



Chapter 5

Public Finance Processes of the Nunavik Government

To adequately meet its responsibilities, the Nunavik Government must adopt explicit and foreseeable rules and processes. Like all the other governments of the country, the Nunavik Government must prepare a budget, control its expenditures, and render accounts. The following pages are devoted to these issues.

I. BUDGETARY PROCESS

Fiscal year

The fiscal year of the Nunavik Government should be identical to that of the Government of Canada and of the Government of Québec, namely from April 1st to March 31st.

Preparation and adoption of a revenue and expenditure budget

Prior to the start of each fiscal year, the Nunavik Government must submit to the Nunavik Assembly for its approval a budget identifying the revenue from all sources and the funds allocated for each government mission, department or program, and by detailed budget items. The Nunavik Assembly shall adopt the budget, after having examined it.

Expenditure control

The adopted budget reflects the political choices of the Nunavik Assembly. The Nunavik Government, responsible for implementing the budget, must respect these fundamental choices. The Nunavik Government must designate a Controller of finance to assist in this task. The mandate of the Controller of finance is to ensure that all

of the expenditures of the Nunavik Government are directly related to the budget decisions of the Nunavik Assembly, to make sure that the necessary funds are available to cover the expenditures, and to advise the Nunavik Government if any one of these conditions is not met. As the Controller of finance is involved in daily operations, he reports to the Nunavik Government; however, his critical stands related to government executive styles and administrative practices must not be a reason to terminate his contract. The Controller of finance may be heard by the Nunavik Assembly at his request or at the request of the Assembly.

Procurement policy

The Nunavik Assembly shall adopt a procurement policy that provides for the rules applicable to the awarding of contracts by the Nunavik Government. These rules shall comprise a public call for tender process.

Approval of loans

The Nunavik Government must obtain the Assembly's approval for each loan intended to fund capital expenditures. The Nunavik Government should have the general power to itself authorize loans intended to maintain adequate cash flow.

II. PUBLIC ACCOUNTS AND AUDITING

Preparation and adoption of public accounts

At the end of each fiscal year, the Nunavik Government must submit to the Nunavik Assembly for its approval the public accounts presenting the results of the year, identifying the revenue from all sources and the expenditures incurred for each government mission, department or program, and by detailed budget items. In addition, each contract awarded and each transfer to legal persons, enterprises or non-profit institutions, of an amount to be determined by the Nunavik Government, must be precisely

identified in the public accounts, to ensure the complete transparency of the administrative processes. Finally, the public accounts should present the balance sheet, as well as a detailed account of each loan authorized by the Assembly and the Nunavik Government.

Auditing of accounts

The public accounts reflect the way in which the Nunavik Government has applied the political choices of the Nunavik Assembly. The Nunavik Assembly must designate an Auditor to assist in this task. The Auditor's mandate is to examine public accounts to assess the accuracy of the accounts and the relevance and effectiveness of the accounting methods, as well as the government's practices with respect to public funds, in particular, but not exclusively, in the awarding of contracts and the granting of subsidies and loans. The Auditor is also mandated to make appropriate recommendations to improve practices in order to ensure that they are more in line with the rules of good government. Each year, the Auditor presents his conclusions in a report that he submits to the Nunavik Assembly. To preserve the auditor's independence, the Auditor is designated by unanimous decision of the Nunavik Assembly and his critical stands related to government executive styles and administrative practices must not be a reason to terminate his contract. The Auditor may be heard by the Nunavik Assembly at his request or at the request of the Assembly.

The Auditor could be chosen on a contractual basis in the private sector. However, the solution applied by the Government of Nunavut may inspire the Nunavik Government. The Government of Nunavut has designated the Auditor General of Canada to perform these duties. In the present context, the Auditor General of Québec could lend his services to the Nunavik Government, if the latter designated him to hold this office and if the National Assembly allowed him to do so.

Transmission of accounts and reports

The Nunavik Government will share important powers and resources with the governments of Canada and Québec. These governments as well as the taxpayers must have access to the information concerning the operations of the Nunavik Government. Consequently, the Nunavik Assembly should be responsible for transmitting to the House of Commons and the National Assembly annual public accounts, once it has adopted them, as well as the Auditor's report, once he has submitted it to the Nunavik Assembly. The House of Commons and the National Assembly can review the public accounts and the Auditor's report in a parliamentary committee, in the presence of representatives of the Nunavik Assembly. However, this review should in no way modify the powers of the Nunavik Assembly. On the contrary, it must be seen as an opportunity for the elected members and taxpayers of the rest of the country to obtain the information required to understand the political choices and practices on which the financial results are based.



Recommendation no. 8

Public finance processes

FISCAL YEAR

- 8.1 The fiscal year of the Nunavik Government should extend from April 1st to March 31st.

BUDGET

- 8.2 The Nunavik Government shall submit an annual revenue and expenditure budget to the Nunavik Assembly for approval.

EXPENDITURE CONTROL

- 8.3 The Nunavik Government shall designate a Controller of finance. His critical stands related to government executive styles and administrative practices must not be a reason to terminate his contract. The Controller may be heard by the Nunavik Assembly at his request or at the request of the Assembly. The mandate of the Controller of finance is:

- 8.3.1 to ensure that all expenditures of the Nunavik Government are directly related to the budget decisions of the Nunavik Assembly;
- 8.3.2 to make sure that the necessary funds are available to cover the expenditures;
- 8.3.3 to notify the Nunavik Government if any one of these conditions is not met.

PROCUREMENT POLICY

- 8.4 The Nunavik Assembly shall adopt a procurement policy providing for the rules applicable to the awarding of contracts by the Nunavik Government including a public call for tender process.

APPROVAL OF LOANS

- 8.5 The Nunavik Government shall obtain the Assembly's approval for any loan intended to fund capital expenditures, but shall be able to itself authorize loans intended to maintain proper cash flow.

PUBLIC ACCOUNTS

- 8.6 The Nunavik Government shall submit to the Nunavik Assembly for its approval the annual public accounts, including the detailed statement of revenue and expenditures, the detailed balance sheet and a detailed account of authorized loans.

AUDITING OF PUBLIC ACCOUNTS

- 8.7 The Nunavik Assembly shall designate by unanimous decision an Auditor. His critical stands related to government executive styles and administrative practices must not be a reason to terminate his contract. The Auditor may be heard by the Nunavik Assembly at his request or at the request of the Assembly. The mandate of the Auditor of Nunavik is:
- 8.7.1 to examine the public accounts in order to assess the accuracy of the accounts, the relevance and efficiency of the accounting methods, as well as the government's practices with respect to public funds, in particular, but not exclusively, for awarding contracts and granting subsidies and loans;
 - 8.7.2 to make appropriate recommendations in order to improve practices to make them more in line with the rules of good government.
 - 8.7.3 to submit an annual report to the Nunavik Assembly.

TRANSMISSION OF ACCOUNTS AND REPORTS

- 8.8 The Nunavik Assembly shall be responsible for transmitting to the House of Commons and the National Assembly the annual public accounts, once it has adopted them, as well as the report of the Auditor of Nunavik, once he has submitted it to the Nunavik Assembly. The House of Commons and the National Assembly can review the public accounts and the Auditor's report in a parliamentary committee, in the presence of representatives of the Nunavik Assembly.

Part Three

Fundamental Social Issues

But I want to see it solemnly proclaimed somewhere that the government will be operated to the greatest extent possible upon the foundation of Inuit identity, language and culture.

Aipilie Kenuayuak,
Public Hearings, Puvirnituq, March 15, 2000

— ◆ —

In the justice system, there should be an established way to resolve disputes between offenders and their victims. We, Inuit, tend not to simply judge an offender; we tend to forgive someone who has committed an offence, and the new justice system should be revised to reflect this.

Lucy Carrier,
Public Hearings, Kangirsuk, January 25, 2000

— ◆ —

Unemployment seems to be a great mountain that we have to climb. The things which I speak about could all contribute to creating jobs. We have to have money nowadays to live. We all have to pay for everything. It seems that jobs would increase in the event of us attaining our government.

Dora Koperqualuk,
Public Hearings, Puvirnituq, March 15, 2000

— ◆ —

There is the issue of our ownership of the mere surface of the land we own. Beyond one foot down, it is said that everything in the subsurface belongs to the

government. Will this provision continue to exist in the order of the proposed government? Can our government attain jurisdiction or ownership over the unfathomable subsurface?

Jacob Tookalook,
Public Hearings, Kuujjuaraapik, August 28, 2000

— ◆ —

Will we be able to control especially the area of wildlife harvesting which we consider an essential matter? For example, all of the 14 communities are required to abide by a quota of how many beluga whales each community is allowed to harvest because of the stated reduction in their populations. Meanwhile, we cannot exist on store-bought food only.

Lizzie Kullulak,
Public Hearings, Quaqtaq, January 24, 2000

— ◆ —

If a mining development instigated by Qallunaat came upon us (with no way defined to control or participate), this could be very unfortunate. We have to gain some measure of benefit and development from such a thing. Otherwise, it would be nothing but damaging. Our knowledge of the landscape and hunting areas gives us familiarity with what damage or disruption can be tolerated, as well as where to avoid such things for the protection of our livelihood.

Mala Lucassie,
Public Hearings, Aupaluk, January 26, 2000

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During the Commission's hearings, community members of Nunavik raised numerous issues which recurred constantly from one community to another. These issues were related to language and culture, justice, education, health and social services, housing, economic development, land and natural resources. Many Nunavik organizations addressed these concerns in the briefs they tabled before the Commission.

The following pages address these issues that the Commission considers to be major fields where a Nunavik Government may exercise its powers.



Chapter 6

Language and Culture

The need to preserve and promote Inuit culture and the Inuttit language is critical to Nunavimmiut and this has been one of the most frequently expressed concerns at the Commission's public hearings.

Culture is generally perceived by the people as the expression of their entire way of life. However, the viability and energy of a culture can come under constant threat for a variety of factors, as is currently the case in Nunavik. The first signs of damage inflicted on a culture will usually appear in the language itself, and this is nearly always a symptom of a much larger problem.

Nunavimmiut are now reporting that an erosion of the Inuttit language has started to occur. In a brief presented to the Commission, the Avataq Cultural Institute discusses "loss of parts of vocabulary and structure, mistakes in grammar and spelling, use of anglicisms" and other symptoms that usually signal the beginning of major problems to come.

In its investigation, the Commission has consulted the extensive survey made by the RCAP on this issue, and has come to realize that Aboriginal languages are all in a serious state of decline in Canada. The daily use of Inuttit as the primary language of the Inuit in the eastern arctic regions may still be an exception when compared to many other Aboriginal languages, but a recent report from KSB warns that even Inuttit "is fighting for its very survival, and any sound policy must be made in the context of this possibility".

The Commission has witnessed for itself that Inuttit is, today, still the predominant and strongest language in all Nunavik communities. Nevertheless, its status, according to the KSB study, "is under threat from English, especially among the youngest group of Inuit where the fluency in English (or French) seems to make gains at the expense of ability in Inuttit".

People are most concerned about the growing discontinuities between the older and younger generations. Such discontinuities in cultural patterns result from frequent contacts with other cultures and lifestyles, as well as from the impact of the mass media on the beliefs, values, and behaviour of the younger generation.

In carrying out its mandate and in developing its recommendations, the future of the Inuit language and culture has become a major consideration for the Commission, and it has come to accept, with conviction, that Inuttit is indeed fighting for its very survival. It is in this context that the Commission was drawn to some important conclusions. Some of the following recommendations have been presented in the previous chapters but it is useful to come back on those that are important for the language and the culture.

Firstly, the Commission recommends that the various Nunavik institutions be consolidated in a way that will promote the maintenance of Inuit culture. This is to say that the Avataq Cultural Institute must be, along with the other public institutions, part of a new consolidated government. The Avataq brief to the Commission describes how the organization was established in 1980 "in the wake of the JBNQA, as the feeble voice of the Inuit Elders trying to remedy serious omissions in the field of culture and language". The brief also indicates that in its early years, Avataq did what it could to facilitate the preservation and enhancement of the Inuit language and culture, despite having access to very limited resources. It is clear that, in carrying out its responsibilities, a Nunavik Government will need Avataq's expertise as well as the cultural knowledge gained by other institutions, such as KSB.

Secondly, the Commission believes that a consolidated government, while serving the needs of all Nunavik residents, ought to display a strong Inuit dimension, and that in carrying out its many responsibilities, it should place a strong emphasis on the preservation and promotion of

Inuit language and culture. In its day-to-day operations, this means that, while Inuttit, French, and English should be the official languages in Nunavik, and while everyone will have the right to use any of these official languages in the region, Inuttit should be the predominant language of work in the new government.

Finally, the Commission is of the opinion that the responsibility to promote the Inuit language and culture should come under the exclusive jurisdiction of the Nunavik Assembly. However, in carrying out this responsibility, the Assembly would act with the advice of the Council of Elders, because the Inuit traditionally consider their elders to be the true guardians of their culture.

Communication is another area of critical importance to the future of Nunavik. The Commission believes that this area should fall under the jurisdiction of a Nunavik Government for the simple reason that it plays such a fundamental role in the conveyance and promotion of culture. The new government should, within the scope of its block funding arrangements, give adequate levels of support for communications, and this should be done mainly through Taqramiut Nipingat Inc. (TNI) and the community radio stations.

