

P-1176

M-035

**MEMORANDUM OF**



PRESENTED TO

**PUBLIC INQUIRY COMMISSION ON RELATIONS BETWEEN  
INDIGENOUS PEOPLES AND CERTAIN PUBLIC SERVICES IN  
QUÉBEC : LISTENING, RECONCILIATION AND PROGRESS**

BY

The Naskapi Nation of Kawawachikamach

Montréal, November 30, 2018

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## I. CONTACT DETAILS

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## II. INTRODUCTION OF THE NATION

### A. Brief history of the Naskapis

[2] Prior to colonial contact, the Naskapis led a largely nomadic existence and occupied their ancestral lands through harvesting and other land-based practices. In fact, Naskapi traditional hunting routes extend far beyond Kawawachikamach, the Category IA-N land and the Naskapi Sector defined in the *Northeastern Québec Agreement* (the “NEQA”)<sup>1</sup>, comprising the Naskapi Area of Primary Interest as well as the Area of Common Interest for the Inuit and the Naskapis, as shown in **Schedule 2**.

[3] In 1956, Indigenous and Northern Affairs Canada (the “INAC”), previously known as the Department of Indian Affairs and Northern Development, organized for the Naskapis to move away from Fort McKenzie, known by the Naskapis as Waskaikinis (ᑭᑭᑭᑭᑭᑭ), located in Schedule 2 at the red triangle, to the mining town of Schefferville. According to anthropologist Alan Cooke, the Naskapis had little input into the location and the environment to which they were relocated: “For nearly a century and a half now, the Naskapis have been moved about at the will of others, first of the Hudson’s Bay Company, then of the Federal Government.”<sup>2</sup> Cook further explained that Indian Affairs conducted consultations on where Naskapis would like to live, which were pointless in that the Naskapis’ preferences were completely dismissed and Indian Affairs decided instead that they be relocated to Knob Lake, which is known as the Schefferville area

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<sup>1</sup> *Northeastern Québec Agreement*, The Members of the Naskapis de Schefferville Band, Canada, Québec and al, 31 January 1978, Ottawa: Indian and Northern Affairs Canada, [NEQA].

<sup>2</sup> Cooke, Alan. *A History of the Naskapis of Schefferville*, Indian Affairs and Northern Development, 1976, 13A : 121, [Cooke] at 120.

today. As part of their relocation, the Naskapis walked over 350 kilometres in extremely cold conditions.

[4] Non-Naskapis, including Québec workers delivering public services to Naskapis, might not be able to fully understand the experience of Naskapis in the last century. “Yet, in our common humanity, we can imagine something of what [Naskapi] people must have felt at having their life disrupted, and how a proud and independent people, as the traders had themselves described the Naskapis, must have felt at being reduced to a condition approaching slavery.”<sup>3</sup>

[5] To this day, stories of childhood disruptions and changed family dimensions continue to affect the health of the community as a whole. Indeed, by the mid-1960s, approximately 25 Naskapi youths were sent to residential schools 1000 kilometres away. The impacts of intergenerational trauma stemming from colonization, assimilation, discrimination, and inequitable services have led to high levels of mental wellness issues, addictions, and violence within the community.

[6] At the beginning of the 1970’s, Québec and the Commission hydroélectrique de Québec (“**Hydro-Québec**”) undertook construction to build the hydroelectric complex of James Bay.

[7] This project required the harnessing of important rivers, and the flooding of their watersheds, which was to result, inevitably, in the significant and irreversible alteration of, namely, environment, means of transportation and communications, and of the exercise of traditional activities and livelihood for the indigenous peoples who lived on the territory.

[8] In 1975, the James Bay Crees, as represented by the Grand Council of the Crees of Québec (today, the “**Cree Nation Government**”), the Inuit of Québec as represented by the Northern Québec Inuit Association (today, the “**Makivik Corporation**”), Hydro-Québec, the Government of Québec and the Government of Canada entered into the *James Bay and Northern Québec Agreement* (the “**JBNQA**”)<sup>4</sup>.

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<sup>3</sup> Cooke, *supra* note 2 at 85.

<sup>4</sup> *James Bay and Northern Québec Agreement*, Grand Council of the Crees of Québec, Northern Québec Inuit Association and al, Sainte-Foy, Québec: Les Publications du Québec, [**JBNQA**].

[9] The Naskapis were excluded from the JBNQA negotiations. In order to negotiate the JBNQA with the Crees and the Inuit, the rights of the Naskapis on the land they had occupied since time immemorial were abolished, in exchange of a promise from the Government of Québec to negotiate with them later.

[10] In fact, the hydroelectric project was going to significantly impact the traditional Land of the Naskapis. The construction work undertaken by Hydro-Québec in Northeastern Québec as part of the project included the diversion of the waters of the Caniapiscau River from its natural course to feed the hydroelectric complex, namely the Caniapiscau Reservoir located up-stream of the Laforge-1, Laforge-2 and Brisay works.

[11] In 1978, after having been excluded from the JBNQA negotiations, the Naskapis entered into the NEQA with Hydro-Québec, Québec and Canada. The NEQA is based on and partially integrated to the framework of rights and obligations set out in the JBNQA.

[12] The underlying philosophy and purpose of the NEQA is to protect the culture, traditions, way of life, and identity of the Naskapis. It reserved a large territory for the use of the Naskapis, the Naskapi Sector illustrated in Schedule 2. The level of privilege granted to the Naskapis in the Naskapi Sector varies, depending on the categories of land on which the activities take place.

[13] The NEQA allowed for the creation of a strong local government and also ensured continuity in the provision of certain services to the Naskapi population through a direct relationship with the Government of Canada, but mostly with the Government of Québec. More specifically, the NEQA contains sections with respect to Health and Social Services, Education, Administration of Justice and Policing, amongst others, which are also enshrined in legislation.

[14] Although this does not mean that the Naskapis benefit from services of equal standard as the ones provided to the non-indigenous population in Québec, it generally does provide for a minimum, on which they can build through negotiation, and creates a more direct relationship with the Government of Québec, in terms of public services, than other indigenous communities in the province, who are not treaty signatories, may enjoy.

## **B. Demographics and language**

[15] In November 2018, members of the Nation totaled 1,435 people, of which 920 resided in Kawawachikamach and 382 resided in the Schefferville area, which is within the Naskapi Sector, as defined in the NEQA. A shortage of housing in Kawawachikamach is often cited as the primary reason why many Naskapis reside in the Schefferville area.

[16] Over 58% of the population living in the Kawawachikamach-Schefferville area is less than 30 years of age. Elders, or the population over 65 years old, represent 5% of this population. More specifically, 767 Naskapis are under 30 years old and 73 Naskapis are over 65 years old.

[17] The population has been steadily growing at a rate of 3.57% between 1986 and 2018 (compounded annual growth rate), accentuating the housing shortage. In comparison, the Québec and Canadian populations grow at a respective rate of 0.79% and 1.17%. This important growth translates into an increase in population of 197.7% over a period of 30 years, while the increase in population for Québec globally was of 17.2%. The high growth rate of the Naskapi population suggests an increasing need for accessible and adequate public services.

[18] The Naskapis' mother tongue is Naskapi, and their second language is English as a result of colonial history. Very few understand French well, and many Elders understand neither French nor English. According to Statistics Canada, in terms of knowledge of Canada's official languages in 2016, about 71% of Kawawachikamach residents spoke English only, and only 23% of Kawawachikamach residents spoke French.<sup>5</sup> As Québec's official language is French, language has become an intrinsic barrier to access public services for the Naskapis.

## **III. SUMMARY**

[19] As a full participant to the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec (the "**Inquiry**"), the Naskapi Nation of Kawawachikamach (the "**Nation**") hereby submits a compilation of facts and analyses on which its recommendations are based to assist the Inquiry in fulfilling its mandate. This memorandum focuses on the main topics that the Nation wishes to be considered in furthering the relationship with the Government of Québec but does not seek to be exhaustive.

