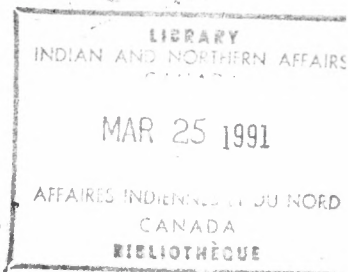


**Report on the implementation of the provisions of
the James Bay and Northern Quebec Native Claims
Settlement Act (1977, 25-26 Elizabeth II, C.32) :
(for the period ending December 31, 1982)**

/ John C. Munro

[Ottawa : Dept. of Indian Affairs and Northern Development, 1983]

E78.J3
M85
1982



Report on the Implementation of the Provisions of the
James Bay and Northern Quebec Native Claims Settlement Act
(1977, 25-26 Elizabeth II, C.32)

(For the period ending December 31, 1982)

Honourable John C. Munro
Minister of Indian Affairs
and Northern Development

OUTLINE: Annual Report

DRAFT
BROUILLON

1. INTRODUCTION

1.1 Overview of Federal Implementation during 1982

2. JAMES BAY AND NORTHERN QUEBEC AGREEMENT IMPLEMENTATION
REVIEW: A RENEWED FEDERAL COMMITMENT TO IMPLEMENTATION

- 2.1 Summary of Review
- 2.2 Conclusions of the Review
- 2.3 The Cabinet Decision
- 2.4 Implementation of Cabinet Decision
 - 2.4.1 Core and Implementation Funding
 - 2.4.2 Cree Housing and Infrastructure
 - 2.4.3 Cree Health Services
 - 2.4.4 Inuit Schools and Housing
 - 2.4.5 Economic Development
- 2.5 Implications for the future

3. FEDERAL IMPLEMENTATION ACTIVITIES DURING 1982

- 3.1 The Federal role in Implementation
- 3.2 Department of Indian Affairs and Northern Development
 - 3.2.1 Corporate Policy
 - 3.2.2 Indian and Inuit Affairs Program
 - 3.2.2.1 Cree Housing and Infrastructure
 - 3.2.2.2 CORE Funding
 - 3.2.2.3 Policing
 - 3.2.2.4 Inuit Housing, Municipal Services and Electricity
 - 3.2.2.5 Education
 - 3.2.2.6 Economic Development
 - 3.2.2.7 Social Services
 - 3.2.2.8 Lands Administration
 - 3.2.2.9 Richmond Gulf Relocation
 - 3.2.2.10 Northeastern Quebec Agreement
 - 3.2.3 Native Claims Program
 - 3.2.4 Office of Native Claims
- 3.3 National Health and Welfare
- 3.4 Transport Canada
- 3.5 Environment Canada
 - 3.5.1 The Environment and Social Protection Regime South of the 55th Parallel
 - 3.5.1.1 The James Bay Advisory Committee on the Environment
 - 3.5.1.2 The Environmental Impact Assessment and Review Procedures

- 3.5.2 Environmental and Social Protection Regime North of the 55th Parallel
 - 3.5.2.1 Kativik Environmental Advisory Committee
 - 3.5.2.2 Federal Environmental impact assessment and review procedure
- 3.5.3 Hunting, Fishing and Trapping Regime
- 3.6 Secretary of State
 - 3.6.1 Migrating Native Peoples - Friendship Centers
 - 3.6.2 Native Communications Program
 - 3.6.3 Native CORE Funding Program
- 3.7 Canada Employment and Immigration Commission
 - 3.7.1 Section 28
 - 3.7.2 Section 29
 - 3.7.3 Section 18
 - 3.7.4 Conclusion

DRAFT
PRODUCTION

4. CONCLUSION

ANNEX I: Comments by the CRA
ANNEX II: Comments by Makivik Corporation
ANNEX III: Comments by the Naskipi Development Corporation

DRAFT
BROUILLON

1. INTRODUCTION

On July 8, 1982, the Honourable John C. Munro, Minister of Indian Affairs and Northern Development, announced, on behalf of the Government of Canada, special measures to ensure that Canada's obligations under the James Bay and Northern Quebec Agreement "JBNQA", ("the Agreement") were fulfilled in their letter and spirit. This initiative, which was the result of an in depth review of Canada's role in implementing the Agreement, marked a reaffirmation of the Government of Canada's commitment to ensure that the Cree and Inuit people of James Bay and Northern Quebec receive the full range of rights and benefits that Canada undertook to provide to them when the Agreement was signed on November 11, 1975.

While the announcement of the Government's new initiative was the highlight of 1982 many other activities aimed at implementing Federal obligations under the Agreement and the James Bay and Northern Quebec Native Claims Settlement Act, which ratified the Agreement, were carried out during the year by a wide variety of Federal Departments and agencies. This Report provides an overall review of Federal implementation activities during the year.

This Report also highlights the steps being taken by Canada to implement the Northeastern Quebec Agreement (NEQA). This Agreement, signed in 1978, settled the claim of the Naskapis Band of Schefferville regarding their aboriginal title to the northeastern portion of the James Bay and Northern Quebec Territory established pursuant to one JBNQA. The two Agreements are closely related, have many similar provisions, and share some joint administrative structures.

By agreement with the Cree, Inuit and Naskapis parties to the JBNQA and the NEQA it was agreed to include in this Report short reports from the native parties ^{activities} in their own ~~authentic~~ ^{authenticities} regarding implementation of the Agreements. These reports constitute Annex A, B, and C of this Report.

2. JAMES BAY AND NORTHERN QUEBEC AGREEMENT IMPLEMENTATION REVIEW:

A RENEWED FEDERAL COMMITMENT

The new initiatives announced on July 8 were the result of Cabinet consideration of a full scale interdepartmental Review of Canada's performance in implementing its responsibilities pursuant to the Agreement, the James Bay and Northern Quebec Native Claims Settlement Act and other relevant agreements, undertakings and legislation. The finding of the review, outlined in the James Bay

and Northern Quebec Implementation Review Report were tabled in the House of Commons on July 8, 1982, the same day that Mr. Munro announced the new Federal initiatives regarding the Agreement.

