

**PUBLIC INQUIRY COMMISSION
ON RELATIONS BETWEEN
ABORIGINALS AND CERTAIN
PUBLIC SERVICES IN QUÉBEC:
COMMUNICATION,
RECONCILIATION
AND PROGRESS**

**THE NASKAPI NATION OF
KAWAWACHIKAMACH**, being a Naskapi band
within the meaning of paragraph 7.1.1 of the
Northeastern Québec Agreement and subsection
14(1) of the *Cree-Naskapi (of Québec) Act*, SC 1984,
c. 18, having its Council at 1009 Naskapi Road, in
the community of Kawawachikamach, in the
Province of Québec;

Applicant

APPLICATION FOR LEAVE TO ACT AS PARTICIPANT
(Articles 11 and 14 of the *Procedural and Operational Rules*)

**TO THE PUBLIC INQUIRY COMMISSION ON RELATIONS BETWEEN ABORIGINALS
AND CERTAIN PUBLIC SERVICES IN QUÉBEC: COMMUNICATION,
RECONCILIATION AND PROGRESS (THE "COMMISSION"), THE APPLICANT
RESPECTFULLY STATES AS FOLLOWS:**

1. CONTACT DETAILS OF THE APPLICANT

1. The contact details of the Applicant are as follows:

The Naskapi Nation of Kawawachikamach
Chief Noah Swappie
1009 Naskapi Road
Kawawachikamach, Québec G0G 2Z0
Telephone: (418) 585-2686
Fax: (418) 585-3130
Email: kawawa@naskapi.ca

For the purpose of the work of the Commission, the Applicant is represented by Me Caroline Briand and Me Anne-Marie Gauthier, whose contact information is included below;

2. THE NASKAPI NATION OF KAWAWACHIKAMACH

2. The Naskapi Nation of Kawawachikamach [the “Nation” or “the Applicant”] is the “Naskapi Band of Québec” and the “Naskapi Local Authority” within the meaning of the *Northeastern Québec Agreement* [the “NEQA”], and of the *Cree-Naskapi (of Québec) Act*, SC 1984, c. 18;
3. The Nation’s change of band name as the Naskapi Nation of Kawawachikamach was formalized by the Order in Council P.C. 1999-344 issued in the Canada Gazette Part I, dated April 10, 1999, p. 1040;
4. The NEQA is a treaty within the meaning of s. 35 of the *Constitution Act, 1982*, as a result, the rights and obligations stipulated therein attract constitutional protection;
5. The Nation is the political entity which represents each Naskapi person, and which constitutes the local government on Category 1A-N lands;
6. The members of the Nation are the Naskapi Beneficiaries under the NEQA;
7. Located 10 km northeast of the town of Schefferville, near the Québec-Labrador border, Kawawachikamach is the only Naskapi community in the Province of Québec, and has a population of approximately 1,341 registered members;
8. Though it is relatively close to the town of Schefferville, Kawawachikamach is only accessible by train or by plane and remains an isolated community;

3. THE NATION’S INTEREST IN THE COMMISSION’S WORK AND STANDING AS A PARTICIPANT

9. The initiative to create the Commission arose mainly from events which took place in the Abitibi region;
10. However, in order to prevent or eliminate any form of violence, discriminatory practices or differential treatment in the delivery police services, correctional services, legal services, health and social services, and youth protection services [“Public Services”], the Commission must be made aware the reality of all First Nations in Québec allowing it to make recommendations for concrete, effective and sustainable measures to be put in place by the Government of Québec and Aboriginal officials,
11. The Nation is responsible to promote the general welfare of the Naskapi Beneficiaries;

12. As the only Naskapi community in the Province of Québec, the Nation believes it is its duty as the representative of Naskapi Beneficiaries to provide the Commission with information regarding the public services provided in its region and treatment of Naskapi Beneficiaries in the delivery of such Public Services;
13. In addition, the Nation's particular location, in a remote area, near the Labrador border, creates circumstances and challenges which are unique to the community;
14. The Nation has a significant, direct interest and expertise in the Commission's work, and the Commission should acknowledge the Nation's standing as a participant;
15. Based on the Nation's experiences with Public Services, the recommendations it wishes to present, the fact that it represents all Naskapi Beneficiaries along with the fact that the Commission's report will have a direct effect on Naskapi Beneficiaries, the participant standing is appropriate for the Nation. The stakeholder standing would not allow the Nation to contribute fully to the Commission's mandate;