The Commission believes that the role of TNI should be reinforced under a Nunavik Government, and that TNI should maintain its own separate existence. This is particularly true for TNI's role in covering and disseminating the debates of the Assembly, a function which will also enrich the democratic life of Nunavik. While a Nunavik Government should have the responsibility and financial capacity to provide the necessary support to TNI and the community radio stations, these organizations should continue to exist as independent entities capable of working without political interference from any government.

Recommendation no. 9

Language and culture

- 9.1 The powers for the Inuit language and culture shall come under the exclusive jurisdiction of the Nunavik Assembly which, in carrying out this responsibility, shall act with the advice of the Council of Elders.
- 9.2 The Nunavik Assembly shall be empowered to fulfil this responsibility in a spirit of fairness and open mindedness, respectful of the other official languages and of the Charter of Rights and Freedoms and of the Québec Charter of Human Rights and Freedoms.
- 9.3 In the pursuit of this objective, the Nunavik Assembly shall be empowered to enact laws in relation to:
- 9.3.1 The promotion and protection of traditional spirituality and cultural values, beliefs and practices, and the protection of the Inuit culture and language, including: the preparation of a Charter of the Inuit language and culture; the management of archaeological resources; the repatriation and conservation of artefacts and art collections.
- 9.3.2 The predominant use of Inuttitut in the operation of the Nunavik Government and other public institutions of Nunavik.
- 9.3.3 Inuit values and traditions, and the place of Inuttitut with respect to programs, policies and practices in the administration of justice.

- 9.3.4 Inuit values and traditions, and the place of Inuttitut with respect to programs, policies and practices in the provision of communication services, including: measures to promote an increased proportion of airtime and written media in Inuttitut; measures to secure the functional and editorial independence of TNI and of other media, including the community radio stations.
- 9.4 The Nunavik Government shall include its responsibilities for communication and the preservation and enhancement of the Inuit language and culture as components of its block funding arrangements.

Chapter 7

The Administration of Justice

The Inuit feel that the justice system is foreign to them because it does not reflect their values, which emphasize the need for reconciliation and reintegration of offenders within the community. These feelings, often expressed, did not come as a surprise to the Commission which also believes that the court system in Nunavik ought to be perceived as an “inside” institution with rules that are easy to comprehend, and over which the Nunavik Government should have jurisdiction.

Two major reports in recent years addressed the questions related to the justice system: the Inuit Justice Task Force Report (1992) and the report of the Comité de consultation sur l’administration de la justice en milieu autochtone (the Coutu Report, 1995).

One of the main recommendations of both of those reports was about the need to introduce new sentencing procedures. It was stated that these procedures should be community-based and provide for alternative sentencing and administration of sentences. It was felt that these alternative methods would be more effective in reducing criminal behaviour by strengthening the social fabric in each community.

The two reports also recommended the creation of a Court of Nunavik, a recommendation that has been resumed by the Commission in chapter 3. This court could be presided by one or more judges of la Cour du Québec. With its own staff, Crown counsel and legal aid counsel, it could provide a wider range of services to victims and offenders than is presently the case. Also, local police from the Kativik Regional Police Force would not have to escort offenders as frequently to southern courts prior to sentencing.

The Commission’s objective is to make proposals that will improve the effectiveness of the justice system in Nunavik,

and that will establish a clear relationship between that system and the Nunavik Government. Community-based justice appears to be an essential component of a successful strategy to address Nunavik's social problems. This new approach to justice issues is overdue; it should be the responsibility of the Nunavik Government.

I. JUSTICE COMMITTEES

Justice committees have been shown to be an important element of a community-based justice system in an aboriginal context. They have been effective in Western Canada, Yukon, Northwest Territories and as well as Nunavut in reducing crime, increasing the level of rehabilitation and providing aboriginal communities with a greater sense of responsibility and an opportunity to take part more directly, in their own way, in the resolution of their social problems. This also provides the justice system with greater flexibility in an aboriginal environment with specific cultural values.

There have been some experiments with alternative justice in Québec, primarily through the pioneer work of Judge Jean-Luc Dutil, of the Cour du Québec. The Cour has criminal jurisdiction in most cases within Nunavik. In the early 1990s, while presiding over the roving court in Nunavik, Judge Dutil opted for community-based justice in a few cases. Some of these cases were widely reported in the legal community across Canada. Since 1995, this judge has been sitting on the roving court in north-eastern Québec. He has helped create the first permanent justice committee in Québec, on the Naskapi reserve of Kawawachikamach, near Schefferville. This justice committee has now worked effectively for a number of years and, according to the local commander of the Sûreté du Québec, there has been a significant reduction of criminal offences each year since the justice committee's inception.

Justice committees are typically composed of 6 to 8 responsible members of the community. They may include

elders, social workers, probation officers, mayors or municipal councillors, and ministers of the faith.

Their main function is to provide advice to a sitting judge on possible options for sentencing a convicted offender other than imprisonment. Justice committee members can also supervise an offender who is undergoing alternative sentencing, or is on parole or under probation. They can therefore assist probation officers, who work out of another community, to manage their caseloads more effectively.

Alternative sentencing requires imagination and flexibility, as well as a basic understanding of aboriginal culture. Some sentencing options could involve payment by the offender of some kind of compensation to the victim, doing community work such as hunting or shovelling snow for the elderly, or painting and repairing a home for victims of family violence. In some cases, a young offender could go out on the land with elders for a few months, perhaps to an outfitting camp as is done in Nunavut. Young offenders tend to become calmer in such surroundings and begin to reflect more deeply on how they should lead their lives in the community.

Justice committees can be time-consuming. Judges take more time to arrive at a conclusion of the case before them when they have to confer with a justice committee. As well, at least some members of the committee should be compensated. However, the reduction in various social costs (damage to property, detention and travel costs, etc.) could make this new approach advantageous.

Justice committees can only function adequately if certain conditions are met. Chief among these conditions are a strong desire by the offender to mend his ways and to be rehabilitated, a commitment by members of the community for a long-term involvement in such a project, and the agreement of the victim. Such cases, such as murder, do not lend themselves to such a process. Also, a justice committee may decline to take responsibility for a given individual, if he is too violent or for other reasons. Finally,

it must be emphasized that the justice committee always provides advice to a judge; the final decision always rests in the hands of the judge. However, in cases where the judge disagrees with a justice committee's advice, he should give reasons for his decision.

At this time, the Criminal Code of Canada prescribes that a judge must take into consideration alternative means of sentencing in an aboriginal context. This point was underlined by the Supreme Court of Canada in some recent decisions. The Commission believes that a judge should have the obligation to consult a justice committee when he is reasonably convinced that such a committee is operational. Such an amendment to the Criminal Code would be in accordance with sub-section 20.0.20 of the JBNQA, which states that the Criminal Code «shall be modified, if deemed necessary, to suit the particular difficulties of the judicial district of Abitibi and to take into account the circumstances, usages, customs and way of life of the Inuit and to render justice more accessible to them». It should also be noted that sub-section 20.0.24 states that «Sentencing and detention practices should be revised to take into account the culture and way of life of the Inuit people, and this, with their cooperation.»

The Commission also believes that the Nunavik Government should have the responsibility of ensuring that there are operational justice committees in every community. Funding for justice committees should be included as an element of block funding arrangements.

II. DETENTION FACILITIES

Sub-section 20.0.25 of the JBNQA states the following: «As quickly as possible after the execution of the Agreement and after consultation with the Regional Government, the appropriate detention institutions shall be established within the judicial district of Abitibi so that Inuit should not be, unless circumstances so require, detained, imprisoned or confined in any institution below

the 49th parallel.» More than 25 years after the signing of the JBNQA, no such detention institution has been opened in Nunavik. A halfway house was established in Kangirsuk in 2000; and the first reports on its operation are encouraging. Nevertheless, there is a clear need to have a detention centre within the region. The establishment of such a facility would maintain a link between offenders and their families and communities, a key issue as family and friends usually cannot afford to travel to detention centres in the South. As well, the Inuit inmates currently incarcerated would be able to receive counselling and other services in their own language. The Commission was told that Inuit offenders are among the most poorly served in the prison community.

The construction of detention facilities is a clear legal obligation under the JBNQA and expresses a major social need. This obligation should be implemented without delay, and the responsibility for the operation of these facilities, once built, should be transferred to the Nunavik Government.

III. COMMISSIONERS AT THE QUÉBEC PAROLE BOARD

The Commission québécoise des libérations conditionnelles is responsible for authorizing parole for offenders in provincial jails whose sentences range from 6 months to two years. It probably administers most sentences being served by Inuit at any given time. While the Commission's creation was allowed for by federal legislation, its members are named by the Government of Québec. It currently has 9 full-time and 61 part-time community commissioners. A full-time and a community commissioner sit together on every parole application and they must jointly agree to grant parole in order for an inmate to obtain it. There are currently no community commissioners from Nunavik. Under the present system, Inuit inmates are not adequately informed of their rights nor are they sufficiently prepared for their hearing. As well, the lack of professional services in the North may make some commissioners more reluctant to grant parole.

This constitutes unfair treatment and demands immediate correction. The Nunavik Government should have the power to select community parole commissioners, and to ensure that inmates from Nunavik receive the full range of professional services that is accessible to other inmates in Québec.

Recommendation no. 10

The administration of justice

- 10.1 The Government and Assembly of Nunavik shall have jurisdiction over the administration of justice, which would include the exclusive responsibility for the creation and operation of justice committees in every community. Funding for justice committees should be included in block funding arrangements.
- 10.2 The Criminal Code of Canada shall be amended to require a sitting judge to consult a justice committee before sentencing a criminal offender, where such a committee is operational.
- 10.3 Detention facilities shall be built without further delay in Nunavik, in order to fulfil a clear legal obligation set out in the James Bay and Northern Québec Agreement. The responsibility for the operation of such facilities should come under the Nunavik Government.
- 10.4 The Nunavik Government's responsibility for the administration of justice shall include the power to name commissioners to the Québec Parole Board.



Chapter 8

Social and Economic Development

This chapter deals with certain elements that could be considered as prerequisites for economic and social development. The concept of development is one which can be defined from varied perspectives and, as such, is composed of different components. However, whatever the perspective used, there remains key elements which are associated with some basic needs of the individuals and the kinds of organizations to be set in place to serve them. These core elements, from the context in which the Commission is working from, are: education, health and social services (well-being of individuals, functioning of social units), natural and institutional resources, housing and economic development. These will be dealt with in the following sections.

I. EDUCATION

While carrying out its work, the Commission has been constantly reminded that the future of education is a major concern. In 1994, after twenty years of its existence, KSB conducted a wide consultation in order to build guiding principles and objectives that would better reflect the wishes and expectations of Nunavimmiut while providing the highest quality education possible. The result of the consultation was the principle that a modern system of education must provide the kinds of services that will equip school children with the necessary knowledge and skills to enable them to become self-sufficient and contributing members to the social and economic development of their communities and the Nunavik region. Such an ambitious objective has not yet been fully implemented as there remain many internal and external challenges that have not yet been addressed.

A primary challenge has been the current educational structure that lacks the kinds of responsibilities, power and resources required to develop the kinds of education services envisioned, despite the exceptional involvement of decision makers and all other education partners in the past few years. Another challenge relates to the fact that, in addition to providing Nunavimmiut with the means to become autonomous and responsible citizens, it must allow Inuit youth to achieve proficiency in the Inuttit language and to provide for the maintenance of Inuit culture including Inuit traditions, values, ways of life and collective aspirations. Such cultural elements are especially relevant in the case of minority groups which continually struggle to keep the essential elements of their traditional culture alive while taking full advantage of modern society. Now more than ever, an education system has to provide to all learners the required means to succeed in a rapidly changing economy which is increasingly influenced by global competition, instant communication and the many components of the high-tech sector.

The creation of a Nunavik Government provides an excellent opportunity to fill the gaps by grouping existing resources and expertise and by providing the education system with all the powers and responsibilities it requires to fulfill its mandate. Such a structural change will facilitate the full involvement of all education partners, including students, school teachers, school administrators, service personnel, parents, learners of other age groups and especially the Local Education Committees of the fourteen Nunavik villages. Up to now, KSB has had the responsibility for pre-school, primary and secondary levels of schooling, and adult education. When the Nunavik Government assumes KSB's responsibilities, it might add, as it sees appropriate, new responsibilities such as post-secondary education.

At various meetings in Nunavik, Avataq and KSB researches came to the conclusion that the Inuttit language is eroding. To remedy this, people expressed the

view that special attention should be paid to members of the younger generations in the school in order to prepare them better to the leading functions of tomorrow. A strong Inuit identity and proficiency in the Inuttit language were defined as powerful assets. It should be emphasized that a people's language is not only a fundamental tool for communication, it carries powerful symbolic meanings related to one's personal identity and one's belonging to a given culture, both of which are related to culture maintenance and social solidarity with others.

