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Makivik Corporation Société Makivik

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Creation of an electoral division for Nunavik

Background

Both the Makivik Corporation and the Kativik Regional Government (KRG) were created under the James Bay and Northern Quebec Agreement (JBNQA). This land claim agreement was signed by the Inuit, Government of Quebec, and the Government of Canada in 1975, and it has been a pivotal document in the development of Nunavik over the past three decades.

During the negotiation of the JBNQA, Inuit of Nunavik had the opportunity to opt for the creation of an aboriginal, or ethnic based, governance structures coming under federal jurisdiction. However, Inuit opted to negotiate public (non ethnic) institutions for Nunavik which come under the jurisdiction of the Government of Quebec. These include the Kativik Regional Government, the Kativik School Board, and the predecessor to today's Nunavik Regional Board of Health and Social Services.

These public institutions are subject to provincial and federal legislation, including the Charter of Human Rights and Freedom (Québec) and the Canadian Charter of Rights, and they exercise their jurisdiction over a territory which encompasses almost all the Quebec mainland north of the 55th parallel, an area now called Nunavik.

Whereas Inuit constitute the overwhelming majority north of the 55th parallel, these public institutions reflect their values and aspirations. Nevertheless, these organizations are open to the full participation of all permanent residents in Nunavik, Inuit and non-Inuit alike.

It is a little known fact that by opting to negotiate the creation of public institutions under the JBNQA, Inuit became the first Aboriginal People in Canada to opt to have governance structures in their territory come under provincial jurisdiction.

The Makivik Corporation.

The Makivik Corporation is a non profit organization which is wholly owned by the Inuit beneficiaries of the JBNQA. It was created under Section 27 of the Agreement, and was established through *An Act respecting the Makivik Corporation* (R.S.Q., chapter S-18.1) of the Québec National Assembly in 1978. Makivik is the successor to the Inuit organization which originally negotiated the JBNQA, and it is recognized as the Inuit party to the Agreement.

Makivik's central mandate is to represent the interests of the Inuit of Nunavik and to protect the integrity of the JBNQA. In so doing, it focuses on the political, social, and economic development of Nunavik, and works closely with the public institutions which exercise jurisdiction north of the 55th parallel.

The five-member Makivik Executive, and 16 members of the Board of Directors (BOD) are elected by the Inuit residents of Nunavik. A five-member Board of Governors is appointed by the Executive and BOD to serve as a council of elders.

The corporate head office is in Kuujjuaq, the largest community in Nunavik, located on the southernmost part of Ungava Bay. Makivik also has offices in Montreal, Quebec City, Kuujjuaraapik, Inukjuak, and Ottawa. Over 100 people are employed at the Makivik Corporation.

The Kativik Regional Government

Created in 1978 under the *Act respecting Northern Villages and the Kativik Regional Government* (R.S.Q., c.V-6.1) as provided for in the *James Bay and Northern Quebec Agreement* (JBNQA), the Kativik Regional Government (KRG) is a non-ethnic public organization whose jurisdiction covers nearly the entire territory of Quebec north of the 55th parallel.

The KRG Regional Council, composed of representatives of all Inuit communities in Nunavik as well as the Chief of the Naskapi Band Council of Kawawachikamach, determines the policies and makes the decisions according to the powers conferred to it under the *Act respecting Northern Villages and the Kativik Regional Government*.

There are eleven departments with the KRG, employing more than 350 people, of which 70% are Inuit.

KRG administers the affairs of Nunavik through 35 agreements in the areas of municipal affairs, transportation, police, employment, manpower training, income security, environment, childcare services, renewable resources, land-use management, civil security and economic development.

I. Election Act

The democratic structure of Quebec as well as its underlying territorial divisions are considered under the *Election Act* (R.S.Q., c.E-3.3). Section 14 of this Act created by the elected members of the Government of Quebec specifically states that:

“Quebec shall be divided into electoral divisions delimited in such a way as to ensure that the principle of effective representation of electors is respected.

Electoral divisions, number not fewer than 122 nor more than 125, shall be delimited taking into account the principle that the vote of each elector is of equal weight.”

Section 15 elaborates on this principle and defines the concept of an electoral division: “An electoral division represents a natural community established on the basis of demographical, geographical and sociological considerations, such as the population density, the relative growth rate of the population, the accessibility, area and shape of the region, the natural local boundaries and the territories of local municipalities.”