2.1 Summary of Review

On March 26, 1981 representatives of the Grand Council of the Crees (of Quebec) ("the Cree") and the Makivik Corporation ("the Inuit") appeared before the House of Commons Standing Committee on Indian Affairs and Northern Development to air their grievances concerning implementation of the James Bay and Northern Quebec Agreement. The Crees and the Inuit alleged that both Canada and Quebec, the two governmental signatories to the Agreement, had failed to fulfill their obligations under the Agreement and consequently, social and economic conditions in the native communities were significantly worse than they should have been.

The Standing Committee, in a statement dated March 31, 1981, urged the Government to redress the grievances alleged by the Native Parties. On the same day, the Minister of Indian Affairs, the Honourable John C. Munro announced in the House of Commons, that he, in conjunction with the Minister of

DRAFT
BROUILLON

State for Social Development and Minister of Justice, the Honourable Jean Chretien, would conduct a review of Canada's role in implementing the Agreement.

The Terms of Reference for the review were:

- a) to determine if Canada had fulfilled, in the spirit and the letter of the law, the obligations which it assumed under the Agreement, relevant statutes, and Federal letters of undertaking;
- b) to review Canada's performance in the implementation process; and,
- c) to recommend remedies for any deficiencies discovered.

The review did not investigate the actions of the Province of Quebec with respect to its obligations under the Agreement.

2.2 General Conclusions of the Review

On November 11, 1975, when the Agreement was signed, the Crees and Inuit, Canada, and Quebec, had high expectations that the Agreement would enable the Inuit and Cree people of James Bay and Northern Quebec to advance and prosper as full participants in the social and economic life of Quebec and

Canada while still preserving their traditional culture and lifestyles. The Report concluded that more than six years after the signing of the Agreement many of these expectations remained to be fulfilled.

The Report noted that, although Canada had not committed any legal breaches of the Agreement, there were serious problems in the way certain aspects of Canada's obligations were implemented. These problems contributed to the apprehension expressed by the Crees and Inuit that their expectations of the Agreement, which they felt were shared by all the parties, had not been met.

Five factors were identified in the Report as contributing to the grievances of the native parties:

- the imprecise, often vague, wording of certain provisions;
- the flexible, dynamic nature of the Agreement, which left exact meanings and interpretations to be fleshed out in day-to-day interaction by all parties;
- the misconception among some public servants and the general public that the Crees and Inuit are, as a result of compensation payments they have received, now

DRAFT
BROUILLON

relatively well off, and therefore, do not require the same access to government funds and assistance made available to other Indians and Inuit groups in the country;

- the high expectations shared by all negotiating parties for this first, major, modern claims settlement in Canadian history;
- budgetary restraints since 1975 affecting all government services and programs.

The grievances which were identified, and which the Minister of DIAND, his Parliamentary Secretary, and members of the Standing Committee investigated firsthand in Cree and Inuit communities, fall into three categories, relating to: ongoing federal programs, services, and benefits to which native people are entitled; special federal programs, services, and rights to which the signatories are also entitled; and implementation procedures. The James Bay and Northern Quebec Agreement Implementation Review includes a detailed analysis of all these areas of concern.

During The Review extensive consultations were held with representatives of the Native Parties. They were given draft copies of the Review and their suggested changes and additions were incorporated where necessary.

2.3 The Cabinet Decision

On July 8, 1982 Mr. Munro, in the prescence of Chief Bully Diamond, Grand Chief of the Grand Council of the Crees (of Quebec) and Ms. Mary Simon, President, Makivik Corporation, announced various new measures to be carried out by the Government of Canada, including the expenditure of an additional \$61.4m over the period 1982/83 - 1986/87, to ensure that Canada's obligations under the Agreement were fully met.

In announcing the Government's decision the Minister praised the Cree and Inuit leadership for their efforts and persistence on behalf of the native communities.

Mr. Munro noted that the funds allocated by the Government were in addition to the funds to be provided under the normal ongoing programs applicable to the Cree and Inuit communities as well as the special funding programs established pursuant

to various sections of the Agreement. (According to The Implementation review these ongoing and special programs resulted in expenditures of \$155M, or an average of \$31m per year, over the period 1975/76 - 1980/81).

In conjunction with the public announcement of the Government's decision Mr. Munro wrote the native leaders outlining the details of the decision. Both native leaders responded to the Minister's letter by confirming, in writing, on behalf of their organizations, their general agreement with the findings of the Review and their willingness to cooperate to ensure the implementation of the new initiative as well as the general ongoing implementation of the Agreement.

Fifty-two and one half million dollars (\$52.5M) of the funds approved by the Government are to be used for capital projects in the following areas:

- accelerated construction of essential sanitation, electric infrastructure and housing in the Cree communities;
- upgrading of certain health service facilities in the Cree communities;

DRAFT
DISCUSSION

- accelerated construction of schools and housing in the Inuit communities.

The funding will be divided equally among the Crees and Inuit with both groups receiving \$26.3M. The Government's decision provides the native parties flexibility in determining the allocation of the funding among the various approved areas.

The balance of the \$61.4M is designated for the establishment of two new funding programs related to implementation of the Agreement:

- The James Bay and Northern Quebec Agreement Implementation Funding Program and;
- The Cree Regional Authority CORE Funding Program.

In addition to the new funding the Government moved to resolve confusion over Federal responsibility for implementation activities by officially designating the Minister of Indian Affairs and Northern Development as the Federal Minister responsible to Cabinet for overall coordination of the Agreement. Cabinet directed all Minister to consult with the Minister of DIAND on all matters relating to implementation of the Agreement.

2.4 Implementation of Cabinet Decision

Immediately after the announcement of the Government's decision on July 8, 1982 officials of DIAND began consultations with the Crees and Inuit to implement the various measures approved by Cabinet. The following section outline the actions taken to date.