The education system in Nunavik has to also face a range of day-to-day difficulties including the training, recruitment of competent teachers and the need to develop ways to teach and provide services in three different languages. Moreover, it has to motivate students to pursue higher education levels even when, as it is the case today, they have to travel far away from home to achieve this goal. In addition, the education system has to find and devise ways and means to make the teaching profession attractive and to motivate talented Inuit students to become teachers. The Local Education Committees, invested with some of the powers previously held by KSB, would be natural associates to deal effectively with most of these difficult issues.

Given the magnitude of the challenges and the crucial importance of education for the maintenance of Inuit culture and the future of the Nunavik region, it would be pointless to create a new government that did not have the responsibility for such an essential component of people's lives. Hence, the Commission feels that the attributes and functions of KSB must become consolidated within a Nunavik Government. The method of transfer and the structure under which the new government would carry out its responsibilities for education would be decided by the Nunavik Assembly. Nunavik elders should be called upon to play a more active role in the education system. Their competence as specialists in history, art, land issues, traditional knowledge and ethical questions should be

recognized and compensated accordingly. Students, on the other hand, should receive course credits for their registration in courses on these subject matters in the school setting as well as in extracurricular activities.

The Local Education Committees shall be invested with new decision-making functions and shall assume most of the responsibilities that were formerly undertaken by KSB. Through such a decentralization process, communities will acquire greater powers and play a more active part. As examples, they might have the responsibility of defining a new education mission statement, of hiring teachers at all school levels and of hiring Inuit to hold administrative jobs. With the many economic, social and political changes that are about to take place, new job opportunities will become available and students who have the relevant skills will be called upon to hold these new technical, administrative, managerial and professional functions.

In order to achieve the quality of training all Nunavik school students and other learners require, one becomes aware of the many challenges facing teachers in curriculum development as well as in the delivery of courses in the classroom. Such programs of study and courses, while conforming to Québec norms, ought to be widely influenced by the kind of natural and social environments in which Inuit learners live. Along these lines, Avataq's rich cultural documentation could be utilized to better contextualize textbooks in virtually all subject matters that comprise the study program.

Recommendation no. 11

Education

- 11.1 All the powers, competencies, responsibilities and functions of the KSB shall be transferred to the Nunavik Assembly. In addition, it shall have jurisdiction over post-secondary education, continuing education, distance education, and other programs, including those involving such matters as parenting, healing and wellness.
- 11.2 The Nunavik Assembly, with the advice of the Council of Elders, shall be empowered to enact laws in relation to Inuit values and traditions, and in relation to the use and status of the Inuttit language in respect to programs, policies, and practices in relation to the provision and administration of education services, including:
 - 11.2.1 the recognition of the competence and skills of elders related to traditional knowledge and the transmission of such knowledge as an active part of the school curriculum;
 - 11.2.2 the acquisition of oral history and its transmission as part of the school curriculum;
 - 11.2.3 the promotion of local community initiatives that support the enhancement of the Inuit culture, language, and values.
- 11.3 The Nunavik Government shall reinforce the powers, including certain decision-making powers, and responsibilities of the Local Education Committees with the aim of giving them some of the functions that were formerly held by the Kativik School Board. These new

functions and responsibilities could include assisting the Nunavik Government in developing curriculum and defining an Education Mission Statement, hiring teachers at all school levels; and hiring and training Inuit to become teachers or hold administrative and managerial positions.

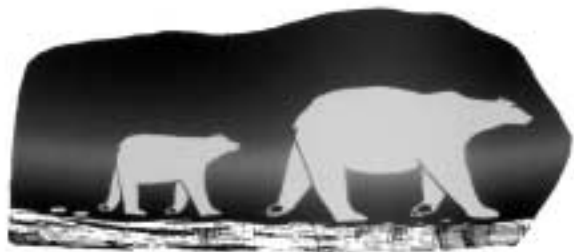
- 11.4 The Nunavik Government shall examine the conditions under which a College is to be created in Nunavik, and that in so doing, it ensures that the teaching of traditional knowledge be part of the curriculum for any such College.
- 11.5 Whenever necessary, the Nunavik Government shall take appropriate measures to bring the quality of education in all areas of Nunavik up to the same standard as other regions of Québec.
- 11.6 The Nunavik Government shall include all its responsibilities for education as a component of its block funding arrangements.

II. HEALTH AND SOCIAL SERVICES

The history of Nunavik offers a classic example of rapid technological, economic, social, political, spiritual and cultural changes which have had a detrimental impact on Inuit traditions, value systems and ways of life. As a result, the Inuit are facing tremendous challenges with respect to their emotional and mental well-being. Physical, emotional and sexual abuse, family violence, suicide in large number, abuse of alcohol and drugs as well as numerous accidental deaths are just but a few of these ordeals.

A tremendous amount of financial and human resources have been consumed to solve these challenges in the last few decades with limited success. These efforts were not only those of the Health and Social service sector since all regional organizations have put in place special programs aimed at the same objective. Why do Inuit experience such serious problems and why is it so difficult to achieve success at the individual and community levels? Of course, there is no single answer to these complex questions and the many factors involved (physiological, psychological, environmental and socio-cultural) are not experienced and lived in the same way by individuals and groups of individuals. The historical factor of colonization, which is one that is shared by all Aboriginal Peoples, is identified by many as a condition which has played a major role.

The interventions carried by the dominant cultures were often designed with the intent that the kinds of services



provided would in the end bring about social progress. On the contrary, the anticipated result seldom materialized. Decision makers had not properly predicted outcomes when self-determining peoples loose control over such a wide spectrum of their lives. The Nunavik Inuit experienced this ambivalent influence firsthand. Such a phenomenon is considered as being, in varying degrees, a process of alienation, an attempt at assimilation, or as a cultural oppression. Today a number of Inuit perceive that they went through this process and feel they that they continue to bear the lasting consequences. Others do not deny that such influences existed in the past but feel that it is time to look ahead and take advantage of the unique opportunity that is at hand with the prospect of establishing an autonomous government in Nunavik to regain much of the power they enjoyed in the past.

Only a few decades ago, the Inuit were living off the land in very much the same way that their ancestors had lived for thousands of years. While life was not easy, the Inuit were a self-sufficient and self-governing society and had a strong sense of identity which was fully rooted in their culture. Inuit values and normative rules of conduct and interaction with others, formed the basis of their customs and their unique spirituality expressed in daily living. Rituals for celebration as well as for grieving were passed from one generation to the next. Social institutions were also clearly defined and their language provided for effective communication and understanding in a tightly-knit society. The continuity in Inuit tradition and culture also meant that children learned what was expected of them and how to behave properly.

Contacts with first the Europeans and increased contacts with Canadians during the last decades weakened the traditional ways of life of the Inuit and impacted upon Inuit social organizations and institutions. Some interventions, on the part of governments, were beneficial, such as increasing the life expectancy made possible

through health services and facilities in permanent settlements. However, some of the developments of the last decades had a negative and traumatic effect upon Inuit. These negative effects included multiple relocations of communities which in turn set in motion the steady erosion of self-reliance, the loss of family members in epidemic proportion due to new diseases, the removal of Inuit children from their families and communities to send them to distant residential schools, and a new design for schooling at home that largely ignored or suppressed Inuit language and culture. Many important economic, health and social gains have been achieved in the last decades through the efforts of Inuit leaders. The Inuit have regained confidence in their capacity to take over the management of their own affairs. This was a strong conviction expressed during the public hearings.

It is beyond the Commission's capacity to research these issues in depth, but during the community hearings it became all too obvious that there is a real link between the developments of the past decades and some of the physical and mental ailments which Inuit now endure. This is particularly true of the younger generation, which has the highest rate of suicide among Québec's youth. Indeed, while reflecting on the situation of the past couple of decades, older Inuit at the public hearings often expressed regret over their decreasing sense of belonging and cohesiveness as a society, as well as the dwindling compassion and the readiness of Inuit to help and support one another.

These problems are largely related to the loss of decision-making power and control over their own affairs. Despite this, many Nunavimmiut feel that these problems can be remedied in varying degrees through the consolidation and enhancement of the current strength and bounds found in Inuit society. These may have been sorely tested in the past, but the Commission is witness to the fact that they have prevailed. Indeed, families and communities have

continued to work together to regain control over their lives and to find solutions to overcome the many challenges they face as a society.

The Commission fully supports these efforts and is convinced that a way to solve many of these problems is related to the establishing of a new government. On the one hand, the Commission favours the creation of a consolidated government that is instilled with strong Inuit values and traditions, that can pay attention to the region's unique health and social problems, and above all, that has the potential for good governance. On the other hand, the Commission hopes to avoid the creation of an overly centralized structure which could further alienate people and weaken the control they are establishing over their lives.

In this context, the Commission believes that the general role of the new government in respect to health and social issues should be guided by a number of fundamental principles:

- the support for community initiatives, and the renewal and enhancement of a sense of direct responsibility and control at the individual, family and community levels;
- the transformation of current health and social service programs into a more integrated delivery system;
- the urgent need for a greater inclusion of Inuit traditions and values in the health and social service delivery;
- the improvement of home care services to elders, handicapped individuals, people in loss of autonomy, and the establishment of intermediate health resources, such as residential homes in all Nunavik communities;
- the implementation of a community development program to address the most immediate health threats

in Nunavik, including the provision of clean water and basic sanitation facilities;

- the use, in partnership with school personnel and community organizations, of the most relevant methods to provide the best information available on health and social issues. Special attention should be given to mental health habits, good nutrition, problem solving and healing, substance abuse and its effects, parental skills and child-rearing practices and suicide prevention;
- the Nunavik Government, in developing policies to support health and social issues, should acknowledge the common understanding of the determinants of health found in Nunavik traditions and health sciences and endorse the fundamental importance of a number of basic norms: holism, that is the attention to persons in their total environment; equity, that is, equitable access to the means of achieving health and quality of outcomes in health status; control by Inuit people of the life styles choices, institutional services and environmental conditions that support health; and diversity, that is, accommodation of the cultures and histories of Inuit people that are distinctive within Canadian and Québec societies.

Recommendation no. 12

Health and social services

- 12.1 All the powers, competencies, responsibilities and functions of the NRBHSS shall be transferred to the Nunavik Assembly.
- 12.2 In the pursuit of its responsibilities in the administration of health and social services, the Nunavik Government shall be empowered:
- 12.2.1 to design programs and develop services that will reflect the objective of collective initiative and self-control and of strong bonds of mutual support in family and community;
 - 12.2.2 to encourage communities to explore their history and the impact it has had on their social development with the view of looking ahead and initiating action that will facilitate the needed changes;
 - 12.2.3 to invest the Local Health and Social Service Committees with greater powers and responsibilities so that they will be more closely involved in defining ways and means to improve the health status of Nunavimmiut and to reduce the incidence of social problems. In that respect, the identification of services designed to help individuals to adapt to rapid technological, economic and socio-environmental changes might prevent negative impact on individuals' life styles and community life;
 - 12.2.4 to take any measure it deems appropriate with respect to the organization of health and social services in Nunavik and to the management of the two hospital corporations;

- 12.2.5 to take any measure it deems appropriate to ensure health and social services catch up to the levels and quality comparable to other regions of Québec;
- 12.2.6 to access directly programs and resources provided by the various federal departments regarding the funding of non-insured health benefits to Nunavik Inuit, as well as provisions for the funding of other services made available to Aboriginal Peoples throughout Canada.
- 12.3 The Nunavik Assembly shall be empowered, with the advice of the Council of Elders, to enact laws in relation to Inuit values and traditions and the status of Inuit with respect to policies, programs and practices in the administration of health and social services, including:
 - 12.3.1 the training of Inuit to take on professional, technical and administrative functions in the health and social service fields;
 - 12.3.2 child adoption and family services while respecting the principle of acting in the best interest of the child, in addition to youth welfare and protection, including the preparation of Inuit traditional games as well as measures aimed at improving the situation of the youth.
- 12.4 The Québec Government shall amend its midwifery law so that the Nunavik Government may establish midwifery services in all Nunavik communities.
- 12.5 The Nunavik Government shall include all its responsibilities in health and social services as a component of its block funding arrangements.

III. HOUSING

The developments that have occurred over the past decades have had a dramatic impact on Inuit lifestyle and have established a critical need for adequate housing in Nunavik. If this need is neglected, even for a short period, the region's fast population growth will quickly result in housing shortages that will create serious social problems. Conversely, if housing construction and upkeep are maintained at a proper pace, it will not only reduce the family tensions and the myriad of other social problems, it will also boost local employment and generate a stronger economy.

For these reasons, the Commission has come to view housing as a fundamental issue which should fall under the jurisdiction of the Nunavik Government. With regards to the recently created KMHB, the Commission is of the opinion that this body should be kept separate from the Nunavik Government, for much the same reason that it was created separately from KRG. KMHB is a hybrid body whose board is composed from representatives of KRG and of the tenants of the social housing in Nunavik. This entity has the mandate to manage all social housing in Nunavik, including the collection of rents.