The concept of “electoral division” is made more precise in Section 16, which states:

“The boundaries of each electoral division shall be delimited in such a way that the number of electors in a division, according to the permanent list of electors, does not deviate by more than 25% from the quotient obtained by dividing the total number of electors by the number of electoral divisions”.

This is the principal applied by the National Assembly in determining electoral divisions, with the notable exception of the electoral division of Iles-de-la-Madeleine, a situation we will discuss at length below.

Section 17 of the Election Act states in its first paragraph:

“The Commission de la représentation may, for exceptional reasons, depart from the rule set out in Section 16 if it considers that its application would not adequately service the purpose of this chapter. Every such decision shall be in writing and give reasons”.

The rationale for this Brief lies with Section 17.

We submit that, given the current delimitation of the division comprising the territory of the Kativik region, effective representation is not achieved, and could be better attained through redistribution.

Furthermore, we stress that the Election Act should be interpreted from a different perspective in Nunavik. This piece of legislation, like all laws of Quebec and Canada, applies in Nunavik; however, the role given to the Chief Electoral Officer differs somewhat from the mandate given in the south. As an example, the Chief Electoral Officer does not involve himself in municipal elections. This illustrates that the region has its own distinctive judicial regime, the result of an Agreement between Nunavik, Quebec and Canada, and exercised through laws enacted by the National Assembly of

Quebec. This special Agreement is the *James Bay and Northern Quebec Agreement*, hereinafter called the “JBNQA”, which we will discuss at length below.

II Current Situation

The electors of Nunavik reside in 14 communities. These municipalities, together with the immense Arctic territory which provides them with their livelihood, are part of the Ungava electoral division, the majority of whose electors live south of the 55th parallel. The people of Nunavik are different from those living in the southern parts of the Ungava riding, both in terms of history and the ecology of the regions.

There are currently 21,893 electors in the Ungava electoral division, of which an estimated 5,000 reside in Nunavik. The electors of Nunavik are not as informed of the issues involved in electoral campaigns as their southern counterparts. Indeed, they may not know the names of the political parties nor the candidates running for them. As well, a major portion of the electorate is unilingual (Inuttitut) and can only read in syllabics, the Inuit orthographic system. For these reasons, the region has an historically low voter turnout.

Conversely, the electors living southern area of the the Ungava riding are integrated in all respects into the social, economic and democratic way of life of their neighbouring electoral divisions of Abitibi-Est, Abitibi-Ouest, Saguenay and Lac-Saint-Jean, and have very little in common with the voters of Nunavik.

IV Nunavik, a unique natural community

Territory

The extent of the territory of the Kativik Region is defined in the *Act respecting Northern Villages and the Kativik Regional Government*.

Nunavik lies primarily above the tree line. Due to its geography, climate, culture and language it is part of the Arctic, the only part of Quebec to be so. From south to north, it extends from the 55th parallel to the most northerly point of Quebec. It is bordered by Labrador to the east, and Hudson Bay to the west. Excluding the Category 1A and 1B lands of the Cree of Whapmagoostui and the Category 1B-N lands of the Naskapis of Kawawachikamach, it comprises a territory of 500,164 square kilometers, or 36% of the total landmass of Quebec.

No road connects any of its 14 communities, nor is Nunavik linked by road to the South. These communities lie between 1,500 and 2,500 kilometers distant from Montreal. Nunavik is therefore quite isolated from the rest of Quebec.

Its shoreline extends for some 2,500 kilometers.

The region is also blessed with many tourist attractions, most notably the Pingualuit Crater, the Torngat Mountains and the Richmond Gulf.

Population

There are approximately 11,000 permanent residents in Nunavik.

Of this number, there were 10,202 Inuit beneficiaries of the *James Bay and Northern Quebec Agreement* (JBNQA) residing in the territory as of January 1, 2006.

Inuit represent 90% of the population, and are distributed among 14 municipalities along the coasts of Ungava Bay, Hudson Strait and Hudson Bay.

Kuujuaq is the largest community, with an estimated population of 2,300. Aupaluk, with approximately 160 residents, is the smallest. There are 98 Inuit living in the Cree community of Chisasibi, south of the 55th parallel.

