

**Nunavik Government**

by Marc Malone and Carole Levesque

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## Executive Summary

Government does not operate in a vacuum. The first part of this study presents the setting and context within which Nunavik institutions function. It highlights the implications for Nunavik governance flowing from an Arctic climate and *de facto* island status, which lead to very high costs. The existence of two economies in Nunavik reveals a narrow economic base subject to undue taxation. Nunavik's people are young and seeking to improve their prospects.

The second section provides a short overview of Inuit efforts to achieve political self-determination over a very short period of time since 1969-1970. In this respect, the James Bay and Northern Quebec Agreement (1975) marks a breakthrough, in that Inuit rights were protected while public institutions of government, open to all residents, were put in place. But JBNQA, while essential, created administrative confusion and a political accountability gap. During the 1980s, Inuit joined to establish the Nunavik Constitutional Committee (NCC) as the common vehicle to negotiate self-government.

Elements of the Nunavik government model, drawn from NCC positions and the proposed 1991 constitution, are presented in the third part. The main principles are creation of a Nunavik Assembly that would legislate in new areas; public government with jurisdiction over all territory north of the 55<sup>th</sup> parallel; new financial arrangements; partnership with other jurisdictions through assembly-to-assembly relationships; and consolidation of existing institutions of public government. In future, self-government will not function as an end in itself. Nunavik government is viewed as a tool to expand the economic base, to manage social issues and to generate greater accountability.

Nunavik relations with governments provide the focus for the fourth section. Close relations with Quebec and occasional problems and tension induced NCC and the provincial government to engage in self-government negotiations in 1990. Quebec has since agreed to appoint a special negotiator for fast-track talks. Ties with the federal government have improved at the program level, but Nunavik Inuit face difficulties in discussing broad policy with Ottawa. Nunavik representatives have played an important part in constitutional

discussions with all governments since 1979, while Quebec Inuit entertain close links with Greenland, the Northwest Territories, Labrador, Alaska and now Siberia through the Inuit Circumpolar Conference.

In the conclusion a note of caution is sounded. Constitutional and political development, as recent Canadian history demonstrates, unfolds over extended periods of time. In addition, the public sector fiscal crisis serves as a possible obstacle to self-government. Dexterity in negotiation and implementation will be required.

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### **Introduction**

On 15 March 1983, Canada's first ministers (with the exception of the premier of Quebec) and representatives of Aboriginal peoples gathered to discuss the issue of indigenous rights in the constitutional context. This meeting achieved the only constitutional amendment since 1982, on the rights of Aboriginal peoples.

During the discussions, a leitmotif permeated exchanges as federal and provincial leaders asked what Aboriginal self-government was or could be, what it might look like, who would be concerned, and how much it would cost. In the midst of a somewhat impressionistic dialogue, Mark R. Gordon, an Inuk negotiator from Kuujuaq, Quebec, explained how Quebec Inuit were achieving self-government through recourse to public institutions of government in Northern Quebec. He emphasized the present and potential role of the Kativik Regional Government and other regional organizations. Those present at the conference would agree in retrospect that this statement served to disperse uncertainty and apprehension.

This report may not achieve a similar effect. However, it is designed to provide practical insight into self-governing institutions in Northern Quebec, or Nunavik as it is now called, and into the Nunavik Government project that has evolved over the past decade.

### *Methodology*

To provide this modest overview, the report addresses the following questions:

1. If operation of government and delivery of public services is determined by circumstance, how do Nunavik Inuit live and what do they do?
2. How did Nunavik politics evolve over time to set the stage for Nunavik Government negotiations today?

3. What is the Nunavik Government model and what makes it relatively unique?
4. As Inuit in Nunavik have opted for partnership with other Canadians, how have they and their institutions related to the federal and provincial orders of government?

To answer these questions, Makivik Corporation undertook a project that would encompass research, consultations and the drafting of a report, which would then be subject to internal and peer review processes.

To carry out the project, Makivik Corporation hired Dr. Marc Malone and Dr. Carole Levesque. Criteria for selecting the researchers included previous publications, research experience, knowledge of the North, sensitivity to Inuit realities, knowledge of government and bilingualism.

During the research phase, the researchers consulted several hundred documents, including documents of both a public and a private nature, e.g., records of meetings. The bibliography contains a sampling of the documents consulted.

In addition, meetings were held with leaders, actors and experts, among them Senator Charlie Watt, Zebedee Nungak, Simeonie Nalukturuk, Tommy Cain, Kakkinik Naluiyuk, Jean Dupuis, R. Lanari, D. Allard, P. Bussi eres, S. Silverstone and M. McGoldrick.

Before the draft report was submitted to the Royal Commission on Aboriginal Peoples, an internal review committee, chaired by R. Lanari, examined the paper and made suggestions for additions, modifications and format.

### **The Setting**

Andr e Siegfried used to give his students at the Institut d' tudes politiques in Paris the following synthesis of British life: "Great Britain is an island. You now know as much about the country as I do." The same generalization could apply to Nunavik: Inuit representatives speaking to the Quebec National Assembly presented the region's tax problems as reflecting the status of "an island" for all intents and purposes located off the coast of Quebec.<sup>1</sup> Indeed, Nunavik's insular status determines in part its willingness to accept outsiders and to entertain partnership with the outside world.

## *Nunavik Geography*

Northern Quebec, although on the edge of the Arctic, forms part of the circumpolar world. Kuujuaq has just a third of the frost-free days that Montreal has. Salluit is located 2,000 kilometres from Montreal. No road network links the 14 Inuit communities inhabited by 7,200 Inuit, mainly along coasts, nor are there roads providing access to the south. Maritime service is irregular and risky in the absence of infrastructure.<sup>2</sup> Air services supply the only reliable link with the outside world.

In the eyes of Nunavik Inuit, the James Bay and Northern Quebec Agreement covers lands and waters located within the province of Quebec north of the 55<sup>th</sup> parallel. Such lands and waters compose the Kativik Region; hence, the Kativik Regional Government and the Kativik School Board.

The concept of Nunavik surpasses the confines of the Kativik Region. It includes the waters offshore of the province of Quebec. In this respect, the Inuit through Makivik Corporation and as an Aboriginal people filed a claim with the government of Canada over waters and islands they have traditionally used and at times occupied. Nunavik offshore negotiations commenced in 1994.

Under the Quebec Northeastern Agreement, the Naskapi obtained certain land rights above the 55<sup>th</sup> parallel. They have representative on the KRG Council in recognition of their rights — if not jurisdiction — in Northern Quebec. They also participate with Inuit on joint hunting, fishing and trapping and environment committees. Slow progress in the Labrador Inuit claim has prevented resolution of whatever overlap might prevail between the interests of Inuit in the two adjacent provinces.

Climate, distance and a small, dispersed population in a territory the size of France<sup>3</sup> lead to very high costs. Relative to Montreal, costs surpass the southern average by 45 to 90 per cent; for example, the cost of shipping freight to Salluit is eight times the cost of shipping to Kuujuaq. The cost of doing business can be triple that prevailing in the south. It costs twice as much to build in Nunavik than in the south, and the cost of maintaining buildings is three times as much.<sup>4</sup> These specific factors determine Nunavik perspectives on public services.



## *Demography*

Demography, a much neglected discipline, shows implications of some weight for Nunavik governance. Explosive population growth, together with a very young population in small communities (Tables 1 and 2), combine to apply heavy pressure on the public sector to provide services, both old and new, for example, in the area of recreation. In turn, demographic trends, although changing over time as size of family figures tend to decline, generate severe employment problems. Nunavik decision makers know that government is big business — often the only business — in the North.

This perspective on demographic evolution is supported by the following survey findings:

- There are twice as many Inuit under the age of 20 in Nunavik than elsewhere in Quebec.<sup>5</sup>
- The natural population growth rate is four times the rate elsewhere in Quebec.<sup>6</sup>
- With an end to famine conditions prevalent in the 1950s,<sup>7</sup> life expectancy for Inuit rose from 43 to 62 years between 1954 and 1984.

Nunavik also counts some 800 permanent non-Inuit residents, many of whom work in the public sector. More and more of these 'immigrants' opt for full-time residence, a choice that strengthens the non-Inuit fabric of public institutions.

A second characteristic of the labour profile in Nunavik pertains to the region's specific demography: more than 40 per cent of Inuit are under the age of 20. Inuit between the ages of 15 and 64 account for 58 per cent of the population, whereas the Quebec average hovers around 70 per cent. This means that Inuit able to work bear a heavy burden in relation to their society — heavier than that borne by their counterparts in the south. The consequences for governance and tax/transfer issues are obvious.<sup>8</sup>

## *The Economic Setting*

As in the Northwest Territories, there are two economies in Nunavik; it would be wrong to portray the region as a northern pocket of the fourth world.<sup>9</sup> A first economy revolves around a wage-based sector concentrated largely in the public institution network. Seventy per cent of employed Inuit work for the government or para-government sector, which in turn employs 95

per cent of all residents with university or college education.<sup>10</sup> However, a lack of local business competition and cost constraints combine to produce a disquieting outflow of moneys from the region.

**Table 1**  
**Nunavik Village Population, 1990**  
**(Inuit only)**

Villages	Male	Female	Total	%
Kuujjuaraapik	258	220	478	6.6
Umiujaq	156	157	313	4.3
Inukjuak	531	404	1,025	14.1
Povungnituk	544	490	1,034	14.3
Akulivik	186	178	364	5.0
Ivujivik	83	76	159	2.2
Salluit	416	373	789	10.9
Kangirsujuaq	212	206	418	5.7
Quaqtaq	119	110	229	3.1
Aupaluk	70	60	130	1.8
Tasiujaq	60	70	130	1.8
Kuujjuaq	612	580	1,192	16.5
Kangirsualujuaq	278	257	535	7.4
Chisasibi-Inuit	27	30	57	0.7
<b>Total</b>	<b>3,747</b>	<b>3,475</b>	<b>7,222</b>	

Source: Ministère de la Santé et des Services sociaux, Inuit beneficiary schedule, 1993.

A second economy, reliant on transfers and sporadic jobs, is often characteristic of small villages and operates along lines of marginality and dependency. Incomes are low in this economy, explaining why average Inuit incomes in 1986 were still well below those in Cree communities or non-Aboriginal towns.<sup>11</sup> In short, an economic base exists in Northern Quebec, but it remains narrow and dependent upon government funding.

#### *Harvesting pursuits*

Hunting, fishing and trapping provide the core of the traditional Inuit economy. The paradox is as follows: whereas the cost of equipment (ski-doo, weapons, ammunition, clothing) and travel (fuel, food) is very high, cash income has, if anything, declined over the years with the

decline of traditional fur markets. Nevertheless, traditional production assures up to 50 per cent of local food needs if different estimates are accounted for.

**Table 2**  
**Nunavik Inuit Population by Age Groups**  
**August 1993**

Age Group	Male	Female	Total	%
0-4	475	414	889	12.3
5-9	540	502	1,042	14.4
10-14	442	384	826	11.4
15-19	397	377	774	10.7
20-24	408	366	774	10.7
25-29	344	320	664	9.1
30-34	274	286	560	7.7
35-39	209	180	389	5.3
40-44	167	159	326	4.5
45-49	102	109	211	2.9
50-54	84	79	163	2.2
55-59	110	99	209	2.8
60-64	76	87	163	2.2
65-69	48	44	92	1.2
70-74	32	29	61	0.8
75 +	39	40	79	1.0
<b>Total</b>	<b>3,747</b>	<b>3,475</b>	<b>7,222</b>	

Source: Ministère de la Santé et des Services sociaux, Inuit beneficiary schedule, 1993.

The Inuit hunting, fishing and trapping support program, provided for under the James Bay and Northern Quebec Agreement (JBNQA), generated only 2.6 per cent of overall Inuit income in 1984. A further complication flows from legal barriers to the commercialization of wildlife since 1975: this stipulation has prevented the establishment of a genuine regional intercommunity trade network.

#### *Cash income*

Over the past two decades, Nunavik Inuit have joined the cash economy at a highly accelerated pace: wages, social transfers and arts and crafts earnings account for 74 per cent

of resources available to Inuit, compared to 45 per cent in 1968. By 1984 wage earnings accounted for one-half of all Nunavik income and social transfers for one-fifth.<sup>12</sup>

Despite an expanding income base, related to the one-time boom in public sector jobs following implementation of the JBNQA in 1975, there is no savings base to speak of in Northern Quebec. According to a survey conducted in 1983, Inuit spend 92 per cent of their income on goods and services alone.<sup>13</sup> A relative dearth of local capital will shape any effort by the government of Nunavik to broaden the economic base.

### *Employment*

Estimates of unemployment in Nunavik vary widely. In the past, they have ranged from 26 per cent to 44 per cent, while Kativik Regional Government estimated that 37 per cent of Inuit in Nunavik were not participating in the labour force.<sup>14</sup> The Nunavik job market remains highly unbalanced, with rates of activity far below southern standards; this in turn leads to reliance on transfers.

### *Taxation*

Inuit are taxpayers, unlike some other Aboriginal groups. This decision reflects the philosophy set forth in JBNQA whereby Nunavik Inuit wished to share management of institutions over a wide territorial base on what is referred to as a 'non-ethnic' basis.

As tax payers, Inuit have a stake in the tax system. Over the past few years they have come to resent the fact they are over-taxed by any objective standard. Two examples may serve as an illustration:

- Given the high cost of living, taxes on consumption — GST and provincial sales tax — or real purchasing power tax rates, amount to 23 per cent in Kuujjuaq and up to 30 per cent in Salluit. This illustrates the finding of the Organisation for Economic Co-operation and Development that taxation of consumption is "somewhat regressive".<sup>15</sup>
- Governments are moving way from direct cash transfer and toward tax credits, e.g., the federal child credit system. This new approach assumes that residents file tax returns, an unwarranted assumption for many unilingual Inuit. In addition, given low incomes in Nunavik, only 27 per cent of Inuit households would qualify for the

northern income tax allowance (set at \$5,475), because in order to qualify, taxable income has to be declared.<sup>16</sup>

Tax distortions and a narrow fiscal base will constitute a major challenge for a future Nunavik Government.

### *Education and Training*

While definite progress has been achieved in Nunavik since 1975 in these areas, the success of self-government will be determined in part by improved performance in the future.

In the 1960s and 1970s, when schools were established for the first time in all Inuit communities, the catch-up gap was enormous. This explains in part why 48 per cent of Inuit in 1991 had not reached grade 9 (compared to 24 per cent in Quebec as a whole);<sup>17</sup> the figure for those over 35 was 72 per cent.