Recommendation no. 13

Housing

- 13.1 The jurisdiction over social and private housing shall come under the Nunavik Assembly.
- 13.2 In the pursuit of its responsibilities over housing, the Nunavik Government shall be empowered:
 - 13.2.1 to take any measure it deems appropriate with respect to the management of housing services in general in Nunavik;
 - 13.2.2 to take any measure it deems appropriate to ensure that housing catches to existing needs in Nunavik;
 - 13.2.3 to take any measure it deems appropriate to ensure that the construction and upkeep of housing is carried out in a manner that generates maximum economic growth in the region;
 - 13.2.4 to take any measure it deems appropriate to train the Inuit in housing construction and upkeep.
- 13.3 The Nunavik Government shall include all its responsibilities in housing as components of its block funding arrangements.

IV. ECONOMIC DEVELOPMENT

The implementation of the JBNQA has brought, over the years, an economic development in Nunavik. A part of the economy is based on natural resource exploitation (mining, outfitting, caribou commercialization, hunting, etc.), another part – the largest one – is based on public administration while there is a small sector of private businesses involved in the sale of goods and services.

The Nunavik economy has its own characteristics. It is dominated by the public sector: the numerous public organizations provide the region with more than half of its revenue generated by the whole economy. It is also an economy with many leaks. A part of the wealth created in Nunavik is exported. One third of the benefits and one fifth of the wages are transferred to outside of the region. As well, an important proportion of the consumer expenditures are made outside of the region by direct imports, such as grocery and other goods and services. Out of \$104 million in personal expenses in 1998, it is estimated that \$37 million, or 35 percent, are redirected toward consumption outside the region. This phenomenon can be attributed to various factors, such as the difficulty of local enterprises to respond the demand (in terms of quality, variety or freshness), and the benefits allowed by both private and public organizations to employees that encourage such practices.

The Nunavik economy and society are also very different from the other areas of the Administrative Region No. 10 which also includes the Cree and the Jamesians. Arctic realities prevail in most part of the Nunavik territory such as harsh climate, tundra, no terrestrial link, Inuit culture, language and values. In order to address these issues, a Nunavik Government should have the capacity to intervene strongly in economic development.

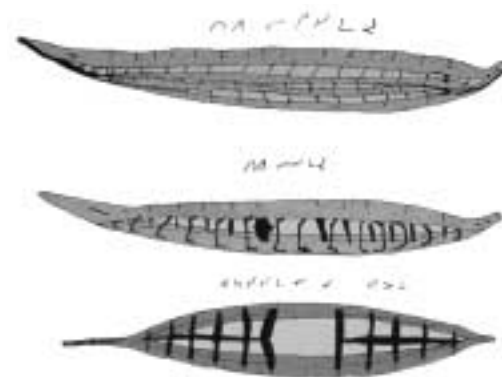
Any public government can play a role in the economy of a region and the Nunavik Assembly will have the authority to legislate on this matter. While not being responsible for

all growth or decrease in economic activity, a government can exert influence in key areas when, for instance, it implements policies with respect to support to businesses, to taxation as an incentive to economic development and to the creation of financing institutions. Economic development is therefore part of the government functions.

Many organizations are involved in economic development, both in private sector (Makivik Corporation and its subsidiary companies, the CO-OP movement, many small and mid-size businesses, etc.) and in the public sector. In the latter, one organization is of particular note: the Katutjiniq Regional Development Council (KRDC). KRDC was created under the JBNQA and, later on, became part of the Québec network of Regional Development Councils. KRDC is a hybrid entity, composed at the same time with representatives from public organizations and from the private sector. KRDC is a forum where representation from all the Nunavik organizations and businesses meet to improve the economic development of the region. At present, KRDC is part of a larger structure, called the Northern Québec Regional Development Council (NQRDC) and which operates over the Administrative Region No. 10. NQRDC also regroups the Cree and the Jamesian entities involved in economic development.

The Jamesians, in particular, are represented by the James Bay Regional Development Council (JBRDC) which is composed of the municipalities of the James Bay area. Appearing before the Commission, the JBRDC stressed the importance of its relationship with Nunavik organizations, namely KRDC, KRG and KSB. The Jamesians work in close cooperation with Nunavik representatives on various committees and issues: Hydro-Québec Economic Spin-off Committee, Economic Diversification Fund, Solidarity Fund (FTQ) for Administrative Region No. 10, Transport Plan Consultative Committee for Region no. 10, Education Table grouping together the School Boards of the region (including KSB), tourism development issues involving

various tourism associations. The Jamesians understand the aspiration of Nunavik for self-government and that the creation of a Nunavik Government could logically lead to the establishment of a specific administrative region for Nunavik. However, they expressed the strong will to maintain, in a way or another, the good relationship they have developed with Nunavik in order to consolidate the cooperative gains in the past.



Recommendation no. 14

Economic development

- 14.1 The Nunavik Assembly shall have powers to legislate in the field of economic development.
- 14.2 The KRDC shall be under the jurisdiction of the Nunavik Assembly.
- 14.3 The KRDC shall be financed by the Nunavik Government which shall have, within the level of block funding, the necessary funding to assume this financing.
- 14.4 The Nunavik Government shall take the proper measures to maintain the social and economic relationship developed over the years with organizations and institutions outside of Nunavik.
- 14.5 The Québec Government shall create a specific administrative region for Nunavik.

Chapter 9 Sharing the Territory and Its Resources

The territory and its resources form one of the most important spheres where a public government can play a role in Nunavik. From the outset, it is difficult to imagine that a Nunavik Government would not have a substantial level of power with respect to the control and development of the territory and its resources.

The territory and its resources represent a major stake for a number of reasons. This territory and its natural resources are at the heart of the life of Nunavik's population. All northern communities share a deep attachment to the natural environment. This attachment derives naturally from the fact that the Inuit have inhabited Nunavik from time immemorial and have always counted on its resources – above all, wildlife – for their survival. Today, the territory and its resources also represent an economic development potential through projects such as the establishment of a mine or the creation of a protected area such as a park. However, economic development may in turn pose various threats to the arctic environment.

During public hearings, the people of Nunavik repeatedly reminded the Commission of their deep ties to the territory. Nunavik residents also expressed the wish to see a Nunavik Government having a significant level of power with respect to the control and development of the territory and its resources. In the pages that follow, the Commission has endeavoured to address these aspirations by proposing an approach based upon a sharing of responsibilities with respect to the territory and its resources.

I. GENERAL RESPONSIBILITY FOR THE TERRITORY AND ITS NATURAL RESOURCES

Nunavik is an immense territory and this immensity – more than 500,000 km², or close to one-third of all Québec – represents an important aspect of the aforementioned stake.

The resources of the territory represent another aspect of the matter. In addition, the wildlife resources to which this report refers in greater detail in the following section, Nunavik is home to mineral resources, the potential of which is generally considered promising. The importance of the nickel deposit which resulted in the opening of the Raglan mine is already known. Current knowledge also indicates that several geological formations could contain major mining resources such as copper, iron, gold, zinc, lead, lithium, etc. In another field, Nunavik is home to a vast group of energy sources associated with rivers, tides, winds and biomass. The main rivers of the territory (Great Whale, Nastapoka, Leaf, Koksoak, George, and others) and their watersheds represent a potential approaching 8,000 MW which is now around 25 percent of the total installed capacity of Québec. Nunavik also has a major freshwater supply with its thousands of lakes and rivers. All of these resources can give rise to projects that have an impact upon communities, that are a crucial lever for economic development, and that may be important sources of funding for a Nunavik Government.

At the present time, all questions concerning the territory and the natural resources of Nunavik fall primarily under the jurisdiction of the Government of Québec (Department of Natural Resources, Hydro-Québec, Québec Wildlife and Parks Corporation) and, in the case of environmental questions, Canadian and Québec jurisdictions. Generally, the organizations and population of Nunavik have little impact upon the preparation of policies and programs pertaining to the control and development of the territory and public resources. Given the impact of the territory

and natural resources on the population of the territory and given the purpose of a public government, the Commission believes that one should envisage a Nunavik Government that would share responsibility for controlling and developing the territory and its resources with the governments of Québec and Canada. During its consultations, the Commission noted that over the years there has been a trend to entrust Nunavik organizations with ever-greater responsibilities in the setting up and management of government programs within the framework of the implementation of the JBNQA. The Commission believes that the idea of creating a public government in Nunavik should be taken one step further by sharing jurisdiction over the territory and its resources.

Recommendation no. 15

General responsibility for the territory and its natural resources

- 15.1 There shall be no development of natural resources in Nunavik without the consent of the Nunavik Assembly. This includes mineral exploration and mining, hydroelectric projects (including feasibility studies and related field work), protected areas, wildlife resources and the environment.
- 15.2 Consequently, the Québec Government and the Nunavik Government should together set up a process whereby all licences and permits concerning the territory and its resources are issued jointly by the two governments.

II. WILDLIFE RESOURCE MANAGEMENT

Among the natural resources of Nunavik, wildlife resources hold a special place for the Inuit who have relied on the territory's wildlife to survive in the harsh arctic environment.

Primarily divided into two herds (George and Leaf rivers), Nunavik caribou herds are among the largest in the world and represent the most important wildlife resource of the territory. However, according to recent studies, the species seems to have entered a major cycle of decline due to overpopulation.

The polar bear, arctic fox, beluga, walrus, seal, ptarmigan, and fish are among the region's other main wildlife resources.

Most of these wildlife resources are found in the diet of local populations. They also represent a contribution to economic development through the marketing of certain species as well as sport hunting and fishing.

To sustain these activities, there is a necessity to ensure that wildlife resources are constantly renewed. To this end, it is important to maintain the harvest of various species at levels that ensure the perennial nature of the species while meeting the food needs of the various Nunavik communities. This requires a constant, coordinated and efficient research effort. This situation would lead to three important issues.

At the present time, the manner in which decisions concerning the management of these wildlife resources – their conservation as well as their harvesting – are taken is not coherent. Several departments and agencies of the Canadian and Québec governments play a role in this area, and the steps taken often lack coordination.

Moreover, local communities must be associated in the wildlife management and decision-making processes. Such a process must combine scientific expertise and the



experience of hunters, fishers and trappers of Nunavik to determine insofar as possible the great complexity of the factors that may influence the growth or decline of species.

But, at the same time, it is difficult to consider wildlife resource management as being a field of activity reserved for a single level of government. The factors to consider include the fact that several species migrate outside of Québec; the governments of Québec and Canada, signatories to various international agreements, have developed their own expertise in relation to the wildlife species while the Inuit have extensive experience in the hunting, fishing and trapping of the wildlife resources of Nunavik.

During its consultations, the Commission considered the experience that Nunavut has acquired to date in the management of wildlife resources. The Commission believes that the setting up of the Nunavut Wildlife Management Board is an experience that could be repeated in Nunavik, with the necessary adaptations. The Nunavut model brings together decision-makers. The governments then implement these decisions. This makes it possible to coordinate efforts and to extend decisions to the regional level.

In this spirit, the Commission supports the creation of a Nunavik Wildlife Commission, which would be the main instrument for the management of the region's wildlife resources and the main regulator of access to these resources. Of course, such a development must respect the rights of the Cree, the Naskapi and the Inuit concerning wildlife resources, rights that are set out in the JBNQA and the NEQA. For example, the "Hunting, Fishing and Trapping Coordinating Committee" created under section 24 of the JBNQA would continue to play its current role.

Recommendation no. 16

Wildlife management

NUNAVIK WILDLIFE COMMISSION

- 16.1 The Nunavik Wildlife Commission shall be created. It shall be tripartite and made of an equal number of representatives of the governments of Nunavik, Québec and Canada.

Mandate of the Commission

- 16.2 The Commission shall be the main instrument of wildlife management in Nunavik and the main regulator of access to wildlife, and have the primary responsibility in this domain. More specifically, its mandate shall be the following:

16.2.1 Decision-making mandate: In close collaboration with local communities, to administer and oversee an effective system of wildlife management that complements Inuit harvesting rights and priorities and recognizes Inuit systems of wildlife management which contribute to the conservation of wildlife and protection of wildlife habitat; that provides optimum protection to the renewable resource economy; and that is governed by and subject to the principles of conservation;

16.2.2 Advisory mandate: To prepare, upon request or at its own initiative, notices, opinions, information, report and recommendations addressed to the governments of Nunavik, Québec and Canada on any matter pertaining to wildlife management, to regulation of access to wildlife; periodically, upon its own initiative or at the request of a

government represented in it, to prepare a status report on the wildlife of Nunavik and related matters, and to make appropriate recommendations pertaining to these matters;

OBLIGATION TO APPLY THE COMMISSION'S DECISIONS

- 16.3 The Nunavik Government shall have the obligation to apply the decisions taken by the Commission, in compliance with its decision-making mandate, unless it can show that these decisions run counter the principles of conservation, the protection of endangered species, national and international commitments relevant to these matters.

Operating budget of the Commission

- 16.4 The Commission shall receive from the Nunavik Government an annual operating budget intended to cover the activities related to the carrying out of its decision-making mandate (16.2.1). In this respect, the Nunavik Government shall be able to count on block funding to enable it to meet this financial need.

Capital endowment of the Commission

- 16.5 At the time of its creation, the Commission shall be endowed with a capital budget provided by the governments of Québec and Canada, the interest of which shall be intended to fund the research activities necessary for the carrying out of its advisory mandate (16.2.2).

III. ENVIRONMENT

During the public hearings, the population of Nunavik voiced its concerns about the state of the environment on numerous occasions.