A large proportion of Inuit diet is still supplied from subsistence hunting and fishing.

Demography and population growth

Nunavik's population growth rate averaged 2.1% over past five years. Its population is amongst the youngest in the world:

41% is under age 15

60% is under age 25

75% is under age 35

The average household in Nunavik comprises 5 members, compared to an average of 3.1 elsewhere in Quebec.

Life expectancy is 65.7 for Nunavimmiut, compared to the 79.1 for all Quebec.

Inuttitut is the most used native language in Quebec, and 99% of the region's Inuit consider Inuttitut as their mother tongue.

Natural Resources and the Environment

Tundra predominates throughout most of Nunavik, with the exception of its southernmost regions which are taiga.

Nunavik contains mineral deposits whose potential is becoming more defined. Its geological zones contain important mineral resources such as nickel, copper, iron, gold, zinc, lead, lithium, etc. As well, Nunavik is a vast storehouse of energy, including hydro-

electric, tidal, wind and biomass. The hydro-electric potential of its primary river systems alone (Great Whale River, Nastapoka River, Leaf River, Koksoak River, George River, etc) is approximately 8,000 MW, or 25% of the annual production capacity of Quebec. Nunavik's thousands of lakes are important sources of fresh water. These resources will certainly provide an impetus for projects affecting the region's villages, and will become an important lever for economic development.

While Inuit welcome the opportunity to promote economic development through resource development, they are very concerned with the deterioration of the natural environment of the region and are involved in various environmental protection initiatives. During the summer of 2000, the Laval University identified approximately 600 abandoned mineral exploration sites.

At a time when few people elsewhere in Quebec were interested in environmental protection, Chapter 23 of the JBNQA shows the concern of the region's Inuit in the early 1970's for the fragile northern ecosystems of the region. As a result, most development projects north of the 55th parallel are subject to an environmental impact assessment process specific to Nunavik.

In order to protect the ecology and unique scenic vistas, park creation projects have become a priority both for Nunavik and the Government of Quebec. The Pingualuit Park has been created on December 10, 2003 and research work is being done, Torngat Mountains and the Richmond Gulf proposed park areas.

Wildlife

Nunavik is home to animals not found elsewhere in Quebec.

Coastal areas are the habitat of beluga whale, walrus, seal and polar bear.

In its interior is one of the largest caribou herds in the world, as well as a musk-ox population estimated at 1,000 head.

The region has four salmon rivers: George River, Whale River, Leaf River, and Koksoak River.

A total of 157 arctic char rivers have been identified by the Nunavik Research Centre.

A specific judicial regime

Beyond the physical and visible characteristics which differentiate Nunavik from the rest of Quebec, lies the fundamental difference in the application of law in the region. While the legal statutes of Quebec are applied throughout the territory, their interpretation is

made in light of the *James Bay and Northern Quebec Agreement*.. The signing of this Agreement on November 11, 1975 meant that the Governments of Canada and Quebec and the Inuit of Nunavik agreed to make the Agreement treaty the lens through which laws pertaining to a variety of fields of jurisdiction would be viewed.

For example, the municipalities of Nunavik are not automatically subject to the provisions of the *Cities and Towns Act* or the *Municipal Code of Quebec*. Chapter 13 of the Agreement, brought into being by the adoption of the *Act respecting Northern Villages and the Kativik Regional Government (R.S.Q., C.V-6.1)* is the source of all Quebec legislation pertaining to Nunavik municipalities.

This legislative distinctiveness explains some of the differences observed in the region compared to the rest of Quebec. This is a very important factor to be considered by Quebec legislators when considering the electoral redistribution of Quebec.

Lack of services

When Inuit negotiated the creation of non-ethnic institutions in Nunavik, they took the unprecedented step of subjecting themselves to the legal, administrative and fiscal regimes of Quebec and Canada. Unlike all other Aboriginal Peoples in Quebec, they must pay the same income and consumption taxes as other residents of Quebec and Canada. We therefore have the right to expect the same level of governmental services as the citizens of the other regions of Quebec.