2.4.1 Cree Regional Authority CORE Funding

James Bay and Northern Quebec Agreement Implementation Funding

On October 7, 1982, in accordance with the Government decision, Treasury Board approved the establishment and funding of the CORE and Implementation Funding programs. On October 26, 1982 Contribution Agreements were signed with the Cree Regional Authority (CRR) and the Makivik Corporation, and on November 1, 1982 the first payments, respecting repayment of expenditures incurred since the signing of the Agreement, were made. The Crees received \$2,790,375. and the Inuit received \$1,575,000. Ongoing funding of \$654,000. a year to the CRA, and \$235,000. a year to Makivik, will be paid in accordance with the terms of the Contribution Agreements.

Treasury Board also approved the inclusion in Supplementary Estimates 1982/83 of \$5,259,495. and an A Base reference level adjustment for 1983/84 and future years of \$889,120.

The CORE Funding Program, for which the CRA will receive \$504,000 a year is intended to assist the Crees in defraying administrative expenditures of the CRA. This program fulfills Canada's obligations pursuant to Section 28.15.1 of the Agreement.

The James Bay and Northern Quebec Agreement Implementation Funding Program applies to both the Cree and Inuit and is designed to help the native parties defray administrative expenditures incurred directly as a result of implementation of the Agreements. Under this program the Crees receive \$150,000 per year and the Inuit \$235,000 per year.

During 1982 discussions were carried out with the Inuit concerning the eligibility of Inuit communities to receive CORE funding pursuant to DIAND's ongoing CORE funding program. This issue was not resolved and discussions will continue during 1983.

2.4.2 Cree Housing and Infrastructure

In accordance with the Cabinet decision, the Crees, in consultation with DIAND officials, agreed to allocate \$23.7M over the next five years to accelerate the construction of Cree housing and community infrastructure. The balance of the funding allocated to the Crees \$2.6M is to be used to upgrade health care facilities (see 3 below).

At the end of 1982 consultations were underway with the CRA and their housing subsidiary, the Cree Housing Corporation, to develop a comprehensive capital development plan. The objective of this planning exercise is to determine the most efficient plan for fulfilling all required Cree housing and infrastructure projects in the shortest possible time. The plan will indicate how the Crees propose to integrate the special funding to be provided pursuant to the Cabinet decision with other sources of funding such as the ongoing DIAND housing and infrastructure programs, CMHC loans, and direct Cree funding.

DRAFT
BROUILLON

Pending development of the capital plan the Crees and DIAND agreed, as an interim measure, to seek Treasury Board approval to fund the Paint Hills Infrastructure Project, at a cost of \$6.7M, out of the special funds approved by Cabinet. Early in 1983 Treasury Board approved the proposal. The funding approved by Treasury Board will be used to repay the Crees for expenses already incurred by them in implementing this much needed infrastructure project.

2.4.3 Cree Health Services

The Crees have decided, as provided for in the Government decision, to allocate \$2.5M from the special funding, to upgrade health services facilities run by the Cree Board of Health and Social Services. Another \$100,000 has been allocated to repay the Cree Board for expenditures incurred in the process of establishing the Board.

During the fall of 1982 consultations were held between the Cree Board, the Department of National Health & Welfare, and DIAND, to plan the upgrading program. It is expected that construction and renovation work will begin in 1983.

DRAFT
BROUILLON

Upgrading of the Cree Health Board's facilities will assist the Board in better dealing with the serious public health problems being experienced in many of the Cree communities.

2.4.4 Inuit Schools and Housing

The James Bay and Northern Quebec Agreement provided for the Province of Quebec to assume primary responsibility for municipal affairs and education in the Inuit communities. Nevertheless, Canada has had, and will continue to have, a special relationship with the Inuit of Northern Quebec in virtue of their status as an aboriginal people.

It was in light of this special relationship, and in view of Canada's past role in providing education and municipal services to the Inuit, that the Government decided to provide special funding of \$26.3M to assist in accelerating the construction of Inuit housing and schools.

The Inuit entities concerned with housing and education, Marivik Corporation, Katvik Regional Government, and Katvik School Board, held internal consultations during the summer 1982 in order to determine how the funds should be allocated.

In the fall of 1982 discussions were begun between Quebec, Canada, and the Inuit to reach formal agreement on a program to accelerate construction of Inuit housing and schools. At the end of 1982 a formal agreement had not yet been concluded. Negotiations stalled primarily as a result of the reluctance of Quebec to make financial contribution to the catch-up program, despite the fact that the acceleration program would entail considerable long term savings for the Province.

Federal officials have maintained close contact with Inuit leaders and officials and they have been consulted on and approved all Federal proposals to the Province. Discussions with Quebec and the Inuit will continue in early 1983 so that agreement can be reached in time to begin construction of additional houses and schools during the 1983 construction season.

2.4.5 Economic Development

The Government decision announced last summer did not deal directly with the economic development concerns outlined in the Implementation Review.

Nevertheless, in discussions with the Minister in implementation of the Government's decision with the Crees and Inuit reiterated their strong belief that Canada should assist the Native Parties in developing a comprehensive economic development strategy for the James Bay and Northern Quebec Territory.

Some preliminary discussions have already been held between the Crees and various Federal Departments and agencies with economic development responsibilities. It is anticipated that during 1983 further consultations will be held with the Native Parties to design an economic development strategy.

2.5 Implications Implementations for the future

~~JE-M-9A~~ ^{53NQA}
The ~~JE-M-9A~~ is the first modern comprehensive native claim settled in Canada. As outlined in the Implementation Review the implementation of the Agreement has often been difficult.

SECRET
BR 001101

By carrying out the review and implementing the special measures announced last summer the Government of Canada has reaffirmed its commitment to implement the Agreement in its letter and spirit.

Canada's performance in implementing the Agreement is being closely watched by other native groups who are seeking to resolve their own land claims. It is hoped that Canada's efforts to fulfill its obligations under the Agreement will reassure other claimants that Canada is fully committed to resolve claims, and implement claims agreements, fairly.

3. FEDERAL IMPLEMENTATION ACTIVITIES DURING 1982

3.1 The Federal role in implementation

Under the terms of the James Bay and Northern Quebec Agreement (JBNQA) and the Northeastern Quebec Agreement ("the Agreements") the Government of Canada assumed a wide range of special obligations to the Crees, Inuit and Naskapi of the James Bay Territory. The Agreements also provide that ongoing Federal programs were to continue to apply to the beneficiaries of the Agreements.

