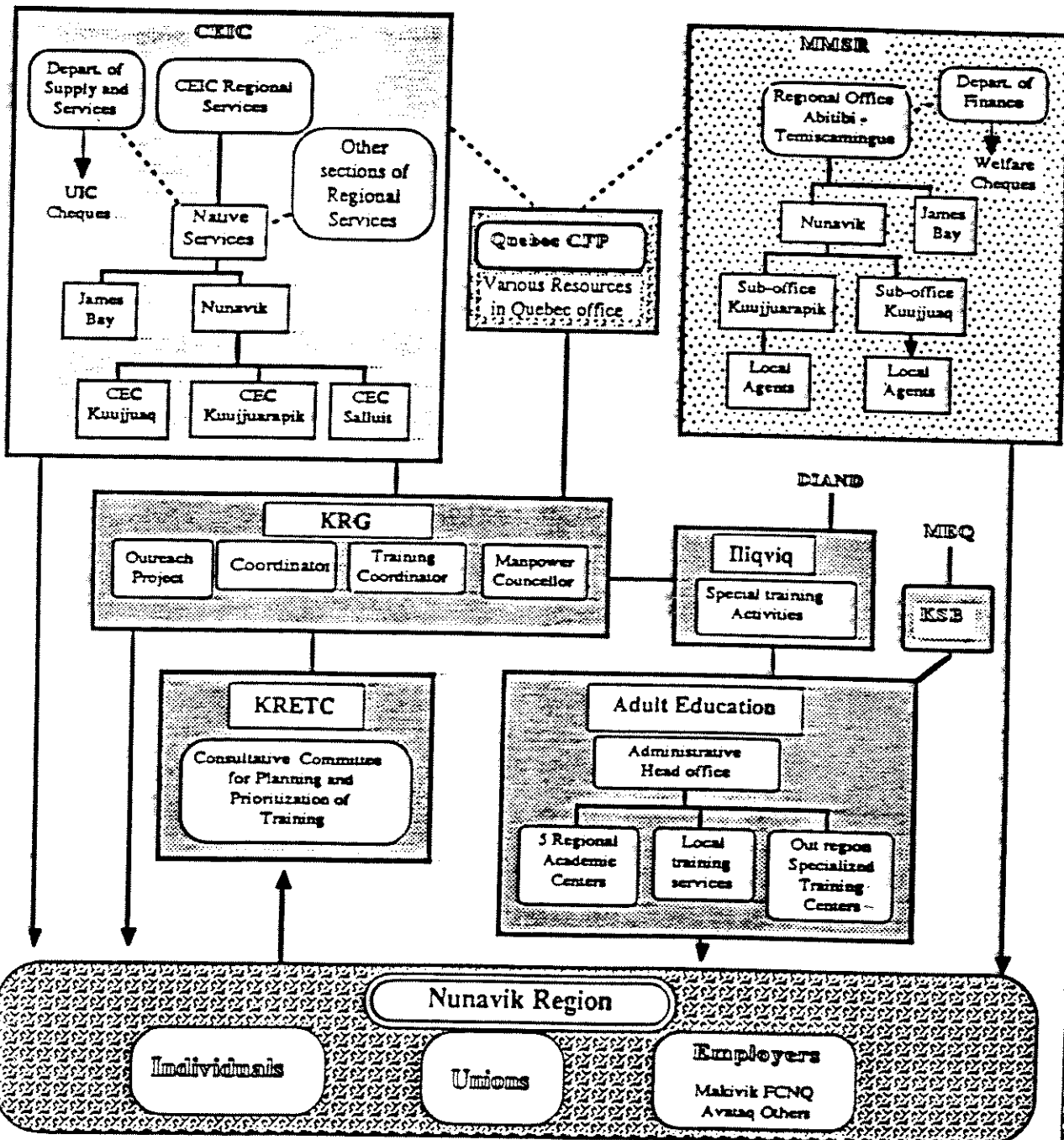
APPENDIX 1 ...

Page 4

Québec and Canada shall provide for the training of a sufficient number of Native people as conservation officers. To give effect to the foregoing, Québec and Canada shall modify, when necessary, the criteria required for acceptance as a trainee and establish and fund special facilities, courses and training programs."

Existing manpower and training services in Nunavik

Chart 1

Present
Manpower Services
in
Nunavik

APPENDIX 3

FACILITIES REQUIRED
FOR ADULT EDUCATION
(Preliminary Estimate based on Arctic
Quebec Costs for Similar Projects)

<u>General Training</u>		
Kangiqsualujjuaq	1 teacher residence 1 classroom	\$ 300,000
Kangirsuk	1 residence 1 classroom	300,000
Quartaq	1 residence 1 classroom	300,000
Kangiqsujuaq	1 teacher residence 1 classroom	300,000
Ivujivik	1 teacher residence 1 classroom	300,000
Akulivik	1 teacher residence 1 classroom	300,000
Povungnituk	3 teacher residences 3 classrooms	750,000
Inukjuaq	3 teacher residences 3 classrooms	750,000
Umiujaq	1 teacher residence 1 classroom	300,000
Sub-total		<u>3,600,000</u>
<u>Vocational Training Centre</u>		
Regional training centre		7,000,000
Student residences		1,500,000
6 residences		1,200,000
Sub-total		<u>9,700,000</u>
Grand total		<u><u>\$13,300,000</u></u>

ბაღ - ამაღელვებელი
მედიტაციის მეთოდის შესახებ
ნაწილი # 13
(საერთაშორისო კონგრესი "საერთაშორისო კონგრესი", 14, 1988-წ.)

საერთაშორისო კონგრესი "საერთაშორისო კონგრესი"
საერთაშორისო კონგრესი "საერთაშორისო კონგრესი"

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(საერთაშორისო კონგრესი)

გვ. 22-23, 1988

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CANADA - INUIT OF QUEBEC
JBNOA IMPLEMENTATION NEGOTIATIONS
ISSUE #13
(Per Inuit List of Issues Tabled June 14, 1988)

PROPOSAL FOR IMPLEMENTATION OF FEDERAL OBLIGATIONS
RELATED TO HEALTH AND SOCIAL SERVICES

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

August 22-23, 1988

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IMPLEMENTATION OF FEDERAL OBLIGATIONS RELATED TO HEALTH AND SOCIAL SERVICES

1. STATEMENT OF ISSUE

Section 15 of the JBNQA provides for the establishment of a Health and Social Services Regime for Northern Quebec. Under this Section, the Province of Quebec and the Kativik Regional Health And Social Services Council assume responsibility for the provision of certain health and social services which were previously provided to the Inuit of Quebec by the federal government.

