



G. C. C. E. I.
40th Anniversary
1974 - 2014

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Grand Council of the Crees (Eeyou Istchee)
Grand Conseil des Cris (Eeyou Istchee)

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Cree Nation Government
Gouvernement de la Nation Crie



C. N. G.
G. N. C.
est. 1978

BY EMAIL: greffe@cerp.gouv.qc.ca

BY COURIER

April 26, 2017

Honourable Jacques Viens, Commissioner
PUBLIC INQUIRY COMMISSION ON RELATIONS BETWEEN INDIGENOUS PEOPLES
AND CERTAIN PUBLIC SERVICES IN QUÉBEC: LISTENING, RECONCILIATION AND PROGRESS
600, avenue Centrale
Val-d'Or, Québec J9P 1P8

Dear Commissioner Viens,

This is the application of the Grand Council of the Crees (Eeyou Istchee) ("**GCC(EI)**") and the Cree Nation Government ("**CNG**") for the status of **full participant** at the *Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation and Progress* ("**Commission**") in accordance with sections 11 and 14 of its Procedural and Operational Rules ("**Rules**").

I. **RULE 14(A) – CONTACT DETAILS**

1. The representative of the GCC(EI)/CNG for the purposes of the Commission and its inquiry is as follows:

Melissa Saganash
Director, Cree – Québec Relations
GRAND COUNCIL OF THE CREES (EEYOU ISTCHEE)/
CREE NATION GOVERNMENT
Embassy of the Cree Nation
200 Grand Allée Est
Québec, Québec G1R 2H9

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II. RULE 14(B) – INTEREST

2. The GCCEI/CNG has a significant, direct interest with respect to the subject of the inquiry and is likely to be affected by the Commission's report, for the reasons set out below.

A. MANDATE OF GCC(EI)/CNG

3. The GCCEI/CNG represents the Cree Nation of Eeyou Istchee (James Bay, Quebec) and all the Cree beneficiaries of the *James Bay and Northern Québec Agreement* (“**JBNQA**”) of 1975, a constitutionally protected treaty and land claim agreement.¹
4. The JBNQA was approved, given effect to and declared valid by a law of Québec, *the Act approving the Agreement concerning James Bay and Northern Québec*,² and by a federal law, the *James Bay and Northern Quebec Native Claims Settlement Act*.³
5. The GCC(EI) is the Cree signatory to the 1975 JBNQA treaty. Its members are all the Crees within the meaning of the JBNQA, of whom there are approximately 18,000. These Crees comprise the Cree First Nations of Eeyou Istchee, that is, Whapmagoostui, Chisasibi, Wemindji, Eastmain, Waskaganish, Nemaska, Waswanipi, Ouje Bogoumou and Mistissini, all of which are Cree “bands” within the meaning of the *Cree-Naskapi (of Quebec) Act*,⁴ as well as the Cree associations of Washaw Sibi, Quebec and MoCreebec, Ontario.
6. Under its corporate charter and General By-Law, the objects of the GCC(EI) include representing the Crees and Cree First Nations; assisting the Crees in exercising and protecting their rights and interests; and dealing with governments and authorities in relation to the rights and interests of the Crees.
7. The CNG was established in 1978 pursuant to the JBNQA and *An Act Respecting the Cree Regional Authority*.⁵ It is the “Cree Native Party” and formal representative of the Cree beneficiaries for the purposes of the JBNQA.⁶ It works with GCC(EI) to promote and protect the Aboriginal and treaty rights of the Crees of Eeyou Istchee.

¹ *Constitution Act, 1982*, ss. 35, 52, enacted as Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.); *Québec (Attorney General) v. Moses*, 2010 SCC 17, [2010] 1 S.C.R. 557.

² S.Q. 1976, c. 46, now CQLR, chapter C-67.

³ S.C. 1976-77, c. 32.

⁴ S.C. 1984, c. 18.

⁵ S.Q. 1978, c. 89; amended to become the *Act respecting the Cree Nation Government*, CQLR c. G-1.031 (“**CNG Act**”), pursuant to: the *Agreement on Governance in the Eeyou Istchee James Bay Territory between the Crees of Eeyou Istchee and the gouvernement du Québec* signed on July 24, 2012, approved by Québec Order in Council 745-2012; the consequential amendments to Section 11 of the JBNQA, effected by Complementary Agreement No. 24 concluded between the gouvernement du Québec and the Cree Regional Authority, May 8, 2012; and the implementing legislation, *An Act establishing the Eeyou Istchee James Bay Regional Government and introducing certain legislative amendments concerning the Cree Nation Government*, S.Q. 2013, c. 19.