[20] While the Nation's memorandum focuses on a study of the public services identified by the Inquiry, health and social services, police services, administration of justice, youth protection services and correctional services, it is apparent that several issues that the Naskapis are facing are systemic and affect their access to services as a whole. The most common barriers faced by Naskapis are the following:

- a) The language and cultural barrier causing the Naskapis to face double-discrimination as English-speaking indigenous persons;
- b) The geographical barrier caused by their remoteness and the inherent traveling limitations both for the Naskapis and public workers;
- c) The financial barrier caused by insufficient funding from all levels of government preventing services to be rendered in accordance with Canadian and international legal standards.

[21] As a result, the Nation's recommendations focus on the following themes:

- a) Ensure sufficient funding and implement training programs to guarantee access to Naskapis to services in an appropriate language and in a culturally safe environment;
- b) Alleviate the effects of remoteness through the funding and implementation of services within the community and facilitate traveling programs for both Naskapis and public service workers;
- c) Secure the funding of public services, and ensure the collaboration of all levels of government and parties to funding agreements to ensure that services are rendered in accordance with Canadian and international legal standards.

[22] The Nation submits that the above-mentioned public services, which are delivered by or in collaboration with the Government of Québec, should be analyzed for a more comprehensive grasp

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<sup>5</sup> Statistics Canada, *Census Profile, 2016: Kawawachikamach, Terres réservées aux Naskapis, Québec*, Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released October 25, 2017 [[Online](#): 22 November 2018].

of the effects of Québec public services on the livelihood of the Naskapis, and for a better understanding of the differential treatment of Naskapis on a systemic scale.

#### **IV. SITUATIONS**

##### **A. Police Services**

[23] The *Sûreté du Québec*, in Schefferville, and the Naskapi Police Force, in Kawawachikamach, operate independently as stand-alone departments.

[24] The Naskapi Police Force operates with a community-based and transparent approach. They record statistics on crime, incidents, and violence in the community, and produce annual reports every year. In addition to their role in law enforcement, they organize crime prevention initiatives that encourage community participation and promote healthy lifestyles.

[25] The Naskapi Police Force is the first respondent to crisis in Kawawachikamach, whether they are related to health, mental wellness, drug and alcohol abuse, or violence. Following their arrival to the scene, they refer to adequate services and professionals, such as the Nation's Wellness Team or the CLSC's nurses. The important and numerous roles of the Naskapi Police Force within the community requires them to have the appropriate resources to operate 24 hours per day over seven days a week ("24/7").

##### **i) The Naskapi Police Force faces a funding crisis**

[26] The need for 24/7 police services within the community was acknowledged by the Coroner who investigated the wave of suicides amongst Naskapis and Innus that occurred in Sept-Îles in 2015 within a few months:

Whereas the police are the first responders for all emergency calls in the community of Kawawachikamach, whether for criminal offences or crisis situations;

Whereas a community must have first responders on duty at all times;

##### **I RECOMMEND:**

- That the Québec government and the Government of Canada see that the Naskapi nation of Kawawachikamach has police service 24 hours a day, 7 days a week.
- That the Naskapi nation of Kawawachikamach take the necessary measures for its police force to operate 24 hours a day, 7 days a week.

- That the Québec's ministère de la Sécurité publique and Public Safety Canada grant the Naskapi nation of Kawawachikamach all of the support required for that purpose.<sup>6</sup>

[27] The Naskapi Police Force operates through a tripartite funding agreement between the Government of Québec, the Government of Canada and the Nation. While negotiations and litigation were ongoing, for years, pending an increase in funding, the Nation undertook to double the number of police employees using its own budget to ensure 24/7 operations. The Naskapi Police Force, therefore, relies on eight police officers, including the Chief of police.

[28] Since the implementation of a 24/7 police force by the Nation, the level of crime and suicide attempts has been decreasing, although slowly.<sup>7</sup> For the first time, the *Interim funding Agreement (2018-2023)*<sup>8</sup> allows for the employment of police officers in a sufficient number to operate 24/7.

[29] Recently, the Government of Canada recognized that Section 13 of the NEQA regarding Public Security needed to be modernized and should therefore be renegotiated. Indeed, Section 13 of the NEQA no longer meets the needs of the Nation. The Government of Québec has yet to agree to fully participate in new negotiations.

[30] One of the elements the Nation aims to negotiate is the manner in which the number of police officers is calculated. Indeed, a per capita ratio is out of the question for a small isolated community since it is not representative of the needs of the Nation, as is a ratio based on crime statistics. In remote areas the range of services expected from the police force is broader than crime prevention and law enforcement. The Nation needs a community police force that is strong enough to be first respondent 24/7, and that regards its role as being part of the community it serves on or off duty. For example, the Naskapi Police Force receives a very high amount of calls for domestic violence. However, those numbers do not correlate with crime statistics since the police actively intervenes to avoid situations from escalating.

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<sup>6</sup> **Exhibit P-557**, *Rapport d'enquête du coroner* (8 mai 2018), Danielle Descent (Our translation – original in French).

<sup>7</sup> Transcript of the hearing of June 16, 2017, vol 11, [June 16, 2017], at 24-25 and 34.

<sup>8</sup> The *Interim funding Agreement (2018-2023)* was entered into by the Naskapi Village of Kawawachikamach, Her Majesty in Right of Canada and the Government of Québec on 12 July 2018.

[31] The lack of an investigation officer in Kawawachikamach also creates access to services issues. Upon the occurrence of a serious offence, the Naskapi Police Force may need to wait for an investigation officer from the *Sûreté du Québec*, which creates undue delays when handling emergencies. In some instances, response time extended well beyond a few hours,<sup>9</sup> endangering both the community and the administration of justice.

**ii) The Naskapis often face cultural insecurity when dealing with police services**

[32] The Naskapis often come into contact with other police forces, such as the *Sûreté du Québec* in Schefferville or others when traveling in the province, in Sept-Îles, Montréal or Québec city, for example. In those situations, Naskapis tend to feel culturally insecure.

[33] The Nation believes that there is a lack of culturally appropriate training that would allow police officers to better understand the Naskapis, whose behaviours may often reflect intergenerational trauma, as well as adaptation and compensation mechanisms.

[34] The Nation also wishes that access to police training programs become more accessible to Naskapi youths who are interested in police work as a career. Chief Noah Swappie testified to the effect that “[c]ontrary to non-First Nations students, Naskapi students in police training programs must pay significant tuition fees”<sup>10</sup>. While this specific issue was solved in part through the *Interim funding Agreement (2018-2023)*, Naskapi youths face other barriers in accessing this livelihood, as those students are facing studies far from home and in an unknown environment.

**iii) The Nation’s recommendations**

[35] The Nation recommends the following:

- a) That public security, represented by the Naskapi Police Force, be also considered as a community service comprised of officers who see their role as being part of the community they serve, whether they are on or off duty, the Government of

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<sup>9</sup> June 16, 2017. *supra* note 7.

<sup>10</sup> June 16, 2017, *supra* note 7 at 25.

Canada and Government of Québec being financially fully responsible for financing such a service, according to Section 13 of the NEQA;

- b) That the Governments of Québec and of Canada ensure that the Nation receives predictable and stable funding in order to reach the same legislated policing standards as municipal and provincial police services, and avoid perpetual deficits;
- c) That the Governments of Québec and of Canada take the necessary measures to ensure the presence of investigation officers in Kawawachikamach and Schefferville at all time in order to reduce intervention time and ensure the security of the community and better administration of justice;
- d) That the Government of Québec fund and implement culturally appropriate training for police officers in order to reduce cultural insecurity;
- e) That the Government of Québec fund and implement programs to facilitate the enrollment of Naskapi youths in police training programs.

## **B. Justice System**

[36] The relationship between the Naskapi community and the Justice system is unusual due to its remoteness, distancing the Naskapis both from courts of justice and actors of the system, and its language.

