

**HOUSE OF COMMONS
STANDING COMMITTEE ON FINANCE
CONCERNING PRE-BUDGET CONSULTATIONS 2014**

BRIEF RESPECTING SOCIAL HOUSING IN NUNAVIK

Submitted by:

**Makivik Corporation
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EXECUTIVE SUMMARY

The present Brief is submitted by Makivik Corporation, a non-profit organization created pursuant to the James Bay and Northern Quebec Agreement (<JBNQA>) which represents the Inuit of Nunavik.

Located north of the 55th parallel in the province of Quebec, Nunavik is in the midst of a most serious housing crisis which affects not only the physical and mental health of its residents but is a major hindrance to the social and economic development of its residents and the region as a whole. The overcrowding situation in Nunavik is more serious than any other region of Canada. There is currently a backlog of 900 social housing units in Nunavik, which would cost approximately \$293 million to address.

Canada refuses to meet this need despite the fact that it provides funding for housing in other regions of Canada. Makivik requests that Canada fulfill its treaty and constitutional obligations under the JBNQA and ensure sufficient funding to meet both the current and future housing needs of the residents of Nunavik. Failure to address this serious housing crisis now, will only result in increased cost of providing education, health and social services in Nunavik in the future.

INTRODUCTION

Makivik Corporation appreciates the opportunity to submit this Brief regarding the social housing needs in Nunavik (northern Quebec).

Makivik Corporation is a non-profit entity created pursuant to the James Bay and Northern Quebec Agreement (1975) and represents Nunavik Inuit on social, cultural and economic matters.

Ever since the Inuit of Nunavik began settling in villages, adequate, safe and sufficient housing has been a priority for residents. Nunavik is currently in the midst of a serious housing crisis which affects more than two-thirds of its families. There exists presently a backlog of 900 social housing units in Nunavik¹ which would cost approximately \$293 million to address. The overcrowded housing situation is more serious in Nunavik than in any other region of Canada. Yet, the Government of Canada refuses to meet this need despite the fact that it provides funding for housing in other regions of Canada with less overcrowding problems.

The housing crisis in Nunavik has long been recognized by authorities to be a major hindrance to the development of the region - overcrowding leads to serious social, psychological and physical health problems. There appears to be a clear link between the health condition of Nunavimmiut and overcrowding which promotes the propagation of several infectious diseases as for example

- cases of active tuberculosis have grown steadily from 2007 to 2012 reaching 320 cases per 100,000 as compared to 3 cases per 100,000 in the south;

¹ Kativik Municipal Housing Bureau, Housing Needs Survey 2013

- respiratory diseases contribute to rising infant mortality – infant mortality is five times that of the rest of the province of Quebec and often due to respiratory diseases;
- a 1997 evaluation revealed that the risk of chronic otitis, a major health problem in Nunavik, increases when several children share the same bedroom.

In 2007 and again in 2010, the Quebec ***Commission des droits de la personne et des droits de la jeunesse***² found that the lack of sufficient and adequate housing is an obstacle to the success and development of Nunavik students, does not provide families with optimal conditions for exercising their role as a basic unit, and subjects an alarming number of children to situations of physical and sexual violence that lead to mental health problems, substance abuse problems, low academic success and motivation rates as well as suicide.

In a report to the United Nations General Assembly³ of July 2014, James Anaya, Special Rapporteur on the rights of Indigenous Peoples noted ‘The housing situation in Inuit and First Nations communities has reached a crisis level, especially in the north, ..’. Mr. Anaya went on to state that ‘...the chronic housing shortage has a severe negative effect on a wide variety of economic and social conditions’. In his conclusions, Mr. Anaya made the following recommendation:

‘Canada must take urgent action to address the housing crisis in indigenous communities both on and off reserve, especially communities in the north, and dedicate increased funding towards this end. In particular, the Government as a matter of urgency should work with Inuit representatives to ensure affordable, sustainable and adequate housing in the Arctic,

² Commission des droits de la personne et des droits de la jeunesse du Québec, ‘Investigation into child and youth protection services in Ungava Bay and Hudson Bay – Nunavik: Report, conclusion of investigation and recommendations’, 2007

³ Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya. ‘The situation of indigenous peoples in Canada’, July 4, 2014

and to design and construct housing to adapt to the region's environment and culture' (*emphasis added*)

Pressure on the housing supply in Nunavik is primarily caused by new family formation in a young and growing population. Nunavik is witnessing accelerated population growth. Between 2006 and 2011, the population of Nunavik increased by 26.4% as compared with 5.2% for the non-Aboriginal population of Canada.

The population of Nunavik is young. According to Statistics Canada⁴ in 2011, 37% of its population was under the age of 15 and more than half (58.4%) were under the age of 25. The median age of Nunavimmiut was 21. Given Nunavik's young population, there are and will continue to be significant increases in housing needs on a yearly basis.