DRAFT
BROUILLON

Since the signing of the Agreements the Department of Indian Affairs and Northern Development (DIAND) has, in addition to overseeing its own responsibilities under the Agreements, maintained a watching brief over the activities of the other Department's and agencies involved in implementing the Agreement.

This coordination role was formally recognized and affirmed during 1982 by the Government's decision to formally designate the Minister of Indian Affairs and Northern Development as the Minister responsible to Cabinet for overall coordination of Federal implementation activities. All members of Cabinet have been requested to consult with the Minister of DIAND on all matters respecting implementation. At present coordination and consultations are carried on as required. During 1983 considerations will be given to the possibility of establishing a more formalized Federal system of internal coordination.

The following section outlines the main activities carried out by the various Federal Departments involved in implementation during 1982.

3.2 Department of Indian Affairs and Northern Development

3.2.1 Corporate Policy Sector

The Corporate Policy Sector of DIAND, under the direction of the Assistant Deputy Minister of Corporate Policy, is responsible for dealing with policy issues as well as overall coordination regarding implementation of the Agreement. As discussed below Ongoing operational issues, as discussed below, are the responsibility of the Indian and Inuit Affairs Program (IIAP).

3.2.1.1 James Bay and Northern Quebec Agreement Implementation Review

During 1982 the primary focus of Corporate Policy, was finalization of the Implementation Review, preparation of the Cabinet Memorandum on the Review, and implementation of the special measures approved by the Government. DIAND activities in these areas are outlined in detail above (See Section C).

Throughout the review process and Cabinet consideration close contact was maintained with the Cree and Inuit Native Parties in order to ensure that ministers were fully aware of their views and concerns regarding implementation of the Agreement. This consultation process provided to be highly effective. It is to be hoped that the goodworking relationships established in the course of the Review will continue.

Ongoing contact was maintained with other Department's and agencies involved in the Review or effected by the Cabinet decision. Corporate Policy also responded to requests from other Departments concerning issues relating to their ongoing implementation activities.

3.2.1.2 Proposed Cree/Naskapi Legislation

During 1982 work continued on drafting the proposed local government and lands administration legislation, the Cree/Naskapi

Act, required pursuant to the Agreements.

As part of an intensive ongoing consultation process the Crees and Naskapis have been consulted on a full draft of the legislation. Changes have been made to the draft where appropriate. Discussions have also been held with the Crees and Naskapi concerning funding implication of the proposed legislation.

Consultations on the draft legislation and funding will continue in early 1983. It is anticipated that the legislation will be ready to be table in Parliament in the Fall.

3.2.1.3 General Co-ordination

Throughout the year meetings were held with Cree and Inuit representatives to discuss various issues relating to implementation of the JBNQA. As well intra-departmental meetings were held with officials of the DIAND's Indian and Inuit Affairs Program.

3.2.2 Indian and Inuit Affairs Program

Ongoing operational matters of concern to the Crees, Naskapis, and Inuit of James Bay and Northern Quebec, and coming within DIAND's area of jurisdiction, are handled by the Indian and Inuit Affairs program (IIAP) of DIAND. This work is carried out primarily through the Quebec Regional Office located in Quebec City.

The Regional Office, under the direction of the Regional Director General, maintains contact with the representatives of the Native Parties in order to coordinate the implementation of Federal obligations. The Implementation Review identified some serious problems in the working relationships between the Native Parties and the Regional Office. In the fall of 1982 steps were taken to resolve this situation by appointing a senior official to coordinate. Regional Office responsibilities relating to implementation of the Agreements. It is hoped that appointment of the coordinator will help to improve working relationships between the Regional Office and the Native Parties.

Following is a summary of Regional activities relating to implementation of the Agreement.

It will be noted that Regional activities concerning the Inuit are relatively minor. This reflects the jurisdictional regime established by the JBNQA which gave primary jurisdiction regarding the Inuit to Quebec.

3.2.2.1 Cree Housing and Infrastructure

Under the five-year Housing and Infrastructure Agreement signed with the Cree Regional Authority in May 1979, DIAND contributed \$1.6M during 1982 to cover various infrastructure projects and the construction of 53 housing units in Cree communities. In addition, DIAND guaranteed \$4.M in loans for housing.

DIAND also expended \$3.2M for the electrification of Rupert House, Wemindji and Eastmain.

3708111011

3.2.2.2 CORE Funding

During 1982 the eight Cree bands received \$.8M under IIAP's CORE funding program to cover various administrative costs of their operations. The Naskapi Band received \$.

3.2.2.3 Policing

Policing in the Cree communities is provided by Cree Units of the Quebec Police Force. This arrangement continued in 1982. During the year discussions were begun with the Quebec Department of Justice on cost sharing between Canada and Quebec for police services.

3.2.2.4 Inuit Housing, Municipal Services,
Electricity Supply

The Northern Quebec Transfer Agreement, signed by Canada and Quebec in February 1981, provides for Quebec to assume

responsibility for housing, municipal services, and electricity supply in the Inuit communities. This Agreement remained in force during 1982. In accordance with the Agreement Canada paid Quebec \$8M as the Federal contribution to providing services in the Inuit communities.

3.2.2.5 Education

The two school boards established pursuant to the Agreement, the Cree School Board, and, the Kativik School Board, continued to provide a broad range of education programs to their respective populations throughout the year.

In accordance with the JBNQA Canada funds 75% of the Cree School Board budget and 75% of the Kativik School Board budget. The following table illustrates the DIAND contributions for 1981/82 and the projected contribution for 1982/83.

DRAFT
BROUILLON

	<u>Cree</u>	<u>Kativik</u>	<u>Total</u>
1981-82 (75%)	13,453,300	(25%) 3,502,100	16,955,400
1982-83 (75%)	15,471,300	(25%) 4,027,400	19,498,700

During 1982 the dispute concerning education services in the dissident Inuit communities of Povungnituk and Ivujivik continued.