Indeed, the arctic environment of Nunavik faces a number of threats. Economic development and mining development in particular – operation of mines and mining exploration – leaves behind some 600 sites that are liable to affect wildlife and, consequently, the diet of the people of Nunavik. Outfitting activities can also affect the environment through the production of uncontrolled waste. In the communities, problems related to drinking water supply, sewage management and solid waste disposal are environmental aspects that are very much cause for concern. Transborder pollution also represents a major threat to the environment, in particular through the food chain.

Governments have made several efforts to address these environmental protection issues. However, a review of the current situation indicates that major coordination problems exist. A quick glance at current environmental structures and processes reveals a great deal of confusion. There exist no less than three environmental procedures (two different federal procedures and one at the provincial

level) and two agencies responsible for implementing these procedures: Kativik Environmental Quality Commission (KEQC), Environmental and social impact review Committee (COFEX-North). This situation gives rise to numerous coordination problems between the governments, agencies and procedures. At times, projects start up before the analysis of their environmental impact review can be completed. Moreover, in spite of section 23.5 of JBNQA, there is a lack of financial resources for agencies like Kativik Environmental Advisory Committee (KEAC) whose role is consequently limited.

The Commission believes that it is important to strengthen the action and mandates of these structures active in the environment field. At the same time, the population and the organizations of Nunavik are calling for a simplification of the current situation as it relates to environmental protection. There is a need to group structures, coordinate decision-making, consolidate the action of governments: very often, environmental protection raises questions that extend beyond borders. It is in this spirit that the Commission is in favour of a simplification through a unification of the various processes and organizations with respect to the environmental regime, as suggested by KEAC among others.



Recommendation no. 17

Environment

UNIFIED REGIME

17.1 There shall be a unified regime for assessing the environmental and social impacts of development projects, to replace the processes currently in effect, and which shall be established at the time of the creation of the Nunavik Environmental Commission.

NUNAVIK ENVIRONMENTAL COMMISSION

17.2 The Nunavik Environmental Commission shall be created. The Commission shall be made up of representatives of the governments of Nunavik, Québec and Canada, and at least 50 percent of its members shall represent the Nunavik Government.

MANDATE OF THE COMMISSION

17.3 The Commission shall replace KEQC, COFEX-North and KEAC. Its mandate shall be the following:

17.3.1 Decision-making mandate:

To administer and oversee the unified process for assessing the impact on the environment and the social milieu and report to the Nunavik Government decisions on whether to authorize or not the carrying out of a development, and on the conditions that must accompany such an authorization;

17.3.2 Advisory mandate:

To prepare, upon request or at its own initiative, notices, opinions, information and recommendations addressed to the governments of Nunavik, Québec and

Canada on any matter pertaining to the protection of the environment and of the social milieu, including the unified regime for the assessment of environmental and social impact.

Periodically, the Commission shall, upon its own initiative or at the request of a government represented in it, prepare a status report on the environment of Nunavik, identify surfaces that have been potentially damaged, deteriorated or destroyed by human activity, and make appropriate recommendations to rehabilitate these surfaces and to preserve their ecological integrity.

OBLIGATION TO APPLY THE DECISIONS OF THE COMMISSION

17.4 The Nunavik Government shall have the obligation to apply the decisions on the relevance of authorizing or not allowing the carrying out of a development, and on the conditions that must accompany such an authorization, unless it can show that these decisions run counter to the protection of the environment and the social milieu.

OPERATING BUDGET OF THE COMMISSION

17.5 The Commission shall receive from the Nunavik Government an annual operating budget intended to cover the activities related to the carrying out of its decision-making mandate (17.3.1). In this respect, the Nunavik Government shall be able to count on block funding to enable it to meet this financial need.

CAPITAL ENDOWMENT OF THE COMMISSION

17.6 At the time of its creation, the Commission shall be endowed with a capital budget provided by the governments of Québec and Canada, the interest of which shall be intended to fund the research activities necessary for the carrying out of its advisory mandate (17.3.2).

TRANSITIONAL MEASURES

17.7 The Commission shall replace KEQC, COFEX-North and KEAC, whose mandates it shall take over until a unified regime for assessing the environmental and social impacts of the development projects is put in place.

Part Four

Relationships with other Governments and Aboriginal Peoples

My biggest expectation is that I want to see a government that has the ability and capacity to enter into agreements with other levels of government, without attempting to catalogue the contents of such. We do hold a real desire to see a government formed. But there are relatively few issues which have caused us to stop and say: "I wish we had a government!" We do want a complete government, one with all the trappings of a government by which we can share in having power.

Silas Berthe,

Public Hearings, Tasiujaq, January 22, 2000



I would favour not having a boundary in consideration of our ancestral heritage. They never argued about such things, or claimed "This is mine!" to each other. We should devote something to this matter while Elders who have given importance to good cooperation are still alive. If we could stir this kind of solidarity among the Inuit of Nunavik, Nunavut, Greenland, Alaska, Russia and the circumpolar world, we can have a very strong choice.

Pallaya Ezekial,

Public Hearings, Quaqtaq, January 24, 2000



Chapter 10

The Relationship with other Governments and Aboriginal Peoples

This chapter examines possible future relationships to be established by the Nunavik Government with the governments of Canada and Québec, with other governments and institutions, with the Cree and Naskapi First Nations of Québec, and with other Aboriginal neighbours and other First Nations.

I. THE RELATIONSHIP WITH CANADA AND QUÉBEC

Since Nunavik will continue to be a part of Canada and Québec after the creation of its Government and Assembly, the Canadian Constitution, as well as federal and provincial laws of general application, will continue to apply to Nunavik. The Constitution has established a division of legislative powers between the Parliament of Canada and the National Assembly of Québec. Both of these bodies will continue to legislate with respect to Nunavik.

The powers that will be recognized to belong to the Government and Assembly of Nunavik, whether they are exclusive or not, will be substantial. While this Commission cannot make definitive legal pronouncements in this report, it is likely that these powers will receive constitutional protection.

As a result, it is to be expected that the relationship between the political authorities of Nunavik and the governments of Canada and Québec will be modified. The enhanced status of the Nunavik Government may put it in a unique situation in Québec, and perhaps in Canada, since there appears to be no precedent for a public form of aboriginal government of this nature. The full implications of this new development, and the evolution of the relationship between the three governments, are difficult to predict because in this case these are uncharted waters.

It is clear that there will be a need for new channels between the appropriate governmental authorities. In that spirit, a Nunavik Conference gathering members of the governments of Nunavik, Québec and Canada should be instituted to discuss matters of mutual concern. Furthermore, the National Assembly of Québec should invite on an annual basis members of the Nunavik Assembly to maintain a continuing dialogue from Assembly to Assembly.

II. THE RELATIONSHIP WITH OTHER GOVERNMENTS AND INSTITUTIONS OF THE ARCTIC

It is likely that once it is established, the Nunavik Government will seek to have ties with other governments of the Arctic, particularly those that are elected by Inuit majorities. The Government of Nunavut, recently created, and the Government of Greenland fall into this category. They are both public governments with a high degree of autonomy and both are immediate neighbours of Nunavik; all three governments would therefore face many common problems, and it is only natural that they would seek to share their experience. The governments of Canada and Québec shall recognize the establishment of closer ties of a cultural, social and economic nature between Nunavik, Nunavut, Labrador and Greenland.

In the field of intergovernmental and international relations, as in others, the federal and provincial governments have legitimate interests they will seek to pursue, particularly in the case of relations with Greenland, which is a part of another sovereign state, namely Denmark. With due respect paid to these interests, Nunavik should be authorized to establish its own relations.

Similarly, the Nunavik Government should have the ability to seek membership, or at least observer status, in a range of arctic institutions. Many have appeared in recent years. Some are international intergovernmental bodies, such as the Arctic Council; the Nunavik Government should have

the possibility to join these organizations or to establish other links with them, subject to their rules governing membership and to the relevant federal and provincial legislation. Such legislation should be in keeping with the Political Accord, which states that “arrangements for the establishment of a Nunavik Government shall respect the arctic character of Nunavik and close relationship between the Inuit of Nunavik and Nunavut.”

III. THE RELATIONSHIP WITH THE CREE, THE INNU OF NORTHERN QUÉBEC AND THE NASKAPI

Among the overriding principles set out in section 5 of the Political Accord, subsections 5.1 d) and 5.1 g) concern the First Nations of Northern Québec that have specific rights in Nunavik as established in the JBNQA or the NEQA.

The Commission is convinced that the rights north of the 55th parallel of the Cree of Whapmagoostui and the Naskapi of Kawawachikamach, that have been recognized by the JBNQA or the NEQA, are fully respected in the present report.

However, the representatives of these First Nations, as well as the Innu of Matimekush, expressed the view before the Commission that they have strong concerns and substantial rights north of the 55th parallel in addition to those that have been recognized so far. This matter is clearly outside the mandate of the Commission. Therefore, the Commission believes it should not make specific recommendations on the merits of this issue. Nevertheless, the Commission advises the parties to the Political Accord that the concerns of the Cree, the Naskapi and the Innu are deeply held and should not be ignored. In the interests of good relations between Nunavik and its aboriginal neighbours of northern Québec, the Commission recommends the creation of a Forum of Aboriginal Peoples of Northern Québec. This body should be composed of representatives of the Inuit, the Cree, the Naskapi and the

Innu. Their mandate should be to discuss on an ongoing basis, matters of mutual concern in and outside Nunavik and to provide recommendations to their respective institutions and organizations. This Forum should be funded in equal measure by the governments of Canada and Québec; each of these governments should send an observer to the meetings of the Forum.

IV. THE RELATIONSHIP WITH OTHER ABORIGINAL NEIGHBOURS

Since the Nunavik Government would be a public body serving all residents of Nunavik regardless of ethnic origin, relations between the representatives of the Nunavimmiut and other First Nations, or associations representing numerous First Nations, would normally be left to an organization representing the ethnic or aboriginal interests of the Inuit which, in most cases, will be Makivik Corporation. The Nunavik Government may choose however to have direct links with other First Nations within Québec, within Canada or outside Canada if it is authorized to do so by the Assembly.

V. THE REPRESENTATION OF NUNAVIMMIUT AT THE QUÉBEC NATIONAL ASSEMBLY AND AT THE HOUSE OF COMMONS

This issue may not be within the Commission’s mandate. However, in order to facilitate a much-needed representation, the Commission recommends that Nunavimmiut be enabled to elect their own member at the House of Commons and at the Québec National Assembly. This representation would certainly allow the Nunavimmiut to better participate in the political life of both Québec and Canada.

In this scenario, it should be understood though that these new members of the federal and provincial parliaments could not be members of the Government or the Assembly of Nunavik.

Recommendation no. 18

The relationships with other governments and aboriginal peoples

- 18.1 A Nunavik Conference of members of the governments of Nunavik, Québec and Canada should be instituted to discuss matters of mutual concern.
- 18.2 Members of the Nunavik Assembly shall be invited annually by the Québec National Assembly to maintain a continuing dialogue from Assembly to Assembly.
- 18.3 With due respect to the interests of Canada and Québec, the Nunavik Government shall be authorized to establish its own relations with other governments and institutions, including arctic ones, in and out of Canada.
- 18.4 A Forum of Aboriginal Peoples of Northern Québec shall be created. This shall be a permanent body composed of the Inuit, the Cree, the Naskapi and the Innu. Its mandate shall be to discuss on an ongoing basis, matters of mutual concern in and outside of Nunavik and to provide recommendations to their respective institutions and organizations. This Forum shall be funded in equal measure by the governments of Canada and Québec. Each of these governments shall send an observer to the meetings of the Forum.
- 18.5 There shall be a Member of the Parliament of Canada and a Member of the National Assembly of Québec elected to represent Nunavik exclusively. Such representatives could not be members of the Government or the Assembly of Nunavik.

Part Five

Steps Towards the Nunavik Government

So, once a threshold is crossed which asserts to us that we will be able to have a government of our own which can transform our aspirations into agreed upon enablements, that will be the day when the gates open for us! The gates are not open as yet, and we can only express our thoughts on it. Only when that gate is opened and such a means is made ready for us, we will have to change and adjust many of our ways.

Matusie Amarualik,

Public Hearings, Puvirnituk, March 15, 2000

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Chapter 11 The Process and Timetable

What happens after this report is made public? How should the parties proceed to make the Nunavik Government a reality? The process to be followed is of critical importance if this complex, and in some ways unprecedented, operation is to be successful.

There are some elements of this process in the Political Accord. According to section 7.2, after a period of three months following the tabling of the Commission's recommendations, «the parties undertake to start negotiations in order to set up a process aiming at the establishment of a form of government in Nunavik, which could be inspired, totally or partly, from the recommendations of the Commission». Sub-section 4.1 j) states that a process for the implementation of a Nunavik government «shall include a vote among the residents of Nunavik prior to its implementation».

However, sub-sections 4.1 i) and j) of the Political Accord require the Commission to provide proposals on transitional measures, an overall timetable and a process «for the implementation of the Nunavik Government». That is the purpose of the present chapter.