[37] In Kawawachikamach, court hearings are held at the Naskapi Community Center, causing all other activities to be paralyzed during court sessions. The community does not have a courthouse<sup>11</sup> and the Community Center is not equipped with rooms ensuring that meetings between parties and their lawyers can be held with privacy. This venue is inadequate and does not meet the basic requirements for the proper conduct of trials and hearings.<sup>12</sup>

[38] Hearings must thus follow the agenda of the Circuit Court. The Circuit Court usually visits the community four times per year, representing in total sixteen court days per year for criminal

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<sup>11</sup> June 16, 2017, *supra* note 7 at 26.

<sup>12</sup> *ibid.* at 26.

and penal matters. In Kawawachikamach, there have been special terms for youth protection since 2015, adding eight days of court over four additional trips.<sup>13</sup>

[39] On the Schefferville circuit, there are six appointed judges, an average of five prosecutors and an average of eight legal aid lawyers.<sup>14</sup> Clients meet their lawyer upon the arrival of the Circuit Court, unless they had the opportunity to meet on a previous trip.<sup>15</sup> As a consequence, clients and lawyers alike face serious difficulties in preparing their cases.

[40] This problem is particularly serious since the lack of adequate health and social resources in remote areas often renders the justice system a first line services for many issues that may otherwise have been resolved through other channels.<sup>16</sup> The practices over the course of the last 15 years do not seem to be effective in addressing issues of violence and crime in the community. The system often fails to bring justice to community members and many have complained that delays cause charges in relation to domestic or sexual violence to be dropped before the next Circuit Court visit.

[41] Between April and August 2016, there were a total of 31 filed complaints involving domestic violence in Kawawachikamach. Amongst them, 20 involved alcohol abuse and two involved drug abuse. The complaints were made against 24 men and seven women. In ten cases, which represents a third of total complaints, women dropped charges against their partner the day following the filing. Most often, women drop charges out of fear or pressure from their family and their partner's family. Indeed, the housing shortage prevents women from relocating between the filing of the charges and trial. The opening of a women's shelter in 2019 should help in allowing women not to cohabit with their partner while awaiting a court date.

[42] The findings of the Barreau du Québec is that the justice system as it is simply does not serve indigenous persons adequately, particularly in remote areas such as Kawawachikamach.<sup>17</sup>

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<sup>13</sup> **Exhibit P-006**, *Commission d'enquête sur les relations entre les Autochtones et certains services publics au Québec : Écoute, Réconciliation et Progrès Présentation du ministère de la Justice* (13 juin 2017), Yan Paquette; Transcript of the hearing of June 13, 2017, vol 6 at 59 [**June 13, 2017**].

<sup>14</sup> Exhibit P-006, *supra* note 13; see also June 13, 2017, *supra* note 13 at 57-58.

<sup>15</sup> Exhibit P-006, *supra* note 13.

<sup>16</sup> **Exhibit P-556**, *Mémoire du Barreau du Québec* (19 avril 2018), Me Paul-Mathieu Grondin, Me Nathalie Pelletier, Me Claude Beudet, Me Cassandra Neptune, Me Marc Lemay, Me Julien Pelletier David at 9.

<sup>17</sup> Exhibit P-556, *supra* note 16.

[43] In response, institutions tend to position themselves in favor of video conferencing. While this seems like a good idea at first, the Naskapis bear the impacts of this technology since, without in-person visits of the Court, the wall of technology often accentuates language and culture barriers, making communications more difficult. One should also take into account technological limitations in remote areas such as Kawawachikamach since the slow Internet prevents efficient and successful communications. Although fast speed internet should be accessible in the following year in the Schefferville region, it is still not accessible to this day, which makes video conferencing impossible.

[44] The system of justice being disembodied from the Naskapi culture, video conferencing will contribute to that perception.

**i) Relationship with judicial actors**

[45] For the sessions of the Circuit Court in Kawawachikamach, there is only one court worker.<sup>18</sup> In a context where the Naskapis, as a majority, do not speak nor understand fully the language of the court, which is French, and are unfamiliar not only with the justice system but also its underlying premises, the availability of court workers is essential.

[46] In addition, the Naskapis rarely have access to flyers or posters providing them with information on the justice system, or providing basic legal education. When such materials are available, they are often in French. Moreover, unreliable access to the Internet further impedes access to legal information. The *Barreau du Québec* notes that this situation often prevents clients and lawyers to determine whether one is eligible to legal aid.<sup>19</sup>

[47] Access to victim assistance is also difficult for Naskapis. The Côte-Nord Crime Victims Assistance Centre (“CAVAC”), explains that they only have three indigenous actors, and asserts that two of them are based in Sept-Îles.<sup>20</sup> Those two workers are Innu and speak Innu, while other agents are usually not comfortable communicating in English. One of them visits Kawawachikamach according to the Circuit Court agenda. Victims must thus travel south if

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<sup>18</sup> Exhibit P-006, *supra* note 13.

<sup>19</sup> Barreau du Québec. *La justice dans le Grand Nord : Rapport sur les missions du Barreau du Québec auprès des communautés autochtones du Grand Nord québécois*, 2014 [Online : <https://www.barreau.qc.ca/media/1301/20150123-rapport-nord.pdf>].

<sup>20</sup> Exhibit P-574, *Réponse à la DS-0158-C, Lettre du CAVAC* (14 mai 2018), Alma Mameanskum-Dominique;

needing assistance outside of the Circuit Court agenda. While Justice Québec plans to have a circuit point of service in Kawawachikamach in 2018, it would not resolve the issue of intermittent access within the community.<sup>21</sup> There should be at least one CAVAC employee in Kawawachikamach or Schefferville.<sup>22</sup>

[48] According to CAVAC, services are available in French, English, Naskapi, and Innu in the Sept-Îles point of service. However, CAVAC acknowledges that translation services are not easily available in this region.<sup>23</sup> Flyers and information documents are not available in Naskapi either.<sup>24</sup> Follow-up with victims is usually done in writing in French and sometimes in English.

## ii) Relationship with court workers and other actors

[49] The Naskapis' first language is Naskapi, and their second language is English. Since Québec's professionals working in the justice system are mainly French speakers, there is an underlying language barrier that must be overcome in order to ensure the accessibility of justice services. While the NEQA recognizes the right for Naskapis to be provided interpretation and translation services in Naskapi at no cost, in effect, interpretation and translation into Naskapi are not rendered consistently.

[50] The interpretation is challenged by the fact that two interpreters are involved: one who translates from French to English, then another who translates from English to Naskapi. This increases chances of miscommunication between parties. It was only in 2016 that two Naskapis were trained in legal translation in order to perform interpretation in Naskapi at the itinerant court.

[51] As a result, misunderstandings and confusion have become inherent to the Naskapis' encounter with Québec justice administration. Consequently, Naskapi defendants are not necessarily aware of their rights or do not necessarily fully understand the judicial process they are going through.

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<sup>21</sup> Exhibit P-006; see also Exhibit P-556, *supra* note 16 at 37.

<sup>22</sup> Exhibit P-556, *supra* note 16 at 37.

<sup>23</sup> Exhibits P-574, *supra* note 20; **Exhibit P-575**, *Réponse à la demande DG00123-C, Langues de services du CAVAC* (14 mai 2018), Alma Mameanskum-Dominique;

<sup>24</sup> Exhibit P-574, *supra* note 20;

[52] The lack of Naskapi interpreters and translators also entails the impossibility for Naskapis to obtain Court documents in Naskapi.