Much remains to be done. Kativik School Board (KSB) provides primary and secondary education on a wide basis in three languages, as well as programs in traditional Inuit culture, occupational courses and adult training programs.<sup>18</sup> While it has succeeded in providing basic services, the educational attainment figures are somewhat disquieting: by 1991 only 60 per cent of Inuit who had been enrolled in grades 9 to 13 had finished their courses. Only 0.3 per cent of Inuit residents can claim a university degree.

As a result, and within the framework of future self-government, KSB has joined with Makivik and other organizations in forming an education implementation committee designed to improve these results.

A social and economic framework for self-government in existing circumstances clearly demonstrates that Nunavik Government, as self-government is termed in Northern Quebec, cannot constitute an end in itself. It cannot operate in isolation from complex, changing and, on occasion, disquieting reality.

Nunavik Government would serve as a tool to expand a narrow economic base through new taxation policies, support to a nascent small business sector, better infrastructure, and harvesting policies founded upon greater economic commonsense. A broader economic base, in turn, would alleviate social problems and the impact of demographic pressures. A Nunavik Assembly, accountable and representative, could provide a central forum for new education

and training ventures. In sum, self-government by itself is not a panacea. It is a means by which Aboriginal people, in co-operation with others, can make their own achievements and mistakes (and to be seen to so do) and draw conclusions from them.

### **Background: Toward A Regional Political Model**

The Nunavik political project has not unfolded in a vacuum. Its particular features, such as emphasis on preliminary negotiations with a province (Quebec), affirmation of Aboriginal rights through public institutions of government, and the principle of a regional territorial base — as opposed to reserves — under the umbrella of the James Bay and Northern Quebec Agreement, are the result of decades of genuine progress and apparent reverses and, for that matter, hard work. Truth is indeed the daughter of time.

Political development in Nunavik has accelerated over the past 25 years. The formulation of a regional political plan during this period flows from time previous. History serves to show why Inuit opted for a specific route and what government has at stake even today.

#### *Initial Contact with the Outside*

Before the twentieth century, missionaries or traders from the Hudson's Bay Company (HBC) and Revillon Frères were among the few outsiders to travel within a Nunavik region peopled by nomadic Inuit hunters, some located on the coast, some located inland, depending on the season. As of the nineteenth century, some ten Inuit groups moved throughout Northern Quebec.<sup>19</sup>

In those days, jurisdiction resided with the British Crown, which had delegated authority to the HBC. Title reverted to the United Kingdom in 1869, only to be transferred to federal authority in Ottawa in 1870.<sup>20</sup> By virtue of new constitutional arrangements, the government of Canada accepted responsibility for 'Indians' (section 91.24 of the *Constitution Act, 1867*). In some instances, it concluded treaties with Indian nations, and it implemented a reserve system over the five decades following Confederation. In 1951, Parliament approved the *Indian Act* and other legislation concerning the Northwest Territories to define its role in relation to 'status' Indians and residents of most of the Canadian North.

The earlier constitutional arrangements had little or no impact on Quebec Inuit. They had to await the 1939 Supreme Court decision on their status within Canada, which was rendered at time of famine and suffering for the Inuit.<sup>21</sup> The Court affirmed federal responsibility for Inuit without specifying direct implications for federal policy or programs in the North.

In the meantime, the province of Quebec, ever intent on extending its territory within Canada, gained rights to Canada lands around James Bay and in Northern Quebec. A 1912 provincial law contained provisions confirming the province's obligations with respect to Aboriginal people residing in the James Bay and Northern Quebec regions. However, the provincial government was not constrained by specific stipulations as to the timing of these responsibilities.

For more than 50 years, the government of Quebec left *de facto* management of public services in Nunavik to the federal government, which devoted little energy to fulfilling its legal duties until the 1950s.<sup>22</sup>

#### *Incursion of Government*

Why did the federal government assume its role in delivering public services to Inuit in the 1950s?

First, there was the sovereignty issue, as Canada sought to affirm its presence in the Arctic, which had been occupied initially by the U.S. military. For this and other reasons, Inuit from Nunavik were moved to the High Arctic in 1953-54. In addition, like other Canadian citizens, Inuit had access to government transfers (family allowances, pensions, etc.) in an emerging welfare state. In 1953, Ottawa had also established a new department with a specific mandate for the North. As a consequence, housing, schools, medical stations and airstrips, however primitive, were located near trading or missionary posts. In this modest way, 'urbanization' of Quebec Inuit gathered impetus. Inuit were attracted to small centres where access to social transfers might be easier, where some basic services were available, and where they might obtain unskilled or semi-skilled work. Not surprisingly, non-Inuit held the skilled jobs.

In the meantime, Quebec's outlook had evolved.

The quiet revolution signalled the determination of a new elite see Quebec accede to modern realities through the assertion of state power. Such power was to be provincial. This attitude led to provincial demands to promote Quebec identity and, inevitably, to conflict with Ottawa. Such conflict, which came to a head in Nunavik in 1969-1970, would have significant effects on Inuit as Quebec perceptions of federal 'occupation' of the North translated into calls for federal withdrawal. While Aboriginal people, especially status Indians, emerged on the national stage in reaction to the federal government's ill-fated 1969 White Paper, Quebec Inuit had to cope with provincial demands for the transfer of federal services in Nunavik.<sup>23</sup> Contradictions between vocal demands on the part of Aboriginal peoples for Ottawa to comply with its trusteeship responsibilities and Quebec demands for provincial administration of Nunavik produced a climate of some tension during this period.

According to Charlie Watt, who was to establish the Northern Quebec Inuit Association with other Inuit leaders, residents of Nunavik in the 1960s had no inkling of the implications of laws passed in 1898 and 1912 extending Quebec jurisdiction. Nor had Quebec Inuit been consulted about the new provincial role and their relations with a distant provincial capital. It was only during meetings with René Lévesque and his senior officials in the mid-1960s that Inuit were apprised of Quebec's legal claims and related ambitions.<sup>24</sup>

In the late 1960s, Nunavik Inuit were the unfortunate parties to federal-provincial conflict as Quebec, acting no doubt out of self-interest, offered residents a range of new services in education and social fields. Intergovernmental posturing developed as though Nunavik were and had been empty. Acrimony subsided to an extent in 1969, when both governments had had ample time to assess the costs of futile infighting among politicians and officials.<sup>25</sup> They agreed that the province should take over responsibility for providing public services to Inuit.

In 1970, the Neville Robitaille Commission was entrusted by Quebec and Ottawa to 'inform' Inuit of the imminent transfer of powers to Quebec. To its surprise and that of others, members of the Commission discovered Inuit had a voice, entertained views and were committed to determining their own future.



### *The Inuit Voice*

As of 1970, some 3,500 Inuit and 500 other residents spread out in 12 communities faced a precarious way of life characterized by cultural dislocation as people moved to villages where poor housing and inadequate services prevailed. Jobs were few. Community councils operating under the aegis of federal officials had little impact on everyday life. Yet an Inuit voice was beginning to be heard as community residents began to organize.

The co-op movement, initiated by the federal government in the 1950s throughout the Arctic, often in co-operation with the Hudson's Bay Company, provides a first illustration of this awakening. Its aim was to foster a northern economic base so that Inuit and other Indigenous people could derive income from such traditional activities as hunting, fishing, trapping, and carving or prints.<sup>26</sup> A local co-op served as a bridge between producers, the Inuit, and government marketing agencies. During the 1950s the co-op movement expanded throughout northern Canada, including in George River (1959), Povungnituk (1960), Kuujjuaraapik (1961) and Inukjuak (1967). The co-op movement generated a third of Inuit household income as early as 1969,<sup>27</sup> while stores were established to compete with the Hudson's Bay Company.

The creation of the Fédération des Coopératives du Nouveau Québec (FCNQ) in 1967 owed much to provincial government support — even if the government's motivation was only to assert provincial sovereignty.<sup>28</sup> When FCNQ representatives appeared before the Neville Robitaille Commission in Povungnituk (headquarters of the FCNQ), they demanded regional autonomy and a direct transfer of powers and budgets to the region, rather than to the provincial government.<sup>29</sup> But the FCNQ did not speak for the entire population of Nunavik.

For many Inuit of the Ungava region, the very concept of a transfer of services to Quebec made little or no sense, as provincial initiatives since 1963 had resulted in, at best, marginal improvement in living conditions. These Inuit wished to maintain and develop links with the federal government. In 1971, Inuit leaders such as Charlie Watt created the Northern Quebec Inuit Association (NQIA) with the aim of achieving a political impact in times of real uncertainty.

Change accelerated in 1971. In April of that year, the government of Quebec made public "le projet du siècle" — the venture of the twentieth century: the construction of a

gigantic hydroelectricity network to be based in northern and western Quebec. Ottawa and Quebec toned down their squabbles as the provincial government sought more than ever to gain legal recognition of its right to occupy James Bay and Nunavik lands.

The stakes were high. In the south, opposition materialized as environmentalists and economists publicly debated the costs of the project. For their part, Cree and Inuit defended their interests, to the astonishment of government and the Quebec public.

The government of Quebec, once again, had acted on the assumption Nunavik was *terra nullius*. Quebec was therefore taken off guard as Cree and Inuit used the legal system to obtain an injunction in 1973 to suspend hydro operations. Within two years, NQIA and the Crees of Northern Quebec had negotiated the James Bay and Northern Quebec Agreement, which protected the collective rights of the Inuit while providing for regional institutions of public government and an Inuit corporation (Makivik) to ensure the well-being of Indigenous persons.

#### *The James Bay and Northern Quebec Agreement*

The James Bay and Northern Quebec land claims agreement marked a turning point in the history of Nunavik. It was Canada's first comprehensive claims agreement. It was unique in North America in its devolution of powers and budgets to a series of regional institutions.

JBNQA marked a major breakthrough in that Quebec Inuit opted for only seemingly contradictory objectives: the affirmation of collective Inuit rights and the adoption of public institutions open to all, along the Canadian and provincial models. While remaining themselves, they sought partnership with other Canadians.

Some could question the originality of JBNQA in relation to the Alaska Native Claims Settlement Act of 1971. This admirably concise legislation addresses mainly issues of regional compensation. While elegantly drafted, it reads like a real estate transaction; institutions of public governance are not its focus.

The JBNQA is designed to protect traditional hunting rights and to promote Inuit language and culture. It established Makivik Corporation as a vehicle for Inuit economic and political self-determination. On the other hand, Inuit were to work with others in the provision of basic public services in such areas as municipal operations, education, health, social

services and regional development. As of 1992, the Kativik Regional Government, the Kativik School Board, the Regional Health and Social Services Council, and the Kativik Regional Development Council had access to combined budgets of \$90 million for a population of 8,000 in Nunavik.

The land regime reflects the relative sophistication of the JBNQA. Whereas Category I lands — around communities and covering more than 8,000 square kilometres — were reserved for the exclusive use of Inuit, Category II lands, although under provincial jurisdiction, provide for exclusive Inuit hunting, fishing and trapping rights. Category III lands, or the rest of the territory, fall under the jurisdiction of the Kativik Regional Government.

While the principle of protecting Aboriginal rights through public institutions extending over a wide territorial base had been sustained in 1975, JBNQA marked a transition in Inuit political development. Regional institutions remain even today highly dependent on annual provincial funding and on the provincial regulatory model. No central public institution functions in Nunavik to provide leadership and accountability: proliferation of institutions has created confusion. In this regard, Rouland is not wrong to speak of "decentralization" rather than devolution of powers.<sup>30</sup>

Implementation of the Agreement gave rise to serious difficulties from the late 1970s on. For example, Chapter 29, dealing with Inuit social and economic development, abounds with vague terminology about government commitments. As an illustration, Inuit institutions, including Makivik Corporation, have had to spend more than \$30 million on their own to construct arenas and recreation centres in Inuit communities. Further, as noted in the next section, JBNQA has caused division within and between Quebec Inuit communities.

### *From Conflict to Unity*

Some Inuit along the Hudson Bay coast, with links to the co-op movement, would oppose the very concept of JBNQA. They had already communicated with the Neville Robitaille Commission in 1970 and proposed a regional government in 1971. Before and during negotiation of the Agreement, Inuit energies had been channelled through the Northern Quebec Inuit Association in opposition to the James Bay project and in favour of Inuit rights.

However, when the time came to ratify JBNQA, some Inuit closely associated with FCNQ rejected ratification on the grounds that the Agreement required extinguishment of Inuit title.

In retrospect, this opposition to the Agreement materialized as early as December 1975, under the aegis of Inuit Tungavingat Nunamini (ITN) with the support of more than 1,000 Inuit living in the Hudson Bay communities of Povungnituk, Ivujivik, and Salluit. The 'dissidents' made several attempts to contest JBNQA and to prevent implementation; these efforts proved futile. Several community management schemes, for example, in the field of education, also failed. By the beginning of the 1980s, the dissident movement had run out of steam. Today, the 'dissident' communities are represented within Makivik Corporation.

At the same time, regional institutions, both public and 'ethnic', began to be aware of the flaws in the JBNQA, in particular the political confusion and ambiguity to which it had given rise. Nunavik representatives were also participating in constitutional talks on self-government and related issues at the national level. The time for a comprehensive Nunavik Government project had come.

When various Nunavik leaders appeared before the Quebec National Assembly hearings on Aboriginal rights in 1983, Premier Lévesque pledged support for self-government in the North on condition that Inuit were able to resolve their internal differences.<sup>31</sup> A Nunavik task force was established (Ujjituijiit) to consult all parties and to seek their involvement in formulating concrete proposals for self-government.<sup>32</sup> After three years of hard work, a major step was taken in 1987 through a regional referendum open to all residents. Voters opted in favour of the creation of a new provisional committee with a mandate to formulate a government constitution: all existing organizations, regardless of previous positions, agreed to work through this committee.

On 10 April 1989, regional elections were held to elect the members of a Nunavik Constitutional Committee (NCC). Such prominent regional leaders as Charlie Watt and Harry Tulugak, a former ITN leader, were chosen, while Simeonie Nalukturuk of Inukjuak was appointed president of NCC. Subsequently, members devised a Nunavik Government model, reflected in a proposed constitution. This is among the subjects discussed in the next section.