Specific obligations set out in Section 15 and to be fulfilled by both Canada and Quebec during a five-year Transition Period, provided for the gradual transfer of responsibilities from Canada to the provincial and regional levels of government. Other obligations in Section 15 are on-going in nature and must continue to be respected by Canada and Quebec.

The federal government is obliged to ensure that Section 15 is fully implemented. This has not yet been done. As detailed below, important commitments were not fulfilled during the five-year Transition Period with respect to the transfer of federal responsibilities. This has led to jurisdictional uncertainties. As well, an appropriate implementation plan with respect to Section 15 was not developed. The result is that health and social services, while providing core programs and meeting basic needs, do not yet include access to the full range of benefits and programs available to other Natives, nor provide certain other services to which the Inuit of Quebec are entitled under Section 15.

2. BACKGROUND

2.1 Federal Departmental Responsibilities

The federal departments responsible for the delivery of health and social services to Indians and Inuit of Canada are Health and Welfare Canada and the Department of Indian and Northern Affairs. Health and Welfare Canada was given responsibility for the delivery of medical services to Indians and Inuit by way of an Order-in-Council signed in 1945. Responsibility for the delivery of social and community services to Indians and Inuit has always been located in Indian and Northern Affairs.

2.2

Health And Welfare Canada

The issue of federal support for Indian and Inuit health services became a major issue in the 1960's. Policy discussions in this area eventually resulted in the federal government issuing a formal Statement on Indian Health Policy. This Statement was released on September 19, 1979 and remains the basic statement of federal health policy for native people.

The policy statement confirmed that federal policy in this area rests on three pillars. The first is a commitment to community development including its socio-economic, cultural and spiritual dimensions. The second confirms the traditional relationship between Native people and the federal government. The third stresses the interrelated nature of the federal, provincial and municipal government responsibilities together with community-based and private sector elements.

Health and Welfare Canada currently provides for the health needs of Indians and Inuit by way of the Indian and Northern Health Services Program, which is administered by the Medical Services Branch (MSB) of the department. There are five major service delivery components of the program: Community Health Services (including the provision of non-insured health benefits); The National Native Alcohol and Drug Abuse Program (NNADAP); Dental Health; Environmental Health and Surveillance; and Hospital Services.

The decentralized nature of the Indian and Northern Health Services Program means that there is considerable flexibility in the administration of this program at the local and regional levels, although the program has similar service delivery components. However, it also means that there are no national standards for the program and that coverage and benefits can vary from region to region. With respect to non-insured health benefits, a pamphlet has been produced by the Quebec Region of the Medical Services Branch on health care services available to beneficiaries under this program.

Departmental documents indicate that progress has been made in terms of transferring Community Health Representatives to Band control; transferring MSB hospitals to community control; and that a study of non-insured health benefits for Indians has been completed and will be implemented in 1988. This means that there will be a greater level of aboriginal involvement in the delivery of these services and an even higher level of regional and local variation and experimentation in the delivery of health services to Indian and Inuit communities across Canada.

The major factors currently influencing federal native policy in this area have been listed by Health and Welfare Canada as (i) the federal commitment to Indian self-government; (ii) the decrease of so-called traditional communicable diseases and the increase of "lifestyle" communicable diseases which has meant that the program has had to move from treatment-oriented care toward a greater emphasis on health promotion and preventive care; and (iii) the difficulties of trying to meet rising costs and increased demand for services at a time of fiscal restraint and tight program budgets.

2.3 Indian And Northern Affairs Canada

Since its establishment, INAC has been the delivery vehicle for fulfilment of the federal government's responsibility for the provision of social services to Indians and Inuit in Canada. As a result of tradition, treaty obligations, policy commitments and a noticeable reluctance by most provinces to become heavily involved in the provision of these services, the department has come to provide a wide range of social services to registered Indians which are generally parallel to provincial social programs and standards of service.

These services are provided by the Social Development component of the Indian and Inuit Affairs Program. The following specific services are provided from within the Social Development program component: social assistance for individuals and families; child welfare services; adult care; individual and family care (e.g., counselling); rehabilitation services; and, community social services. The exact nature of the services provided under the "community social services" component is somewhat vague but includes the design and delivery of preventive social services on a community basis.

2.4 Transfer Of Federal Responsibilities

The transfer of jurisdictional responsibility for the provision of health and social services to the Inuit of Quebec from the federal to the provincial government is contemplated by certain paragraphs of Section 15.

Paragraph 15.0.1 states that, after the Agreement has come into force, the Kativik Health and Social Services Council and the health and social service "establishments" to be created in Region 10A, "shall be governed" by the provincial Health Services and Social Services Act (1971, c.48), except to the extent that the Act is inconsistent with the specific provisions of Section 15. Paragraph 15.0.24 obliges Quebec to "take all measures necessary in order to implement this Section" and anticipates the enactment of provincial legislation to this effect.

Paragraph 15.0.10 makes clear that the establishments created as a result of Section 15 are public institutions as it specifies that "all persons normally resident or temporarily present" in the territory are to receive services from these establishments. As well, paragraph 15.0.25 provides for the transfer to Quebec, at no cost, of all federal health facilities that had previously been operated by National Health and Welfare in this region of Quebec. Paragraphs 15.0.19 and 15.0.20 specify that the budgets for these establishments are the responsibility of the Province of Quebec and that the amounts provided "shall include funding for the support of health services which are not included in provincial programs for the general population but which are provided to the native people by the Department of National Health and Welfare or other agencies."

The obligations set out under Section 15 create distinctive elements within the provincial health and social services administrative regime. For example, the membership of the Kativik Health and Social Services Council is the same as the membership of the Kativik Regional Government (paragraph 15.0.4). As well, there is a requirement to "foster progressively the training and education of health and social services personnel from among the Native people" (clause (1) of Schedule 1).