[53] As recommended the *Barreau du Québec* in their Memorandum, Exhibit P-556, it is not only necessary to provide funding to interpreters, but it is also recommended that positions for them as employees be created to ensure stable service. Indeed, interpreters are self-employed, causing the need to cancel hearings because of the absence of interpreters.<sup>25</sup>

**i) The Nation's recommendations**

[54] The Nation recommends the following:

- a) That the Government of Québec participate in the funding of the building of a courthouse or alternate appropriate venue in Kawawachikamach to ensure that sessions of the court be held in an adequate setting respecting confidentiality and efficiency;
- b) That the Circuit Court's agenda be made to be sufficient to meet the needs of the Nation and its members;
- c) That the Government of Québec fund and implement training programs for Naskapi translators and interpreters;
- d) That the Government of Québec follow the recommendations of the Nation regarding modifications to the *Code of Civil Procedure* and the *Regulation of the Court of Québec*, such as those regarding the translation of court documents, traveling accommodations to travel outside of the community for hearings, etc;
- e) That judicial actors, court workers and other actors travel with informative materials in English and/or Naskapi to ensure understanding of the judicial process;

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<sup>25</sup> Exhibit P-556. *supra* note 16 at 5 and 30.

- f) That the Government of Québec fund and implement training programs for judicial actors, court workers and other actors on Naskapi culture, way of life and trauma to ensure that all Naskapis have access to a culturally appropriate approach<sup>26</sup>;
- g) That the Government of Québec provide adequate training to *Gladue* reporters, who should not be probation officers, must have knowledge of the Naskapi culture, of the community and of the resources available in the region;<sup>27</sup>
- h) That funding and programs be made available to promote and facilitate the post-secondary education of First Nations professionals living in remote communities;<sup>28</sup>
- i) That the involvement of Naskapi in the administration of justice be facilitated at the local level;<sup>29</sup>
- j) That Naskapi offenders, victims and families be ensured to receive proper treatment and support when encountering conflicts or crimes.<sup>30</sup>

### C. Correctional Services

[55] Between April 1, 2015 and March 31, 2016, around 18 Naskapis were incarcerated for at least a day amongst 1,632 indigenous inmates under the custody of the *Direction générale des services correctionnels* (the “DGSC”) of the *Ministère de la Sécurité publique*. They then represented 1.1% of the indigenous correctional population. This suggests that statistics about indigenous population are often unprecise when discussing Naskapis.<sup>31</sup>

[56] As a result, access to culturally appropriate approaches for the Naskapis within the correctional services is extremely difficult in Québec. While resources are available to indigenous persons in Sept-Îles, they are most often in French or in Innu.

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<sup>26</sup> June 16, 2017. *supra* note 7 at 27.

<sup>27</sup> Exhibit P-006.

<sup>28</sup> Exhibit P-556, *supra* note 16 at 5.

<sup>29</sup> June 16, 2017, *supra* note 7 at 27.

<sup>30</sup> *idem*.

<sup>31</sup> **Exhibit P-513**, *Profil correctionnel des Autochtones confiés aux services correctionnels 2015-2016* (23 mars 2018), Renée Brassard (the percentage was of 1.7% in 2006, Exhibit P-512).

[57] Côte-Nord has two detention facilities, one in Baie-Comeau where 11.8% of the custodial population is indigenous and one in Sept-Îles, where 51.8% of the custodial population is indigenous.<sup>32</sup> The Direction of Professional Correctional Services (the “**Direction**”), commonly referred to as probation office, is in Sept-Îles and there is a point of service in Baie-Comeau. The *Ministère de la sécurité publique* asserts that the Direction also has 16 satellite probation offices on the Côte-Nord territory, one being in the community of Kawawachikamach.<sup>33</sup> However, it is unclear what a satellite probation office means since there is no physical probation office or permanent probation officer in Kawawachikamach at the moment. Moreover, probation officers who periodically visit Schefferville from Sept-Îles most often have a limited capacity to communicate in English.

[58] The closest community residential centre from Kawawachikamach is the Centre Kapatan Gilles-Jourdain in Mani-Utenam. They offer 18 beds for Québec correctional services and two for federal correctional services,<sup>34</sup> but none of the services are available in English or Naskapi. Another example of the lack of access for Naskapis is the fact that compensatory work is not available to Naskapis since there is no host organization in Kawawachikamach unless one makes a request to the Matimekosh Band Council, an Innu community close to Kawawachikamach.<sup>35</sup>

[59] Since Naskapis-specific public resources are so scarce and the number of Naskapis within or exiting the correctional services is so low, the Nation believes that focus should be put on alternate justice resources that would ensure a culturally appropriate approach to Naskapis but also promote healing.

**i) The Nation’s recommendations**

[60] The Nation recommends the following:

- a) That the Government of Québec guarantee that Naskapis will have access to services in the language of their choice;

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<sup>32</sup> **Exhibit P-578**, *Présentation des services correctionnels* (15 mai 2018), Line Boudreault.

<sup>33</sup> *idem*.

<sup>34</sup> **Exhibit P-576**, *Sensibilisation sur les communautés autochtones du territoire de la Côte-Nord, délai de 30 jours* (15 mai 2018), Line Boudreault, at 18.

<sup>35</sup> **Exhibit PD-3**, *Itinérance, judiciarisation et alternatives à l’emprisonnement* (22 août 2018), CERP.

- b) That the Government of Québec fund and implement culturally appropriate training to judicial actors, court workers and other actors within the correctional services in order to reduce cultural insecurity;
- c) That satellite offices of correctional offices be available in Kawawachikamach and Schefferville;
- d) That sentencing be adapted in order to take into account reinsertion within the community, including in encouraging sentencing circles to ensure that sentencing is coherent with the community's values;<sup>36</sup>
- e) That probation programs be allotted funds to facilitate the use of the new Camp Fort McKenzie as a healing centre, and as a post-sentencing facility for Naskapi offenders and youth offenders in particular;
- f) That support services be available within the community after incarceration.

#### **D. Health and Social Services**

[61] Similarly to other indigenous communities, Naskapis living in Kawawachikamach have a lower life expectancy in comparison with the rest of the Québec population. On average, they live with a higher risk of developing obesity, mental health issues, linked to a higher suicide rate, non-communicable diseases, such as diabetes, as well as communicable diseases, such as tuberculosis.

[62] While it is not yet possible to quantify the gap between the Naskapis and the rest of the Québec population due to insufficient data, the Naskapi CLSC has recorded a significant number of cases of endocrine and metabolic diseases (such as obesity and diabetes, etc.), cardiovascular diseases (such as heart diseases and hypertension, etc.), and addictions (such as alcohol, drugs, gambling, etc.) in 2015.

[63] Since July 2001, the Naskapis have access to a CLSC in Kawawachikamach. As of 2016, with the negotiations of a new budget and the opening of a new CLSC, a greater range of services is available such as physicians, social workers, dentists, nutritionists, kinesiologists, psychologists,

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<sup>36</sup> Exhibit P-576, *supra* note 34.

occupational therapists, etc. However, those services are incomplete and are not available at all times since most health workers are not based in Kawawachikamach and must travel between their home and the communities they serve<sup>37</sup>, unlike for instance, nurses who are based in Schefferville.

[64] Several basic health services remain unavailable in Kawawachikamach. For example, the CLSC is only able to provide expecting mothers with prenatal care up until their 36<sup>th</sup> week of pregnancy. After this threshold, women must travel to Sept-Îles to finish their pregnancy. During that trip, they most often travel alone, without their partner. During that time, a woman's older children remain with her partner or relatives. Upon the new mother's return to Kawawachikamach, the CLSC does not provide specific, specialized follow-ups. Although this situation may be frequent in remote communities, the Nation submits that it should not be normalized nor tolerated.

[65] During the 2017-2018 fiscal year, 740 different community members received services at the Naskapi CLSC for staff, excluding doctors and dentists, and more than 8,391 individual interventions were undertaken. The latter includes 571 emergency interventions, 4,208 health clinic interventions, 937 interventions related to promotion and prevention programs, 922 interventions related to home and community care programs, 956 interventions related to social and mental health problems, and 797 interventions in other programs.

**i) The issues arising from inappropriate funding**

[66] The increasing needs of the community in terms of health services should urge Québec to allocate an appropriate level of funding to deliver an adequate number and quality of services, as well as to adopt measures to eliminate and prevent any discrimination towards its Naskapi clients, including institutional changes to adapt the health system to the realities of Kawawachikamach residents.