## **A Nunavik Government Model**

Members of a France-Quebec committee on northern issues had this to say about the governance of Northern Quebec (le Nouveau Québec) in 1970:

Government pervades everything... we note Kafka-like patterns of bureaucracy... the organization of public administration in Ungava is most confusing...<sup>33</sup> [translation]

Despite major progress achieved under the umbrella of the James Bay and Northern Quebec Agreement, a concerned observer, Gérard Duhaime, could still note more than two decades later:

Under the regime implemented under the James Bay and Northern Quebec Agreement, neither the policy/decision-making level nor the program administration level knows what they are doing in the Arctic".<sup>34</sup> [translation]

Quebec Inuit have long shared this sceptical outlook. Their search for accountability and control over locally important matters — not 'local' matters — combined with a determination to overcome past internal divisions, led to the formulation of a Nunavik public government model that guarantees Aboriginal rights. The model derives from a proposed constitution for Nunavik and several basic principles.

### *Proposed Constitution*

On 10 April 1991, residents of Nunavik — Inuit and non-Inuit alike — voted by a wide margin to approve a draft constitution for Nunavik devised by the Nunavik Constitutional Committee after lengthy consultation with citizens of Northern Quebec. Briefly, the proposed Nunavik constitution

- contains a preamble setting forth fundamental values and objectives;
- presents a Nunavik Charter of Rights, compatible with both the Canadian and Quebec charters, designed to promote the specific interests of the Inuit;
- outlines the powers of a democratic, 'non-ethnic' Nunavik Assembly elected at large with jurisdiction over fields such as lands and external relations;
- a description of the future Nunavik administration based on ten 'departments', many resulting from consolidation of existing institutions such as the Kativik School Board and Kativik Regional Government;

- calls for the establishment of a Nunavik executive branch, to be drawn from the assembly and responsible to it, and a Nunavik judiciary;
- affirms jurisdiction of the assembly over all territory above the 55th parallel and all citizens resident in the region;
- recommends that Inuktitut, English and French become official languages of the territory; and
- describes an amending formula for the Nunavik constitution whereby constitutional change would require 75 per cent approval by the assembly.<sup>35</sup>

### *Underlying Principles*

The proposed constitution, to be implemented in co-operation with Canada and Quebec, reflects certain fundamental principles at the core of the Nunavik Government venture. These have been summarized concisely by Paul Bussi eres:

The Inuit proposed the establishment of a public, regional government, a government to be non-ethnic and endowed with powers not available at present to existing northern institutions, delegated by the federal and provincial orders of government, and new financial arrangements based on block funding. The Inuit emphasize that their government jurisdiction should apply to all territory north of the 55<sup>th</sup> parallel and to all residents of the region.<sup>36</sup> [translation]

This conceptual framework, as translated into the 1991 Memorandum of Agreement accepted by both parties, shaped the basis for Quebec-Nunavik Constitutional Committee negotiations:

Firstly, the parties will exchange their views on the three (3) fundamental options indicated by the residents of Nunavik: a non-ethnic, a territorially regional and a centrally funded government.<sup>37</sup>

In turn, these overviews point to a series of fundamental principles, including the objective of consolidation, a public institutional framework, territorial jurisdiction, a central role for the assembly, new financial arrangements, and the notion of partnership with Quebec and Canada.

## *Consolidation*

The notion of governance implies central direction and accountability. Political accountability as understood by Quebec Inuit will lead to the merger of existing institutions of public administration in Nunavik: the Kativik Regional Government (KRG), the Kativik School Board (KSB), the Kativik Regional Development Council (KRDC), the Kativik Regional Health and Social Services Council (known by its French acronym, CRSSS) and, quite possibly, Avataq, the Northern Quebec cultural institute, and TNI, the regional communications entity.

Consolidation will not be without practical impact, as KRG, KSB, CRSSS and KRDC alone administered annual combined budgets of some \$90 million in 1993.<sup>38</sup> Nor will it be without complexity. Several sections of the James Bay and Northern Quebec Agreement, which enjoys constitutional protection, will probably have to be amended, including section 13, concerning regional government north of the 55<sup>th</sup> parallel, section 15 on Inuit health and social services, and section 17 on Inuit education.<sup>39</sup> The transition period leading to consolidation will require planning, equitable labour contract talks, and some considerable financial dexterity.

Fortunately, Kativik Regional Government has a vocation to induce both orderly transition and a genuine scope of action for members of the future Nunavik Assembly. By virtue of the 1975 Agreement with Quebec and Canada, KRG can implement policies and programs in the following areas:

- local administration,<sup>40</sup>
- transport and communications,
- justice,
- health and social services,
- education,
- economic development, and
- environment, resources and land use management.<sup>41</sup>

As a matter of course, new fields will evolve; for example, fishery will, over time, be assigned to the competence of the assembly and its designated executive. In addition, related program budgets in the event of transfer/devolution would also fall under the purview of the Nunavik Assembly, a principle already well established in the N.W.T., Yukon and Greenland.

## *Public government*

In their search for a role in the outside world, along lines established elsewhere in Canada, such as Nunavut, and in Greenland, Inuit of Nunavik have opted for 'non-ethnic' institutions of public administration — open to all residents, "open to all citizens of Nunavik".<sup>42</sup>

This option has been subject to criticism by a number of informed observers. For instance, in the case of the Labrador Inuit, Veryon Haysom presents the following perspective:

The struggle for recognition must not end with land claims and self-government agreements but should continue in order to ensure the survival of the Labrador Inuit as a distinct Aboriginal people within Canada.<sup>43</sup>

Indeed, sudden development surges could lead to substantial inflows of non-Aboriginal persons into Canada's North, thereby depriving the Inuit of majority status on their lands and waters.

In this context, it would be futile, even misleading, to engage in abstract polemics about the merits of Aboriginal 'ethnic' government. Rather, our comments will be confined to the practical considerations with which Canadian and Quebec Inuit have to contend in the Arctic.

A first factor is the desire on the part of Quebec Inuit to avoid, at all costs, the carving up of Nunavik into Category I land ghettos without control and influence over their traditional lands and waters. Nor is it in Quebec's interest to see the region fragmented along ethnic lines.

With the advent of a Nunavik Assembly, Makivik Corporation will retain its role as protector of specifically Inuit political interests and as trustee of their economic and social well-being. As already noted, the proposed Constitution of Nunavik provides for an Inuit charter of rights and a judiciary system more attuned to northern realities. With respect to sudden demographic surges and immigration, various devices to ensure effective expression of Inuit rights through government institutions could be put in place. These could encompass, for example, residency requirements, guaranteed representation in different branches of government, language provisions and so on.<sup>44</sup>



### *Central role for Nunavik Assembly*

At the core of the Nunavik Government plan is a democratic assembly elected by all residents to provide leadership, accountability and direction in place of the existing confusion created by multiple administrative bodies.

Within Nunavik, the assembly will

- (i) designate members of the executive branch
- (ii) establish committees to consult the electorate and ensure smooth legislative operations, one committee modelled possibly on the precedent established in N.W.T. with the Standing Committee on Finance (SCOF)
- (iii) negotiate and manage new areas of jurisdiction according to the outline formulated in the Constitution of Nunavik respecting necessary regional powers:
  - lands
  - education
  - environment
  - renewable and non renewable resources
  - health and social services
  - employment and training
  - public works and infrastructure
  - taxation and revenue
  - justice
  - language and culture
  - transportation and communications
  - recreation
  - offshore areas, and
  - external relations.<sup>45</sup>

The advent of a Nunavik Assembly should have a revolutionary impact on Nunavut politics, as was the case in N.W.T. when the first entirely elected assembly was voted in in 1975 and when, in 1979, representative government became a reality with an Aboriginal majority for the ninth legislative assembly.<sup>46</sup> As a result, the first government leader was selected in 1980-81, and N.W.T. commissioner John Parker declared:

My role would be to facilitate change by assisting the transfer of power from appointed officials to elected representatives and helping the people of the Northwest Territories to achieve responsible government.<sup>47</sup>

In times of financial duress and constraint, the issue arises of how assembly operations can or should be financed. The question is not academic: in 1991, the overall cost of sending

an MLA to Toronto amounted to \$1 million annually, of sending an MP to Ottawa to \$800,000, and of sending an MNA to Quebec City to about \$600,000.<sup>48</sup>

However, merging existing agencies (KRG, KSB, CRSSS and KRDC) and boards, together with administration savings, for example in the area of procurement and housing, should provide close to \$3 million a year to finance assembly operations.

### *Concept of territorial jurisdiction*

Lines on maps have different significance in the North. Between the south and the Arctic, climates differ, a stronger sense of solidarity prevails in the North, populations are minute by any standards, animals and fish move freely, and distances and costs vary sharply. The 'nordicity' of Nunavik finds recognition in the James Bay and Northern Quebec Agreement, which gives Kativik Regional Government special regional mandates for which there is no equivalent in the rest of Canada.<sup>49</sup>

Precedents for KRG cannot be found in the traditional forms of regional government existing elsewhere in Canada. Nor does the Quebec model for MRCs (regional municipalities) apply to Nunavik. Quebec legislation or regulation often make specific exceptions for Northern Quebec institutions such as CRSSS.

Provisions in the James Bay and Northern Quebec Agreement explicitly confirm the regional mandate of KRG and its associated institutions:

the word "territory" means the entire territory within the limits of the Province of Quebec north of the 55<sup>th</sup> parallel of latitude except Category 1A and 1B Lands of the Cree of Great Whale.

The option of public government in the Nunavik territory makes social and economic sense for the Inuit. The region is resource-rich. Were the Inuit to pursue an ethnic form of self-government, territorially centred in and around the 14 small communities, the economic base supporting these self-governing jurisdictions would be much more limited than what is possible through public government in the broader region of Nunavik.

### *New financial arrangements*

While the proposed Constitution of Nunavik makes reference to powers in the field of taxation and revenue and calls for the creation of a department to deal with these and other financial matters, the topic of new financial arrangements between Nunavik and governments has been developed further since 1991.<sup>50</sup>

The reasons for change are several:

- the present system of Quebec departmental funding on an annual basis blurs political accountability in the North;
- administration of financing is proving very costly: according to Rostaing, KRG officials spend more time discussing budgets in the south than in travel to northern communities,<sup>51</sup> and
- several precedents now in the implementation phase throughout the Arctic indicate the feasibility of new and more flexible approaches in the North.

New arrangements for a Nunavik Government pertain to its own sources of revenue and to outside sources of revenue.

*Own sources of revenue:* According to Rostaing, there was no tax base to speak of in Northern Quebec in 1982.<sup>52</sup> Circumstances have evolved since then, however, as Nunavik has begun to participate in the wage and cash economy and as heavy taxation, especially consumption taxes in the form of GST and provincial sales tax — at nominal rates of 15.56 per cent and real rates greater than 24 per cent because of higher costs in the North<sup>53</sup> — is applied. (By contrast, the government of the Northwest Territories levies no sales tax.)

As a result, NCC envisages the following sources revenues for a government of Nunavik:

- tax-sharing agreements with Canada and Quebec for Nunavik occupation of existing tax fields, with special emphasis on the taxation of consumption, and formulated to coincide with well established Canadian intergovernmental practice;<sup>54</sup>
- resource revenue sharing according to precedents implemented since the 1975 JBNQA,<sup>55</sup> and
- guaranteed Nunavik Government capacity to borrow moneys for investment purposes.<sup>56</sup>

*Other sources of revenue:* In negotiations to date, NCC has emphasized as a priority moving toward a system of discretionary transfers from other orders of government, toward block funding as applied in N.W.T. and Greenland.<sup>57</sup> In NCC's view, such a regime would enhance political accountability, reduce administration costs, and enable genuine financial planning.

A formula to devise block funding transfers poses no insurmountable technical problems.<sup>58</sup>

To give a simple (perhaps oversimplified) illustration, transfers from Quebec to KRG, KSB, CRSSS and KRDC, which amounted to \$90 million in 1992, would be blended into an overall grant of \$90 million, which would include the cost of a new assembly.

A year later, the amount of the block grant would be increased — or decreased — on the basis of an annual escalator, a percentage amount determined on the basis of inflation, population growth, increases in earnings (as is the case in Greenland) or a combination of factors. Budgets for newly devolved powers would be incorporated into the block grant over time and would be subject to escalator increments the following fiscal year.

### *Partnership*

The government of Nunavik will not operate in isolation. It will function in close co-operation with the governments of Quebec and Canada on the basis of partnership.

To substantiate this commitment, NCC has suggested that Nunavik and Quebec conduct relations on an assembly-to-assembly basis in order to enhance the political nature of bilateral links, lend public credibility, and provide guidance to departments on both in their activities. Meeting once a year, the Nunavik committee would include members of both assemblies and the ministers concerned. This initiative would mark a departure from the picture of executive federalism painted by Richard Simeon: ministers from 11 (now 13) governments huddling behind closed doors to strike bargains and carve the fiscal pie.<sup>59</sup>

It is in the interests of Nunavik that co-operation occur and be seen to be occurring.

## **Nunavik Relations with Governments**

Before the 1975 JBNQA, relations between Nunavik Inuit and the governments of Canada and Quebec were, at best, pervaded by ambiguity and acrimony. The Aboriginal people of Northern Quebec gave no consent to the 1912 boundary act, which extended Quebec's borders to Ungava Bay. The 1939 Supreme Court decision, which made Inuit 'Indians' for legal purposes, resulted from the unwillingness of both Quebec City and Ottawa to finance minimal emergency welfare support for residents of Northern Quebec struggling under famine conditions. Nor were Inuit consulted about the 'invasion' of Fort Chimo (as it was called then) by allied forces sent to operate a new airstrip during the Second World War. And the creation of the Northern Quebec Inuit Association in 1970-71 owed much to the controversial federal plan to transfer responsibility for services to the province.

In short, Inuit lived in a legal vacuum. To quote negotiator John Ciacca, speaking to the National Assembly about the JBNQA in 1975, "There has been a cloud in this northern vision, and that cloud has been the statute of 1912. The position of the native peoples was left unclear."<sup>60</sup>

The 1975 claims agreement had been designed, in theory, to disperse the clouds adversely affecting the Cree and Inuit. The plan has met with only partial success. More important, the future operations of Nunavik Government will be determined in part by past and present relations with different governments.