Quebec continued to fund 100% of the costs of education services in these communities and administer the schools directly.

Kativik School Board instituted a legal challenge of Quebec's activities, maintaining that the Board should have jurisdiction in the two communities.

The court found in Kativik's favour. It is expected that the Board will assume responsibility for the dissident communities in 1983. Canada will then be responsible for funding 25% of the cost of these services.

During 1982 DIAND provided \$4.6M in additional funding to pay Canada's share of operating deficits incurred by the two boards in 1979/80 and 1980/81. The Boards, in consultation with DIAND and the Quebec Department of Education are taking steps to avoid future budget overruns.

Canada contributes to the capital budgets of the Boards on the same bases as the operations contributions. During 1982/83 \$ was contributed to the Cree Board capital budget and \$ to the Kativik Board capital budget.

Both School Boards have identified serious concerns relating to their budgets and areas of jurisdiction. During 1983 DIAND officials will continue to work with the Boards and Quebec to resolve these concerns.

3.2.2.6 Economic Development - Cree

During the year the financial contributions, noted below, were made to various Cree entities and individuals to promote economic development.

<u>Organization</u>	<u>Amount</u>	<u>Purpose</u>
1. CRA	\$ 75,000	DIAND contribution to study of development opportunities in forestry, mines, and tourism (contingent on contributions from the Crees and Quebec).
2. Waswanipi Band	\$ 25,000	Investigate proposed forestry project.
3. Creations	\$ 50,000	To promote Cree arts and crafts.

4. Cree Trappers \$ 82,000 Federal contribution
Association to operating
expenditures.
5. Cree Trappers \$ 5,000 Assistance in fur
Association marketing.
6. Cree Bands \$197,200 Fund preparation of a
socio-economic
development plan.
7. CRA \$ 25,000 Manpower studies.
8. Cree entre- \$165,749 Contributions to 10 Cree
preneurs entrepreneurs to assist
economic development
initiatives.
9. Cree Bands \$ 99,820 Summer student
employment program, (59
jobs).
10. Cree Bands \$ 22,730 Band Works Process
Program (10 temporary
jobs).

11. Cree Triparite \$ 25,000 Contribution to the
Committee development of a general
development plan.

\$772,499

Inuit

Economic development assistance was also
provided to various Inuit entities and
individuals.

<u>Organization</u>	<u>Amount</u>	<u>Purpose</u>
1. Salluit	\$ 4,700	"Salluit Tourism Proposal".
2. Inuit entre- preneurs	\$129,700	Contributions to assist in economic development (12 contributions).
3. Inuit entre- preneurs	\$350,200 (loans)	Assistance for economic development (11 loans).

4. Kativik \$ 63,800 To hire an economic
Regional development officer.
Development
Corporation

3.2.2.7 Social Services - Cree

As provided for in the JBNQA social services are being provided to the Cree communities of Mastassini and Waswanipi by the Cree Social Services Center. This program is funded entirely by DIAND at a cost of \$535,000 in 1982.

Social services in the other Cree communities is provided by.

Social Services - Inuit

Inuit social services are a joint responsibility of the Inuit and the Province of Quebec.

3.2.2.8 Lands Administration

a) Land Surveys

A dispute between Quebec and the Crees over the boundaries of the Category IA lands allocated to Wemindji delayed completion of the final survey. The cost of the required survey was estimated at \$135,000 in 1981/82 and may have to be adjusted upward.

b) Category IA Lands Registration System

A system for registering land transactions made on Category IA lands is being developed. It will be a two-level system, namely the Cree community level and the Departmental level at the Quebec Regional Office. The proposed Cree/Naskapi legislation will formally create the proposed system.

DRAFT
BROUILLON

The survey maps made under the authority of the surveying service of the Quebec Department of Energy and Resources, which illustrate the Category IA lands in each Cree and Naskapi community, will be used as a basic document of which true copies will be filed with the registry office in each Cree and Naskapi community, as well as with the central registry office of the DIAND at Quebec City.

For a more precise and detailed identification of the inhabited parts of each community where land transactions are most frequent, maps at a larger scale (probably 1:2000) will be made according to the technical specifications of the office of the Regional Surveyor of the Department of Energy, Mines and Resources. In brief, these maps will represent only an enlarged section of the basic map and

the system for designating interests will be the same as the one adopted for the basic maps.

3.2.2.9 Richmond Gulf Relocation

During 1982 negotiations continued between Canada, Quebec and the Inuit concerning implementation of Section 6.4 of the JBNQA which provides that Canada and Quebec will assist the Inuit of Great Whale River to relocate to Richmond Gulf, provided that prior to October 31, 1982 the Inuit vote in favour of such a move.

Due to unavoidable delays Canada and Quebec agreed with the Inuit to delay the deadline for an Inuit vote to November 2, 1982 two days after the deadline provided in the Agreement. A vote was held on that date and 51.4% of those eligible, voted in favour of relocation. Negotiations aimed at implementing this decision will take place in 1983.

DATA
BROUIN

3.2.2.10 Northeastern Quebec Agreement

The Northeast Quebec Agreement (NEQA) was signed on January 31, 1978 and was put into effect by Canada by OC 1978-502 on February 23, 1978.

It was signed on behalf of the Naskapi of Schefferville and it finalized the negotiations that led to the signing of the JBNQA.

The various committees provided for in the MEQA have been created, as was the Naskapi Development Corporation which administers the compensation funds.

An agreement was also entered into with the members of the Naskapi Band of Schefferville for the repayment of an \$890,000.00 loan which had been made to them to cover negotiation costs.

The implementation of the NEQA focuses mainly on Section 20 which provides for the possible relocation of the Naskapi to a site that would offer them greater socio-economic advantages than their present location at Schefferville.

Relocation studies were completed and the majority of the Naskapi voted in favour of a relocation to the Matemace Block; this site was therefore constituted as category IA lands whose administration, management and control were transferred to the Government of Canada by Quebec OC 394-81 dated February 12, 1981. Canada accepted the transfer on March 26, 1981 by OC 1981-809.