3. UNFULFILLED PROVISIONS OF THE JBNQA

The specific paragraphs in Section 15 related to the transfer of jurisdictional responsibilities during the five-year Transition Period were generally ignored by both Canada and Quebec. The level of health and social services provided to the Inuit of Quebec has therefore been largely determined on a unilateral basis by Quebec. Canada and Quebec share the responsibility for ensuring that all of the commitments in Section 15 are fully implemented.

The Inuit of Quebec take the position that the following paragraphs of section 15 have not been fully implemented:

Clause 15.0.9 - There shall be established by letters patent one "establishment" for each sector (i.e., Hudson Bay Sector and Ungava Bay Sector) which will include: a) local community service centres; b) hospital centres; c) social service centres; d) reception centres.

However, the Letters Patent actually issued by Quebec do not include local community service centres and reception centres. While some services provided by such centres are being otherwise provided, others are not and funding levels are lower than they would otherwise be.

Clause 15.0.19 Quebec shall include in the budget for each establishment funding for the support of "health services" which are not included in provincial programs for the general population but which are provided to Native people by Health and Welfare Canada.

A definition of "health services" and how these services are being provided to JBNQA beneficiaries have not been mutually determined by Canada, Quebec and the Inuit. The Inuit of Quebec have also not been ensured that they are receiving equivalent levels of service to that provided to other Indian and Inuit communities in Canada.

Clause 15.0.20 Quebec shall provide base level funding to the establishments to the levels previously spent by both Canada and Quebec and commits itself to spending increases required as a result of changes in the regional population, the costs of providing specific services in the region and the evolution of provincial programs for the general population.

Budgets to the establishments are not adequate to undertake delivery of all of health and social services to which the Inuit are entitled.

Clause 15.0.21 Quebec shall recognize and allow for the unique difficulties of operating facilities and services in the North in relation to recruiting and retaining staff; provide employment and advancement opportunities for Native people and special education programs to overcome barriers in this regard; and compensate for high northern costs in relation to transportation, construction and fuel costs.

Benefits are still not sufficient to retain staff for three to five years. In addition, there are no specific training programs to promote Inuit employment and advancement in the health and social services. Canada shares with Quebec the responsibility to ensure that this situation is corrected. In particular, Canada should help design appropriate training and advancement programs and assist in funding studies and pilot projects of this nature. Canada's specific involvement in this regard would have to be subject to tri-partite discussions to this effect.

Clause 15.0.26 Section 15 is to be implemented "gradually" over a maximum period of five years.

This clause was not respected in the transfer of jurisdiction from Canada to Quebec. This fact has had definite negative consequences for the Inuit of Quebec in that programs and services were not designed for this region in an orderly manner and Inuit hiring and training was not possible in such a short timeframe.

Schedule 1 - Clause (1) In implementing Section 15 Quebec shall "foster progressively the training and education of health and social services personnel from among the Native people."

This has not been done and further under-scores the need for special programs as described in paragraph 15.0.21(b).

Schedule 1 - Clause (2) Federal and provincial services should remain intact during the transition period and "shall be modified thereafter only by definitive action by or through the Council" (i.e., the Kativik Health and Social Services Council).

This clause was not respected during the five-year Transition Period or thereafter. The federal and provincial governments have, in effect, acted as if this was a bilateral transfer arrangement and not a multi-party agreement in which the Inuit have a right to be consulted and to approve the various steps being taken. The failure to respect this clause has had significant negative consequences for the Inuit. Certainties as to service delivery and access to programs resulting from a too-rapid transfer of jurisdiction and the lack of appropriate training programs for the Inuit are problems that might have been avoided if this clause had been respected.

Schedule 1 - Clause 3 -A Working Group is to be set up and make recommendations to the Minister of Social Affairs of Quebec with respect to the implementation of Section 15.

The Working Group was not established and recommendations were not sent to the Minister. Canada was to be part of the Working Group and therefore shares the responsibility for the failure to implement this Clause. The failure of both Quebec and Canada to respect this Clause has had a negative impact on the Inuit and the Inuit should be compensated.

The failure to set up such a Working Group during the transition period is why there are current uncertainties as to the application of federal programs and the comparability of services received by the Inuit of Quebec in relation to other Indians and Inuit in Canada. This situation should be rectified by the creation of a tri-partite committee to review the delivery of health and social services to the Inuit of Quebec.

4. PROPOSED PLAN OF ACTION

4.1 Recognition of Federal Responsibility

Canada agrees that it retains, together with Quebec and the Inuit of Quebec, a continuing responsibility to ensure the full and effective implementation of the obligations contained in section 15. Canada agrees to develop a comprehensive implementation plan, in cooperation with the Government of Quebec and the Inuit of Quebec, to fulfill the obligations contained in section 15 that have not yet been fully and properly implemented.

4.2 Access to Federal Programs

Furthermore, Canada agrees that the Inuit of Quebec retain a continuing relationship with the Federal Government and a right of direct access to federal programs, services and expertise relating to the health and social development needs of Indian and Inuit communities in Canada, except where such responsibilities have been specifically transferred to the Government of Quebec under the terms of the JBNQA and where equivalent programs and services are available from the Government of Quebec.

Without limiting the generality of the foregoing, the Federal Government agrees that the following areas of federal programming and expertise will continue to apply to the Inuit of Quebec according to the regular program eligibility criteria:

- (a) Federal programming of a "lifestyle" nature for Native communities which involves social or cultural dimensions and which is designed to overcome the special health problems faced by Indian and Inuit in Canada. Federal programs of this nature would include such programs as the National Native Alcohol and Drug Abuse Program administered by Health and Welfare Canada (NNADAP).
- (b) Federal programming that has as its objective the social, cultural or spiritual development of Indian or Inuit communities and the avoidance of various social problems. These federal programs are primarily located in Indian and Northern Affairs Canada and are outside the normal range of services provided by provincial social services departments. Federal programs of this nature would include the Family Violence Initiative program which was recently announced by DIAND.
- (c) Federal programming for the training, employment and advancement of Native people with respect to careers in the health and social services field unless equivalent programs are available from the provincial government. Program components in CEIC, HWC and INAC would be involved in this regard. An example of a federal program of this nature is the Indian and Inuit Health Careers program administered by Health and Welfare Canada.
- (d) Federal program expertise resulting from the involvement of Canada in the provisions of services to northern and isolated communities. Such programs and expertise are located in various federal departments and agencies such as DIAND, CMHC, etc.
- (e) Federal involvement with respect to international health symposia and other conferences that would be of interest to the Inuit of Northern Quebec in relation to health and social services. An example of federal involvement in international activities of nature is the attendance by HWC officials at the International Circumpolar Health Symposia.