I. PRELIMINARY COMMENTS

It has been suggested to the Commission during its consultations that the transfer of responsibilities to the new institutions of Nunavik should not take place all at once. Different reasons were put forward to support this view: one reason given was that the people of Nunavik are not quite ready; another was, unlike Nunavut before it was created, Nunavik already has in place a set of institutions flowing from the JBNQA might produce a more orderly transition.

It has also been said to the Commission, by people familiar with the process leading up to the creation of the Government of Nunavut, that the planning of that process was crucial. They underlined the importance of having a clear target date for the taking of office of the new government, as well as the usefulness of having at least one transitional body responsible for the measures to be taken in Nunavik to prepare for the target date. In addition, the creation of the Nunavik Government will present an internal administrative challenge to the other levels of government, who will have to review many programs, procedures and pieces of legislation, particularly the Government of Québec.

The Commission has also noted that in the case of the creation of the Home Rule Government in Greenland in 1979, the transfer of responsibilities from the Danish authorities to the new government took place over a period of twenty years, which has now just ended.

II. TWO TRANSITION PERIODS

The comments made above illustrate that it should be recognised that there will be, in fact, two transition periods: the first one (which could be called Phase 1) would stretch from the publication of the current report to the target date, that is the date when the Government and Assembly of Nunavik would begin their first term; the second would begin on the target date and last for the time needed to complete a merger of present institutions and a transfer of responsibilities (Phase 2).

Phase 1: Creation of the institutions

In the first transition period, a number of important events would take place. These include: negotiations between the Nunavik party, the Government of Québec and the Government of Canada; the announcement of a final proposal to be submitted to the people of Nunavik; a vote of the people of Nunavik on the final proposal; if the final proposal is approved, the revision and modification of the

JBNQA, and of implementing federal and provincial legislation; and the creation of the Assembly, the Government, the Council of Elders, the Nunavik Court, the Nunavik Wildlife Commission and the Nunavik Environmental Commission.

In addition, it is recommended by the Commission that a resolution of the National Assembly of Québec, formally committing Québec to the principle of autonomous government for Nunavik, should be adopted soon after the approval of the final proposal by the people of Nunavik. A similar resolution should be adopted by the House of Commons. Such resolutions would send a strong symbolic message to the effect that these commitments extend beyond the governments of the day to all major political parties, and to the entire Canadian and Québec societies.

Finally, it is submitted that an Office of Interim Commissioner of Nunavik should be created as soon as the final proposal has been approved. The Interim Commissioner would be an Inuk from Nunavik already holding, or having held, important public responsibilities. The Interim Commissioner would be responsible for the administrative, material and financial preparations for the creation of the Nunavik Government and Assembly, including training or hiring people, constructing, leasing or buying public buildings and equipment. The Interim Commissioner would have the power to sign agreements with the governments of Québec and Canada, including funding arrangements; these agreements could bind the Government and Assembly of Nunavik for up to two years after the target date. The Interim Commissioner would end his mandate by reporting to the Assembly of Nunavik within 30 days after the latter takes office.

The Interim Commissioner would chair an advisory committee of all major Nunavik organizations. These must include representatives of all organizations who will join the Nunavik Government, as well as Makivik Corporation.

The Interim Commissioner should be able to invite other organizations to send representatives as well.

Furthermore, the Interim Commissioner would sit with a federal and a Québec representative on a joint transition committee. This body would be responsible for joint planning of the entire transition process. In view of the need for sound organization and the effectiveness of the measures to be adopted, it will be important that the persons selected by the governments of Canada and Québec to sit on this committee have the authority to speak for all the government departments involved in this project, and to report directly to the ministers concerned.

In addition, the Interim Commissioner would be responsible for the organization of a vote on the choice of a capital of Nunavik. Afterwards, he would see to the organization of the first general elections to the Assembly and the Government, with the assistance of the Director General of Elections of Québec, if the Québec National Assembly authorizes him to do so.

Given all the work that must be done during Phase 1, this transition period should last no less than five years which might seem overly optimistic to some. Still, it is achievable if there is sufficient political will, and strong public support for the final proposal. Therefore, the Commission has set the end of Phase 1 in 2006.

Phase 2: Consolidation of the institutions

Following Phase 1 which would set up the proper process and allow enough time to clear the ground, Phase 2 would last from 2006 to 2011. It would see a gradual consolidation of the Nunavik Assembly and Government, through the merger of current institutions, the negotiation of new collective agreements, the adjustment of block funding arrangements and the increase in powers and responsibilities.

Recommendation no. 19

The process and timetable

19.1 Phase 1: creation of the institutions

- April 2001: Report of the Nunavik Commission is made public.
- September 2001: Beginning of negotiations between the three parties to the Political Accord.
- February 2003: Agreement reached by the three parties.
- Fall 2003: Referendum in Nunavik to accept or reject the agreement.

If the agreement is accepted:

- Fall 2003: Resolutions adopted by the Québec National Assembly and the House of Commons as formal commitments to the principle of autonomous Government for Nunavik.
Creation of the Office of Interim Commissioner.
- Fall 2003 to Summer 2005: Interim Commissioner, advisory committee and joint transition committee plan the entire transition process, including the vote for the choice of a capital.
Revision of the JBNQA; adoption of provincial and federal legislation, including the Nunavik Act.
- November 2005: Election of Nunavik Assembly and Government.

December 2005: Assembly and Government take office.
Interim Commissioner concludes its mandate.

Beginning of 2006: Creation of the Nunavik Court; the Nunavik Wildlife Commission and the Nunavik Environmental Commission.
The boards of KRG, KSB, NRBHSS and Avataq disappear and their responsibilities are transferred to the Nunavik Assembly.
KRDC, KMHB, Inulitsivik and Tulattavik Hospital Corporations, and TNI, while keeping their corporate identity, fall under the jurisdiction of the Nunavik Government.

19.2 Phase 2: consolidation of the institutions

From 2006 to 2011: Gradual implementation of exclusive jurisdiction over language and culture.
Gradual implementation of shared jurisdictions such as municipal affairs, transport, relation with other governments, parks, justice administration, public works, labour relations, etc.
Gradual implementation of the block funding agreements, and jurisdiction over fiscal matters.

2011: Final compulsory revision of the first block funding agreements.
End of transfer of powers.

Chapter 12 Amendments to Existing Laws

This report is comprised of a number of recommendations that must now be submitted to the three parties which originally gave its mandate to the Commission. What happens next depends on the will of the three parties. They will have to initiate a negotiation process based upon the recommendations of this report and to conclude an agreement which, in turn, will have to be submitted to the people of Nunavik in a referendum. Nunavimmiut will then have the last word and, if they approve the agreement, the JBNQA will have to be revised accordingly, in order to ensure the legal stability and the effectiveness of the new arrangements.

There are three ways to achieve this: a complementary agreement to the JBNQA, a revision of the body of the JBNQA or a new treaty between the parties to the Political Accord. In addition, a revision of the laws flowing from the JBNQA will be necessary, as well as of some laws of general application.

I. REVISION OF THE JBNQA

Complementary agreement to the JBNQA

There have been a dozen complementary agreements to the JBNQA so far. The parties to these complementary agreements vary according to the section of the Agreement that is amended and the specific provisions governing the amendments to that section. Thus, the Inuit are not a party to the complementary agreements concerning only the Cree, and vice versa.

A complementary agreement could be the tool chosen by the parties to the Political Accord to implement some or all of the recommendations of the present report. No legislation would be required to ratify or approve a complementary agreement. However, the parties may consider that this would not be the appropriate legal method for a revision of

the JBNQA on the scale that is contemplated in this report. While the amendments to the JBNQA that were achieved by the means of complementary agreements should not be considered minor, they are generally elaborations of specific provisions of the Agreement and not, as is proposed here, a fundamental rewriting of entire sections of the Agreement.

The general provision governing amendments to the JBNQA is subsection 2.15, which reads as follows:

«The Agreement may be, from time to time, amended or modified in the manner provided for in the Agreement, or in the absence of such provision, with the consent of all the parties. Whenever for the purposes of, or pursuant to, the Agreement, unless otherwise expressly specified, consent is required in order to amend or modify any of the terms and conditions of the Agreement, such consent may be given on behalf of the Native people by the interested Native parties.»

This provision appears to be sufficiently flexible to allow for either a complementary agreement or a direct modification of the main provisions of the JBNQA. Whenever a number of sections of the JBNQA are being modified simultaneously, as would be the case for the first time to this extent if all the recommendations of this report were adopted, a direct modification of the body of the JBNQA might be more appropriate. This would be a recognition of the fact that the present recommendations involve the most sweeping changes to the JBNQA since its adoption. In any case, the procedures for amendment contained within each section that will be amended must be respected.

A major revision of the JBNQA

The recommendations in this report may entail major changes to sections 12 (local government north of the 55th parallel), 13 (regional government north of the 55th parallel), 15 (health and social services for the Inuit), 17 (education for the Inuit), 20 (administration of justice for the Inuit),

21 (police services for the Inuit), 23 (environment and future development north of the 55th parallel), 24 (hunting, fishing and trapping), 25 (compensation and taxation) and 29 (Inuit economic and social development) of the JBNQA.

If the parties to the Political Accord consider that the amendments to the JBNQA that they are willing to contemplate on the basis of this report are outside the scope of complementary agreements, which they might wish to reserve for modifications that are more narrow or technical in nature, a direct renegotiation of substantial parts of the JBNQA may be called for. This would in effect more clearly lead to a new JBNQA for the Inuit, with respect to the many sections that would be amended. New federal and provincial legislation ratifying and putting into effect these amendments would be required. The land regime north of the 55th parallel would remain unchanged.

A new treaty

A third method of implementation of the recommendations in this report would be the adoption of a new treaty between the Government of Canada, the Government of Québec and the Inuit party of Nunavik, represented by Makivik Corporation. This new treaty would replace the sections of the JBNQA that would be amended following this report. The sections of the JBNQA relating to the land regime north of the 55th parallel would remain in effect, as well as those sections relating to the Cree and the Naskapi. The JBNQA would be amended only to abrogate those sections that would be replaced by the new treaty. Thus, two treaties would govern relations with the Inuit: the JBNQA with respect to the land regime and the new treaty with respect to issues of governance. Such a new treaty would also have to be approved and put into effect by federal and Québec legislation.

Whatever amending formula the parties may choose, it will be necessary to identify all rights enjoyed by Inuit, including those in relation to existing institutions that will be amalgamated under a Nunavik Government, and to

ensure that these rights will be fully preserved as constitutionally protected treaty rights. Due to their location outside of Nunavik, it will be particularly important to ensure that there is no loss or erosion of the rights of the Inuit residents of Chisasibi. Likewise, special care will have to be taken to ensure that there is no loss of any rights that the Cree and Naskapi enjoyed under the JBNQA and the NEQA.

II. REVISION OF THE LAWS FLOWING FROM THE JBNQA

Federal and provincial legislation

A number of federal and provincial laws have been adopted to put into effect the terms of the JBNQA. It is likely they will be reviewed and, where necessary, amended in order to implement any revision of the Agreement or the provisions of a new treaty:

- a) federal laws such as the James Bay and Northern Québec Native Claims Settlement Act;
- b) laws of Québec such as the Education Act for Cree, Inuit and Naskapi Native Persons; the Act approving the Agreement concerning James Bay and Northern Québec; the Act respecting hunting and fishing rights in the James Bay and New Québec territories; the Act respecting Cree, Inuit and Naskapi Native Persons; the Act respecting the Northern Villages and the Kativik Regional Government.

Some laws of general application may also be amended in order to give effect to some recommendations in this report. For example, these may include the Criminal Code of Canada (with respect to the administration of justice) or the Civil Code of Québec (with respect to civil law, such as the law of adoption), as well as the Charter of the French Language. In some cases, entirely new legislation may be required, for instance to provide for the financial arrangements surrounding the creation of the Nunavik Government.

A Nunavik Act

One way to achieve legal clarity and security in modifying the laws would be to have the different legislative enactments adopted within a single instrument, to be called the Nunavik Act. This law would be adopted by the National Assembly of Québec, as the Nunavik Government would be a public body under provincial jurisdiction. In order to give full symbolic importance to this legislation, as well as to ensure that the constitutional rights it expresses are given full protection, it should contain a provision stating that the Nunavik Act prevails over any other law of Québec that is not consistent with it, unless such other law states expressly that it prevails over the Nunavik Act. In this way, the Nunavik Act shall prevail over most other laws of Québec in the event of an inconsistency between them; since many such inconsistencies may be inadvertent, they will generally be resolved in favour of the Nunavik Act. If, however, the inconsistency is deliberate, then it will fall upon the National Assembly to clearly signal its intent by writing into a law that it desires that this law should prevail over the Nunavik Act in the event of a conflict between them; in that case, the courts may be called upon to decide if the inconsistency is compatible with the Constitution of Canada and with any treaty entered into by Québec.

A provincial Nunavik Act could not prevail over inconsistent federal legislation, but if the terms of a revised JBNQA or a new treaty are incorporated in federal legislation, this legislation could also contain a clause stating that it prevails over other federal laws that are incompatible. Such a provision already can be found in section 8 of the James Bay and Northern Québec Native Claims Settlement Act.

Both federal and provincial legislation would be subject to section 35 of the Constitutional Act of 1982, which guarantees the rights obtained by the Inuit through a treaty signed with the governments of Canada and Québec. All legislation which purports to implement the terms of such a treaty, as well as any other legislation, must therefore be consistent with it.