On the basis of the above-mentioned studies, Canada agreed, to pay the sum of \$1M provided for in the agreement, as well as \$4.5 for the implementation of its regular programs such as municipal infrastructure, housing, electrification, community and educational buildings.

The relocation project is currently underway. On the basis of more in-depth studies and actual costs, DIAND submitted a new request to Treasury Board for an increase in the actual project approval of \$2.3 as well as a preliminary approval for a school and teachers' accommodation.

The project will be implemented by the Naskapi Relocation Corporation whose board of directors includes a representative of Canada.

DIAND agreed to contribute \$54,000, over a three-year period, for the publication of a Newsletter, so that the Naskapi can be consulted and kept posted on the relocation.

Another contribution of \$45,000, at \$15,000 a year for three years, was paid for the establishment of a Naskapi Arts and Crafts Association.

DRAFT
BROUILLON

DIAND also contributes annually the sum of \$9,250 representing 50 per cent of the Federal contribution for the salary of a development officer and the clerical expenses related to the manpower development program; the other 50 per cent is paid by the Canada Employment and Immigration Commission.

DIAND also contributed \$65,691 toward CORE funding and overhead of the band council and \$17,950 for the recreation program in 1982.

Crees of \$151,250 and from the Inuit \$115,625.

3.2.3 Native Claims Program

The Native Claims Program, which is administered by the Corporate Policy Section of DIAND, is responsible for overseeing the payment by Canada of compensation funds payable pursuant to Section 25 of the JBNQA.

During the 1982 the following payments were made to the Native Parties:

<u>Recipient</u>	<u>Section</u>	<u>Date</u>	<u>Amount</u>
CRA	25.1.5	31/12/82	779,110.57
CRA	25.1.15	31/12/82	49,077.83
Makivik	25.1.5	31/12/82	530,899.43
Makivik	25.1.15	31/12/82	<u>21,017.14</u>
TOTAL			<u>\$1,380,104.97</u>

The Native Claims Program also administers the loans made to the Crees and Inuit for claims negotiation purposes prior to the signing of the Agreement.

During 1982 repayments were received from the Crees of \$151,250 and from the Inuit of \$115,625.

3.2.4 Office of Native Claims

The Office of Native Claims (ONC) which has overall responsibility for negotiating land claims settlements, has no ongoing role in the implementation of the Agreement. Corporate Policy and the IIAP keep

DRAFT
BROUILLON

ONC informed of implementation activities so that the experience gained in implementing the Agreements can be applied in the settlement of other land claims.

Pursuant to the JBNQA certain issues concerning Cree and Inuit rights with regard to various offshore islands remains to be resolved. Negotiations on this issue have not taken place for several years. ONC is prepared to resume negotiations at the request of the Native Parties.

3.3 Department of National Health and Welfare

The James Bay and Northern Quebec Agreement detailed the transfer of responsibility of health services from the Federal Government to the Government of Quebec. The Agreement provides that the administration of such services was to be carried out by, in the case of the Crees, the Cree Board of Health and Social Services of James Bay, and in the case of the Inuit, by the Kativik Board of Health. Both these Boards were set up under Quebec Law following the signing of the Agreement.

01/11/80
01/11/80

The Agreement also stipulated that health care facilities were to be transferred from the Federal Government to the Quebec Government and the Native Health Boards, on a schedule to coincide with the assumption of full responsibility for administration of health services by the Board, but that in any event, this transfer should take place no later than November 11, 1980 in the case of the Inuit and March 31, 1981 in the case of the Cree.

Since the date of transfer, National Health and Welfare has continued to act in a consulting and advisory capacity on health matters at the request of the Quebec Government and, in particular, the Cree Board of Health. Further, Departmental hospitals have been made available for the referral of patients. Medical Services Branch assisted the Cree in developing standards in relation to numbers of nurses, physicians, dentists and environmental health officers required for the communities and has also provided direct support in areas such as the National Native Alcohol and drug Abuse Program and monitoring of environmental exposure to mercury.

During the Implementation Review process, officials of the Department of National Health and Welfare provided input to the Department of Indian and Northern Affairs. As a result

\$2.6 million was identified in special funds for Cree Health Services. These monies are to be allocated to the renovation and repair of health facilities already handed over to the Cree and for transition costs associated with the setting up of the Cree Board of Health. (See Section 3.3 above).

3.4 Transport Canada Summary

In 1982, Transport Canada continued to implement a program for the improvement of airstrips in Inuit and Cree communities of Northern Quebec begun in 1976/77.

Expenditures in the amount of \$22,000 were approved at Ivujivik for the completion of a 457 metre airstrip. At Fort Rupert, \$100,000 was spent on extending the airstrip to 1067 metres. These expenditures bring Transport Canada's contribution to \$576,000 since approval of this program in 1976/77.

During 1982, the Federal Government approved a new comprehensive joint Federal/Provincial program for the improvement of airport infrastructure in Northern Québec. Subsequently, intensive negotiations took place between Transport Canada, Transport Québec and Cree and Inuit representatives on financial and physical details.

During these negotiations, the Province of Quebec advised that they would not participate in the funding of the improvements nor subsidize the ongoing cost of operation of the airports to serve the Cree communities because the Federal Government will own the sites. Transport Canada accepted this decision and will fund 100% of the cost of strips in Eastmain, Wemindji and Fort Rupert. It is hoped that on-site work can commence at Eastmain and Wemindji during 1983. Cost of the capital improvements for these three airports is estimated to be in the order of \$10 million.

With regard to the 11 Inuit communities, at the end of 1982 no agreement had been reached with the Province on the cost-sharing of the capital expenditures. The Federal Government is offering to pay for 100% of the cost of the navigational aids and 55% of the capital costs of the airport but the Provincial Government insists on a 60% Federal/40% provincial cost-share. Early agreement on this outstanding issue is necessary if the Inuit program is to start in 1983/84. The total estimated cost of the capital improvements at the 11 sites is in the order of \$45 million. At the end of 1982 there were indications that negotiations with Quebec would be successfully concluded early in 1983.