### *Relations with the Federal Government*

Unlike N.W.T. Inuit, who achieved division of N.W.T. with federal government support in 1993, the Inuit of Nunavik have maintained a shifting – sometimes productive, sometimes contentious – relationship with Ottawa since 1975. Observers looking for explanations might emphasize the fact that under the 1951 *Northwest Territories Act* the minister of Indian and Northern Affairs is minister in law of N.W.T. through the Commissioner, whereas Quebec Inuit opted for co-operation with a provincial jurisdiction. Others, cynics perhaps, would portray federal withdrawal from Northern Quebec in favour of the province as abdication of its trust responsibilities

Not that there is no federal presence in Nunavik. Under the JBNQA, the federal government made a series of commitments to ensure implementation, for example, an obligation to provide 25 per cent of the Kativik School Board budget.<sup>61</sup> In the years immediately following signature of the agreement, a range of problems arose, eventually leading the federal government to initiate an implementation review, establish a special secretariat within the department of Indian Affairs and Northern Development (and later an implementation forum), and set up other program initiatives. For example, the federal government made effective commitments toward completion of a catch-up airstrip program for 12 Inuit communities, with total federal and provincial investments of \$108 million.<sup>62</sup> Overall federal expenditures for the region as early as 1983 amounted to \$51 million, or more than \$7,000 per capita.<sup>63</sup>

Progress at the program level was symbolized by a 1990 Makivik-federal government agreement on a range of implementation questions. The transfer of federal employment and manpower functions to the Kativik Regional Government has since been a sign of better program relations between Ottawa and northern institutions.

Ties at the policy level leave more to be desired. On several occasions, in public and in private, senior federal representatives have placed limits on federal trusteeship responsibilities, arguing that it is confined to status Indians and Inuit in N.W.T.<sup>64</sup> In meetings with federal officials to discuss self-government and their project,<sup>65</sup> Nunavik Constitutional Committee members have noted an apparent reluctance to become actively involved at this stage. Indeed, the Indian Affairs department's self-government operations focus essentially on bands, while its northern affairs branch concentrates on N.W.T. and Yukon. For its part, the Federal-Provincial Relations Office had a mandate in 1991-92 to work on Aboriginal constitutional affairs with the Inuit Tapirisat of Canada. As a result, there seems to be little room for NCC to establish relationships within the federal bureaucracy. Only time will tell whether this situation will persist.

## *Relations with Quebec*

In their quest for self-government, Nunavik institutions maintain pervasive, daily ties with the government of Quebec. Often fruitful and sometimes contentious, this close relationship will mould the profile of a future Nunavik Government.

### *General*

The government of Quebec has made considerable efforts to improve living conditions in the northern part of the province – on paper, major efforts. It claims, for example, that provincial expenditures for Inuit amounted to \$181 million in 1991.<sup>66</sup> Quebec provides most of the funding for KRG, the Kativik School Board, the Regional Health Board, and Kativik Regional Development Council.<sup>67</sup>

Over the years, provincial ministers and officials have, through travel and discussion, gained a better understanding of northern realities. For their part, elected Nunavik representatives have developed insights into what works and what does not work in Quebec. It is this human dimension that serves to explain how Nunavik and Quebec embarked on a unique venture in the realm of government building.

### *Quebec perspectives*

Why did Quebec sign a memorandum of agreement on self-government negotiations with the Nunavik Constitutional Committee on 27 June 1991? From a narrow nationalist outlook, these negotiations could lead to a distinct representative government over a third of Quebec and consequent political tension.

A first motive derives from Quebec's rationale for concluding the JBNQA in 1975; as John Ciacca said, perhaps optimistically, at the time, "...by virtue of the Agreement, the presence of Quebec is finally and completely asserted in the North".<sup>68</sup> Legal presence enables Quebec to develop the natural resources of the region. It is hardly coincidental that hydroelectric studies were being undertaken for the second James Bay project when cabinet ministers Lise Bacon and John Ciacca suggested in 1990 that talks on self-government and JBNQA implementation be considered by the Inuit of Quebec.<sup>69</sup>

Dependency on outside legislation and funds — when available — creates in Northern Quebec the frustration found across Canada in many Aboriginal communities. In turn, frustration breeds resentment: 'the government', 'Quebec' and distant 'white people' tend to get more than their fair share of blame. From this perspective, one wonders what return Quebec is getting on its investment.

An additional factor concerns québécois awareness of Aboriginal issues in Canada. One consequence of the Quebec government's unfortunate (in retrospect) boycott of Aboriginal constitutional talks between 1981 and 1987 and between 1990 and 1992 was that senior provincial negotiators were not party to discussions on section 35 of the *Constitution Act, 1982*, which affirmed Aboriginal rights, the 1983 constitutional amendment giving JBNQA constitutional protection, three subsequent first ministers conferences on Aboriginal constitutional rights, and most of the constitutional talks that led to the Charlottetown Accord, which included provisions on Aboriginal government, in 1992.

In the meantime, the Oka crisis of 1990 caused consternation and almost — as it were — killed the premier of Quebec. As for the 1992 Charlottetown agreement on a third order of government with emphasis on 'ethnic' foundation, Paul Bussières is right to note that "This new constitutional proposal generated deep concern in Quebec government circles."<sup>70</sup>

Not having been party — *boycott oblige!* — to essential negotiations, many senior Quebec figures were puzzled by this sudden development.

In these circumstances, the Nunavik Constitutional Committee proposals for public institutions of self-government as the expression of Aboriginal rights struck many Quebec observers as a practicable, deft option. Moreover, and to be blunt, the post-Oka scare made this 'good-news' item additionally attractive.

### *Progress of negotiations*

Even before the memorandum of agreement of June 1991, Nunavik Constitutional Committee representatives, under the guidance of NCC chairman Simeonie Nalukturuk, had met with the Quebec side, represented by Georges Beauchemin, chief negotiator for the provincial native affairs secretariat (SAA), which is part of the Quebec cabinet office. Between 5 July 1990 and



16 April 1992, in Salluit, Inukjuak, Montreal and Quebec City, parties held some thirteen working sessions, often extending over several days.<sup>71</sup>

Frank and sometimes productive discussions ranged over the three main priorities set out by NCC in 1990: public institutions of Nunavik government, jurisdiction over all territory north of the 55<sup>th</sup> parallel in Quebec, and more efficient, innovative financial arrangements along block funding lines. For its part, Quebec presented initial conditions that could determine ultimate cabinet review of any Nunavik Government agreement: integrity of provincial territory and retention of provincial powers of legislation were principal parameters.<sup>72</sup> While some progress was being achieved, a constitutional tornado, culminating eventually in the Charlottetown Accord, induced Nunavik and Quebec to suspend talks pending the outcome on 26 October 1992.

Contacts were renewed at the highest level in November 1992, when NCC member Charlie Watt and SAA minister Christos Sirros met on several occasions to review the Nunavik Government file in a referendum post-mortem atmosphere. Their discussions produced an exchange of letters<sup>73</sup> in which, at the request of NCC, Sirros agreed to the concept of appointing special negotiators to confer, on behalf of Nunavik and Quebec, on a fast-track basis, with initial emphasis on the creation of a Nunavik Assembly and consolidation of existing institutions. Shortly after, a Makivik General Assembly meeting reconfirmed the mandate of the Nunavik Constitutional Committee.

### *Need for patience*

Nunavik Government will not materialize overnight. Negotiations on consolidating institutions, apart from issues of powers and financing, encompass questions of budget, labour relations, assets, liabilities, amendments to the James Bay and Northern Quebec Agreement, funding of the new assembly and executive, and so on. The decision to delay division of N.W.T. and the creation of Nunavut until 1999 is hardly accidental.

A further possible constraint, although surmountable, pertains to Quebec's precarious fiscal position. A January 1993 policy statement from the provincial government highlighted the provinces accumulated debt of \$50 billion and that year's \$5 billion deficit.<sup>74</sup> To assume that the establishment of Nunavik Government will be eased by the liberal distribution of

money and other goodies would be to misunderstand the province's financial situation. In sum, implementation of any agreement in principle on Nunavik Government will require serious efforts at the working level.

### *The Nunavik Role in Constitutional Development*

Since 1979-80, Inuit representatives from Nunavik have played a considerable role in the affirmation of Aboriginal rights at the national constitutional level.

The Inuit Committee on National Issues was set up in 1979 to focus on constitutional development. During the 1980-81 debate on patriation of the constitution, the co-chair of ICNI, Charlie Watt,<sup>75</sup> through a series of direct contacts with the prime minister, premiers and ministers, played a central role in the formulation of section 35 of the *Constitution Act, 1982*, which guaranteed existing Aboriginal rights. Again in 1983, ICNI delegates such as Mr. Watt and future Makivik Corporation president Mark R. Gordon shaped discussions that led to the only major constitutional amendment since 1982 — a provision in section 35(3) whereby land claims agreements would enjoy constitutional protection similar to "treaty rights". The very existence of Kativik Regional Government had gained constitutional protection.

Nunavik resident and ICNI co-chairman Zebedee Nungak, along with John Amagoalik from Iqaluit, represented Inuit at three first ministers conference on Aboriginal constitutional rights between 1984 and 1987. The Inuit proposals for "completing the circle of Confederation", with access for Aboriginal peoples to self-governing institutions, are contained in an ICNI position paper published in 1987.<sup>76</sup> In retrospect, some perceive the 1984-87 round of constitutional talks on Aboriginal rights as an exercise in futility. On the other hand, notwithstanding the suspension of negotiations in March 1987, federal, provincial, territorial and Aboriginal leaders did manage to achieve a much improved capacity to relate and to understand the points presented by different delegations.

In September 1992, Nunavik institutions gathered in Montreal to endorse a yes vote in the October 26th national referendum on the Charlottetown Accord, agreed to by 17 delegations, including Inuit Tapirisat of Canada, the national Inuit organization. However, the Accord's provisions on Aboriginal self-government generated some concern and puzzlement among Nunavik leaders. Despite a clause specifying that Aboriginal rights of self-government

could be expressed appropriately through public institutions, Inuit wondered whether the Nunavik model had adequate prominence in a document pervaded by the concept of 'ethnic' governance.<sup>77</sup> Concern was also expressed in Nunavik circles about the nature of the financing commitments that could be contained in a political entente and, especially, about references to "their [Aboriginal peoples'] lands" in relation to implementing self-government; for example, would Nunavik Government be confined to Category I lands?<sup>78</sup>

As noted in the previous section, representatives of Quebec and the Nunavik Constitutional Committee renewed contact shortly after the referendum of 26 October 1992.

#### *Relations through the Inuit Circumpolar Conference*

Since its inception in 1977, and alongside Inuit Tapirisat of Canada, Makivik Corporation has strongly supported the Inuit Circumpolar Conference (ICC), now a United Nations non-governmental organization with strong credentials in the international milieu for environmental protection in the Arctic and the assertion of minority rights within the United Nations Economic and Social Council. Indeed, a resident of Kuujjuaq, Mary Simon, served as president of ICC between 1986 and 1992.<sup>79</sup>

Continuing and functional contacts with Inuit government leaders in Greenland and N.W.T.<sup>80</sup> over the past 15 years in ICC forums, on issues ranging from self-government to business development, shaped the outlook of Nunavik leaders in their approach to self-governing institutions. It is scarcely coincidental that Nunavut, Greenland and Nunavik decision makers share a common outlook with respect to Inuit political development in the North: public institutions of government, partnership with other jurisdictions, a wide scope for a government territorial base, emphasis on innovative financial arrangements such as block funding to increase local political accountability and responsibility, and the affirmation of Inuit rights in a context of non-ethnic administration.<sup>81</sup>

As a result of close relationships developed through involvement in ICC, Nunavik entities are also increasing business, cultural and environmental ventures with the Inuit of Greenland, Nunavut, and the Western Arctic. Thus the provision for a department of external relations within Nunavik Government set out in the proposed constitution actually reflects

● reality. As Mark T. Gordon, second vice-president of Makivik Corporation, said recently at the Quebec National Assembly:

We often find more common ground with Inuit in other regions of the Arctic than with many people living in the south. We share common values, a common language and common problems.<sup>82</sup>

### **General Conclusions**

The Nunavik model demonstrates that there is no universal recipe for self-government at a theoretical level. Economic, geographic and cultural circumstances have shaped the approach adopted by Nunavik Inuit, reflecting in turn the often harsh realities of survival and development in the Arctic. It is no accident that Inuit from Nunavut, Nunavik and Greenland share a pragmatic and open outlook on issues of governance. But it is difficult to see how Aboriginal people living in Canada's major urban areas could easily apply a northern government concept. On the other hand, the Nunavik and other Arctic perspectives could be of interest to Indigenous peoples living in rural or semi-rural areas.

A further note of caution should be sounded about the many obstacles to successful negotiation and implementation of self-government agreements. Awareness of such constraints, as is the case in Nunavik, serves to focus efforts on the practicable.

For example, many players tend to underestimate the sheer conservatism of existing attitudes and structures when questions of governance arise — that is, in determining how people can live together without undue conflict or regulation. Quebec's demands for greater provincial autonomy, dating back to 1968, have yet to be met, despite three decades of sporadic discussion. Canada's constitution was patriated only in 1982, whereas governments had launched their review 33 years earlier. High-level exchanges on Aboriginal self-government began in 1983.

Then there is fiscal crisis: the federal and Quebec deficits for 1993-94 alone amount to more than \$40 billion. In this context, and however deplorable the failure of governments to improve conditions in Aboriginal communities when funds were available before the great debt crisis of 1982-84, it would be naive to expect that self-government will be able to ride in on a wave of new dollars. New arrangements will have to depend on ingenuity and flexibility.

## ● **Postscript**

Since this paper was first drafted, events have unfolded at a pace that confirms Lord Wilson's adage that a week is a long time in politics.

On 17 May 1994, the Quebec Minister of Native Affairs, on behalf of the provincial government, announced the appointment of Francis Fox as special representative for negotiations with NCC on Nunavik government. A first round of negotiations was held in Inukjuak, Ivujivik, Kangirsujuaq and Kuujjuaq between 4 and 6 July 1994. On July 21st, Mr. Fox and Simeonie Nalukturuk, president of Makivik Corporation and NCC, signed a Framework Negotiations Agreement that provides for a fast-track process until 30 April 1995.

The federal government, as a signatory of the JBNQA and in view of its fiduciary relationship with the Inuit of Canada, was invited to join the process. It has since appointed a permanent observer at the central table and is providing financial support for negotiations, along with Quebec and the Nunavik negotiating group, which includes Makivik Corporation, the Kativik School Board and the Kativik Regional Government.

Negotiations had gained momentum when, on 12 September 1994, the Parti Québécois won the provincial election.

The Inuit of Nunavik dealt with the Parti Québécois when it was in power between 1976 and 1985. There were low points, as when Bill 101 was enacted in 1977 and when Inuit held their own referendum on sovereignty association in 1980. There were also high points, such as the willingness of the provincial government to implement JBNQA and Premier Lévesque's support for Nunavik self-government in the 1980s.

In short, residents of Nunavik have already been around the track. They relate to the government of the day on an ongoing and hopefully co-operative basis. On basic issues of policy, such as the future of the province, they take their time in giving elected representatives a mandate -- for example, 1980.