The same 2011 Survey found that there were on average 3.9 persons per household in Nunavik as compared to 2.3 persons for the whole of Quebec. Moreover, 23% of the households in Nunavik counted 6 or more persons, as compared to 2% of households in the rest of Quebec.

We hereby demand that Canada fulfill its treaty and constitutional obligations under the James Bay and Northern Quebec Agreement (hereafter the <JBNQA>) as more fully described hereafter and ensure sufficient funding to meet both the current and future housing needs of the residents of Nunavik. Canada's failure to resolve the severe overcrowding issue in Nunavik will significantly contribute to the deteriorating mental and physical well-being of Nunavimmiut.

⁴ Aboriginal Peoples in Canada: First Nations People, Métis and Inuit, National Household Survey 2011, Statistics Canada

THE ISSUE

The JBNQA, the 1975 treaty entered into between Canada, Quebec and the Inuit of Nunavik among others, at sections 2.1.12 and 29.0.2 clearly states that Canada has an obligation to apply programs applicable to Indians and Inuit of Canada to Nunavik Inuit. Sections 2.12 and 29.0.2 of the JBNQA provide as follows:

Section 2.12 of the JBNQA

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

Section 29.0.2 of the JBNQA

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

Stemming from the fact that as of 1995, no further social housing had been foreseen to be built in Nunavik and Canada's position at the time concerning its obligations pursuant to the JBNQA, in June 1998, Makivik instituted the Dispute Resolution Mechanism process (hereafter the <1998 DRM Process>) in accordance with Annex H of the 1990 Implementation Agreement⁵. Makivik maintained that Canada has both constitutional

⁵ Agreement respecting the Implementation of the James Bay and Northern Quebec Agreement between Her Majesty the Queen in Right of Canada and Makivik Corporation

and treaty obligations to provide adequate housing for Nunavik Inuit. Moreover Makivik maintained that the Transfer Agreement between Canada and Quebec dated February 13, 1981 and to which the Inuit were not a party, did not constitute a <unified system> pursuant to section 29.0.40 notwithstanding that it had been signed by Canada and Quebec. As a result of the 1998 DRM Process, Canada acknowledged its legal obligation to provide social housing for Nunavik Inuit and subsequently agreed to enter into a five (5) year housing agreement with Makivik for the funding of social housing construction by the non-profit construction division of Makivik. To date, this 5 year housing agreement has been renewed twice (2005-2010 and 2010-2015).

Funding provided by Canada through these five year agreements has proven to be sorely insufficient to meet the needs of Nunavimmiut. Between 2001 and 2010, the housing deficit in Nunavik had grown from 459 to 995 units and this notwithstanding the construction of 516 new units⁶.

As part of the negotiation of the 2010-2015 housing agreement a parallel negotiation process was established by Canada to pursue a political mandate for additional catch-up funding to address this growing backlog. In the end, Canada failed to pursue a catch-up program and Makivik was once again forced to pursue a mediation process to resolve the impasse. The Mediator's report of September 2012 concerning the federal behaviour in the housing negotiations leading to the signing of the 2010-2015 housing agreement found that Canada had failed in its fiduciary duty and had not acted in good faith. The Mediator recommended that the discussion table established by Canada with regard to a catch-up housing program be reactivated as soon as the fall of 2012.

⁶ Source: Kativik Municipal Housing Bureau – Housing Needs Survey – 2001, 2003, 2008 and 2010

Despite the clear findings of a lack of good faith on Canada's part and its failure in its fiduciary role contained in the Mediator's report, Canada has failed to provide the much needed catch-up housing program to resolve the enormous housing backlog in Nunavik.

Makivik has sent several letters to the Minister of Aboriginal Affairs and Northern Development Canada, Mr. Bernard Valcourt about the housing crisis and finally met with the Minister on November 28, 2013. There has, however, to date been no substantive response to Makivik's request for a catch-up housing program. Moreover, the current 5-year housing agreement ends on March 31, 2015. Given that Nunavik has the highest overcrowding rate in all of Canada which affects more than two-thirds of its families, a simple renewal of the current agreement is not acceptable and will only exacerbate the current housing crisis in Nunavik. The Minister is well aware of this. It is forecast that a simple renewal would see an explosion in the housing needs in Nunavik from its current level of approximately 900 to between 1020 and 1400.

CONCLUSION

Canada has an ongoing constitutional responsibility under section 91(24) and treaty obligations under the JBNQA to provide adequate housing for Nunavik Inuit. A comprehensive catch-up housing program to address the current backlog of 900 social housing units in addition to renewal of the current 5 year housing agreement must be implemented immediately before the backlog grows even larger. The estimated cost of providing a social housing catch-up program for 900 social units is \$293 million. If government fails once again to address this housing backlog now, not only will the backlog continue to grow but the overall cost of providing education, health and social services in Nunavik will also continue to grow.