310411311

3.5 Environment Canada

3.5.1 The Environmental and Social Protection Regime South of the 55th Parallel

3.5.1.7 The James Bay Advisory Committee on the Environment

In accordance with Section 22.3.5 of the Agreement, Canada chaired the James Bay Advisory Committee on the Environment from April 1981 to March 1982.

During this period, the Committee focused its attention on three major areas of concern. First, it exercised its role in overseeing the administration of the environmental impact assessment procedures for development of projects. Within this context, the Committee was asked to study the application of the Provincial assessment procedure to the Grande-Baleine Hydroelectric Complex proposal. Second, the Committee pursued its work in the area of

public forests management for the James Bay Region. Last, the Committee studied environmental factors affecting the health and well-being of the Cree communities.

3.5.1.2 The Environmental Impact Assessment and Review Procedures

These procedures are applied through a tripartite Evaluation Committee (Canada-Québec-CRA), a Federal Review Panel (Canada-CRA) and a Provincial Review Committee (Québec-CRA).

The Evaluation Committee mandate is to determine the nature and extent of impact statements required to be written in relation to various development projects.

In 1982, the Committee evaluated eight projects. Most of these projects concerned community development proposals. Due to the economic situation, no new mineral or hydroelectric resource development projects were submitted.

The Federal Review Panel reviewed the impact assessment statements for three projects: Fort-Rupert airstrip, Eastmain access road, and Waswanipi solid waste management.

Depending on the jurisdiction involved, the recommendations of the Evaluating Committee, the Review Panel and the Review Committee, are addressed to the Federal Administrator or to one of the eight Local Administrators. The Administrators are responsible for the approval or rejection of development projects.

3.5.2 Environmental and Social Protection Regime North of the 55th Parallel

3.5.2.1 Kativik Environmental Advisory Committee

In 1982, the Kativik Environmental Advisory Committee continued to fulfill its mandate according to section 23.5 of the Agreement. That Section states that the Advisory Committee is a consultative body to the

DRAFT
PROVISION

responsible governments and as such is the preferential and official forum for the formulation of laws and regulations relating to the Environmental and Social Protection Regime. As such, it oversees the administration and management of the regime through a free exchange of views, concerns and information.

In 1981/82, the chairmanship of the Advisory Committee was assumed by a representative appointed by the Kativik Regional Government. In the context of its mandate the Advisory committee was mainly concerned with provincial solid waste management policies and the planning of the Grande-Baleine Hydro Electric Complex. In April 1982 the chairmanship was assumed by the Federal Government.

3.5.2.2 Federal Environmental impact assessment and review procedure

The procedure applies to development projects under Federal jurisdiction. It provides for the establishment of a

Screening Committee and a Review Panel.

These bodies are composed of representatives appointed by the Federal Government and the Kativik Regional Government. The recommendations of these bodies are addressed to the Federal Administrator who is responsible for the approval or the rejection of development projects.

During 1982 only the Review Panel met. It studied the proposed construction of airstrips in the Inuit Communities of Inukjuak and Quaqtaq.

3.5.3 Hunting, Fishing and Trapping Regime

The establishment of the Hunting, Fishing and Trapping Coordinating Committee is provided for in Section 24 of the JBNQA and Section 15 of the Northeastern Quebec Agreement. The Committee supervises the application of the Hunting, Fishing and Trapping Regime established to benefit the Natives of the Territory. Composed of representatives from Inuit, Crees and Naskapis and of governments of Québec and Canada, the

Committee submits recommendations to concerned Ministers and responsible bodies and establishes the upper limit of kill for caribou. The Committee is also involved in the set-up of the Outfitting Regime.

The Outfitting Regime provides a "right of first refusal," that guarantees to beneficiaries a proportion of new outfitting projects or of transfers. A dispute concerning interpretation of provisions of the Agreement regarding outfitting led to serious controversy within the Committee. Extent that Native Parties addressed a motion for declaratory judgement of Justice Savoie, August 31, giving right to beneficiaries. Unsatisfied with that decision, the government of Québec have addressed the case in Appeal, and the Committee is awaiting for the judgement to proceed with new outfitting applications.

In order to establish guaranteed levels of hunting for Crees and Inuit, a sub-committee has studied the Native harvests for a seven year period. That study cost about \$1M, for which Government of Canada paid one quarter. Data processing and writing of reports suffered some delay, but the Cree portion should be

BRADILLON

ready soon. The Coordinating Committee will then be ready to proceed with the negotiations of Native harvesting guaranteed levels. A similar study will be conducted later concerning Naskapi harvesting.

3.6 Secretary of State

3.6.1 Migrating Native Peoples - Friendship Centers

The Secretary of State Department's Migrating Native Peoples' Program was first established in 1972 to assist native people who, for whatever reason, found themselves having to adjust to the Canadian mainstream society. The fact that this program is referred to specifically in the Agreement in Chapter 28 attests to the value placed on it by the Cree people of the James Bay.

The program's basic aims are to encourage and assist the effective inclusion of migrating native people in the social and cultural fabric of the community; to seek greater understanding by the community at large of native cultural and social values; and to seek community support to address problems of migrating native people.

Support is provided to Friendship Centres in the areas of core funding, capital funding and training funds. The National Association of Friendship Centres, the coordinating body, also receives direct funding. In the 1981-82 fiscal year the following funds were provided to Centres located in the area covered by the JBNQA:

<u>Location</u>	<u>Core</u>	<u>Capital</u>	<u>Training</u>	<u>Total</u>
Val d'Or	92,000	Ø	3,000	95,877
Senneterre	67,681	12,500	3,000	83,181
Chibougamau	<u>107,403</u>	<u>Ø</u>	<u>3,000</u>	<u>110,403</u>
Total	<u>267,084</u>	<u>12,500</u>	<u>9,000</u>	<u>289,461</u>

3.6.2 Native Communications Program

The Secretary of State currently funds two Native Communications Societies in Northern Quebec.

Taqramiut Nipingat Inc. (TNI), located in Salluit, Northern Quebec, has been funded under the Native Communications Program since 1974-75. Current funding

level is \$295,100. TNI provides communication services to the Inuit in Northern Quebec through the production and programming of radio and television.