4.3 Federal Funding for Compensatory/Remedial Measures

Furthermore, Canada agrees that full implementation of the obligations described above shall be ensured by means of compensatory/remedial programs.

It is agreed that these compensatory/remedial programs shall be in the following two areas:

- (a) Training and advancement of Inuit in the health and social services area; and
- (b) Accelerated dental care and disease prevention "catch-up" program.

The above two compensatory catch-up programs shall be jointly planned, developed and coordinated with the Kativik Regional Health and Social Services Council. The programs shall be funded by Canada through appropriate financial transfer or cost-sharing arrangements.

4.4 Coordinating Structure

The federal government shall establish a coordinating structure with representation from the Government of Canada, the Government of Quebec and the Kativik Regional Health and Social Services Council. The coordinating structure will require specific terms of reference, which shall include responsibility for the preparation of a comprehensive implementation plan for the fulfillment of the obligations contained in Section 15; clarification of areas where the Inuit of Quebec will retain direct access to federal programs, services and expertise in relation to health and social services activities; and the planning, development and coordination of the compensatory/remedial measures that are to be undertaken.

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ԵԵՍ 27, 1988

Δωρὶς

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CANADA - INUIT OF QUEBEC
JBNQA IMPLEMENTATION NEGOTIATIONS
ISSUE # 15
(Per Inuit List of Issues Tabled June 14, 1988)

THE INUIT OF QUEBEC CLAIM TO THE OFFSHORE AREA
Inuit Land Selection - Community Islands

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

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1. BACKGROUND
2. STATEMENT OF ISSUE
3. RELATED CONSIDERATIONS
4. PROPOSED PLAN OF ACTION

THE INUIT OF QUEBEC CLAIM TO THE OFFSHORE AREA

1. BACKGROUND

1.1 The Inuit of Quebec have aboriginal rights to the offshore area adjacent to Northern Quebec. This area includes the offshore islands, intervening waters and ice, intertidal zones as well as the ocean bed.

1.2 On November 15, 1974, the Government of Canada represented by the then-Minister of Indian Affairs, Judd Buchanan, confirmed by means of a letter to the President of the Northern Quebec Inuit Association, Charlie Watt, the recognition by Canada of the Inuit rights to the islands in the Quebec offshore. This letter was signed on the same day as the Agreement in Principle for the settlement of the James Bay and Northern Quebec aboriginal rights and related court action. The letter and agreement were the basis upon which the Northern Quebec Inuit and Canada negotiated the James Bay and Northern Quebec Agreement.

1.3 The offshore negotiations were not undertaken during the negotiation of the James Bay and Northern Quebec Agreement because of time constraints arising from the 1 year deadline for negotiation agreed to by all parties. The offshore negotiations were also separable from the main negotiations because they did not involve the Quebec Government as a main party. It was, however, agreed that the negotiations on the offshore would be undertaken as soon as possible after the signature of the Agreement.

1.4 Initial post-Agreement discussions concerning the offshore focused on an amendment to the JBNQA to protect the rights of the Inuit of Port Burwell (Killinek). These discussions led to Complementary Agreement Number Four amending the JBNQA.

1.5 Negotiations resumed in 1978 but were suspended by the Federal Government because of lack of agreement on the extent of the Inuit claim. The Federal Government held that the Inuit rights were restricted to offshore islands. The Inuit however maintained that they had rights to the offshore area including the islands.

1.6 The James Bay and Northern Quebec Agreement set aside 3,250 sq. miles of Category 1 land for the Inuit. This land was apportioned to the Inuit communities on the basis of a land area calculation which included the area of certain community islands. These islands, designated as Class 1

islands, were within federal jurisdiction and were to be part of the offshore settlement. As a result, the Inuit communities received areas of mainland Quebec which vary in size according to the area of the community islands which would have been recognized as forming part of community lands. Due to the breakdown in the offshore negotiations, certain Inuit communities hold less land in ownership than others.

1.7 In 1982 the Federal Review of the Implementation of the James Bay and Northern Quebec Agreement cited the 1974 letter of undertaking as the basis for initiation of a major federal program under which airstrips were to be constructed in Northern Quebec. The Review also referred to the Inuit claim to the islands and "offshore waters" and set out a federal commitment to resume negotiations.

1.8 In 1986, the new Comprehensive Claims Policy added an offshore dimension to subject matters which could be negotiated.

1.9 The Inuit subsequently sought funding for land use and occupancy studies to establish a bona fide Statement of Claim with respect to the Offshore Area. However, the request was turned down primarily on the basis that such funding was not required because the Inuit already had an accepted claim, the scope and parameter of which was defined in the federal letter of undertaking dated November 15, 1974.

1.10 The Inuit of Quebec assert that the federal letter of undertaking of November 15, 1974:

- (i) is unilateral;
- (ii) has been superceded by federal policy development in the land claims settlement area, and
- (iii) does not in any way prejudice the Inuit claim to the Offshore Area.

2. STATEMENT OF ISSUE

2.1 The Inuit communities recognized in the James Bay and Northern Quebec Agreement received differential land entitlements because of the breakdown in the Offshore Negotiations. The community islands were never transferred to the communities.

2.2 The Inuit of Northern Quebec are prepared to enter negotiations with Canada to resolve the recognition of Inuit offshore rights. Canada, despite a commitment to negotiate, has yet to proceed.

2.3 Canada has yet to recognize full Inuit rights to the offshore.

3. RELATED CONSIDERATIONS

3.1 On February 8, 1988, the Inuit of Northern Quebec and the Tangavik Federation of Nunavuk ("T.F.N.") signed an agreement concerning areas of overlapping land use in the offshore. This is consistent with the T.F.N. and the Northern Quebec Inuit claims to the offshore. The T.F.N. claim has been accepted by the Federal Government and is presently under negotiation.

3.2 The James Bay Cree also have an aboriginal claim to the Offshore Area. Makivik shall contact the James Bay Cree to determine whether the latter intend to conduct a parallel offshore study.