⁶ JBNQA, par. 1.11.

8. The members of the CNG are the Crees of all the Cree communities of Eeyou Istchee as well as the Cree communities themselves.⁷ The objects of the CNG include, among other things:
 - (a) working toward the solution of the problems of the Crees and, for such purposes, dealing with all governments, public authorities and persons;
 - (b) assisting the Crees in the exercise of their rights and in the defence of their interests; and
 - (c) establishing and maintaining a regional police force.⁸
9. The GCC(EI)/CNG has responsibility, as signatory and Cree Native Party to JBNQA, for ensuring the proper implementation of the JBNQA, including the following chapters:
 - (a) Section 14, Cree Health and Social Services;
 - (b) Section 16, Cree Education;
 - (c) Section 18, Administration of Justice – Crees;
 - (d) Section 19, Police – Crees; and
 - (e) Section 28, Economic and Social Development – Crees.
10. The CNG has established and operates the following departments providing specialized services to the Crees and Cree First Nations in areas directly relevant to the mandate of the Commission:
 - (a) Justice and Correctional Services;
 - (b) Child and Family Services;
 - (c) Eeyou Eenou Police Force; and
 - (d) Social and Cultural Development.
11. The GCC(EI)/CNG supports the efforts of the Cree First Nations with respect to community, social, economic and cultural development for the Cree communities of Eeyou Istchee.
12. The GCC(EI)/CNG supports and collaborates with the specialized Cree institutions established under the JBNQA in their delivery of services to the Crees and Cree communities of Eeyou Istchee, including the following:
 - (a) the Cree Board of Health and Social Services of James Bay (“**CBHSSJB**”),⁹ for health and social services, including women’s shelters, youth protection and youth healing services; and

⁷ JBNQA, par. 11.2.1; CNG Act, s. 4.

⁸ CNG Act, s. 6.

⁹ JBNQA, Section 14; *Act respecting health services and social services for Cree Native persons*, CQLR, c. S-5.

(b) the Cree School Board (“**CSB**”),¹⁰ for educational, training and cultural services.

13. The GCC(EI)/CNG and the specialized Cree institutions, the CBHSSJB and CSB, have extensive experience and expertise in the delivery to the Crees of Eeyou Istchee of culturally appropriate forms of the public services to be addressed by the Commission: police services, correctional services, justice services, health and social services as well as youth protection services.

B. MANDATE OF COMMISSION

14. Immediately upon becoming aware in October 2015 of allegations of police misconduct towards Indigenous women, including Cree women, in Val d’Or and elsewhere, the GCC(EI)/CNG took action in pressing for concrete measures to prevent and eliminate systemic discrimination and misconduct towards Indigenous women, including the establishment of a provincial judicial commission of inquiry.
15. From October 2015 until the establishment of the Commission in December 2016, Grand Chief Dr. Matthew Coon Come took a leadership role, together with Regional Chief Ghislain Picard of the Assembly of First Nations of Québec and Labrador, the Chiefs of affected Algonquin communities and leaders of Indigenous women, in meeting with Premier Couillard and responsible Ministers to urge that this Commission be established with a comprehensive mandate to look into the systemic causes of discrimination and violence against Indigenous women and to recommend concrete measures to prevent and eliminate this conduct.
16. The GCC(EI)/CNG has a direct interest and responsibility in ensuring the safety, security and well-being of all the Crees of Eeyou Istchee, especially those most vulnerable, including Cree women and girls.
17. In consequence, the GCC(EI)/CNG has a direct interest and responsibility in preventing and eliminating discriminatory practices or different treatment in the provision of the public services to the Indigenous people, including those services to be considered by this Commission: police services, correctional services, justice services, health and social services as well as youth protection services.

III. RULE 14(C) – STANDING

18. As the governmental and political body representing all the Crees of Eeyou Istchee, the GCC(EI)/CNG seeks standing as a **full participant** at the Commission, with all the rights and privileges inherent thereto, for all parts of the inquiry to be carried out by the Commission.
19. The mandate of this Commission, insofar as it addresses the rights and the physical and psychological integrity and well-being of the Cree women and girls of Eeyou Istchee, relates squarely to the mandate of the GCC(EI)/CNG.

¹⁰ JBNQA, Section 16; *Education Act for Cree, Inuit and Naskapi Native Persons*, CQLR, c. I-14.