4. NASKAPI CONTRIBUTION TO THE COMMISSION'S WORK

16. The Commission will shed a global light on the systemic issues inherent to the relationship between Aborigines and the delivery of the Public Services.
17. The Nation and its members have experiences to share with the Commission, with respect to said Public Services;
18. By sharing those collective and individual experiences, the Nation will contribute to make the Commission aware of situations occurring in one of the most remote regions of Québec, and will provide a better understanding of the issues facing Aboriginal people;
19. The Commission will hold hearings in Val d'Or and in the Aboriginal communities affected, as well as in other parts of Québec, if deemed necessary. In this perspective, the Nation believes it is essential for the completion of the Commission's mandate to hold hearings in Kawawachikamach, or in the Schefferville region, allowing the Nation and Naskapi Beneficiaries to participate fully in the Commission's work;
20. Procedural fairness requires the Commission to grant the Applicant the participant standing;
21. The present Application is well founded in fact and in law;

WHEREFORE, MAY IT PLEASE THE COMMISSION TO:

GRANT the Applicant leave to act as a Participant before *the Public Inquiry Commission on Relations between Aboriginals and Certain Public Services in Québec: Communication, Reconciliation and Progress*.

Montréal, April 27, 2017



CAIN LAMARRE LLP

Me Caroline Briand

Email: caroline.briand@clcw.ca

630, boul. René-Lévesque Ouest
Suite 2780

Montréal, Québec H3B 1S6

Telephone: (514) 393-4580

Fax: (514) 393-9590

Me Anne-Marie Gauthier

Email: anne.marie.gauthier@clcw.ca

440, avenue Brochu, 2e étage

Sept-Îles (Québec) G4R 2W8

Telephone: (418) 962-6572

Fax: (418) 968-8576

Counsels for the Applicant

Our file: 30-17-1565

AFFIDAVIT
(Articles 13, 14 and 15 of *Procedural and Operational Rules*)

I, the undersigned, **NOAH SWAPPIE**, Chief of the Naskapi Nation of Kawawachikamach, at 1009 Naskapi Road, Kawawachikamach, Province of Quebec, G0G 2Z0, solemnly declare as follows:

1. I have read the *Procedural and Operational Rules of the Public Inquiry Commission on Relations between Aboriginals and Certain Public Services in Québec: Communication, Reconciliation and Progress* and commit to comply with them;
2. All facts in this *Application for Leave to Act as Participant* are true;

AND I HAVE SIGNED

[REDACTED SIGNATURE]

NOAH SWAPPIE

Solemnly affirmed to before me, in Québec
City, this 27th day of April, 2017.

[REDACTED NAME]

Commissioner of Oaths

NOTICE OF PRESENTATION
(Article 16 of the *Procedural and Operational Rules*)

TO: The Honourable Jacques Viens
Commissioner for the *Public Inquiry Commission on Relations between
Aboriginals and Certain Public Services in Québec*

P.O. Box 547,
Val-d'Or (Québec) J9P 4P5

Email : greffe@cerp.gouv.qc.ca

TO: Me Christian Leblanc
Chief Prosecutor for the *Public Inquiry Commission on Relations between
Aboriginals and Certain Public Services in Québec*

600 avenue Centrale Est,
Val-d'Or (Québec) J9P 1P8

Email: christian.leblanc@cerp.gouv.qc.ca

TAKE NOTICE that the present *Application for Leave to Act as Participant* will be presented for decision before the *Public Inquiry Commission on Relations between Aboriginals and Certain Public Services in Québec: Communication, Reconciliation and Progress*, at the Val d'Or Courthouse, 900, 7e rue, on May 11, 2017.

Montreal, April 27, 2017



CAIN LAMARRE LLP
Counsels for Applicant

Our file: 30-17-1565