[67] The NEQA originally specified that:

**10.10** Until the Naskapis of Québec establish their permanent residence on Category IA-N lands, Canada and Québec shall continue to offer to the Naskapis those health and social services presently offered (see details in schedules 1 and 2 of the present section) in accordance with the terms and conditions existing at the time of the execution of the present Agreement or in accordance with the terms and conditions to be agreed upon between

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<sup>37</sup> June 16, 2017, *supra* note 7 at 27.

Canada and Québec from the time of the execution of the present Agreement to the time when the Naskapis establish their permanent residence on Category IA-N lands.

**10.11** Upon the Naskapis of Québec establishing their permanent residence on Category IA-N lands, Québec shall undertake, with the appropriate resources, to assume and to deliver to the Naskapis of Québec the full range of health and social services, according to the needs of the Naskapis residing on Category IA-N lands. Consequently, Canada shall desist from its responsibilities with respect to the health and social services that it was offering until such time.

[68] This provision was reiterated in 2004, when Section 10 of the NEQA was reviewed through the *Complementary Agreement no. 2*<sup>38</sup> to the NEQA:

**10.3** Québec shall, with the appropriate resources, be responsible for the delivery to the Naskapis of Québec residing in the Territory of the full range of health and social services in accordance with the provisions of this section and according to the needs of the Naskapis residing in the Territory. Such services include those services which are not normally offered to the general population of Québec, but which Canada offered to the Naskapis on January 31, 1978.

[69] Annex 1 of Section 10 of the NEQA further specifies which health services shall be provided by the Governments of Québec and Canada, such as dental care, mental health care, maternal and children health care, an obstetrical clinic, alcohol and drug abuse, etc. However, Section 10 of the NEQA was never implemented. As a result, the Naskapi CLSC must operate with funds that are only sufficient to cover its expenses as a CLSC. As a result, the CLSC must operate with a deficit in order to provide part of those non-insured health benefits, making it difficult to comply with the *Act to provide for balanced budgets in the public health and social services network*<sup>39</sup>.

[70] Despite this clear and precise engagement, and although advances have recently been made between the CLSC and the *Ministère de la Santé et des Services sociaux* at an administrative level concerning the funding of non-insured health benefits, a long-term solution concerning this critical issue has yet to be implemented by Quebec.

[71] This situation sets the Naskapis apart from other beneficiaries such as the Crees or the Inuit. While the Naskapis must turn to the budget allocated to their CLSC for the providing of non-insured health benefits, Crees and Inuit benefit from a distinct budget that covers those expenses.

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<sup>38</sup> *Complementary Agreement no. 2*, Naskapi Landholding Corporation of Schefferville and Government of Québec, 4 November 2004.

<sup>39</sup> CQLR c E-12.0001.

The *Ministère de la Santé et des Services sociaux* allocated a budget of \$62,288,019 to the Cree communities and \$ 50,699,697 to the Inuit. The Nation submits that this situation is discriminatory and inconsistent with the NEQA and the JBNQA.

[72] It is also important to note that Kawawachikamach's geographical situation has a direct impact on the cost of health and social services to the Naskapi population. Indeed, being remote and isolated, extra cost is associated with the transportation of medicine, materials and patients as well as recruitment, amongst others.

[73] For the reasons stated above, the Naskapi CLSC's insufficient funding with regard to non-insured health benefits must be addressed, in accordance with the aforementioned provisions of the NEQA, to ensure that it delivers a level and quality of health and social services that are in respect of legal standards. Although hurtful or discriminatory comments on Naskapi patients can never be justified, an understaffed health facility lacking sufficient funds can lead to an environment exacerbating disrespectful behaviours, due to high-stress levels and exhaustion. This situation is alarming when bias against indigenous patients translates into refusal to provide healthcare, in medical neglect, in impulsive reporting to youth protection services or in resorting to calling of the police force when patients are seeking medical care outside of service hours.

[74] The comparison table in **Schedule 3** classifies data from other indigenous communities according to their health budget per capita in an ascending order. When taking into consideration data from the individual Cree Community Miyupimaatisiun Centres (the "CMC"), there is a negative correlation between the sustaining Cree population and the health budget per capita: the latter decreases as the population increases. This might be explained by general economies of scale in delivering health services.

[75] However, the Naskapi CLSC stands out in this trend, as its health budget per capita is second to lowest, between Chisasibi CMC's (population of 4,143) and Mistassini CMC's (population of 3,512), while its sustaining population is only at 1,171. This suggests that the Naskapi CLSC operates with a budget that is significantly lower than one that would allow the adequate delivery of health and social services to Naskapis living in the Kawawachikamach-Schefferville region, at least to an equivalent level and quality that are offered to Cree beneficiaries. For example, Whapmagoostui CMC, which serves a population size slightly lower

than Kawawachikamach, has a budget of \$4,844 per capita comparatively to \$2,522 for the Naskapi CLSC.

[76] In a more explicit way, the graph in **Schedule 4** includes data from the table above regarding health budget per capita of Cree CMCs and of the Naskapi CLSC with a quadratic regression based on Cree CMCs. Based on this regression, a sustainable budget for the Naskapi CLSC would be of approximately \$4,198, which represent a shortfall in the current budget of \$1,676 per capita ( $\$4,198 - \$2,522$ ) and of \$1,962,596 for the total budget allocated ( $\$1,676 \times 1,171$  individuals).

[77] There also is a positive correlation between the size of the sustaining population and the size of the CMC staff. Mistassini aside with its incredibly large size of personnel (137 workers), a larger community size translates into a larger health staff size. This seems crucial to ensure the effective delivery of services, including to prevent workers' burnout and to protect their mental health. Again, the Naskapi CLSC stands out of this trend with a lower number of employees compared to Cree communities with similar population size. For example, the Whapmagoostui CMC has a staff composed of 59 workers comparatively to 23 workers for the Naskapi CLSC.

[78] In a more explicit way, the graph in **Schedule 5** also includes data in the table above regarding staff size of Cree CMCs and of the Naskapi CLSC with a quadratic regression based on Cree CMCs. Based on this regression, a sustainable staff size for the Naskapi CLSC would be composed of approximately 63 employees, which represent a shortfall in the current staff size of 40 employees ( $63 - 23$  employees).

[79] Adequate funding is important to allow the Nation to implement relevant projects within the community. For example, the women's shelter mentioned above will have a maximum capacity of 15 beds in six rooms. Operations of the centre and ongoing support to residents will be offered by four local support workers and a director. While funding for the building and the daily operations of the centre has been secured from the Federal government, funding for the provision of medical and social services to residents remains an issue. While it is understood that the centre's residents will have access to the resources already existing at the Naskapi CLSC, such as crisis management, counselling and victim assistance, those resources will be stretched even further considering the urgent and time-sensitive issues that are inherent in such facilities.

**ii) The language barrier**

[80] The first language of health and social services providers in Québec is French, while their Naskapi patients' first language is Naskapi, with variable levels of comprehension of English. Access to Québec health and social services is therefore hindered by language barriers, creating misunderstandings and miscommunication between service providers, and Naskapi patients and families. This situation is very real for Naskapi patients in the community's CLSC. As Chief Swappie explained during his testimony before the Inquiry, "[t]here are often no nurse or physician working in Kawawachikamach, whose first language is English."<sup>40</sup>

[81] The misunderstandings in the delivery of care hinder the accessibility of services, as well as their quality, as Naskapis' concerns or symptoms might not be fully understood by Québec professionals, while the latter's advice or prescription might not be well explained and received. Sometimes, even when explanations are given in English, the written directives or prescriptions will remain in French, failing to meet their goal. This may cause confusion at the CLSC and at patients' homes.<sup>41</sup> Moreover, elders are often more likely to avoid seeking medical attention when experiencing pain because they are often most affected by the language barrier.<sup>42</sup>

[82] Issues arising from the lack of services in English manifest themselves in various manners, such as:

- a) Longer wait times for general and specialized services;
- b) Lack of services for mental health;
- c) Lack of response in situations of crisis or critical care;
- d) Lack of English language documentation;
- e) Difficulty to call provincial institutions;

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<sup>40</sup> June 16, 2017, *supra* note 7 at 27.