4. PROPOSED PLAN OF ACTION

4.1 Canada agrees to immediately transfer the community islands to the respective Inuit communities in fulfillment of the federal letter of undertaking.

4.2 This transfer is without prejudice to the rights of the Inuit of Northern Quebec to the offshore area.

4.3 The Federal Government agrees to recognize the Inuit claim to the offshore area.

4.4 The Inuit of Northern Quebec claim to the offshore area will be the subject of negotiations with Makivik Corporation forthwith upon termination of the James Bay and Northern Quebec Implementation Negotiations 1988 or at such other date as to be agreed upon by the parties.

4.5 The Federal Government shall provide financial support to the Inuit for their negotiation costs upon submission of the Inuit proposal for funding.

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MAK 1-2, 1988

Անուն

1. Առճշտությամբ փոխարկել
2. Նման խմբի գլխի մեծ շեշտը գտնուի՞ր՝ խոսքի ուղղությամբ
3. Արժանացրե՞լ
4. Առճշտությամբ չհարկանայի՞ր
- 4.1 Երկրորդի՞ն Առնետի՞ շեշտը ճշտությամբ
- 4.2 Ծրարի՞ ուղղությամբ չհարկանայի՞ր
- 4.3 Այնպիսի՞ն փոխարկել

Վերադառնա՞լ

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CANADA - INUIT OF QUEBEC
JBNQA IMPLEMENTATION NEGOTIATIONS
ISSUE # 16
(Per Inuit List of Issues Tabled June 14, 1988)

SOCIO-ECONOMIC DEVELOPMENT

Proposal Tabled by the Inuit of Quebec
(Without Prejudice)

November 1-2, 1988

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2. PROVISIONS OF THE JBNQA
3. BACKGROUND
4. PROPOSED PLAN OF ACTION
 - 4.1 Recognition of Federal Obligations
 - 4.2 Coordinating Structure
 - 4.3 Delivery of Services

APPENDICES

SOCIO-ECONOMIC DEVELOPMENT

1. STATEMENT OF ISSUE

The JBNQA envisaged the rapid expansion of the economy of the Territory based on the increased native and non-native utilization of renewable and non-renewable resources and the growth and diversification of the regional economy. With the realities of the development process in mind, the Agreement recognized and confirmed a number of important rights and guarantees in favour of the Inuit of Quebec in relation to development in the Region north of the 55th parallel. The Agreement also specified and assigned responsibility for a number of governmental measures recognized as necessary to ensure the orderly and rational development of the resources of the Territory.

Section 23 of the JBNQA provided for an Environmental Social Protection Regime for development projects and guaranteed Inuit involvement in the assessment of the environmental and social impacts of all proposed development projects.

Subsection 23.6 established the Kativik Regional Development Council (KRDC) which holds public consultations and provides advice on the socio-economic conditions related to development and environmental protection in the Region.

Furthermore, section 24 of the JBNQA provided for a Hunting, Fishing and Trapping Regime for the Territory which incorporates the principles of conservation and priority of Native harvesting of the wildlife resources of the Region.

These provisions of the JBNQA were designed to provide the Inuit of Quebec with the means to moderate the socio-economic impacts of existing and proposed developments in the Region on their way of life.

The JBNQA also recognized that further government measures would be necessary for the Inuit of Quebec to fully participate in the economic benefits flowing from the development of resources in the Region. To this end, section 29 of the JBNQA provided for the establishment of "a series of Native Economic Development Programs" in favour of the Inuit of Quebec (paragraph 29.0.1.) through which Canada and Quebec "shall continue to assist and promote the efforts of the Inuit of Quebec" (paragraph 29.0.3) in relation to their social and economic development.

The obligations undertaken by Canada and Quebec with regard to the socio-economic development of Northern Quebec are, in part, set out in section 29, by way of general provisions, which are to be used both to interpret and to implement the section (paragraphs 29.0.1 to 29.0.4). Certain paragraphs in section 29 also set out the governments' specific obligations with respect to the socio-economic development of Northern Quebec. A summary of these specific obligations is attached as Appendix I.

Canada has failed to seriously address and fully implement its obligations under section 29. As a result, problems in the area of Inuit socio-economic development which pre-date the Agreement remain outstanding (i.e. unemployment, welfare economies, lack of business entrepreneurial opportunities, inadequate socio-economic planning). Moreover, not only has the Government of Canada failed to deliver programs under section 29, it has also failed to participate in the interim joint committee to review and coordinate the delivery of federal and provincial programs of socio-economic development available to the Inuit of Quebec (paragraph 29.0.33). Canada has also failed to undertake the review of federal and provincial programs available to the Inuit of Quebec (paragraph 29.0.34) and to support the specific feasibility studies which were to have been undertaken in conjunction with the review of federal and provincial programs (paragraph 29.0.35).

The Government of Canada has failed to adequately promote Inuit enterprises related to the utilization of natural resources (paragraph 29.0.37) and to provide appropriate or adequate forms of financial assistance and technical and professional advice to Inuit entrepreneurs (paragraphs 29.0.38 and 29.0.39).

2. PROVISIONS OF THE JBNQA

Appendix II reviews the paragraphs of section 29 which relate to the coordination of federal and provincial programs for the socio-economic development of the Inuit of Quebec and to the provision of financial, technical and professional support to the Inuit.

3. BACKGROUND

3.1 The failure by Canada and Quebec to fulfill their obligations with respect to socio-economic development in Northern Quebec has placed the burden on the Regional Institutions to define the socio-economic needs of the Inuit communities and to coordinate the application of federal and provincial programs in the Region. These Regional Institutions were created under the JBNQA and include the Kativik Regional Government, the Kativik Regional Development Council, the Kativik School Board and Makivik Corporation. Each institution has its own mandate and core functions and contributes to the overall process of socio-economic development in the Region.

3.2 The Regional Institutions have repeatedly called for the full implementation of the governments' obligations contained in section 29. They have asked for increased support for programs designed to promote the self-reliance of the Inuit of Quebec. They have sought Inuit control and management of business enterprises and financial and economic institutions. Moreover, the Inuit of Quebec have insisted that federal and provincial programs provide support for a full range of self-sustaining economic activities including traditional activities, community economic development activities, and entrepreneurial activities.