This general approach will apply in the future, which itself is unpredictable. Senior representatives of the new provincial administration have been made aware of this.

For the government's part, they have made a commitment to continue Nunavik Government negotiations in good faith on the basis of the July framework agreement. Indeed,

as of this writing, there is a distinct possibility that the mandate for the provincial representative will be enlarged to encompass block funding and new regional powers.

While it is still too early to make forecasts — and unwise in any event — it is safe to say that Inuit of Nunavik will continue their quest for their version of self-government.

### **Summary of Main Points**

1. In the context of Nunavik, self-government is not seen as an end in itself, but rather as an essential tool for social and economic development — for example, as a means to address in a comprehensive way (which is not the case now) the problems of Nunavik youth, who make up more than half the regional population.
2. The Nunavik Government project, in its apparent simplicity, is the product of time and history.
3. The James Bay and Northern Quebec Agreement (JBNQA, 1975) enabled Inuit to retain their culture and traditional pursuits while establishing a framework for the delivery of public services.
4. Although JBNQA was and is a path toward the Nunavik version of self-government, it is only that. The proliferation of institutions and the resulting bureaucracy have clouded political accountability: Inuit and other residents see a need to promote democracy and greater self-reliance.
5. The Nunavik Government plan is founded upon the principles of consolidation of existing regional institutions; a single assembly with jurisdiction over all the Nunavik territory; the affirmation of Aboriginal rights through institutions of public government; the acquisition of new powers; the need for new financial arrangements, including block funding; and partnership with other governments.
6. Comparative analysis would confirm the development of an Arctic or northern government model reflecting the principles just listed. It would also indicate the absence of a single recipe for self-government in Canada, although the Nunavik plan could be of interest for First Nations and Métis living in rural or northern areas.

7. Inuit of Nunavik have encountered difficulties in establishing a single focus in their relations with the federal government. The Nunavik Government negotiations could serve as a partial remedy for this drift.
8. A new and more expeditious round of Nunavik Government negotiations was launched in July 1994. At the time of writing, there were grounds to expect a significant measure of progress by 30 April 1995.

## Notes

This document was researched and written by the authors under contract with Makivik Corporation; however, it does not constitute a reflection of Makivik Corporation positions or policies.

1. Makivik Corporation and Kativik Regional Government, "Submission to the Commission du budget et de l'administration générale de l'Assemblée nationale" (Kuuujuaq: 19 January 1993), pp. 2-6.
2. Under section 29 of the James Bay and Northern Quebec Agreement, Canada and Quebec were to conduct feasibility studies for establishing basic maritime infrastructure. Such studies were initiated only in 1993.
3. Nunavik covers some 563,000 square kilometres. Only three communities have more than 1,000 residents: Kuuujuaq on the Ungava Coast and Povungnituk and Inukjuak on the Hudson Bay Coast. There are some 800 non-Inuit residents.
4. Submission, cited in note 1.
5. Groupes d'études inuit et circumpolaires (GÉTIC), "Analyse préliminaire des tendances statistiques reliées au projet hydro-électrique de la Baie James", research note (Quebec City: Université Laval, 1990).
6. C. Blanchet et al., *Faits saillants de l'enquête de santé réalisée chez les Inuit du Nord québécois, 1983-1984* (Quebec City: Ministère de la Santé et des Services sociaux, 1992).
7. Gérard Duhaime, "La catastrophe et l'État. Histoire démographique et changements sociaux dans l'Arctique", *Études/Inuit/Studies* 13/1 (1989): 75-114; GÉTIC 1990, cited in note 5.
8. Submission, cited in note 1.
9. Gordon Wray, "An Agenda for Action" (Yellowknife: Department of Economic Development and Tourism, Government of the Northwest Territories, 1990).
10. Groupe de Recherche Hypothèse (GRH), *Scolarité, formation professionnelle et activité économique au Nunavik. Résultats d'une enquête menée au Nunavik au cours des mois de septembre et octobre 1991* (Montreal: Administration régionale Kativik, 1992).
11. Government of Quebec, "Bilan Socio-économique la Région du Nord" (Quebec City: 1990), p. 42.



12. Groupes d'études inuit et circumpolaires, *Le revenu personnel des autochtones touchés par le projet de la baie James. Tendances 1970-1986* (Quebec City: Université Laval, 1992).
13. Gérard Duhaime, "Le pays des Inuit: Enquête sur l'économie du Nunavik en 1983" (Quebec City: Université Laval, 1990).
14. GRH 1992, cited in note 10.
15. OECD, "The Taxation of Consumption" (Paris: 1989), pp. 36-45.
16. Makivik Corporation, Internal Survey on Inuit Income Tax Filing, implemented 1992-93 (1993).
17. GRH 1992, cited in note 10.
18. Commission Scolaire Kativik [Kativik School Board], *Rapport des activités de la Commission Scolaire Kativik, 1986-1992* (Montreal: 1991).
19. B. Saladin d'Anglure, "Inuit of Quebec", in *Handbook of North American Indians*, ed. in D. Damas, vol. 5, *Arctic* (Washington: Smithsonian Institution, 1984).
20. Renée Dupuis, *La question indienne au Canada* (Montreal: Collection Boréal Express, 1991); Norbert Rouland, *Les Inuit du Nouveau-Québec et la Convention de la Baie James* (Quebec City: Association Inuksiutiit Katimajit and Centre d'études nordiques, Université Laval, 1978).
21. It would appear that neither Quebec nor Ottawa was willing to provide basic welfare assistance to Inuit at this time.
22. Gérard Duhaime, *De l'igloo au H.L.M. Les Inuit sédentaires et l'état-providence* (Quebec City: Centre d'études nordiques, Université Laval, 1985).
23. Sylvie Vincent, "La révélation d'une force politique: les Autochtones", in *Le Québec en jeu. Comprendre les grands défis*, ed. G. Daigle and G. Rocher (Montreal: Les Presses de l'Université de Montreal, 1992).
24. Quoted in Rouland 1978, cited in note 20, pp. 24-25.
25. Gérard Duhaime, "Le chasseur et le minotaure: itinéraire de l'autonomie politique au Nunavik", *Études/Inuit/Studies* 16/1-2 (1992): 149-177.
26. R. Quinn Duffy, *The Road to Nunavut. The Progress of the Eastern Arctic Inuit since the Second World War* (Montreal: McGill-Queen's University Press, 1988).
27. GÉTIC 1990, cited in note 5.

28. Rouland 1978, cited in note 20.
29. Duhaime 1992, cited in note 25.
30. Rouland 1978, cited in note 20, p. 158.
31. Duhaime 1992, cited in note 25.
32. S. Vincent and G. Bowers, *Baie James et Nord québécois, dix ans après/James Bay and Northern Quebec, ten years after*. (Montreal: Recherches Amérindiennes au Québec, 1988).
33. P. Adams, "Problèmes économiques et sociaux en baie d'Ungava et plus particulièrement à Port Nouveau Quebec" (Paris: Centre d'Études Arctiques, 1970); J. Malaurie, "Revenus et activités des ménages a Fort Chimo 1970" (Paris: Centre d'Études Arctiques, 1970).
34. Duhaime 1992, cited in note 25. "Dans le régime instauré par la Convention de la Baie James et du Nord québécois, ni le palier d'impération, c'est à dire de décision, ni le palier administratif d'exécution ne sait ce qu'il fait pour l'Arctique."
35. Nunavik Constitutional Committee, "Constitution of Nunavik" (Inukjuak: 28 January 1991), pp. 20-21.
36. Paul Bussières, "Droits collectifs et pouvoirs chez les Inuit du Québec", *Études/Inuit/Studies* 16/1-2 (1992), p. 147. "[Les Inuit]...proposent la création d'un gouvernement territorial public, non ethnique, doté des pouvoirs délégués par les deux paliers de gouvernement, et d'un type de financement inconditionnel. Ils insistent pour que la compétence de ce gouvernement s'étende sur tout le territoire au nord du 55° parallèle, et qu'elle s'applique à tous ses résidents."
37. Government of Quebec and Nunavik Constitutional Committee, "Memorandum of Agreement", 22 June 1991, p. 2.
38. Annual reports; and P. Bussières, "Report on Operation Costs of Existing Nunavik Organizations", presented to Makivik Corporation annual general meeting, Kuujjuaq, 22 March 1993: KSB, \$40 million; KRG and KRDC, \$19.2 million; future CRSSS board, \$31 million.
39. The James Bay and Northern Quebec Agreement, 1976 schedules (Quebec City: Éditeur officiel du Québec), pp. 225-226, 290.
40. One of KRG's main functions consists of providing assistance to the municipal councils in Nunavik.
41. JBNQA, cited in note 39, section 13, p. 243.

42. Nunavik Constitutional Committee, "Introduction", in *Draft Constitution of Nunavik* (1989), p. 1.
43. V. Haysom, "The struggle for recognition: Labrador Inuit negotiations on land rights and self-government", *Études/Inuit/Studies* 16/1-2 (1992), p. 179.
44. M. Malone, "Guaranteed Representation", presented to Western Constitutional Forum, Yellowknife, 1983.
45. Constitution of Nunavik, cited in note 35, p. 24.
46. As of 1991, 16 of the 24 members of the N.W.T. legislative assembly claimed Aboriginal status.
47. Government of the Northwest Territories, "Ninth Legislative Assembly of the Northwest Territories" (Yellowknife: 1983), p. 9.
48. R.J. Fleming, *Canadian Legislatures 1992 – Issues, Structures and Costs* (Toronto: Global Press, 1992).
49. J.P. Rostaing, "The Initial Experience of the Kativik Regional Government", *Études/Inuit/Studies* 8 (1982); M. Malone, "Financing Aboriginal Self-Government" (Kingston: Institute of Intergovernmental Relations, 1983), p. 53.
50. The Nunavik Constitutional Committee made a detailed presentation on new financial arrangements to government representatives in Quebec City on 18-19 March 1992.
51. Rostaing 1982, cited in note 49.
52. Rostaing 1982, cited in note 49.
53. Submission, cited in note 1.
54. Canada, House of Commons, Special Committee on Federal Provincial Fiscal Arrangements, *Fiscal Federalism in Canada* (Ottawa: 1981); R.W. Broadway, "Intergovernmental Transfers in Canada" (Toronto: Canadian Tax Foundation, 1980); and others.
55. For example, the government of Canada, which owns rights to all non-renewable resources in N.W.T., nevertheless signed a revenue-sharing agreement with the government of the Northwest Territories, known as the Northern Accord, on 6 September 1988 in Yellowknife.
56. Until 1990, the government of the Northwest Territories enjoyed federal guarantees for loans of up to \$15 million. KRG now manages, with Quebec, investment borrowing for the 14 municipal councils in Nunavik.

57. In these two jurisdictions, the sums involved are not insubstantial. For example, the government of the Northwest Territories provided for \$834 million in block funding in its budget estimates for 1993-94. Government of the Northwest Territories, *Main Estimates 1993-94*, p. vi; Greenland Home Rule Office, "A Description of the Land, the Economy and the Trades and Industries" (Copenhagen: November 1988), p. 36.
58. But such problems can be complex. The federal government forced the government of the Northwest Territories to accept a new 'escalator' during the joint formula financing (block funding) review of 1989-1990, whereby the territorial government would be penalized for not taxing at rates comparable to provincial taxation levels — an absurd proposition, in that real disposable income in the North is, after costs, much lower than in the south. The reason for this proposal was apparently that provincial and local government expenditures — the core of the escalator implemented before 1990 — had in fact increased much faster than Ottawa had forecast.
59. R. Simeon, *Federal Provincial Diplomacy* (Toronto: University of Toronto Press, 1972).
60. J. Ciacca, "The James Bay and Northern Quebec Agreement", Address to the National Assembly, 5 November 1975 (Quebec City: Éditeur officiel, 1976), p. xiv.
61. JBNQA, cited in note 39, section 17.0.85, p. 288.
62. Bilan socio-économique, cited in note 11, p. 42.
63. G. Duhaime, "La gouverne de Nunavik — Qui paie quoi" (Quebec City: Université Laval, 1993), p. 14.
64. Notably during the constitutional conference on Aboriginal rights in January 1987 at Halifax, when the minister of Indian Affairs at the time, Bill McKnight, verbally limited federal trust responsibility to status Indians and Inuit north of 60°. This provoked a strong protest from the president of Makivik at the time, Mark R. Gordon.
65. Notably during a meeting in Hull between the then-ADM for self-government, Roger Gagnon, and NCC president Simionic Nalukturuk. While federal officials extended general support for the NCC plan, they were vague on timing.
66. Government of Quebec, Secrétariat aux affaires autochtones, "Débours, aides et dépenses autochtones selon les programmes gouvernementaux" (1991).
67. Combined budget figures discussed at the Makivik Annual General Assembly, Kuujuaq, 22-26 March 1993, on the basis of research by Paul Bussièrès.
68. Address to the National Assembly, cited in note 60, p. xix.

69. Letters from Lise Bacon and John Ciacca to Makivik Corporation, 24 and 25 May 1990.
70. Bussières 1992, cited in note 36, p. 147. "Cette nouvelle proposition constitutionnelle n'était pas sans inquiéter le Québec."
71. Secrétariat du Comité Constitutionnel Nunavik.
72. Bussières 1992, cited in note 36, p. 146.
73. Letters, S. Nalukturuk and C. Watt to Christos Sirros, 25 February 1993; and Christos Sirros to NCC, 15 March 1993.
74. Government of Quebec, "Quebec's Public Finances—Living Within Our Means" (Quebec City: 19 January 1993).
75. As president of Makivik Corporation from 1979 to 1982, Charlie Watt was a director of ITC and founder and co-chair of ICNI until 1984, when he was succeeded by Zebedee Nungak of Nunavik.
76. Inuit Committee on National Issues, *Completing Canada: Inuit Approaches to Self-Government* (Kingston: Institute of Intergovernmental Relations, 1987).
77. Bussières 1992, cited in note 36, p. 147.
78. Several issues of *Makivik Corporation News* during 1992 refer to this issue in the context of constitutional discussions. The main resource person on this point is M. McGoldrick, special adviser to Senator Charlie Watt.
79. M. Simon, "The Environment, Environmental Protection and Self-Government", *Études/Inuit/Studies* 16/1-2 (1992).
80. Since 1987, Northwest Territories government leaders Dennis Patterson (1987-1991) and Nellie Cournoyea (1991-) have been elected from Inuit ridings. Both have provided strong support for ICC, including financial contributions (\$60,000 in 1988).
81. Government of the Northwest Territories, Circumpolar Division, Briefing notes for a visit to Greenland (19 April 1988); Dennis Patterson, "The N.W.T. Today and Tomorrow: The Political and Economic Reality", speech (Montreal: 8 April 1988).
82. Mark T. Gordon, "Statement to the Commission du budget et de l'administration générale de l'Assemblée Nationale" (Quebec City: 18 February 1993).