<sup>41</sup> **Exhibit P-516**, *en liasse Written Submission of the Coalition of English Speaking First Nations Communities in Quebec* (23 mars 2018), Donna Metallic, Amy Chamberlin, Olivier Jarda, Lysane Cree at 82-83.

<sup>42</sup> *ibid.* at 84.

f) Delays in accessing legislative or statutory modifications to health services.<sup>43</sup>

[83] The lack of mental health resources in English is particularly alarming in a community struggling with high suicide rates. A psychologist visits Kawawachikamach once a month but often only speaks French.<sup>44</sup> Since there is only one psychologist available, community members also face confidentiality issues. Some might feel uncomfortable speaking with a psychologist, knowing that he is the only resource and that many other people confide in him. Therefore, some people who want to get help may not be able to. The psychologist usually stays within the community for periods of two weeks per month. It is important to note however that this service is available only to adults and that children do not have access to a similar service.<sup>45</sup>

[84] Access to information about health and social services is also very difficult for Naskapis, particularly outside of Kawawachikamach. When such information is made available, such as posters or flyers, they are most often in French and represent little value for the community. Language barriers also extend to patients' files. Files other than those of the CLSC are often kept in French by health and social services workers, making them inaccessible to patients and local staff. Indeed, this is especially problematic since English-speaking social workers who are sent to the community or from the community may have difficulty helping the members in the most effective manner. Local social workers have expressed frustration over the impossibility to effectively help patients because they could not understand their file.<sup>46</sup>

[85] In situations of emergency or crisis, the language barrier may become blatantly dangerous. For example, ambulance workers in Schefferville are French-speaking and will often only take calls from nurses or health workers from the CLSC. In order to request an ambulance, community members need to call the CLSC and explain the emergency to a nurse who will assess the situation in order to determine whether an ambulance will be called or not. This creates a clear cleavage

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<sup>43</sup> **Exhibit P-514**, *Présentation « Portrait of the Situation for English-speaking First Nations : Accessing Health and Social Services in English in the Province of Quebec »* (23 mars 2018), Donna Metallic, Amy Chamberlin, Olivier Jarda, Lysane Cree; **Exhibit P-515**, *Présentation « Barriers to Access to Health and Social Services for English-speaking First Nations Communities in Quebec »* (23 mars 2018), Donna Metallic, Amy Chamberlin, Olivier Jarda, Lysane Cree.

<sup>44</sup> Exhibit P-516, *supra* note 41 at 83.

<sup>45</sup> *ibid.* at Appendix 5.

<sup>46</sup> *ibid.* at 84.

between Naskapis and other Québec residents, who may directly call 911 in order to request ambulance services.<sup>47</sup>

[86] The intensity of the above-mentioned problems will vary depending on the point of service, but the result is that the right to access health services in English is determined by Access Programs in each region. Those programs evaluate the need for English services in a given region and determine the services providers and how they should be accessed by patients. The set of rules stemming from those Access Programs define access to services for patients of a given region. This reality is often referred to as “Corridors of Service”. Those Access Programs are developed in consultation with a regional and a provincial committee.<sup>48</sup> The resulting Corridors of Service therefore limit access of English-speaking users.

[87] The language barriers are enhanced in outside facilities where Naskapi patients are transported to access services that are not available in the community, such as in Sept-Îles, where workers may be even less accustomed to providing care in English, relatively to those working in Kawawachikamach.

[88] For example, there is only one translator in the Sept-Îles hospital who speaks English and Naskapi.<sup>49</sup> While Ms. Sharon Shecanapish’s work with the Naskapis is most welcomed since it extends well beyond translation, one person may not attend all Naskapi patients in need of translation services. Indeed, Ms. Shecanapish is sought after by all English-speaking patients as well as Innu and Naskapi speaking patients.<sup>50</sup>

[89] The necessity to access resources in English was discussed in the Coroner’s report:

Given the verbal communication problems with non-Aboriginal services;

Given the importance of optimal communication between professionals and a beneficiary during a suicidal crisis;

Since the forms and questionnaires used by the professionals are in French only, from what I learned at the inquest and from what I saw on reading the cases;

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<sup>47</sup> Exhibit P-516, *supra* note 41 at 85-86.

<sup>48</sup> Exhibit P-515, *supra* note 43; Exhibit P-516, *supra* note 41 at 8.

<sup>49</sup> *ibid.* at 84.

<sup>50</sup> **Exhibit P-591**, *Revue : Collaborer pour mieux servir, Article: Une simple présence est tout ce qu’il y a de plus important* (22 mai 2018), Sharron Tardif Shecanapish at 5.

Whereas, for example, during Alicia Grace Sandy's hospitalization, understanding and communication problems were observed between the patient and the health professionals;

**I RECOMMEND:**

- That the Centre intégré de santé et de services sociaux de la Côte-Nord – section de Sept-Îles and, more specifically, the psychiatric service, ensure there is an interpreter, so that the needs of the hospitalized patient are properly understood and the patient properly understands;
- That the Centre intégré de santé et de services sociaux de la Côte-Nord – section de Sept-Îles translate the forms and questionnaires used into Innu, English, and Naskapi.<sup>51</sup>

[90] The Coroner also noted that the lack of English resources often obligates Naskapis to seek medical and social help in regions with a higher rate of Anglophones such as Montréal:

There are no residential facilities in Kawawachikamach for persons who are struggling with drinking and substance abuse problems. The Naskapi must go to Montréal for treatment or therapy services, in particular, because the Naskapi speak only Naskapi and English.<sup>52</sup>

[...]

So that Anglophone Aboriginals, including the Naskapi, can receive services adapted to their needs without being mixed with Anglophone Aboriginals from big cities like Montréal, who have nothing in common with those from outlying regions;

**I RECOMMEND:**

- That the Québec government collaborate with the Government of Canada to create such a regional Anglophone resource, which could provide all of the Anglophone Aboriginal clientele (Cree, Naskapi, Inuit and Micmac) with residential facilities and addiction treatment services.<sup>53</sup>

[91] In some instances, the fear of being “sent south” in an environment that is disorienting due to the differences in language and culture may lead to some people avoiding to seek help for health issues such as suicidal thoughts.

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<sup>51</sup> Exhibit P-557, *supra* note 6.

<sup>52</sup> *idem*.

<sup>53</sup> *idem*.

[92] It is clear for the Nation that Naskapis endure double-discrimination when accessing health and social services in Québec. Indeed, language and culture are closely connected and the Naskapis suffer both from the lack of cultural understanding and language barriers.<sup>54</sup>

[93] The Government of Québec needs to address those issues at the root so that Naskapis may be ensured substantive equality in the access to health and social services. Therefore, in order to reach substantive equality, funding and programming must be put in place in response to the uniqueness of being both indigenous and English-speaking persons in Québec.

[94] Pursuant to section 15 of the *Canadian Charter of Rights and Freedoms*<sup>55</sup> (the “**Canadian Charter**”) and section 10 of the *Charter of Human Rights and Freedoms*<sup>56</sup> (the “**Québec Charter**”), the Government of Québec’s decision-making regarding access to health services in English must be in accordance with section 15 of the *Act respecting Health Services and Social Services* is limited.<sup>57</sup>

[95] In *Caring Society 2016*, the Canadian Human Rights Tribunal reiterated that substantive equality requires that:

- a) Specific measures be implemented at the legislative, executive, administrative, budgetary and regulatory level by all levels of government;
- b) Culturally appropriate services be provided for each specific First Nations community culture;
- c) Needs of specific First Nations communities be met;
- d) Historical disadvantages endured by First Nations be stopped;
- e) Intergenerational trauma be addressed;
- f) The gap between First Nations and other Québec residents be narrowed;

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<sup>54</sup> Exhibit P-514, *supra* note 43.