The Government of Quebec has no regional or branch offices in Nunavik. Depending upon the ministry, Nunavik residents are serviced by personnel located in Rouyn, Sept-Iles, Chibougamau or Montreal. Moreover, depending on the nature of the inquiry, Hydro Quebec offices dealing with Nunavik are as far-flung as Iles-de-la-Madeleine or in Gaspé.

Despite being located near huge hydro-electric generating facilities, the communities of Nunavik are not connected to the Quebec electrical grid. The cost of electricity provided by local diesel generators is a limiting factor for economic development as well as for home owners, who cannot heat their houses or hot water by electricity. This circumstance also adds substantially to the operating budgets of municipalities.

There are no underground piping systems to deliver water. Instead, pump trucks transport water to each house from the local water treatment plant. Sewage is removed by truck from holding tanks in the sub-flooring of houses.

The Societe de l'assurance automobile du Quebec (SAAQ), the Regie du logement du Quebec (RLQ), the Commission de la construction du Quebec (CCQ) and the Commission de la sante et de la securite du travail (CSST), despite providing important services, are absent in Nunavik.

There is no public transportation system in the region, and effective Internet services are only now beginning to take shape. However, Internet connectivity remains costly and slow by the standards which are prevalent in southern Quebec..

Only one of the 14 communities of Nunavik has a bank.

Cost of Living

The cost of living in Nunavik is the highest in Quebec. In a recent study conducted by Laval University, it was determined that the cost of food was 69% higher than elsewhere in Quebec, while household items and personal care products were 78% and 79% higher respectively. Moreover, households in Nunavik spend 44% of income on groceries (a ratio observed in developing countries) compared to 12% for residents of the Quebec region.

Gasoline costs much more than in the south of Quebec. This creates a major obstacle for Inuit involved in the traditional activities of hunting and fishing, as well as hindering regional economic development and the operations of the northern villages.

On the other hand, the average household income in Nunavik residents is significantly lower than their southern counterparts.

An average house with 1,500 sq. ft. of floor space in Nunavik costs \$ 375 000 to construct. This is due to the high cost of transporting construction materials and furniture. As well, a service room occupies part of the living space, and contains reservoirs for drinking water and sewage, in addition to oil-fired furnaces and water heaters. Heating by electricity is prohibited in the region.

The cost of monthly electrical consumption above 1,860 kw/hour is \$0.265 kw/hour.

However, the cost of consumer goods being much higher in Nunavik than elsewhere in Quebec due to the cost of marine and air transportation, Nunavik residents pay proportionately more in sales taxes. In June, 1994, a working group comprised of representatives from Makivik Corporation, the Kativik Regional Government, the Secrétariat aux Affaires autochtones, the Ministère des Finances and the Treasury Board, estimated that residents of Nunavik can pay up to 25.39% more in sales taxes than their southern counterparts when purchasing identical goods.

Designation by the "Commission de Toponymie"

The *Commission de toponymie du Québec* decided on April 24, 1988 that the territory of Quebec north of the 55th parallel would be named "Nunavik".

Accompanying this decision was the following description of Nunavik:

“Consisting of about 500,000 square kilometers, Nunavik is located in Northern Quebec and designates a socio-cultural region inhabited mainly by Inuit who live in fourteen communities scattered along the coast. Nunavik is slightly larger than the Kativik administrative region created by the *James Bay and Northern Quebec Agreement* in 1975 and located north of the 55th parallel. It lies within the barren and scrub tundra of the Canadian Shield, and is bisected by the tree line and the limit of continuous permafrost. It is a landscape of innumerable lakes and rivers, which flow into Ungava Bay or Hudson Bay . . .”.

(unofficial translation)

To summarize, these are some of the distinctive qualities of the region which demonstrate why Quebec should recognize Nunavik as a distinct natural community and entitled to its own representation in the National Assembly.

V. Lack of Homogeneity within the Ungava Electoral Division

The differences in population, language, culture, climate, geography, vegetation, transportation, lifestyle, economic activities and cost of living described above demonstrate that those living above and below the 55th parallel in the Ungava electoral division have little in common.

The distance, transportation costs, and the lack of land, sea and air connections between the communities of the Ungava division are not conducive to fostering closer relationships between those living in the northern and southern sections of the riding. Currently, to travel from Chibougamau, its administrative centre, to Kuujuaq, costs over \$3,000. To continue on to more northerly villages in Nunavik costs many hundreds of dollars more.