With this conclusion, the Commission has an opportunity to take stock of the full implications of its recommendations. In doing so, it must be mindful of the purpose of its task, as described in the Political Accord; namely to provide a roadmap for the structure, operations, powers and design of a new form of government for Nunavik.

This was a formidable challenge, and it was not always easy. Indeed, at times the Commissioners would have liked to have had the resources and open-ended mandate that would have allowed them to fully examine critical economic, social, cultural and legal questions. But every time they were tempted to address in detail the many issues confronting Nunavik, they returned to, and were even inspired by their original mandate.

As it began its work, the Commission quickly realized that the wording of its mandate was the culmination of events and efforts which span many decades. It noted that the creation of an autonomous government for Nunavik was a key objective of the Federation of Cooperatives, and later, the Northern Québec Inuit Association. It was also a major concern for the people who appeared before the Neville-Robitaille Commission over 30 years ago, and more recently, the focus of the Ujitiijit Committee and the Nunavik Constitutional Committee.

During their deliberations, the Commissioners returned time and time again to the central themes and principles of their mandate. These called for a Nunavik Government which would accommodate the territory's unique arctic realities and respond to the needs, desires, and aspirations of Inuit and the other residents of the region. Equally

important was the requirement to be innovative in the recommendations and that the government would be non-ethnic in nature and capable of operating within provincial and federal jurisdictions. The Commissioners were careful not to stray beyond their mandate, but this was always balanced by their determination to go as far as necessary to do justice to the objectives and principles enshrined in the Political Accord.

The Commission is recommending nothing less than the creation of an Assembly with law-making powers. This by itself will do much to support Nunavik's quest for an autonomous government. Moreover, the consolidation of the existing public institutions and some of the other organizations will provide the Nunavik Government the resources needed to act on the decisions of the Assembly. It is the Commission's view that this consolidation will bring about expanded capacity and economies of scale which will result in a Nunavik Government that will be more than the sum of its parts. In addition, the Commission is proposing that this new government will have substantial and effective jurisdiction over a wide range of areas which occupy the essential part of this report. And finally, the Nunavik Government's financial autonomy would be assured through block funding and revenue generating arrangements, as well as provisions for the sharing of taxes and other sources of revenue that are currently unavailable to Nunavik institutions.

Despite the unprecedented scope of the government the Commission is proposing, it will be capable of operating within provincial and federal jurisdictions. As it has been stated, the creation of a Nunavik Government will mean Québec will have the distinction of being the first province

in Canada to make room within its jurisdiction for the creation of an assembly along with an autonomous form of public government.

The scope of all these recommendations is largely possible because the Nunavik Government will be non-ethnic in nature. As a public form of government, it would be open to the full participation of all the residents of the territory and, as such, it would have jurisdiction over the entire Nunavik territory. Its status as a public institution will also make it possible for both Québec and Canada to respect Nunavik's unique arctic realities by working through a Nunavik Government in order to fulfill their responsibilities to Inuit and non-Inuit alike. And it goes without saying that the Nunavik Government would be subject to the Canadian Charters of Rights and Freedoms and the Québec Charter of Human Rights and Freedoms.

Although a Nunavik Government would be a public institution, it would nevertheless have a very important role regarding the protection and promotion of the Inuit culture and language. This is a recurring theme in this report, and the subject of many of its recommendations. Right from the onset of its work, the Commission decided that there was little point in creating a strong and autonomous government for Nunavik if it lacked the tools and mandate to ensure the survival of the language, culture, and values of the Inuit majority of the territory.

Furthermore, in order to maintain this cultural vitality, the Commission made way for the Elders in its recommendations but it also counts on the youth which will have to take over its culture within modern times. Even if no specific recommendation has been made in that sense, the Commission wishes that the young now prepare themselves to find their place within the future Nunavik institutions.

Members of the Commission shared a deep commitment to address the many issues that were brought to their attention by the people of Nunavik during the public

hearings. Commissioners are hopeful that their work will prove to be an important step in bringing about the changes people are looking for. However, they are keenly aware that this work culminates in a series of recommendations which they can only submit to the signatories of the Political Accord for consideration. Nevertheless, they firmly believe that their report is the logical extension of the principles, objectives, and mandate embodied in the

Political Accord, and it should therefore serve as the basis for the negotiations leading to the actual creation of the Nunavik Government.

If the Commission has succeeded, its report will serve as a benchmark for the work that will take place in the years to come and, ultimately, as mapping the road toward the creation of a Nunavik Government.







Appendix 1

Political Accord

**between the Nunavik party,
the government of Québec
and the federal government
for the examination of a form
of government in Nunavik
through the establishment
of a Nunavik Commission.**

PREAMBLE

Whereas this current initiative is in line with the overtures made in the past years in many occasions by the Québec Government to discuss on self-government in the part of Québec located north of the 55th parallel, hereafter designated as “Nunavik”, noticeably as articulated by Premier René Lévesque at the 1983 parliamentary commission on Aboriginal matters held in the Québec National Assembly;

Whereas the parties to this accord agree to examine the creation of a form of government which, within the jurisdiction of Québec and Canada, will take into account the Nunavik arctic realities; which will respond to the needs, desires, and aspirations of Inuit and other residents living in this territory; which will have appropriate resources and powers of self-government for the Nunavik;

Whereas the parties to this accord acknowledge the need to build upon what was successfully negotiated in the James Bay and Northern Québec Agreement (JBNQA) and intend to take into account, if necessary, the negotiations for self-government in Nunavik which took place in 1994-1995 and in 1997-1998;

Whereas the Government of Canada appointed a federal representative to the previous negotiations, and intends to carry on with its participation to the coming discussions on a form of government in Nunavik so that the Inuit and other residents of Nunavik continue to enjoy the benefits of a variety of federal services and programs, including existing and future initiatives and arrangements specifically related to services and programs;

Whereas there is renewed willingness to move ahead on this matter in Nunavik, and that the appointment of properly constituted Commissions has proven to be successful means of advancing the new governmental arrangements for both Nunavut and Greenland;

Therefore the Nunavik Party, the Government of Québec, and the Government of Canada agree as follows :

1. GENERAL

- 1.1 The parties to this accord agree to establish a Nunavik Commission with the mandate to develop a timetable, plan of action, and recommendations for the structure, operations and powers of a government in Nunavik;
- 1.2 The Nunavik Commission shall develop a timetable, plan of action, and recommendations in a manner which will be ready for implementation in concrete terms, and which will serve as the basis for the discussions to create a government in Nunavik;
- 1.3 The Preamble and Appendix to this document form an integral part of this Accord.
- 1.4 For the purposes of this Accord, « Nunavik » means the part of Québec located north of the 55th parallel of latitude except Category 1A lands and 1B lands of the Crees of Great Whale, as defined in the JBNQA and Category 1B-N lands of the Naskapi, as defined in the Northeastern Québec Agreement (NEQA).

2. PARTIES

- 2.1 The Parties to this agreement are :

THE NUNAVIK PARTY,
as represented by :

- the Makivik Corporation and its president;
- and

THE GOVERNMENT OF QUÉBEC,
as represented by :

- the ministre délégué aux Affaires autochtones,
 - the ministre délégué aux Affaires intergouvernementales canadiennes;
- and

THE GOVERNMENT OF CANADA,
as represented by :

- the minister of Indian Affairs and Northern Development.

2.2 For the purposes of this Accord, and without prejudice to their respective mandates, responsibilities, and authorities, Makivik Corporation, the Kativik Regional Government (KRG), the Kativik School Board (KSB), the Nunavik Regional Board of Health and Social Services (NRBHSS) and the Kativik Regional Development Council (KRDC) are designated as the « Nunavik Party ».

3. NUNAVIK COMMISSION

3.1 The Government of Québec shall establish a Nunavik Commission, hereafter designated as the Commission, to carry out the functions and mandates described in this Accord and shall provide the Commission with the appropriate powers to carry out its mandate.

3.2 The Commission shall be comprised of two Co-Chairpersons and six Commissioners. One of the Co-Chairpersons and two of the Commissioners shall be appointed by the Nunavik Party, one of the Co-Chairpersons and two of the Commissioners shall be appointed by the Government of Québec, and two of the Commissioners shall be appointed by the Minister of Indian Affairs and Northern Development. Individuals appointed as Co-Chairpersons shall be mutually acceptable to the Nunavik Party and the Government of Québec.

3.3 The Commission shall complete all of its work and table its recommendations within eight months of its establishment. This deadline may be extended with the consent of the parties to this Accord. The recommendations tabled by the Commission shall be subject to a consensus from all its members.

3.4 The Commission shall meet regularly in order to carry out its mandate as it sees fit, and, except for what is provided for this Accord, shall establish the rules and procedures necessary to carry out its work.

3.5 The Commission shall have the power to travel, hold hearings, strike technical committees, engage the services of consultants and experts and will conduct community consultations.

3.6 The Commission will count on the funding provided in appendix of this Accord to carry out its mandate and functions. Moreover, the Commission shall be entitled to receive funding through contribution agreements, subject to approval by the parties to this Accord. The Commission shall make its financial records available to any of the parties at their request, and shall arrange to have a full audited statement of its revenue and expenses released within 90 days following the completion of its work.

3.7 The Commission shall table all of its reports and recommendations with the Government of Québec, the entities which constitute the Nunavik Party, the Government of Canada, and interested regional organizations in Nunavik, including Avataq Cultural Institute and Taqramiut Nipingat Incorporated. The Commission shall make its final recommendations and reports available in Inuktitut, French, and English.

3.8 The Governments of Québec and Canada and the Nunavik organizations shall cooperate with any request for information made by the Commission within the framework of the laws in order to fulfill its mandate.

4. MANDATE OF THE COMMISSION

4.1 Subject to the provisions of this Accord, the Commission shall make a comprehensive set of recommendations on the design, operation, and implementation of a form of government in Nunavik. More specifically, the Commission shall make recommendations on :

- a) the powers, jurisdictions, responsibilities, and competencies of the Nunavik Government;
- b) the election process, the representation, the term of office as well as the size and the responsibilities of the structure that will lead the Nunavik Government;
- c) the selection of the Leader and the elected members responsible for the Nunavik Government, including the role, powers, and responsibilities of the Executive;
- d) the initial administrative design of the Nunavik Government, including the identification of the administrative structures and required personnel and resources;
- e) a plan of action and consultation process for a timetable for the consolidation under a Nunavik Government of the powers, competencies, responsibilities, rights, resources, obligations, liabilities, privileges, assets, the administrative and programs functions, and where applicable, the insurance needs and relevant collective agreements of the KRG, KSB, KRDC, NRBHSS, and wherever appropriate, other regional organizations in Nunavik, including Avataq Cultural Institute and Tagramiut Nipingat Incorporated; identifying the necessary agreements, legislation, and amendments to the James Bay and Northern Québec Agreement required for the creation of a Nunavik Government;
- f) the relationship between governments, including the relationship between the Nunavik Government and the Nunavik Municipalities, between the Nunavik Government and the Québec Government,

between the Nunavik Government and the Government of Canada, and between the Nunavik Government and Nunavut and other arctic governments; moreover, the relationship between the Nunavik Government, the Crees and the Jamesians of the region Nord-du-Québec;

- g) the financing of the Nunavik Government, including formula based financing (block funding) arrangements, revenue sharing arrangements between the Nunavik Government and Québec Government, and the Nunavik Government and the Federal Government, and issues relating to taxation and the ability to incur debt;
 - h) measures to promote and enhance the Inuit culture in Nunavik, including the use of Inuktitut in the Nunavik Government;
 - i) transitional measures, including training programs to encourage the greatest number of Nunavik residents to fill positions within the Nunavik Government, arrangements for the delivery of existing programs and services in Nunavik, and an overall timetable for the implementation of the Nunavik Government;
 - j) a process for the implementation of a Nunavik Government and such a process shall include a vote among the residents of Nunavik prior to its implementation.
- 4.2 Where appropriate, the Commission may use for its work all the documents it considered relevant, including the draft documents that were issued as a result of the 1994-1995 and 1997-1998 discussions and negotiations concerning self-government in Nunavik.

4.3 The Commission will develop mechanisms that will allow for an appropriate consultation of other aboriginal parties having rights in the territory and as set out in the JBNQA and the NEQA.