20. The GCC(EI)/CNG, and the Crees of Eeyou Istchee whom it represents, in particular the Cree women and girls of Eeyou Istchee, have a significant and direct interest with respect to the subject of the inquiry and are likely to be affected by the Commission's report.
21. The GCC(EI)/CNG has a direct interest and responsibility in assisting the Commission in fulfilling its mandate to inquire into, to make findings of fact and to carry out analyses in order to make recommendations concerning concrete, effective and durable remedial actions to be implemented by the Government of Québec and by Indigenous authorities with a view to preventing or eliminating discriminatory practices or different treatment in the provision of the following public services to the Indigenous people of Québec: police services, correctional services, justice services, health and social services as well as youth protection services.

IV. RULE 14(D) – CONTRIBUTION

22. The GCC(EI)/CNG wishes to contribute to the Commission's work the unique perspective of the Crees of Eeyou Istchee in identifying the issues and in recommending concrete, effective and durable remedial actions to be taken by the Government of Québec and by Indigenous authorities with a view to preventing and eliminating violence, discriminatory practices and different treatment in the provision of the following public services to the Indigenous people of Québec: police services, correctional services, justice services, health and social services as well as youth protection services.
23. The GCC(EI)/CNG can contribute to the Commission's work by sharing its unique experience and expertise acquired over some 40 years in advocating for the rights and interests of the Crees of Eeyou Istchee on a wide variety of subjects, including human rights, health and social services, youth protection services, justice and correctional services and police services.
24. The GCC(EI)/CNG has extensive experience and intimate knowledge of the cultural, social, linguistic, economic, technical and geographic challenges in providing the relevant public services to Indigenous persons, both in the remote, under-resourced Indigenous communities of Northern Québec and in more urban centres.
25. The GCC(EI)/CNG and the specialized Cree institutions, the CBHSSJB and CSB, have expertise and experience in the delivery to the Crees of Eeyou Istchee of culturally appropriate forms of the public services to be addressed by the Commission: police services, correctional services, justice services, health and social services as well as youth protection services.
26. Based on its experience and expertise, the GCC(EI)/CNG can make a special contribution to the Commission's work by assisting it in discharging its mandate in the following respects:
 - (a) identifying culturally appropriate processes for the inquiry in order to enable Indigenous persons, including Indigenous women and girls, to express themselves on their experience and concerns;

- (b) facilitating the participation at the inquiry of affected Cree persons, including Cree women and girls, as well as service providers;
- (c) shedding light on the systemic issues characterizing relations between Indigenous people and the stakeholders of the concerned public services;
- (d) identifying the causes underlying all forms of violence, systemic discrimination and different treatment with respect to the provision of the concerned public services to Indigenous people in Quebec; and
- (e) identifying the challenges and culturally appropriate solutions in
 - i. preventing and eliminating violence, discriminatory practices and different treatment in the provision of the relevant public services to the Indigenous people of Québec; and
 - ii. delivering the relevant public services to Indigenous persons both in remote, northern Indigenous communities and in more urban centres.

V. RULE 14(E) – LAWYER

27. For the purposes of the Commission and its inquiry, the GCC(EI)/CNG will be represented by our lawyers:

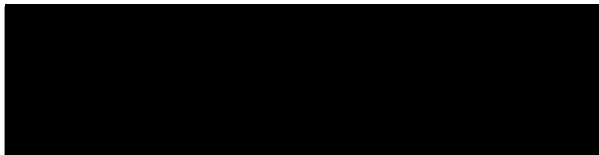
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VI. CONCLUSION

28. For all these reasons, the GCC(EI)/CNG respectfully requests the status of **full participant** before the Commission, with all the rights and privileges inherent thereto, for all parts of the inquiry to be carried out by the Commission.

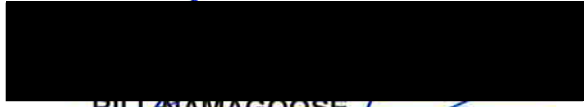


Bill Namagoose
Executive Director

AFFIDAVIT

I, the undersigned, BILL NAMAGOOSE, Executive Director of the Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government, make oath and affirm that:

1. I have read the Procedural and Operational Rules of the *Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation and Progress*;
2. I undertake that the Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government and its representatives will comply with these Procedural and Operational Rules.



BILL NAMAGOOSE

SWORN BEFORE ME at the City of
Ottawa, Ontario, this 26th day of April,
2017.



Erik Labelle Eastaugh
Lawyer, Bar of Ontario and Bar of
Québec
Commissioner for Taking Affidavits
for the Province of Ontario