3.3 The Inuit of Quebec maintain that section 29 does not simply entitle the Inuit to apply for regular federal and provincial program benefits; rather it anticipates the establishment of a series of specific native economic development benefits and programs in favour of the Inuit of Northern Quebec.

3.4 The provisions of section 29 have been consistently ignored by Canada and Quebec. Separate federal and provincial programs, when applied, have been applied in a piecemeal and uncoordinated fashion. The programs have rarely been adapted to take into account the social, cultural and economic characteristics of the Region. As a result, the federal and provincial programs have not been applied to the Inuit communities in Northern Quebec unless Inuit proposals fit squarely "within the four corners" of existing government programs and policy framework. This clearly goes against the spirit and intent as well as the specific provisions of section 29 of the JENQA.

3.5 The failure of the Government of Canada to fulfill its obligations under section 29 has been openly admitted by federal officials for many years. However, measures have yet to be taken to either fulfill these commitments or to compensate the Inuit of Quebec for failure to do so for the last 13 years.

3.6 The Report of the James Bay and Northern Quebec Agreement Implementation Review (the "Tait Review") released by the Minister of Indian Affairs and Northern Development in February, 1982, reviewed the implementation of section 29 and concluded that the Crees and Inuit were "receiving very little economic benefit from the developments occurring on their doorsteps" (p. 66). The Report recommended that all parties to the Agreement try "to work out a comprehensive and coherent development strategy for James Bay and Northern Quebec" (p. 66). The Report concluded that the failure of Canada to fulfill its obligations under section 29 had given rise to a serious problem which had to be immediately addressed:

"It is ironic that the Crees and Inuit, who appear, on the basis of the letter and spirit of the Agreement, to perhaps have a greater claim than others to such development assistance, have as yet not received any significant help. This is an urgent problem which deserves immediate attention by all the parties to the Agreement."
(p. 66)

3.7 A 1985 study on "Economic Development among the Inuit and Prospects for the Future", prepared by the Northern Quebec Claims Implementation Secretariat in DIAND, noted that the Inuit of Northern Quebec were accessing on-going DIAND program structures which were not designed to meet the provisions of section 29 of the JBNQA. Moreover, it stated that the absence of the joint implementation committee "goes a long way toward explaining the observed delays and problems in the planning and coordination of economic development" (p. 25).

The same study recommended that DIAND should "strive to include provisions designed specifically for native people in the Economic and Regional Development Agreements (ERDAs)" (p. 27); that responsibility for the Inuit Loan Fund be transferred from DIAND to the Kativik Regional Development Council (p. 28); and that DIAND "make the comprehensive planning service available to communities and modify the eligibility criteria as required to make it possible to hire local economic development agents in all communities" (p. 29).

3.8 The Canada-Quebec Economic and Regional Development Agreement (ERDA), signed in December 1984, set out the province-wide economic and regional development priorities of both the federal and the provincial governments for a period of 5 years and facilitated the consultation on, and coordination of, the economic and regional development policies, programs and activities of the two levels of government. The specific initiatives under the Canada-Quebec ERDA were to be implemented by 10 Subsidiary Agreements and various other memoranda of understanding jointly implemented by the appropriate federal and provincial departments. The estimated total cost of the commitments made under the ten subsidiary agreements was approximately \$1.2 billion.

However, as was pointed out by various native groups in Quebec, the Canada-Quebec ERDA contained no reference to the economic needs of Quebec's native population, failed to take into consideration the legal obligations of Canada and Quebec under section 29 of the JBNQA, and was not preceded by any form of consultation or collaboration with the native people of Quebec. The 10 Subsidiary Agreements, save for minor references (i.e. forestry, minerals, transportation) also ignored the needs of the native people of Quebec and did not adequately address the socio-economic needs of Northern Quebec.

On February 10, 1985, Prime Minister Brian Mulroney wrote to the Minister of Regional Industrial Expansion "concerning the need for a direct reference to Indian and Inuit economic development in the Canada-Quebec Economic and Regional Development Agreement (ERDA)". Moreover, on March 5, 1985, The Standing Committee on Indian Affairs and Northern Development recommended negotiations for: "... a special subsidiary ERDA agreement for the implementation of the outstanding economic development measures in the James Bay and Northern Quebec Agreement...". Neither the special reference nor the special ERDA ever materialized.

3.9 A Memorandum of Understanding (MOU) was signed between Canada and Quebec in September 1987 to harmonize, but not fund, federal and provincial economic development programs for native peoples. Under this MOU, the federal and provincial governments were to analyze the gaps and barriers in existing programs and examine the potential for new areas of cooperation and harmonization.

Seven Task Forces were established under the MOU with mandates to study programs, policies and agreements in the following fields: (i) agriculture, (ii) training and employment, (iii) business development, (iv) commercial fisheries, (v) mineral resources, (vi) forestry, and (vii) tourism. The Task Forces are currently preparing reports on these subject areas after consulting, on a limited basis, with several native groups and individuals.

To summarize, the Government of Canada has failed to fully involve the native people of Quebec in a meaningful consultative process regarding their socio-economic needs. Canada has been mainly concerned with the coordination of existing program structures which will not fulfill the socio-economic needs of the native people in the various regions of the Province of Quebec (such as the unique needs of the Region north of the 55th parallel).

3.10 The April 1985 Report of the Study Team on Indian and Native Programs, prepared under the auspices of the Ministerial Task Force on Program Review (Nielsen Task Force), also examined the delivery of federal economic development programs to native peoples.

The Study Team observed that the current DIAND economic development program structure had a number of problems with its design and delivery. For example, there was considerable duplication in the decision-making and financial control aspects of the programs; there was "a strong emphasis on the creation of new businesses and entrepreneurs at the same time"; there was only "limited federal support to critical non-financial aspects of business such as project development, operational counselling, monitoring, and business advice"; and the "federal effort pushes the money out for

business formation and abandons projects to survive on a "sink or swim" basis" (pp. 68 to 70).

The observations of the Study Team were written from a national perspective but are equally applicable to the manner in which federal native economic development programs have been applied to meet the needs of the Inuit of Quebec.

3.11 The same Study Team on Indian and Native Programs also reviewed the various regional development agreements entered into between Canada and each of the Yukon, N.W.T., Manitoba, Saskatchewan, and Alberta.