5. OVERRIDING PRINCIPLES

5.1 The work and recommendations of the Commission shall respect and provide for the following principles:

- a) the Nunavik Government will be non-ethnic in nature will be open to all permanent residents of Nunavik;
- b) the Nunavik Government shall come under the jurisdiction of the Québec National Assembly; it shall respect the authority of the latter and of the federal Parliament;
- c) any amendment of the JBNQA for the purposes of enabling the creation of a Nunavik Government shall be agreed upon by the parties of this Accord and shall not modify the other rights of the Inuit under the JBNQA or the exercise of those rights. Any rights eliminated or modified by amendment of the JBNQA must be replaced by equivalent provisions;
- d) the creation of a Nunavik Government shall not prejudice the rights of Crees or Naskapis as set out in the JBNQA and the NEQA;
- e) the design of the Nunavik Government must be implementable within the prevailing legal and economic realities and must take into account the financial resources of Québec and Canada, but it may also be innovative in nature, and not unduly restricted by policy parameters that are essentially incompatible with the notion of a new type of government under the authority of the Québec National Assembly;

- f) any modification to the JBNQA for the establishment of a Nunavik Government shall not lessen the Québec and federal governments powers, responsibilities and obligations, or the nature of these powers, responsibilities and obligations, to, and in relation to the Inuit of Nunavik, or to Nunavik's institutions or successor institutions, except as a result of negotiated agreements;
- g) the Nunavik Government shall have jurisdiction for matters coming under its responsibility and authority over all Nunavik except for Category 1A lands and 1B lands of the Crees of Great Whale, as defined in the JBNQA and Category 1B-N lands of the Naskapi, as defined in the NEQA, and the Nunavik Government shall exercise its jurisdiction over the Nunavik in a manner which fully respects the rights of all Aboriginal People set out in the JBNQA and the NEQA, as well as the rights and obligations of third parties in Nunavik;
- h) arrangements for the establishment of a Nunavik Government shall not modify the land and natural resources regimes established under the JBNQA and the NEQA;
- i) the Canadian Charter of Rights and Freedoms and the Charter of Human Rights and Freedom (Québec) shall apply to the Nunavik Government;
- j) the establishment of the Nunavik Assembly and Government shall provide for revenue sources specific to the Nunavik Government as well as block funding arrangements (formula financing) which shall replace all, or parts, of current means by which Québec

funds institutions, programs, services, and operations for the benefit of the Nunavik and its residents;

- k) the powers, jurisdictions, responsibilities, and competencies of the Nunavik Government shall include all those of the KRG, NRBHSS, KRDC, KSB, including, where considered appropriate, those identified in the negotiations and discussions of 1994-1995 and 1997-1998, and other powers, jurisdictions, responsibilities, and competencies appropriate for a new type of government, under the authority of the Québec National Assembly, created to respond to the unique arctic realities of Nunavik;
- l) arrangements for the establishment of a Nunavik Government shall respect the arctic character of Nunavik and close relationship between the Inuit of Nunavik and Nunavut.

6. CONTINUATION OF PROGRAMS

- 6.1 The existence and work of the Commission, including any subsequent negotiations, shall not affect Québec or federal programs, services, or funding which apply, or would normally apply to Nunavik residents and entities. Likewise, the existence and work of the Commission, including any subsequent negotiations, shall not adversely affect other negotiations or other initiatives involving the Government of Québec, the Government of Canada, or any of the Nunavik entities.

7. FOLLOW-UP TO THE WORK OF THE COMMISSION AND DURATION OF THE ACCORD

- 7.1 Within three months after it has tabled its recommendations as foreseen in section 3.3, the Commission shall meet the parties – together or separately – to

present the results of its work and all the recommendations as well as to exchange on any aspect pertaining to the questions examined by the Commission.

- 7.2 After the meeting's period foreseen in section 7.1, the parties undertake to start negotiations in order to set up a process aiming at the establishment of a form of government in Nunavik which could be inspired, totally or partly, from the recommendations of the Commission.
- 7.3 This Accord shall come into effect upon signing by the parties and will remain in effect until the Commission has fulfilled its mandate as per sections 3.3 and 7.1, and until the parties have agreed upon the follow up concerning the negotiations foreseen in section 7.2. This Accord may be amended, from time to time, upon mutual consent of the parties.

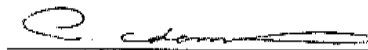
8. DISCLAIMER

- 8.1 This Accord shall not be interpreted as a treaty or a land claim agreement within the meaning of section 35 of the Constitution Act of 1982.

9. INTERPRETATION

- 9.1 There shall be an Inuktitut, a French and an English version of this Accord. The French and English versions shall be the authoritative versions.

• FOR THE NUNAVIK PARTY:



Pita Aatami
president of the Makivik Corporation

Signed in _____ on 5/11 1999

• FOR THE GOVERNMENT OF QUÉBEC:



Guy Chevrette
ministre délégué aux Affaires autochtones

Signed in _____ on 5/11 1999

And



Joseph Facal
ministre délégué aux Affaires intergouvernementales canadiennes

Signed in _____ on 5/11 1999

• FOR THE GOVERNMENT OF CANADA:



Robert Nault
minister of Indian Affairs and Northern Development

Signed in _____ on 5/11 1999

Appendix 2

Organizations consulted by the Nunavik Commission

ORGANIZATIONS OF NUNAVIK

- Avataq Cultural Institute
- Corporations of the Northern Villages of Akulivik, Aupaluk, Inukjuak, Ivujivik, Kangiqsualujuaq, Kangiqsujaq, Kangirsuk, Kuujuaq, Kuujuarapik, Puvirnituq, Quaqtaq, Salluit, Tasiujaq and Umiujaq
- Fédération des Coopératives du Nouveau-Québec
- Hunting, Fishing and Trapping Association
- Hunting, Fishing and Trapping Coordinating Committee
- Inuit community of Chisasibi
- Inuit students and other residents of the Montreal area
- Kativik Environment Advisory Committee
- Kativik Environment Quality Commission
- Kativik Municipal Housing Bureau
- Kativik Regional Government
- Kativik School Board, including schools and secondary students of the Nunavik communities
- Katutjiniq Regional Development Council
- Makivik Corporation
- Members of the former Nunavik Constitutional Committee
- Northern Québec Teaching Association (CEQ)
- Nunavik Regional Board of Health and Social Services
- Nunavik Youth Association
- Taqramiut Nipingat Inc.

ORGANIZATIONS AND RESOURCE PERSONS OUTSIDE OF NUNAVIK

- Amagoalik, John, Chairperson of the former Nunavut Implementation Commission
- Berlinguet, Louis, Special Councillor to the Minister of Research, Science and Technology, Government of Québec
- Commission on self-government (Greenland)
- Danish High Commissioner in Greenland, Mr. Gunnar Martens
- Dussault, René, Co-chairperson of the former Royal Commission on Aboriginal People
- Grand Council of the Crees
- Greenland Home Rule Government (Speaker of the Parliament of Greenland, Foreign Affairs Office, Commission on Wildlife Management),
- Inuit Circumpolar Conference (in Greenland)
- Irniq, Peter, Commissioner in Nunavut
- James Bay Regional Development Council
- Labrador Inuit Association
- Lévesque, Carole, INRS, Université du Québec à Montréal
- Matimekush – Lac John Innu First Nation
- Naskapi Nation of Kawawachikamach
- Nunavut Government (Department of Sustainable Development, Human Resources, Finance and Justice; Wildlife Management Board; Language Commission)
- Patterson, Dennis, former leader of NWT Government
- Québec and Labrador Assembly of First Nations
- Rasmussen, Rasmus Ole, Roskilde University (Denmark)
- Robitaille, Benoît, Cochairperson of the former Neville-Robitaille Commission (1970)
- Silverstone, Sam and Watt, Donald, Makivik Corporation
- Thompsen, Marianne Lykke, Greenland representative, Royal Danish Embassy (Ottawa)
- Whapmagoostui First Nation.

QUÉBEC INSTITUTIONS

- National Assembly of Québec
- Québec Government departments and agencies: Agriculture, Fisheries and Food, Canadian and Intergovernmental Affairs, Chief Electoral Officer, Child and Family Welfare, Culture and Communications, Education, Environment, Finance, Health and Social Services, Hydro-Québec, International Relations, Justice, Municipal Affairs and Metropolis, Natural Resources, Public Security, Québec Construction Commission, Québec Housing Corporation, Québec General Auditor, Québec Parole Board, Regions, Social Solidarity, Tourism, Transport, Treasury Board, Wildlife and Parks.

FEDERAL GOVERNMENT

- Department of Indian and Northern Affairs Canada more particularly on the following topics: Self-government Policy, Comprehensive Claims Policy, Financial federal transfers to the Territories, Own source revenues, Resource Management and Environment North of 60th, Labrador Innu Nation Comprehensive Land Claim, Attikamekw and Montagnais of Québec Land Claim, Labrador Inuit Association Land Claim, Makivik Offshore Claim, Yukon Self-government, Inuvialuit/Gwichin Self-government, JBNQA Implementation Office, NEQA Implementation Office, Nunavut Secretariat, Nunavut training program, Nisga'a Agreement.
- Information meeting with the following departments and agencies: Canada Mortgage and Housing Corporation, Fisheries and Oceans Canada, Health Canada, Finance, Human Resources Development Canada, Justice Canada, Natural Resources Canada, Privy Council Office, Solicitor General, Treasury Board, Industry Canada, Heritage Canada, Transport Canada, Environment Canada.

Appendix 3

Briefs tabled before the Nunavik Commission



FROM NUNAVIK ORGANIZATIONS

- *Brief to the Nunavik Commission*, Makivik Corporation, April 2000, 13 pages
- *Document on Self-government in Nunavik*, Kativik School Board, April 20 2000, 20 pages
- *Maintaining quality educational services for Nunavik*, Northern Québec Teaching Association (CEQ), June 16 2000, 8 pages
- *Health and Social Services under a Nunavik government*, Nunavik Regional Board of Health and Social Services, June 2000, 33 pages
- *Nunavik Culture and Inuttitut language. A Synthesis of the needs identified since 1981*, Avataq Cultural Institute, July 11, 2000, 17 pages
- *Position paper regarding priorities in matters of communication and the role of radio and television and the future of Nunavik*, Taqramiut Nipingat Inc., September 2000, 26 pages
- *Wildlife management under a future Nunavik Government, Nunavik Hunting, Fishing and Trapping Association*, May 2000, 14 pages
- *Consultation on the possible creation of a Nunavik Government*, letter sent by the Hunting, Fishing and Trapping Coordinating Committee, September 22, 2000, 2 pages
- *Youth Representation in the Nunavik Government*, letter sent by the Nunavik Youth Association, September 25, 2000, 1 page

- *Letter to the Nunavik Commission*, Karl Kristensen, Ivujivik, June 14, 2000
- *Letter to the Nunavik Commission*, Alec Tookatook, Kuujuarapik, February 16, 2000

FROM OTHER ORGANIZATIONS

- *Nunavik Commission on Self-government: unresolved questions of bias, non-disclosure and Cree overlapping rights*, Grand Council of the Crees and Whapmagoostui First Nation, September 2000, 173 pages
- *Brief presented to Nunavik Commission*, Naskapi Nation of Kawawachikamach, February 21, 2000, 9 pages plus appendices
- Letter sent by the Assembly of the First Nations of Québec and Labrador, October 6 2000, 3 pages plus appendices
- Letter sent by the Labrador Inuit Association, November 24, 2000, 8 pages

OTHER DOCUMENTS

- The Kativik Regional Government, the Fédération des Coopératives du Nouveau-Québec and the Matimekush Innu First Nation tabled before the Nunavik Commission information documents that express these organization's point of view without being briefs as such.

Appendix 4

References

In the course of its mandate, the Nunavik Commission and its internal working groups have consulted a large array of documentation and research which were of great interest and pertinence. However, the Commission chose to insert in this list of references only the documents that are directly quoted in this report.



GENERAL

- *Report of the Royal Commission on Aboriginal Peoples*, RCAP, 1996
- *Comprehensive Report of the Nunavut Implementation Commission*, October 1996
- *The Nunavik Constitution*, Report from the Nunavik Constitutional Committee, December 1989
- *Report of the Federal-Provincial team of officials directed to visit the communities of Nouveau-Québec in February-March 1970*, F. J. Neville and B. Robitaille, 1970

JUSTICE

- *Inuit Justice Task Force Report*, Makivik Corporation, 1992
- *Justice for and by the Aboriginals, Report of the Advisory Committee on the Administration of Justice in Aboriginal communities*, Jean-Charles Coutu, August 1995

EDUCATION, CULTURE AND LANGUAGE

- *Silatunirmut: the Pathway to Wisdom, Final report of the Nunavik Educational Task Force*, February 1992
- *The state of Aboriginal languages: Aboriginal languages campaign*, Language and Literacy Secretariat, Assembly of First Nations, November 1992

- *The current status of Inuttit in Nunavik*, Kativik School Board Initiative Research, KSB, August 1992
- *Status of the Inuttit Language in Nunavik*, Avataq Cultural Institute

HEALTH

- *Health and what affects it in Nunavik: how is the situation changing?*, Stephen Hodgins, M.D., NRBHSS, April 1997

ECONOMY AND DEVELOPMENT

- *Nunavik Comparative Price Index*, Gérard Duhaime, Pierre Frechette, Jean-François Langlais, Tanya Lynn Strong, Université Laval, June 2000
- *1998 Annual Report: the JBNQA and the NEQA*, Indian and Northern Affairs Canada, 2000
- *Déboursés, aides et dépenses destinés aux Autochtones pour l'année 1998-99*, Secrétariat aux affaires autochtones, gouvernement du Québec, May 2000
- *The Nunavik Economy 1998*, Gérard Duhaime, Pierre Frechette, Véronique Robichaud, Getic, Université Laval, 2001
- *Inventory of abandoned mining exploration sites*, Gérard Duhaime, Robert Comtois, Getic, Université Laval, 2001

Credits

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