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Appendix 1  
Map of Present-Day Nunavik

Scan 9







Appendix 2  
Nunavik Government: A Brief Chronology

Appendix 2  
Nunavik Government - A Brief Chronology\*

- 1867 Confederation of the four provinces under the *British North America Act* (now the *Constitution Act, 1867*)
- 1912 *Quebec Boundaries Extension Act*
- 1939 Supreme Court of Canada decision stating that 'Eskimos' are 'Indians' for purposes of federal law; as a result, Inuit officially become part of the responsibilities of the federal government
- 1942 Establishment of a u.s. army base at Kuujjuaq
- 1944-45 First expeditions to Northern Quebec organized by the provincial government
- 1945 First distribution of family allowance payments in Northern Quebec
- 1947 First federal nursing station opened at Inukjuak
- 1953 Establishment of the Department of Indian Affairs
- 1955 The u.s. army, in collaboration with the Canadian forces, begins construction of a radar station at Great Whale
- 1959 First Inuit co-operative established at George River (Kangiqsualujjuaq)
- 1960 Puvirnituk sculptors' group is incorporated
- 1961 Great Whale co-operative established
- 1963 Northern Quebec directorate (Direction Générale du Nouveau-Québec) established within the provincial ministry of natural resources
- 1964 Start of the provincial presence in 'Nouveau-Québec'
- 1967 Inukjuak co-operative set up
- A federation of the Northern Quebec co-operatives is organized
- 1969 Federal government white paper recommends repeal of the *Indian Act* and eventual dismantling of the Department of Indian Affairs

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\* Source: *Gouvernement Autonome de Nunavik*, chapter 2.

1970 Neville-Robitaille Commission visits all the Northern Quebec communities

1971 Inuit co-operative movement proposes a regional government system and the idea begins to be discussed in Northern Quebec; in February, Inuit representatives make an official proposal to the provincial government

Northern Quebec Inuit Association (NQIA) is founded to advance the rights of Inuit and meets criteria to qualify for federal funding; in the spring, the Association persuades community representatives of the need to work on Aboriginal rights issues first, leaving the regional government proposal for later.

1972 NQIA incorporated as a non-profit organization with the goal of protecting, defending and promoting the rights of the Inuit of Quebec

1975 James Bay and Northern Quebec Agreement (JBNQA) signed on 15 November

On 2 December, the people of PUV, Ivujivik and Salluit reject signature of the agreement in principle and withdraw the mandate given to the NQIA in 1974; group formed to represent non-signatory communities, Inuit Tungavingat Nunamini (ITN)

1976 JBNQA is the subject of a referendum among the Inuit population; with a participation rate of 66.5 per cent, 95.8 per cent of the Inuit vote for the agreement; only 15 per cent of the population in the dissident communities participates

Week-long annual meeting of the NQIA in Quaqtaq. Committee appointed with a mandate to negotiate for lands to be designated for the Inuit.

1977 Non-signatory Inuit (ITN) ask provincial department of natural resources to reopen James Bay issue but request is denied

1978 Quebec adopts laws to implement the JBNQA: acts to amend the public education act, to establish the Kativik school board, concerning northern settlements and Kativik regional administration, to set provisional boundaries for lands in various categories set out in the JBNQA for the Crees and Inuit and to establish eligibility for benefits under the agreement

Passage of the law setting up the Makivik Corporation, the organization charged with managing funds designated for Inuit under the JBNQA and taking over the functions of the NQIA. Makivik Corporation invests quickly in a number

of economic development projects;; air transport (Air Inuit), construction, commercial fisheries, the hospitality industry

1980 Avataq cultural institute is established with a mandate to preserve for future generations an archive on the language, culture and traditional activities of the Inuit

Constitutional reform proposal discussed in June contains no mention of Aboriginal rights; National Indian Brotherhood (now the Assembly of First Nation), Native Council of Canada (now the Congress of Aboriginal Peoples), and Inuit Tapirisat form a common front to persuade the federal government to entrench Aboriginal rights in the repatriated constitution; they present their position to the joint committee on the constitution in December

1981 Federal department of Indian affairs and northern development transfers responsibility for Northern Quebec to the provincial department of municipal affairs. Establishment of land holding corporations and municipalities

Testifying before the House of Commons committee on Indian affairs, Cree and Inuit leaders recount the difficulties of their people with respect to implementation of the JBNQA. The committee makes strong recommendations to the departments of Indian affairs and health and welfare

1982 Meeting to begin discussions on Aboriginal rights and the constitution between representatives of the government of Quebec, Inuit and Indian leaders, and the Quebec Aboriginal women's association

1983 First conference of first ministers on Aboriginal rights, held on 15 March, fails to reach agreement on the nature of these rights but agrees that specific rights will be entrenched in the constitution and that three more meetings on the subject will be held before 1987

Electoral boundaries commission concludes in a report that it cannot meet the request of Crees and Inuit in Northern Quebec for two constituencies to ensure their representation in the House of Commons. The commission notes that the federal law requires a minimum of 60,000 inhabitants per riding.

Quebec's Commission permanente de la présidence du Conseil et de la Constitution listens to three days of testimony from Aboriginal people in Quebec. Among the many issues raised are implementation difficulties with the JBNQA, especially with respect to health and economic

development; recognition of Aboriginal rights by the Quebec government (whether or not they are entrenched in the constitution of Canada); establishment of an electoral district to ensure representation of the Crees in the Quebec National Assembly; the claims of the Inuit of Labrador; the prospects for a degree of self-government for the Inuit of Quebec once their internal disagreements have been resolved.

1984 Second first ministers conference on Aboriginal rights held 15 March. Participants discuss but do not reach agreement on the principles of self-government and the equality of male and female Aboriginal persons

Communities meet at Puvirnitug on 22 May. For a week, representatives on Inuit organizations (non-signatory Inuit as well as signatories) consider the future of the region and what form of government it should have. Appointment of a committee to develop concrete proposals for the establishment of an autonomous government. The committee (Ujjitujiit) is also to press for the repeal of all JBNQA provisions concerning the extinguishment of Aboriginal rights.

On 14 June, Parliament adopts the *Cree-Naskapi (of Quebec) Act* to fulfil commitments in the 1975 JBNQA and the 1978 Northeastern Quebec Agreement. Replacing the *Indian Act* with respect to the Cree and Naskapi peoples in Quebec, the new law gives them more control over their lands and governance powers not ordinarily available to municipalities and thus constitutes a first legislative step toward greater self-government.

First amendment of the constitution of Canada: treaty rights include those that exist as a result of land claims agreements and those that may be so acquired, and Aboriginal and treaty rights are guaranteed equally to male and female Aboriginal persons

1985 On 30 March, the National Assembly passes a motion on recognition of Aboriginal rights in Quebec, following up on a commitment made during hearings of the National Assembly committee on Native affairs in November 1983

Third first ministers conference on Aboriginal rights, held on 2 April, deals mainly with the principles of Aboriginal self-government

1987 On 26 March, the fourth (and last scheduled) first ministers conference on Aboriginal rights fails to reach agreement on the definition of rights to be entrenched in the constitution

Meech Lake Accord is reached on 3 June, which would have

brought Quebec into the constitution. Aboriginal peoples' representatives express concerns about provinces' increased powers, say that they should also have 'distinct society' status, and reaffirm that they are among the founding peoples of Canadian society

While endorsing the Meech Lake Accord, the joint committee of the Senate and House of Commons on the constitution recommends in its report that a federal-provincial conference on Aboriginal rights be held by 17 April 1990. The prime minister accepts the recommendation.

By referendum on 1 October, the Inuit agree to elect, by universal suffrage, a committee to define the structure of an assembly to form a non-ethnic regional government

- 1989 Election of members of the Nunavik Constitutional Committee (NCC) on 10 April
- Draft constitution for Nunavik submitted to Quebec's Secrétariat des Affaires autochtones (SAA)
- 1990 Beginning of negotiations with Quebec on the Nunavik self-government proposal
- 1991 In a referendum on 10 April, the Inuit of Nunavik approve the draft constitution drawn up by the NCC
- 1992 Negotiations with Quebec suspended
- 1993 Negotiations between the NCC and the SAA begin again in January
- 1993 NCC submits a brief on the Nunavik self-government proposals to the royal Commission on Aboriginal Peoples

Appendix 3  
Constitution of Nunavik

As approved by all residents of Nunavik  
in a referendum, April 1991

*Scanned*

**NUNAVIK CONSTITUTIONAL COMMITTEE  
INUKJUAQ, NUNAVIK, QUEBEC  
JOM 1M0**

**TO ALL RESIDENTS OF NUNAVIK  
AND OTHER INTERESTED PARTIES**

Dear Friends,

It is known that the Inuit have occupied Northern Quebec for no less than 4000 years. It is through self-determination and self-government that their descendants still occupy the same territory. Unknown to the Inuit, Canada became Canada, Québec became Québec and in 1912, still without the knowledge of the Inuit, the territory in which they resided became part of Québec.

When governments started assimilating the native people of the country into the culture of their electors, it would seem that the long arm of such governments reached the far, cold and very remote areas in which the Inuit had placed themselves. Throughout northern Canada and including Northern Quebec, Inuit dogs were slaughtered by the representatives of governments. Dogs were the means of transportation and hunting partners therefore one of the means of survival for the Inuit. Children were forcefully admitted to schools and were told not to speak their language.

The culture and traditions of the Inuit eroded.

Taking into account the realities of the day, the Inuit in the mid 1900's started establishing their own organizations. Organizations such as the co-ops and the F.C.N.Q., N.Q.I.A. and Taqramiut Nipingat were formed all in an effort to regain self-determination and self-government.

In the 1970's the Inuit signed with governments the James Bay and Northern Quebec Agreement and, as a result, regained some rights and powers. The Quebec National Assembly, by enactment of laws, established regional structures such as the Kativik Regional Government to control and administer the territory but in fact, after the enactment of such laws, powers remained largely in the hands of governments.

The James Bay and Northern Quebec Agreement also resulted in some division among the Inuit. Community against community, friend against friend and families against families. This dreadful division was caused by a provision in the Agreement in which the Inuit had to cede their rights in and to land to governments before actually negotiating the agreement. The condition to cede had been made between Canada and Quebec again without the knowledge of the Inuit.

The Inuit owned organizations and companies have grown and prospered over the last 20 years but the benefits of such prosperity is not allowed by law to be received by the individual owners.

The structures established over the years which were meant for Inuit self-government are many: the F.C.N.Q., the K.R.G., the K.S.B., Makivik, Avataq, T.N.I., etc., and many local establishments. They have their own board of directors and councils, their powers, jurisdiction and responsibilities sometimes overlap. They do not at times communicate nor do they have to by law, sometimes causing confusion at the local level.

The Inuit individually are not allowed, by law, to own land, the very base upon which financial institutions rely on when making a loan, and conditions for economic development remain very difficult.

The culture, traditions and the language of the Inuit continue to erode today.

The Inuit were not willing to give up on themselves. Many meetings were held and in 1983 Premier René Lévesque told the Inuit that if they could work together, he was willing to discuss self-government with them.

In 1985 the Inuit decided that a new self-government structure must be established and that this government be formed not only for the Inuit but all residents of Northern Quebec including non-Inuit. In 1989 an election was held to select six persons to work on a Constitution for Nunavik. All eligible residents, Inuit and non Inuit took part in this election.

It must be remembered that the Inuit are very grateful for the development of their communities, the houses, the airstrips, the services and the availability of more abundance and variety of foods. Communication and transportation have greatly improved.

For all these reasons, a new and improved arrangement must be made between the residents of Nunavik and Quebec

It is with great pride that we present the following proposal for the constitution of Nunavik.

As many of you are aware, work on developing this constitution began with the election of six individuals to the Nunavik Constitutional Committee on April 10, 1989. Shortly after this election we began to piece together our initial ideas for a Nunavik Constitution.

By December 15, 1989, the NCC had completed the first draft of the proposed constitution. It was published in booklet form



and distributed to all the communities. It was also made available to government representatives as well as other interested parties in the south.

This was our first step in carrying out extensive consultations with the people of Nunavik. We proceeded in this fashion to ensure we would have a concrete starting point for our discussions in the communities and it allowed people to make detailed suggestions on what they wanted to see in any self-government arrangements for Nunavik.

We are grateful to all those who recommended changes and revision. We were particularly inspired by the interest and work of Tamussie Qumak of Povungnituk who produced an almost identical document in Inuttitut as we were close to completing our first proposal. It convinced us that we were on the right track.

A close examination of the proposed constitution that we are now presenting reveals that it is very similar with the first draft that was discussed during the consultation process. Nevertheless, we have made subtle, but significant changes.

Throughout the document we have emphasized the need to have the rights, culture and language of Inuit adequately protected in the Constitution of Nunavik. People felt this was especially important since the constitution proposes non-ethnic institutions and framework for Nunavik.

In addition, we have restructured and fine-tuned the constitution with a variety of minor changes.

## **I. SUMMARY AND EXPLANATION**

The Nunavik Constitutional Committee would like to take this opportunity to provide an overview of what is contained in the proposed Constitution of Nunavik.

### **I. Preamble**

Preambles rarely attempt to set out specific or concrete measures. Rather, preambles are usually a statement of principles. In the case of our proposed constitution, the preamble is an effort to describe our beliefs and values. For example the preamble refers to our belief in God, the equality of peoples, the rule of law, the importance of economic self-reliance, and the need to protect the distinct cultural and linguistic characteristics of Nunavik.

### **II. Objectives**

The section on objectives is a list of what we are trying to accomplish with the proposed constitution. It speaks of the need to create effective and accountable government for Nunavik. It also highlights the need to implement the aboriginal rights of the Inuit and other native people, to generate the necessary revenues, to develop education and training services, and so on.

### **III. Charter of Rights**

Essentially, a charter of rights is designed to protect people from abuses by their own governments and each other.

The proposed constitution provides that all peoples of Nunavik would continue to benefit from the charters of both Quebec and Canada. These charters protect such things as fundamental freedoms and equality rights. For example, they prevent governments from arresting and detaining people for no reason.