The James Bay Cree Communication Society, located in Val d'Or, Quebec, have been funded under the Native Communications Program since 1981-82. Current level of funding is \$63,000.

The James Bay Cree publish an excellent magazine entitled "CREE AJEMOON".

3.6.3 Native CORE Funding Program

The CORE funding program, administered by the Department of the Secretary State is designed to assist native political organizations to pay certain operational and administrative costs of their organizations. During 1982/83 the Grand Council of the Crees (of Quebec) received \$95,403 and the makivik Corporation received \$ under the program.

This program should not be confused with the newly established CRA CORE Funding Program approved by the

Government last June (See Section) which is administered solely by DIAND and which is carried out in virtue of Section 28.15.1 of the JBNQA.

This Secretary of State CORE funding program expires in March 1983. The Department is currently working at a renewed program to take effect in fiscal year 1983-84. This new program will determine the level of funding and kind of activities that the Association des Nations Indiennes will carry on.

3.7 CANADA EMPLOYMENT AND IMMIGRATION COMMISSION

The three Sections of the Agreements that involve the Canada Employment and Immigration Commission (CEIC) most directly are Section 28 of the JBNQA which deals with the social and economic development of the Cree, Section 29 of the same agreement, which deals with the social and economic development of the Inuit, and Section 18 of the Northeastern Quebec Agreement, which deals with the social and economic development of the Naskapi.

31/03/11/04

3.7.1 Section 28

In conformity with the Agreement, CEIC has continued to implement an action plan for setting up a permanent structure for the delivery of services and programs in Cree territory by recruiting and training local staff.

Two Cree employees from Lake Mistassini were trained this year to operate a service point in Baie-du Poste, Lake Mistassini. Seven other Crees had already been trained in 1981 to run the Employment Centre in Chisasibi. The new service point allowed the Outreach project sponsored by the Baie-du-Poste band to be integrated into the regular service network.

In addition to this Outreach project, which was integrated in October, another Outreach project is providing services to the people of Waswanipi. The 1982 Outreach Program budget for the Cree population totalled \$52,530.

Under the National Institutional Training Program, nearly 28,000 pupil-days were purchased for Cree workers at a total cost of \$1,100,582. In addition, trainee allowances amounted to \$430,667 (See Table I).

Fourteen trainees were helped by the National Industrial Training Program. The amount spent on this during the year was \$430,667.

As well, eleven projects submitted by various communities were funded under CEIC employment development programs, for a total investment of \$33,827 (See Table III).

3.7.2 Section 29

In 1982, the CEIC enhanced its services north of the 55th parallel by hiring two more employees to handle the delivery of the Unemployment Insurance Program. These two workers were recruited with the cooperation of the Kativik Regional Administration. At the end of their training, they will be posted to Ungava Bay and to Hudson's Bay.

At present, we have three service points in Inuit territory: one in Kuujjuaq, another in Kuujjuaraapik, and the third in Salluit. The total operating budget for these three centres for the year was nearly \$200,000, if the cost of training the Inuit employees is included.

A service contract with the Kativik Regional Office enabled us to offer our services, through an Outreach project, to the people of Inukjuak and also allowed the regional office to assign a resource to Kuujuaq to deal with employment matters and worker training. In 1982, the contract cost us \$85,509.

As a result of our activities in the territory, contracts were signed for 67 industrial trainees at a total cost of \$1,050,000, and 20 projects under various components of our employment development programs were funded for a total of \$331,337 (See Tables II and III).

3.7.3 Section 18

The CEIC continued to fulfil its financial commitment under subsection 18.9 of the Northeastern Quebec Agreement for a Naskapi employment development officer. The annual federal contribution of \$18,500 is assumed equally by the Department of Indian and Northern Affairs and the CEIC.

DRAFT
BROUILLON

The manpower training program for Naskapi was supported by the purchase of 5,525 pupil-days under the institution-based component of the National Training Program at a total cost of \$299,990. The addition of \$85,637 in trainee allowances brings the total for institutional training to \$385,627.

The Industrial Training Program contributed \$23,000 for two trainees (See Table II).

3.7.4 Conclusion

Excluding operational costs for service points now open in the various communities, total investment by our training and employment development programs for 1982 was \$3,707,040.

The CEIC carries out its activities in the territory covered by the Agreement in the spirit of these Sections and in full cooperation with the Native Parties.

4. CONCLUSIONS

As can be seen from this Report 1982 marked a ^{major} ~~major~~ milestone in Federal implementation of the JBNQA. Canada's performance in implementing the Agreement ^{was} ~~was~~ thoroughly reviewed ^{and} by the Government, ^{conclusions} ~~inclusions~~ were drawn, and corrective measures taken. At the same time Canada continued to implement a wide variety of programs aimed at fulfilling Federal obligations under the Agreement.

During 1983, and the future, Canada will continue to work cooperatively with the Native Parties to ensure that all Canada's obligations under the Agreement are implemented in their letter and spirit.

DRAFT
39211104

TABLE I

National Institutional Training Program 1982

	Pupil-days	Training Costs	Trainee Allowance	Total Costs
Crees	27,785	1,100,582	430,667	1,531,249
Inuit	Nil	Nil	Nil	Nil
Naskapis	5,525	299,990	85,637	385,627
Total	33,3109	1,400,572	516,304	1,916,876

TABLE II

National Industrial Training Program 1982

	No. of trainees	Training Costs
Crees	14	53,000
Inuit	67	1,050,000
Naskapis	2	23,000
Total	83	1,126,000

TABLE III

Employment Development Programs 1982

	LEAP		CCDP-PH. 11		SUMMER CANADA		PDCC-PH. 111		TOTALS	
	Projects	\$	Projects	\$	Projects	\$	Projects	\$	Projects	\$
Crees	2	188,000	6	85,400	2	18,300	1	41,097	11	332,827
Inuit	3	196,000	9	82,280	8	53,057			20	331,337
Naskapis	Nil		Nil		Nil		Nil			
Total	5	384,000	15	167,680	10	71,357	1	41,097	31	664,164