<sup>55</sup> *The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK)*, 1982, c 11, [**Canadian Charter**].

<sup>56</sup> *Charter of Human Rights and Freedoms*, CQLR c C-12, [**Québec Charter**].

<sup>57</sup> Exhibit P-515, *supra* note 43.

- g) Outcomes for First Nations in the provision of social services be improved;
- h) Comparable quality and accessibility of services to those provided to other Québec residents be provided to First Nations;
- i) The cycle of outside control over First Nations' culture and identity be broken.<sup>58</sup>

[96] In the context of the provision of health and social services, the discrimination the Naskapis are facing threatens their right to security pursuant to section 7 of the Canadian Charter and section 1 of Québec Charter. Discrimination also affects their right to dignity under section 4 of the Québec Charter.

[97] The right to access social and health services without discrimination was also acknowledged by the United Nations Declaration of Rights of Indigenous People ("UNDRIP") at article 24 (1). The right to equal enjoyment of the highest attainable standard of physical and mental health is found at article 24 (2). UNDRIP recognizes that the state is responsible for taking the necessary steps to achieve the full realization of the above-mentioned rights.<sup>59</sup>

[98] Canada has made a commitment to respect the right to enjoyment of the highest attainable standard of physical and mental health for everyone when it acceded to the *International Covenant on Economic, Social and Cultural Rights* in 1976. Moreover, the Nation submits that many rights contained in UNDRIP are part of International customary law and are binding upon Canadian governments.<sup>60</sup>

[99] Moreover, Québec is the only province that has not signed the reciprocal billing agreement.<sup>61</sup> Québec users are thus prevented from accessing out-of-province non-urgent health services, which may be geographically closer and in English, as is the case of Labrador. The Nation

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<sup>58</sup> *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2; Exhibit P-515, *supra* note 43; Exhibit P-516, *supra* note 41 at 17.

<sup>59</sup> *United Nations Declaration on the Rights of Indigenous Peoples*, UN General Assembly, 2 October 2007, A/RES/61/295, [UNDRIP], at articles 24 (2) and 29(3).

<sup>60</sup> Exhibit P-516, *supra* note 41 at 15.

<sup>61</sup> Exhibit P-515, *supra* note 43; Exhibit P-516, *supra* note 41 at 9.

considers that the Government of Québec's refusal to sign such an agreement violates the *Canada Health Act's* principles of portability and universality.<sup>62</sup>

**iii) Improve training and awareness of professionals working with members of the community to ensure cultural Security**

[100] In addition to language, cultural barriers between Naskapi community members and non-indigenous Québec workers from other areas further hinders the communication between service providers and receivers, overall affecting the access to health and social services.

[101] Considering the social and historical context of relationships, and coexistence of Naskapis and non-indigenous Canadians, which was briefly presented above, cultural safety must be at the center of Québec's health system work ethics, and more specifically its approach to Naskapi patients. The Indigenous Physicians Association of Canada and the Association of Faculties of Medicine of Canada (2009) define "cultural safety" as follows:

Cultural safety refers to a state whereby a provider embraces the skill of self-reflection as a means to advancing a therapeutic encounter with First Nations, Inuit, Métis peoples and other communities, including but not limited to visible minorities, gay, lesbian, transgendered communities, and people living with challenges.

Self-reflection in this case is underpinned by an understanding of power differentials. For First Nations, Inuit and Métis communities, this power imbalance is unequal and can be seen as a residual element of colonization and act as a barrier to facilitating the health and healing for First Nations, Inuit and Métis citizens of Canada.

Providers should be able to understand their own biases and prejudices, and how racism might play a role while providing care to these diverse communities.<sup>63</sup>

[102] As a matter of fact, community members have voiced concerns on the ethical conduct of some non-indigenous Québec health workers. Some health workers' actions and remarks show evident preconceived notions about indigenous persons, creating a power dynamic that does not ensure the best services of care for the community.

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<sup>62</sup> Exhibit P-516, *supra* note 41 at 10-11.

<sup>63</sup> Lavalée, B., Neville, A., & al. *First Nations, Inuit, Métis health core competencies: A curriculum framework for undergraduate medical education*, The Association of the Faculties of Medicine Canada, 2009, [Online: <http://www.afmc.ca/pdf/CoreCompetenciesEng.pdf>] at 10; see also **Exhibit P-112**, *Moving towards cultural Safety and Reconciliation* (29 septembre 2017), Darlene Kitty.

[103] To address the current lack of cultural safety, a comprehensive awareness and training campaign for non-indigenous Québec workers could help them realize of their own prejudices, and how to unlearn these preconceived notions on indigenous persons, to provide services and care professionally and ethically. In addition, and more importantly, further efforts need to be put in place to allow indigenous persons to work in the Québec health system. These efforts must be systemic, to remove the barriers that deter indigenous persons to work, such as requirements on the French language, while Naskapis' first language is Naskapi, and those who are bilingual speak English. The integration of Naskapi or indigenous health providers would improve the cultural sensitivity of Québec workers.

**iv) The Nation's recommendations**

[104] The Nation recommends the following:

- a) That the Government of Québec guarantee that Naskapis will have access to services in the language of their choice in a manner that is substantively equal to that of other Québec residents;
- b) That the Government of Québec guarantee that it will negotiate the costs of non-insured health benefits and compensate the Naskapi for their costs in accordance with sections 10.3 and 10.6 of the NEQA;
- c) That the Government of Québec guarantee that it will execute with the Naskapi an agreement similar to those executed with the Cree and the Inuit with respect to the funding of non-insured health benefits;
- d) That the participation of the Naskapis in the development of regional Access Programs be encouraged and facilitated;
- e) That English-speaking members of indigenous communities be represented on regional committees to participate in the development of an independent Access Program for English-speaking indigenous communities;<sup>64</sup>

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<sup>64</sup> Exhibit P-515, *supra* note 43; Exhibit P-516, *supra* note 41 at 9.

- f) That the Government of Québec enter into cooperation programs or reciprocal billing programs for non-urgent care for out-of-province services such as in Labrador;<sup>65</sup>
- g) That the Government of Québec guarantee that it will execute with the Naskapi a multi-year agreement similar to those executed with the Cree and the Inuit in order to provide the CLSC with the financial resources necessary to ensure the successful implementation of its multi-year strategic plan;
- h) That the access to health services within the community be improved, including for the care of chronic conditions such as diabetes, cancer, and dialysis, to avoid exile of Naskapis to other regions that offer the services for extended periods;
- i) That communications between provincial and federal governments be improved to ensure better coordination and avoid overlaps in suggested programs and services rendered to the community;
- j) That stability of workers be ensured and that measures be improved to avoid issues related to conflicts of interest and confidentiality;
- k) That the recommendations of the Coroner pertaining to mental health, addictions and general care be implemented, including:
  - i) the set-up of a soundproof and secure room for persons in crisis, intoxicated, or suicidal within the Naskapi CLSC;
  - ii) the set-up of a resource capable of meeting the needs of persons with mental health or addiction problems, and the hiring of necessary personnel, to be funded by the Quebec Ministry of Health and Social Services;
  - iii) escorting services for patients taken outside of the community for care;
  - iv) suicide prevention programs and the availability of an English hotline;
- l) That medical and psychiatric services be made available in English and Naskapi at the *Centre intégré de santé et de services sociaux de la Côte-Nord* in Sept-Îles

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<sup>65</sup> Exhibit P-515, *supra* note 43 at 14-16.

by ensuring there is an interpreter, and that forms and questionnaires be translated, as recommended by the Coroner;

- m) That counselling services be made available in English for Naskapis who participate in addictions treatment programs in Sept-Iles, or that increased operational funding be provided to the CLSC to cover the costs associated with Naskapi participation in such programs with the Cree in the James Bay region;
- n) That a specific budget be allotted to the Naskapi CLSC to provide adequate services to women and their children residing at the new women's shelter.