The constitution we are proposing contains additional rights for native peoples to deal with the unique circumstances in Nunavik. This charter provides for the right to adequate services, the right to share in the region's resources, the right to job opportunities, the right of Inuit to survive as distinct people, and so on.

### **IV. Nunavik Assembly**

This section of the proposed constitution outlines the powers of the Nunavik Assembly and states that it will be composed of at least 20 elected representatives. It is the Assembly that will have overall power in Nunavik, including jurisdiction over a list of items ranging from Lands to External Relations.

### **V. Administration**

The proposed constitution states that a Nunavik Government will consist of 10 departments such as the Department of Health and Social Services, the Department of Justice and police, etc.

The departments will be staffed by the various employees of a Nunavik Government. By way of example, we could expect the Department of Education and Training to consist of many of the jobs and functions that are now found in the Kativik School Board. Likewise, the Department of Municipal Affairs and Housing would probably be made up of many of the jobs and functions found with the Kativik Regional Government as well as functions found within the provincial government departments.

### **VI. Government structures**

This section of the proposed constitution describes the size and structure of the legislature, executive, and judiciary branches of a Nunavik Government.

First, it states that the Nunavik Assembly will be the legislature. It will consist of not less than 20 elected representatives serving four year terms of office.

Secondly, it states that the Executive of a Nunavik Government will consist of 6 to 10 individuals selected from the members of the Nunavik Assembly. The Executive would be the equivalent of Cabinet Ministers in the Quebec or Federal Governments.

Each Executive would be responsible for one or more departments in a Nunavik Government.

Thirdly, the proposed constitution states that the Nunavik Government would include a system of local and regional courts. These would operate in conjunction with the country's existing court system. The judiciary could be used to handle disputes within the region, to interpret the Nunavik Constitution, and to render decisions regarding the Nunavik Charter of Rights.

### **VII. Boundary and Population**

This section of the proposed constitution simply makes it clear that the people, land, and offshore area north of the 55th parallel in and around Quebec will come under the jurisdiction of the Nunavik Government.

### **VIII. Official languages**

This is a self-explanatory section which states that Inuktitut, French, and English are all official languages of Nunavik. This means that residents of Nunavik will have the right to use any of these languages when dealing with any part of a Nunavik Government.

### **IX. Amending Formula**

The constitution of Nunavik would be the supreme law governing the establishment and operations of the Nunavik Government. For this reason, making changes to the constitution will not be as simple as amending regular legislation passed by the Nunavik Assembly.

The proposed constitution states that it can only be changed by an amendment that obtains a 75% of the vote in the Nunavik Assembly.

## **NUNAVIK GOVERNMENT IN OPERATION**

The nature of constitutions in general are to provide a flexible framework for establishing the structures, procedures, and institutions necessary for government. This is also true of the proposed constitution for Nunavik.

It means the structures, procedures, and institutions of a Nunavik Government would be adjustable to meet Nunavik's changing needs, a feature which will be most useful in the future.

There are many examples of where the proposed constitution provides for a vague framework for Nunavik Government structures and procedures. For example, the constitution says nothing about how many courts will be established in Nunavik or how they will operate. Likewise, the constitution leaves open the exact method by which the Government Leaders and Executive will be chosen. In fact, the constitution does not even state where or how often the Nunavik Assembly will meet.

All of these matters would be decided by the Nunavik Assembly once it is set up and operating. In many cases, it would make these decisions by passing the appropriate laws. The Assembly would not, however, be able to proceed with any decisions which is not consistent with the constitution.

## **NEGOTIATING SELF-GOVERNMENT**

It is important for residents of Nunavik to realize that the proposed constitution is only one step in the on-going process to obtain greater self-government powers north of the 55th parallel.

The proposed constitution is a product of our efforts and consultations. It is not the product of any negotiations that have taken place with the provincial or federal governments.

The document we are presenting will be the basis upon which we will negotiate self-government.

The members of the constitutional committee have kept the government well informed of our process and have actively pursued means to start negotiating self-government for Nunavik.

## **RATIFICATION OF THE PROPOSED CONSTITUTION .**

Under the terms that set up the election of the Nunavik Constitutional Committee, the proposed constitution is to be submitted to the people for ratification.

A referendum to decide whether to accept or reject the following proposed Constitution for Nunavik will be held on April 10, 1991. The date on which the term of the mandate of the present members of the N.C.C. expires.

The referendum will pose the following question,

"Do you approve of the proposed Constitution upon which the Nunavik self-government will be based?"

On behalf of all the members of the Nunavik Constitutional Committee I thank all the people of Nunavik for having had the opportunity to take part in the on-going process to achieve self-government for a territory in which all peoples will feel welcome to live in.

Thank you,

Simeonie Nalukturuk  
President,  
Nunavik Constitutional Committee

# CONSTITUTION OF NUNAVIK

## I. PREAMBLE

WE, THE PEOPLE OF NUNAVIK, enjoy a special relationship to the land and wanting to govern ourselves on the principles of the supremacy of God, the rule of law and the equality of all peoples, hereby create and agree to live by this Constitution.

AND

RECOGNIZING our right to maintain our freedom, our languages and our traditions;

RECOGNIZING that an adequate land and resource base as well as a strong economic base are essential for the effective exercise of self-government in Nunavik;

RECOGNIZING the desire of Inuit to affirm, unify and protect their distinct cultural and linguistic ties;

RECOGNIZING the particular and special role of the communities and local administrations of Nunavik as central to the underlying strength and future of Nunavik;

RECOGNIZING that our participation in the development of renewable and non-renewable resources of Nunavik are essential to our present and future generations;

RECOGNIZING our desire and need to promote greater economic self-reliance for Nunavik;

RECOGNIZING the desire and need of Inuit to promote and protect their values and customs in Nunavik;

WE AFFIRM AND DECLARE:

THAT we, the residents of Nunavik, are the ones responsible for our future, survival and growth of our cultural identity;

AND we assume responsibility for the protection of our fragile environment; the development of our economies; and the education and welfare of our people;

AND TO CARRY OUT these objectives and aspirations and to promote and protect these many rights, for both present and future generations, in a fair, open, equitable and responsible manner, we hereby create through this Constitution rights and freedoms for the people of Nunavik and an elected non-ethnic Assembly drawn from the people of Nunavik with a responsible Executive branch of government and an independent judicial branch.

AND WE FURTHER COMMIT OURSELVES to determine, in the spirit of cooperation with existing regional organizations and governments, the arrangements for practical achievement of these ends within the larger provincial and national legal and political framework of which we are part.

## II. OBJECTIVES

1. Assure protection and development of cultures and traditions in Nunavik;
2. Unite and integrate our communities, regional institutions and people;
3. Maintain, protect and develop the use of all official languages of Nunavik;
4. Protect the environment in and surrounding Nunavik so as to ensure sustainable development for present and future generations;
5. Encourage economic development;
6. Promote more employment opportunities for residents of Nunavik;
7. Provide, support and develop education and training for residents of Nunavik;
8. Achieve adequate living standards in all communities and equitably distribute benefits accruing to the region among them;
9. Encourage and support local decision-making within our communities and the recognition of tradition and custom of Inuit in such decision-making;
10. Secure the necessary funds and revenues for Nunavik so as to ensure good and reliable government;

Maintain and encourage relations with other Inuit and other peoples;

12. Develop an equitable balance between collective and individual rights;
13. Respect the right and welcome the contributions of all residents of Nunavik;
14. Promote and implement all aboriginal and treaty rights of Native peoples in Nunavik;
15. Create an accountable, efficient, fair, reliable and effective government within Nunavik.

#### **iii. CHARTER OF RIGHTS AND FREEDOMS**

The charter of rights and freedoms for the people of Nunavik will guide the operations of the Nunavik government and will provide the basis upon which citizens will interact with their government as well as with each other.

Residents of Nunavik, as citizens of Québec and of Canada, shall continue to enjoy protection of their individual rights and freedoms in the form of the Canadian Charter of Rights and Freedoms contained in the Constitution Act, 1982 as well as in the Québec Charter of Human Rights and Freedoms (L.R.Q., c.C-12).

Both the Canadian Charter of Rights and Freedoms and the Québec Charter of Human Rights and Freedoms shall continue to apply to all citizens and provide for protection of the fundamental freedoms and rights of the individual. The Québec Charter of Human Rights and Freedoms provides protection for the citizens' political rights, judicial rights, economic and social rights as well.

In addition, there will be special Rights and Freedoms for Nunavik residents to supplement these above two already existing Charters of Rights. These rights shall protect and promote special additional rights and freedoms specially for residents of Nunavik and in particular for Inuit as distinct people and first founders of Nunavik, including:

- Right to an adequate land base and to its management and use;
- Right of Inuit to harvest wildlife on a priority basis, subject to principles of conservation and the right to fully participate in wildlife management;
- Right to an economic base to promote regional self-sufficiency;
- Right to develop a balanced and diversified northern economy which accommodates and promotes both wage and subsistence economies;
- Right to adequate services in Nunavik communities;
- Right to ensure Inuit survival as a distinct people;
- Right of Inuit to own, use and enjoy cultural property relating to Inuit culture and ancestry;
- Right of Inuit beneficiaries to enjoy their constitutional rights and interests;
- Right of Inuit to enjoy, promote and protect their own heritage, culture, language and traditions;
- Right of Inuit to their own institutions;
- Right to economic and job opportunities;
- Right to vote in Nunavik elections and other Nunavik decision-making processes;
- Right to freely and openly express one's opinion;
- Right to a balance between individual and collective rights within Nunavik;
- Right to share resources within Nunavik;
- Right to protect, use, promote and enhance the Inuit language;
- Right of non-Inuit native peoples to enjoy whatever aboriginal and treaty rights they may have in and to the territory in a rational and compatible manner;
- Right of Inuit and the residents of Nunavik to be represented by a resident of Nunavik in the Québec National Assembly and in the Federal House of Commons;

This Constitution, once enacted, shall prevail over any laws inconsistent therewith.

#### **iv. NUNAVIK ASSEMBLY**

There shall be established an Assembly for Nunavik to protect, promote and administer the many rights of the residents of Nunavik and the additional special rights of the Inuit of Nunavik. The Nunavik Assembly shall be the legislature of the government and shall possess the necessary legislative powers in all areas necessary to effectively administer the Nunavik region. The Assembly shall be the overall power within

Nunavik, subject only to the limits of its legislative authority and this Constitution. These powers shall include jurisdiction to legislate and administer in areas of :

- Health
- Education
- Environment
- Renewable and non-renewable resources
- Health and social services
- Employment and training
- Public works and infrastructure
- Taxation and revenue
- Justice
- Language and culture
- Transportation and communication
- Recreation
- Offshore areas
- External relations

#### **V. ADMINISTRATION**

Administration of the Nunavik Assembly shall consist of a number of government departments each answerable to a particular Executive of the Nunavik Assembly. These government departments will each deal with various subject matters of administration in the Nunavik region. Each of these departments will have its own staff and will be headed by an expert administrator hired by the Executive for that purpose.

There will be the following administrative departments:

- (1) Department of economic development
- (2) Department of Education, Training and Employment
- (3) Department of Environment, Land and Resources
- (4) Department of Health and Social Services
- (5) Department of Municipal Affairs and Housing
- (6) Department of Revenue, Taxation and Administration
- (7) Department of Culture, Language and Recreation
- (8) Department of Justice and Police
- (9) Department of Transportation and Communication
- (10) Department of External Relations

These Department and their staff will carry out the day-to-day administration of the Nunavik region in accordance with the direction received from the Executive and in accordance with the legislation adopted, enacted and implemented by the Nunavik Assembly.

#### **VI. GOVERNMENT STRUCTURE**

The powers of Nunavik Assembly shall be divided into three (3) distinct branches of government being:

- (1) NUNAVIK ASSEMBLY (Legislature)
- (2) EXECUTIVE (Cabinet)
- (3) JUDICIARY (Courts and Laws)

##### **(1) Nunavik Assembly (Legislature)**

The Assembly shall consist of no less than twenty (20) representatives elected by the people of Nunavik in elections regularly held for that purpose.

Candidates for such elections can run independantly but they can also run for a particular political party based in Nunavik.

The term of office for each of these members of the Assembly will be four (4) years.

The representatives of the Assembly shall be drawn from electoral districts in Nunavik. There will be no less than five (5) electoral districts. A different number of seats will be drawn from each of these electoral

districts depending each on the population size within each of the electoral districts.

The Chief Electoral Officer of Québec shall assist in drafting appropriate rules and procedures in accordance with democratic electoral practice to enable the first election of representatives to the Assembly to take place.

The Assembly as a legislative body will make decisions by simple majority vote of its members except that the following subject matters will require a seventy-five percent (75%) majority vote:

- 1) impeachment of Assembly members;
- 2) acceptance of proposals for amendments to be submitted to referendum.

Certain issues before the Assembly, before they can be voted upon, will require a full public consultation with residents of Nunavik prior to any decisions being taken. Such public consultation will be in the form of public meetings or referenda.

Other rules necessary for the functioning of the Assembly will ensure that the operation of the Assembly meets the basic test of :

- accountability (for all decisions and budgetary expenditures)
- efficiency of decision-making
- fairness and equity of decision-making
- reliability
- cost effectiveness

Oral and written proceedings of the Assembly and related committees may be in Inuktitut, French or English. Laws of the Assembly shall be adopted in all three of these languages.

## **(2) Executive (Cabinet)**

The executive will constitute the Executive branch (Cabinet) of the Nunavik Government. Membership in the Executive will consist of no less than six (6) members and no more than ten (10) members drawn from the elected representatives of the Assembly. The purpose of the Executive is to execute or carry out the decisions of the Assembly and to oversee administration of the Nunavik Government on a day-to-day basis.

The Executive is collectively responsible to the Assembly for all its actions. Moreover, the Assembly retains, overall power in the Nunavik Government. In executing the instructions of the Assembly, the Executive will enjoy a certain amount of discretionary power as defined by the Assembly.

The discretion granted to the Executive shall extend to the following:

- furnish initiative and leadership;
- devise means for coping with present emergencies and future needs of Nunavik;
- recommend appropriate policies on all matters relating to Nunavik to the Assembly;
- approval of certain types of expenditures of the government;
- proposals for annual budgets and other legislation to the Assembly;
- supervision of all government departments and institutions beneath the Assembly;
- participation in national, international and other external matters upon consultation with the Assembly;
- enactment of subordinate legislation under the authority delegated to it by the Assembly;
- formation of ad hoc or permanent committees to work on particular issues of interest to Nunavik upon the approval of the Assembly;
- the term of office of the Executive are the same as that for Assembly members;
- The Executive will operate on a full-time basis therefore all Executive members would have to be available full-time and be compensated accordingly.