Thus, the efforts made to date by the northern and southern residents of the Ungava electoral division to develop a shared vision of Northern Quebec have always been constrained by their inherent differences.

VI. Representation

Despite having initiated representations to the federal body in charge of electoral boundaries as early as 1973, Nunavik voters do not have their own riding or representatives in the National Assembly or House of Commons. At that time, Nunavik Inuit argued that the Agreement in Principle signed in connection with the JBNQA constrained Canada and Quebec to review the boundaries of the ridings north of the 55th parallel in Quebec.

Nunavik Inuit want to participate fully in the political life of Quebec, but under the current electoral distribution it is highly unlikely that there will ever be an elected Inuit representative in the National Assembly.

Candidates do not visit Nunavik due to the prohibitively high cost of transportation and accommodation, the distances to be covered and the time to be invested in visiting the communities, the predominant use of Inuttitut, and, importantly, the low number of voters.

It must be emphasized that our neighbors in Nunavut have their own electoral division in the House of Commons, despite having an even lower number of electors relative to the whole of Canada than the people of Nunavik have as a proportion of the Quebec electorate. Thus the 22,000 Inuit of Nunavut warrant their own riding within the 30 million residents of Canada, while the 11,000 residents of Nunavik out of a total 7.4 million population of Quebec are denied their own representation.

Members of the National Assembly spend at least one day a week in their riding and available to their electors. In addition, they sit on commissions and permanent committees, attend conferences, have research budgets and generally represent the interests of their electors. It is only fair that the residents of Nunavik, be they Inuit, Francophone or Anglophone, have the same degree of representation.

VII The Iles-de-la-Madeleine electoral division

The residents of Nunavik seek the same status which was granted the electors of Iles-de-la-Madeleine by the National Assembly on December 21, 1895 when the population of Quebec was only 1,546,000.

On that date, the National Assembly adopted the *Act constituting the electoral division of Iles-de-la-Madeleine* (59 Victoria, c. VI). The rationale for this decision is set out in the preamble of the Act:

“Whereas by their petition a large number of the inhabitants of the Iles-de-la-Madeleine have requested that these Islands be held separate from the Gaspé electoral division, offering among others the following arguments:

“That said Islands are separated from the rest of the Gaspé division by great distances which can only be traveled at certain times of the year and at great expenses;

“That said Islands are completely separate and distinct from the rest of the riding in municipal, school and registration matters, and are government by special provisions concerning the jurisdiction of the courts and procedures;

"That there is no commercial connection between the residents of these Islands and those in the balance of the electoral division, and that their interests differ;

"That the population of said Islands is about 5,000 of whom 900 are eligible to vote.

"Whereas the situation of these Islands is unique and unusual, and whereas it is appropriate to accede to their request;

"Therefore, Her Majesty, with the advice and consent of the legislature of Quebec decrees . . ."

(unofficial translation)

It is our contention that the current situation in Nunavik parallels that of Iles-de-la-Madeleine over a hundred years ago in most respects. If the underlying principles governing the decisions of MNAs are to be consistent, we maintain that this present proposal should constitute another exception to the formula stated in the Election Act.

VIII The Creation of an Electoral Division for Nunavik

The Nunavik Commission was established by Makivik Corporation and the Governments of Canada and Quebec. In its report *Let us Share*, it recommends that "Nunavimmiut be allowed to elect their own members of the House of Commons and the National Assembly. Moreover, it states that "such representation would certainly allow the residents of Nunavik to better participate in the political life of both Quebec and Canada".

Nunavik is presently the least developed region of Quebec in terms of infrastructure and economic development. However, with its hydroelectric, tourism and mineral potential, it should be at the forefront of Quebec's economic development over the next decades.

It can not be stated strongly enough that Nunavimmiut want to be represented in the National Assembly by one of their own and thus participate more fully in the political life of Quebec.

In their signing of the JBNQA in 1975, the Inuit of Nunavik agreed to create institutions which are similar to what exists elsewhere in Quebec. The region's Northern Villages, the Nunavik Regional Board of Health and Social Services, the Kativik School Board, the Kativik Regional Government, the Kativik Regional Development Council, the Nunavik Tourism Association and the Nunavik Mineral Exploration Fund are all northern counterparts to institutions existing elsewhere in Quebec. Therefore, it is clear that Inuit agreed to integrate into the administrative structures in place at the time.