These federal-provincial agreements were not signed as part of a native economic program. However, they did provide for federal expenditures in regions of the country where there was a significant native population. The agreements provided for the joint planning and funding of economic development initiatives. The joint planning process enabled the federal government "to influence the orientation and intensity of provincial efforts devoted to issues of joint concern" (p. 172).

The Study Team observed that the significance of these cost-sharing agreements was that "they provide a relatively stable five-year context within which both citizens and government can plan; they coordinate the efforts of the two levels of government; they provide a basis for standardizing the level of service provided; and they minimize duplication and overlap" (p. 173). The Study Team concluded that the achievement of each agreement's objectives was dependent upon the comprehensiveness of the agreement itself and the simplicity of the management structure.

To date, the lessons learned by the federal government with respect to federal-provincial and federal-territorial regional development agreements do not appear to have been applied to the provision of programs and services in Northern Quebec. This is unfortunate since the federal government's commitments under section 29 of the JBNQA envisage the above approach to the coordination and delivery of federal and provincial programs for the socio-economic development of Northern Quebec.

3.12 The programs applicable to the socio-economic development of the Inuit of Quebec are provided by both the federal and the provincial governments. The overall program structure is confusing, only partially coordinated with respect to inter-governmental and inter-departmental coordination, and is ill-suited both in terms of meeting the social and economic needs of the Inuit of Quebec and in terms of adequately implementing the specific obligations of section 29 of the JBNQA. The current fragmented approach does not permit the two levels of government to engage in a

coordinated process of comprehensive economic development planning to meet the socio-economic needs of the Inuit of Northern Quebec. Nor does it permit the Regional Institutions or individual Inuit to properly consult with either Canada or Quebec in relation to regional economic development planning.

3.13 The current program structure severely limits the role of Regional Institutions to deliver programs and services to the Inuit of Quebec. This is in direct contrast with the principle, as set out in paragraph 29.0.4, that the Kativik Regional Government is to eventually take over the administration of federal and provincial social and economic development programs, to the greatest extent possible. As well, the current program structure has many significant gaps in program coverage that have not yet been adequately provided for by either Canada or Quebec.

These problems could be overcome by an economic development strategy comprising the following:

(i) a comprehensive approach to regional economic development planning;

(ii) the coordinated sharing of federal and provincial programming and funding responsibilities;

(iii) a commitment by the federal and provincial governments to fully involve the major Regional Institutions (i.e. Kativik Regional Government, Kativik Regional Development Council, Kativik School Board, and Makivik Corporation) in the regional economic planning process and in the design and delivery of programs and services; and

(iv) a willingness by the federal and provincial departments involved to take the necessary steps to review their various program structures and to adapt and rationalize them, where necessary, to meet the social, economic and cultural characteristics of Northern Quebec.

4. PROPOSED PLAN OF ACTION

4.1 Recognition of Federal Obligations

The Government of Canada, the Inuit of Northern Quebec and, subject to further discussion, the Government of Quebec shall enter into a Comprehensive Regional Development Agreement to meet the socio-economic needs of the Inuit communities of Northern Quebec and to fulfill the obligations contained in section 29 of the JBNQA.

The Comprehensive Regional Development Agreement (CRDA) shall

- (i) establish a tri-partite regional economic development Coordinating Committee,
- (ii) identify the priority areas of mutual concern at which program resources will be directed,
- (iii) identify the financial commitments (operational funding and capital contributions) of the Governments of Canada and Quebec for each priority area in an Annex to the Agreement to ensure that sufficient funds will be available for the projects and initiatives identified in the Agreement or in any further subsidiary agreements or memoranda of understanding necessary to implement the objectives set out in the CRDA,
- (iv) adopt as priority areas of federal and provincial programming in the CRDA those outlined in Appendix III, and
- (v) be signed by April 1989 and provide for a five-year time frame for the development and implementation of a comprehensive regional economic development planning process.

This planning process shall take into account the rights of the Inuit of Quebec under the JBNQA; the appropriate roles and responsibilities of all levels of government (i.e. federal, provincial, regional, and local) involved with the promotion of social and economic development in the Region; and the social, economic and cultural characteristics of the Inuit communities of Northern Quebec. A primary reference document in the planning process will be the Kativik Regional Development Plan (1988) prepared by the Kativik Regional Development Council and submitted to the Office de Planification et du Développement du Québec.

4.2 Coordinating Structure

In order to coordinate the programs, services, and activities of the various levels of government involved in the promotion of economic development in Northern Quebec, a Coordinating Committee at the Deputy Minister or Assistant Deputy Minister level shall be established. The Committee

shall consist of six members: two members appointed by Canada representing the Department of Industry, Science and Technology and the Department of Indian Affairs and Northern Development; two members appointed by Quebec representing the Office de Planification et du Développement du Québec and the Secrétariat aux affaires autochtones; and two members appointed by the Inuit of Northern Quebec representing the Kativik Regional Government and Makivik Corporation.

The mandate of the Coordinating Committee will be as follows:

- To provide overall direction in the implementation of CRDA;
- To define the roles and responsibilities of the federal, provincial, regional, and local departments and agencies involved in the promotion of economic development in Northern Quebec and in carrying out the comprehensive economic development planning process, including the elements of the Kativik Regional Development Plan.
- To identify the key sectors in Northern Quebec for regional economic development;
- To consider and forward recommendations to appropriate departments and program officials related to the undertaking of appropriate feasibility studies and program reviews;
- To establish and implement a plan whereby local economic development officers will be stationed in Inuit communities throughout the Territory.
- To establish priorities to be followed by all levels of government related to the design, implementation, coordination, and delivery of program initiatives related to the process of regional economic development; and
- To design appropriate mechanisms for the delegation of program delivery responsibilities to the regional and community levels.

4.3 Delivery of Services

The federal and provincial governments shall agree that regional economic planning activities and project

development services are to be delivered, to the greatest extent possible, at the regional and community levels. In this respect, it shall be agreed that the Kativik Regional Government in conjunction with the Kativik Regional Development Council will be the lead agency for the delivery of these services in the region of Quebec north of the 55th parallel.