## **3) Judiciary (Courts and Law)**

The Judiciary is the third important branch of government. The main function of the Judiciary is primarily the settlement of disputes which are brought before the courts for that purpose. More importantly, the Judiciary ensures that the rule of law is maintained; that citizens are punished for the breach of the law; that no one is above the law; and that any acts of government or government officials which are not legally authorized or which are abusive are struck down. The Judiciary will also interpret the Constitution of Nunavik and protect its citizens not only from one another, but against the government itself should that be necessary.

In conjunction with the existing court system, Nunavik shall have a system of local and regional courts designed to handle a certain number of specific subject matters.

The assembly shall appoint the justices for the purpose of rendering decisions on matters relating exclusively to the rights of the residents of Nunavik.

## **VII. JURISDICTION AND POPULATION**

The jurisdiction of the Nunavik Government shall extend, on the mainland, to the area of Québec located north of the 55th parallel excluding Cree and Naskapi Category IA and IB lands, and including the offshore area surrounding Québec which may come under jurisdiction of the Nunavik Government pursuant to negotiations to be held with Canada and interested parties. The jurisdiction of the Nunavik Government shall also extend to Category I lands of the Inuit of Chisasibi.

This jurisdiction shall apply to the population located in the above areas.

## **VIII. OFFICIAL LANGUAGES**

There shall be three (3) official languages in Nunavik.

- (1) Inuktitut
- (2) French
- (3) English

## **IX. AMENDING FORMULA**

The Constitution of Nunavik can be amended as follows:

1. Any Assembly member may propose an amendment to the Nunavik Constitution;
2. Before a proposed amendment can be submitted to public referendum in Nunavik, it must receive approval by seventy-five per cent (75%) majority vote of the Assembly;
3. Any amendment must be submitted to public referendum for approval;
4. If a proposed amendment is approved by public referendum, the amendment is then forwarded to Québec, for inclusion in appropriate legislation.

Appendix 4  
Nunavik Government  
Framework Agreement, 21 July 1994

Section 3



NUNAVIK ASSEMBLY  
AND GOVERNMENT

NEGOTIATION FRAMEWORK AGREEMENT

between

THE SPECIAL NEGOTIATOR FOR  
THE GOUVERNEMENT DU QUÉBEC

and

THE CHIEF NEGOTIATOR FOR  
THE NUNAVIK CONSTITUTIONAL COMMITTEE

## PREAMBLE

WHEREAS the residents of Nunavik wish to establish a new relationship with Québec so that both parties continue to evolve harmoniously;

WHEREAS Québec is committed to negotiate a form of self government for the residents of Nunavik in the region of Québec situated north of the 55th parallel;

WHEREAS discussions were initiated on the said form of self government under the terms of a Memorandum of Agreement signed between the Gouvernement du Québec and the Nunavik Constitutional Committee (NCC) in 1991;

WHEREAS the negotiator for the Gouvernement du Québec and the NCC recognize the opportunity to build upon progress achieved in such past discussion;

WHEREAS there is a need to conduct negotiations under the Framework Agreement on a timely and expeditious basis;

WHEREAS the parties commit themselves to negotiate in good faith in order to achieve the objectives set out in this agreement.

THEREFORE, THE NEGOTIATORS FOR THE GOUVERNEMENT DU QUÉBEC AND NCC AGREE AS FOLLOWS:

### 1. PARTIES

1.1. The Parties to this Framework Agreement are the special negotiator for the Gouvernement du Québec

and

the negotiator for the Nunavik Constitutional Committee.

1.2 NCC will conduct negotiations in concert with Makivik Corporation (Makivik), the Kativik Regional Government (KRG) and the Kativik School Board (KSB). Makivik Corporation is delegated by NCC to head the negotiations on its behalf.

When the Régie régionale de la santé et des services sociaux du Nunavik begins operation, its board of directors may appoint representative(s) in order to participate to the negotiations.

13 NCC, Makivik, KRG and KSB shall be designated together as the «Nunavik party» without prejudice to sections 1.1 and 1.2. However, when used alone, the word «party» or «parties» shall designate the signatories of this agreement.

## 2. PURPOSE OF THE FRAMEWORK AGREEMENT

The purpose of the agreement is to promote efficient and expeditious negotiations in order to produce draft agreement(s) including the complementary agreement(s) to the JBNQA as well as outline(s) of whatever legislation may be necessary, to establish the Nunavik Assembly and Government.

## 3. OVERRIDING OBJECTIVES OF THE NEGOTIATIONS FOR THE CREATION OF THE NUNAVIK ASSEMBLY AND GOVERNMENT

3.1 To develop a form of government within Quebec specifically for Nunavik in order to respond to the territory's unique northern realities, and to satisfy the needs, desires and aspirations of Inuit and other residents living north of the 55th parallel;

3.2 To develop new mechanisms by which the Quebec National Assembly and the Quebec Government will be able to relate to this new type and level of government within Quebec's jurisdiction.

## 4. UNDERLYING PRINCIPLES FOR THE NEGOTIATIONS

4.1 Arrangements for the establishment of the Nunavik Assembly and Government shall respect the authority of the Quebec National Assembly;

4.2 The rearrangement of any rights enjoyed by Inuit under the James Bay and Northern Quebec Agreement (JBNQA) for purposes of creating the Nunavik Assembly and Government shall not lessen the nature of those rights or lessen the level of constitutional protection afforded those rights.

## 5. STARTING POINT FOR THE NEGOTIATIONS

5.1 A Nunavik Assembly will be established as part of this new type of government for the Nunavik territory;

5.2 The Nunavik Assembly and Government will be non-ethnic in nature and will be open to the participation of all permanent residents of the territory;

5.3 The Nunavik Assembly and Government will have jurisdiction over the entire area of Quebec north of the 55th parallel except for Cree A1 and B1 lands and for Naskapi B1 land;

5.4 Discussions with the Naskapis must occur concerning their participation to the Nunavik Assembly;

5.5 The creation and the establishment of the Nunavik Assembly and Government will not affect any right of the Crees and the Naskapis in the north of the 55th parallel;

5.6 To the extent it is deemed feasible and appropriate, the powers, jurisdictions, responsibilities, functions, rights, privileges, facilities, and resources (human, financial, & material) provided under the James Bay and Northern Quebec Agreement to KRG, KSB, CRSSK and the Kativik Regional Development Corporation (KRDC) will be regrouped, integrated and/or consolidated under a Nunavik Assembly. The other institutions involved in the delivery of services and governance of the region North of the 55th parallel could be also regrouped and consolidated under the Nunavik Assembly.

## 6. THE PURPOSE FOR CREATING THE NUNAVIK ASSEMBLY AND GOVERNMENT

6.1 To provide Inuit and other residents north of the 55th parallel with a strong and effective autonomous government;

6.2 To remedy the fact that the people of Nunavik lack a single unifying body to set their priorities, shape their future, and determine their place in Quebec and Canada;

6.3 To build upon what the Inuit successfully negotiated in the JBNQA for the territory north of the 55th parallel;

6.4 To regroup and to rationalize to the extent it is deemed feasible and appropriate many of the organizations currently operating in Nunavik;

6.5 To provide a framework for devolving over time powers and resources to Nunavik;

6.6 To develop means by which Nunavik institutions will interact with agencies and departments of the Quebec Government.

## 7. OUTCOME OF NEGOTIATIONS : DESIRABLE IMPACTS

7.1 To the extent it is deemed feasible and appropriate, to further rationalize the public sector in Nunavik in order to achieve greater effectiveness - focused policy making - and efficiency - savings;

7.2 To enhance the region capacity to address pressing social and economic issues;

7.3 To promote political accountability and pride throughout Nunavik through a new partnership with Quebec, and to facilitate and simplify public participation, understanding and control of their representative institutions by the residents of Nunavik.

## 8. OTHER CONSIDERATIONS FOR THE NUNAVIK NEGOTIATIONS

8.1 The Nunavik negotiations will proceed without prejudice to any existing right recognized and confirmed to the Inuit of Nunavik by the Constitution of Canada;

8.2 Federal participation in the Nunavik negotiations will be necessary for matters directly involving its jurisdiction;

8.3 Every efforts will be made to complete the bulk of the Nunavik negotiations by April 30, 1995.

## 9. DURATION AND EXTENSION OF FRAMEWORK AGREEMENT

9.1 The Parties will use their best efforts to reach a draft agreement on a comprehensive structure of self government for the residents of Nunavik by April 30, 1995.

9.2 The Parties will deploy their best efforts to reach a draft agreement with respect to Subject - Matters set forth in Section 10 of the present Framework Agreement.

10. SUBJECT - MATTERS FOR NEGOTIATION

10.1 The list of Subject - Matters set forth in sub-section 10.2 below is not intended to be restrictive. Any of the Parties, on agreement between the negotiators, may raise range of topics for negotiation under each Subject - Matter heading.

10.2 The following are Subject - Matters for the Negotiations:

- (a) the principle and scope of consolidation of KRG, CRSSK, KSB and KRDC and whenever appropriate, the principle and scope of consolidation of any other regional organization in Nunavik;
- (b) the formulation of necessary amendments to the James Bay and Northern Québec Agreement, and to the laws related to the Agreement for the establishment of the Nunavik Assembly and Government;
- (c) the question of legal protection for the Nunavik Assembly and Government;
- (d) the powers and responsibilities of the Nunavik Assembly and the Nunavik Government;
- (e) related financial arrangements and accountability mechanisms, including the need to ensure financial stability in the delivery of the existing public services in Nunavik;
- (f) issues respecting taxation within Nunavik and germane responsibilities of the Nunavik Assembly;
- (g) the consolidation of assets and liabilities;
- (h) collective bargaining agreements;
- (i) relations between governments;
- (j) the timetable for implementation leading to a comprehensive structure of self government for residents of Nunavik;
- (k) issues pertaining to transition during the period of implementation, and;
- (l) provisions for the training of residents of Nunavik in order to ensure transition and implementation phases.

## 11. PUBLIC INFORMATION AND CONSULTATION

11.1 The Parties agree that the public, including individuals, groups or organizations having a particular interest in the outcome of the negotiations should be kept informed about the objectives and progress of the negotiations.

11.2 The Parties, either in concert or separately, may develop and implement a process of information and consultation with concerned entities with a view to maintaining public awareness.

11.3 Except to the extent that the negotiators agree that disclosure is required and desirable to maintain public awareness, points of negotiation and related documents shall be deemed confidential.

## 12. THE NEGOTIATION PROCESS

12.1 There shall be a main negotiation table responsible for the conduct, coordination and orientation of the negotiations.

12.2 The main negotiation table will have the authority to establish sub committees to undertake research and report, within an established period of time and according to agreed guidelines, on specific issues related to the Subject - Matters to be negotiated.

12.3 Meetings will be held in Nunavik, Montréal or Québec City as the negotiators may agree. Meetings will generally be held on a monthly basis.

12.4 The Parties agree that under the direction of the negotiators, a summary record of each meeting will be drawn up. The summary record of a meeting will be made available to negotiators at the following meeting.

12.5 The Parties agree to couch in an appropriate written format those items of negotiations on which tentative agreement will have been reached among negotiators. Such tentative points of agreement will serve as a joint record for future reference until substantial agreement has been reached on a comprehensive structure of self government for residents of Nunavik.

13. THE RATIFICATION PROCESS

Concerning the ratification in Nunavik of the draft agreement aimed at in section 2, the Nunavik negotiators may agree on a process which will necessarily include, among other measures that they may deem appropriate, a referendum.

14. CONTINUATION OF PROGRAMMES AND FUNDING

During the Negotiations, the Parties agree that those programmes provided by the Gouvernement du Québec and institutions of regional government and related funding arrangements shall continue to apply to Nunavik, as they would normally do on a regular basis.

Current negotiations between the Gouvernement du Québec and members of the Nunavik party concerning the implementation of the JBNQA, as well as of any supplementary agreement and related negotiations, shall not be affected by the negotiations on the Nunavik Assembly and Government and will continue, in parallel, to these negotiations.

15. TRANSLATION AND PRINTING

Québec acknowledges that NCC will need to have many documents translated from and into French, English and Inuktitut and then have them printed for distribution in Nunavik and southern Québec from time to time.

16. RESEARCH

The Parties further acknowledge that, in order to ensure efficient and expeditious negotiations, research will, from time to time, have to be conducted on specific issues identified by the negotiators. Such research will be undertaken and presented in a timely and focused manner.



## 17. FUNDING OF THE NEGOTIATION

17.1 The Parties agree that the negotiations to be held by April 30, 1995, need adequate funding. The Parties estimate the financial need of these negotiations, for the Nunavik party, at a maximum of 800 000 \$, this amount covering the period from May 1<sup>st</sup>, 1994 to April 30, 1995.

17.2 The maximum financial participation from the Gouvernement du Québec for the negotiations will be of 300 000 \$, this being subject to the necessary approval by the governmental authorities. This amount will be paid to Makivik, on behalf of NCC and the Nunavik party, in three equal instalments of 100 000 \$ on September 1<sup>st</sup>, 1994, December 1<sup>st</sup>, 1994 and April 15, 1995. If it deems necessary, the Gouvernement du Québec may check the negotiation expenses done by the Nunavik party. The latter will put at the disposal of the Gouvernement du Québec all the necessary documents related to the negotiations expenses.

17.3 The maximum financial participation from the Nunavik party for the negotiations will be of 200 000 \$. Makivik will send to the Gouvernement du Québec a statement of the expenses of the negotiations by April 30<sup>th</sup>, 1995.

17.4 The Parties believe that a financial participation from the Federal Government to these negotiations is necessary. This participation should be of a maximum of 300 000 \$, this amount covering the balance of the total cost estimated in section 17.1 that is not funded by the Gouvernement du Québec and NCC. The Parties agree to approach the Federal Government in order to obtain this financial participation.

17.5 If the real cost of the negotiations is less than the total cost estimated in section 17.1, the NCC, the financial participation from the Gouvernement du Québec and the Federal Government will be reduced in proportion to their initial contribution. In this perspective, Makivik will repay to the Gouvernement du Québec and to the Federal Government the unused funds.

IN WITNESS THEREOF, THE PARTIES HAVE SIGNED

(Signed)

Mr. Simeonie Nalukturuk, negotiator for the Nunavik Constitutional Committee

1994, this 21<sup>st</sup> day of July

(Signed)

Mr. Francis Fox, special negotiator for the Gouvernement du Québec

1994, this 21<sup>st</sup> day of July