Even before signing the JBNQA, Inuit had insisted that a commitment by the Governments of Quebec and Canada concerning electoral boundaries to be contained in Chapter 20 of the Agreement in Principle concluded on November 15, 1974. Therefore, Quebec had undertaken at that time to examine this issue. Chapter 20 states:

“Negotiations among the parties to this agreement shall continue concerning main details and aspects of the present agreement in order to conclude a Final Agreement. Discussions shall take place concerning existing federal and provincial boundaries as they apply to the Territory.”

We contend that, independent of the JBNQA, the spirit of the 1974 Agreement in Principle compels both levels of government to address this issue.

In previous years, Nunavik has found a sympathetic response each time it has made a representation to commissions responsible for electoral reform. But time has come for Quebec to respond favorably - to reciprocate for the ongoing efforts of Inuit to play a greater role in Quebec's political life. This Commission may have tendency to view their mandate primarily in terms of adjusting lines of the electoral map. But in the case of Nunavik, it has assumed a far broader mandate, namely, to respond to the Inuit desires to become full participants in the political life of Quebec

We are asking that the Commission considers our request in the same spirit which was applied to the Iles-de-la-Madeleine over a century ago. In 1895, at a time when virtually no one had heard of Inuit or Nunavik, the electors of Iles-de-la-Madeleine were able to convince their elected representatives of their cause. The arguments used at that time now apply to the current situation of the Nunavimmiut. After all, isn't Nunavik Quebec's Arctic jurisdiction, and shouldn't this Arctic jurisdiction be assured of its own voice in the National Assembly

Making room on Quebec's political scene for a small, predominantly Inuit population living in this vast region for thousands of years would be a decision universally applauded. Such an accommodation will serve to bridge the gap between Inuit and the rest of Quebec and allow our residents to portray our culture and put forward our goals and aspirations.

In 2001, it was very heartening to witness the response to a presentation made by Nunavik to the Quebec Association of Regions at Ste-Adele. In response, the ARQ agreed to create a petition in support of our efforts to create a riding for Nunavik. At the conclusion of this conference, they further demonstrated their support of this presentation by stating that regional development in Quebec would never be the same after having become aware of the unique situation of Nunavik.

Still, most Quebecois know little about Nunavik and Inuit. We have lived in harmony with our unique environment for thousands of years and have acquired knowledge which

could benefit others in Quebec. We are concerned with our cultural identity, language, health, education, social problems, job creation, environmental protection, wildlife conservation and major developmental projects. We have fostered on-going relationships with northern peoples throughout the world.

Quebec should take advantage of the relationship it has developed with its Inuit citizens since the early 1960's. This partnership has accelerated since the signing of the JBNQA and we now work in tandem to improve the quality of life in Arctic Quebec. In view of the progress made, Quebec should now make room for us at the National Assembly.

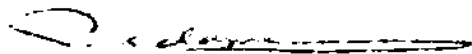
In March, 1972, several Inuit from Puvirnituq made a 2,500 kilometre trip by snowmobile from Ivujivik, Quebec's northernmost community, to Quebec City. At the end of this 35-day odyssey, they met then-premier Robert Bourassa to discuss the creation of a regional government, the distribution of social welfare and the maintenance of subsidies to Inuit cooperatives. On the political level, they suggested to Mr. Bourassa that "an electoral division be constituted in Northern Quebec . . . to allow a Quebec Eskimo to hold a seat in the National Assembly as an independent Member".

More than thirty years later, Inuit from all Nunavik communities still call for the creation of such a riding, and want more than ever one of their own to represent them in the National Assembly.

IX Recommendation

On behalf of the residents of Nunavik, the Makivik Corporation and the Kativik Regional Government ask the Government of Quebec to disregard a mathematical formula using only the number of electors in the instance of Nunavik, and adopt the necessary legislative amendments necessary to create an electoral division in Nunavik for the exceptional reasons set forth above. This should be done in the spirit of acknowledging the fundamental right of the electors of Nunavik to fair and just representation.

Thank You



Pita Aatami
President
Makivik Corporation



Maggie Emudluk
Chairman
Kativik Regional Government