In order to ensure the coordination of these services at the community level, a Local Economic Development Advisory Committee will be established in each municipality in the region. The Local Economic Development Advisory Committees will represent, at a local level, the Northern Village Corporation, the Landholding Corporations, the local co-op, and local business enterprises.

APPENDIX I

Under section 29 of the JBNQA, a number of obligations related to the social and economic development of the Inuit of Northern Quebec are undertaken by Canada and Quebec. They are:

- . The establishment by Quebec of a program of support for Inuit hunting, fishing and trapping. (paragraphs 29.0.5 to 29.0.23).
- . The establishment, by Canada and Quebec, of vocational training programs and facilities to enable the Inuit to qualify for jobs created by existing or planned developments (paragraphs 29.0.25 and 29.0.37).
- . The development, by Canada and Quebec, of a plan for the training and employment of Inuit staff within the bureaucracy of the Territory (paragraph 29.0.29).
- . The enactment, by Canada and Quebec, of measures to ensure Inuit employment and contract priority (paragraphs 29.0.28 to 29.0.32).
- . The participation, by Canada and Quebec, in a tri-partite committee, with the Inuit of Quebec, to review and coordinate the delivery of federal and provincial programs of socio-economic development available to the Inuit of Quebec and to carry out feasibility studies related thereto (paragraphs 29.0.33 to 29.0.35).
- . The encouragement, by Canada and Quebec, of Inuit enterprises related to the utilization of natural resources in the Territory (paragraph 29.0.37).
- . The provision, by Canada and Quebec, of financial, technical and professional assistance to Inuit entrepreneurs (paragraphs 29.0.38 to 29.0.39).
- . The provision, by Canada and Quebec, of assistance in relation to transportation infrastructure (paragraph 29.0.36).
- . The establishment of a unified system for the provision of housing and related municipal services (paragraphs 29.0.40 and 29.0.41.)

APPENDIX II

Section 29 of the JBNQA

General Provisions

Paragraph 29.0.1 of the JBNQA specifies that a series of Native Economic Development Programs is established in favour of the Inuit of Quebec which shall operate in accordance with the rights, obligations, terms, and conditions set out in section 29.

The programs, funding, and technical assistance presently provided by Canada and Quebec, and the obligations of the said governments with respect to such programs, shall continue to apply to the Inuit of Quebec on the same basis as to other Indians and Inuit of Canada in the case of federal programs, and to other Indians in Quebec in the case of provincial programs, subject to the criteria established from time to time for the application of such programs, and to general parliamentary approval of such programs and funding (paragraph 29.0.2).

Subject to paragraph 29.0.2, both Canada and Quebec shall continue to assist and promote the efforts of the Inuit of Quebec and undertake to assist the Inuit of Quebec in pursuing the objectives set forth in paragraphs 29.0.4 to 29.0.43 (paragraph 29.0.3).

The Kativik Regional Government or the municipalities shall, to the fullest extent possible, assume the administration of the federal and provincial programs referred to in paragraphs 29.0.2 and 29.0.3, where appropriate and when accepted by the parties directly concerned (paragraph 29.0.4).

Tri-Partite Coordinating Committee

Pursuant to paragraph ~~29.0.33~~ of the JBNQA, an interim joint committee was to be established to coordinate the federal and provincial socio-economic development programs available to the Inuit of Quebec under section 29. This tri-partite committee was to consist of six members - two appointed by the Northern Quebec Inuit Association or its nominees; two by Canada and two by Quebec.

The functions and powers of the committee, as set out under paragraph 29.0.34, were to be as follows:

- (a) to review the status of economic and social development government programs applicable

- to the Inuit of Quebec in the Territory;
- (b) to recommend to Canada and Quebec feasibility studies in those areas where there is an apparent need; and
 - (c) to review the feasibility studies and recommend the application of existing programs or, where necessary, their adaptation; and in the absence of existing facilities, to recommend the creation of new programs.

Feasibility Studies

The review of government programs and the feasibility studies that were to be undertaken pursuant to subparagraphs 29.0.34 (a) and (b) of the JBNQA were to focus primarily on the following areas:

- (a) programs to improve the viability and quality of Inuit fur trapping;
- (b) programs to improve the viability and quality of the Inuit arts and crafts industry;
- (c) programs to enhance Inuit participation in the tourist industry, including tourist outfitting camps and related facilities;
- (d) programs to improve Inuit participation in the service industries;
- (e) programs of economic and technical assistance to Inuit individuals, groups or communities wishing to establish, own or operate commercial fisheries operations in the Territory; and
- (f) an inventory of community services and infrastructure needs.

(Paragraph 29.0.35)

Inuit Utilization of Natural Resources

Canada and Quebec may exchange information with the Kativik Regional Government with a view to encouraging Inuit enterprises related to the utilization of natural resources

resources in the Territory and the promotion of training and placement of Inuit personnel so that they can participate fully in the economic benefits from resource development in the Territory (paragraph 29.0.37).

The Kativik Regional Government may make recommendations to Canada and Quebec respecting assistance to Inuit entrepreneurs in obtaining capital, funding and technical expertise in the areas of mineral exploration, prospecting, obtaining of claims and related activities (paragraph 29.0.38).

Assistance to Inuit Entrepreneurs

Canada and Quebec shall support Inuit entrepreneurs by providing them with technical and professional advice and financial assistance (paragraph 29.0.39).

APPENDIX III

Priority Areas of Federal and Provincial Programming To Be Included in the Proposed Comprehensive Regional Development Agreement

<u>PROGRAM AREA</u>	<u>FEDERAL SHARE</u>	<u>PROVINCIAL SHARE</u>	<u>TOTAL COST</u>
1. Regional Economic Development			
- Regional Economic Planning and Development activities			
- Analysis of regional economic opportunities			
- Feasibility studies			
- Pre-proposal business opportunity analysis			
- Renewable and non-renewable resources analysis			
2. Business/Enterprise Support			
- Market studies			
- Feasibility studies			
- Assistance to entrepreneurs			
- Business seminars and workshops			
- Promotion activities			
- Investment capital			
3. Community-Based Planning:			
- Infrastructure studies			
- Community development and planning activities			
- Community infrastructure			
- Project funding			
4. Human Resources:			
- Employment training and job-related activities			
- Business and management and development assistance			
- Employment and contract priority activities			
- Public sector employment opportunities activities			