### **E. Youth Protection Services**

[105] Youth Protection for Naskapis is managed by the *Centre de protection et de réadaptation de la Côte-Nord* and is funded by the provincial government.<sup>66</sup> Youth Protection sometimes intervenes in Kawawachikamach by removing children or minor teenagers from their families. Their experience of being sent to Sept-Îles, more than 500 km from their home, is one that is often traumatic, worsened by the cultural shock and confusions related to culture and language barriers. Unfortunately, the measures taken by the Youth Protection are often incoherent with the Naskapi culture, conception of a family, and how children's education and caring is often shared amongst family and relatives.

#### **i) Language and culture barriers**

[106] Language and lack of availability of information in English is a barrier to Naskapis to access youth protection services. While language barriers experienced by Naskapis are very similar to those described above in the section pertaining to the administration of justice, and health and social services, some barriers are inherent to youth protection services themselves.

[107] For example, the lack of documentation in English and court documents being in French only prevents parents to enter into voluntary measures, which would allow them to voluntarily agree to measures in order to keep their child with them for a period during the proceedings. This

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<sup>66</sup> **Exhibit P-123**, *Les ententes de collaboration* (18 octobre 2017), Michelyne Gagné, Philippe Gagné, Marlene Gallagher.

causes children to be removed from families more rapidly than in other Québec households. For a lot of Naskapis, this situation brings back traumatic memories of the residential school system.<sup>67</sup>

[108] At the moment, requests for the translation of informational and court documents are rejected by the province.<sup>68</sup>

[109] The Nation believes that the implementation of Bill n°99, the *Act to amend the Youth Protection Act and other provisions*<sup>69</sup>, which was sanctioned on October 5, 2017, along with the training of actors to the Naskapis' customs, culture, realities and historical background, will considerably improve the change of both parents and children to be treated in a culturally appropriate manner, ensuring youth protection in the most effective manner.

[110] Indeed the preservation of culture should be a goal for youth protection services, as acknowledged by Canadian courts:

[106] [...] The transmission of indigenous languages and cultures is a generic Aboriginal right possessed by all First Nations children and their families. Indeed, the Supreme Court highlighted the importance of cultural transmission in *R. v. Côté*, 1996 CANLII 170 (SCC), [1996] 3 SCR 139 at paragraph 56:

In the aboriginal tradition, societal practices and customs are passed from one generation to the next by means of oral description and actual demonstration. As such, to ensure the continuity of aboriginal practices, customs, and traditions, a substantive aboriginal right will normally include the incidental right to teach such a practice, custom and tradition to a younger generation.<sup>70</sup>

[111] One of the main innovation of Bill n°99 is the inclusion within the notion of interest of the child of a cultural identity component. This is important since it conveys the idea that a proper living environment for the child would need to secure that cultural identity. Moreover, the coming into force of article 43 of Bill n°99 will allow youth protection services to notify the community of a child's removal and request its collaboration to find a living environment with extended family

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<sup>67</sup> Exhibit P-516, *supra* note 41 at 85.

<sup>68</sup> *idem*.

<sup>69</sup> SQ 2017, c 18.

<sup>70</sup> *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2; see also **Exhibit P-084**, *La protection de la jeunesse et les peuples autochtones* (22 septembre 2017), Sébastien Grammond [**Grammond Presentation**].

(article 72.6.0.1), which is impossible in accordance with the version of the YPA currently in force because of confidentiality requirements.<sup>71</sup>

[112] However, several dispositions of Bill n°99 are still not in force, such as articles 3, 4, 16, 42 and 43. The Nation also looks forward to the entry into force of article 37.7 of YPA which would allow the community to exercise the following powers, as stated at article 32 of YPA:

**32.** The director and the members of his staff authorized by him for that purpose have the following exclusive duties:

[...]

(b) to assess a child's situation and living conditions and decide whether the child's security or development is in danger;

(c) to decide on the direction of a child;

(d) to review the situation of a child;

(e) to put an end to the intervention if a child's security or development is not or is no longer in danger;

[...]

(h.1) to give the authority that is competent to issue an Aboriginal customary tutorship or adoption certificate the opinion required under section 71.3.2;

[...]

[113] While the Nation welcomes the coming into force of article 81.1 of YPA, which allows for the person responsible for youth protection within an indigenous community to testify before the court, present remarks and be assisted by a lawyer, funding and programs need to be implemented so that the Nation may effectively use those powers.

## ii) **Difficulty to qualify as a foster home**

[114] Youth Protection considers foster families as an option. However, their requirements in terms of foster families, or conditions for not removing a child, often reflect a lack of understanding of the realities in Kawawachikamach. For example, their requirements pertaining to housing unit

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<sup>71</sup> **Exhibit P-122**, *Pour une meilleure compréhension (PWT)* (18 octobre 2017), Michelyne Gagné, Philippe Gagné, Marlene Gallagher.

are unrealistic, resulting in a very little number of households qualifying in Kawawachikamach due to the housing crisis.

[115] In many instances, Youth Protection asks the parent or guardian to move to a new house, which is unrealistic considering the alarming housing shortage. Similarly, requirements in terms of space for foster families limit the number of eligible households, whereas the Nation would like to see develop a network of foster families in order to keep children within the community, close to their circles of support.

[116] The Coalition of English-Speaking First Nations Communities in Québec (the “CESFNCQ”), to which the Nation is a member, notes the following:

Foster Care – Homes in the community are not being assessed, resulting in a lack of Native Foster Homes, resulting in children being sent out of the community if they are being placed. Children are being placed with relatives, who are not being accredited as a "foster home", and this not receiving any financial compensation from the province. Children are being placed in Montréal because there are English homes. Some families are losing their children once they are placed in the system.<sup>72</sup>

[117] Overall, there seems to be a mistrust or misunderstanding from Youth Protection on the ability of Naskapi families, and the community as a whole, to take care of their children. The Nation's Wellness Team has proposed that Youth Protection workers be paired with a local worker, in order to raise awareness on the cultural factors and to break any preconceived notions of indigenous parenting.

[118] In conclusion, Youth Protection must consider the consequences of removing a child from the community, and rethink the current decision-making process. For each case, Youth Protection should open the discussion with local front-line workers, and the Nation, on any other alternative, with the collaboration of local service providers. It is the Nation’s belief that the removal of a child must be the last resort.

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<sup>72</sup> Exhibit P-516, *supra* note 41 at Appendix 5.

**iii) The possibility to enter into an agreement pursuant to article 37.5 of the *Youth Protection Act***

[119] The *Youth Protection Act* (the “YPA”) states that First Nations may enter into an agreement with the Government of Québec to implement a youth protection regime specific to the nation:

**37.5.** In order to better adapt the application of this Act to the realities of Native life, the Government is authorized, subject to the applicable legislative provisions, to enter into an agreement with a first nation represented by all the band councils of the communities making up that nation, with a Native community represented by its band council or by the council of a northern village, with a group of communities so represented or, in the absence of such councils, with any other Native group, for the establishment of a special youth protection program applicable to any child whose security or development is or may be considered to be in danger within the meaning of this Act.

The program established by such an agreement must be compatible with the general principles stated in this Act and with children’s rights thereunder, and is subject to the provisions of Division I of Chapter III thereof. In particular, the powers provided for in section 26 may be exercised with respect to the record relating to the case of a child to whom such an agreement applies.

The agreement shall specify the persons to whom it applies and define the territory in which the services are to be organized and provided. It shall identify the persons or authorities that will be entrusted with exercising, with full authority and independence, all or part of the responsibilities assigned to the director, and may provide, as regards the exercise of the entrusted responsibilities, procedures different from those provided for in this Act. The agreement shall contain provisions determining the manner in which a situation is to be taken in charge by the youth protection system provided for in this Act.

The agreement shall also provide measures to evaluate its implementation, and specify the cases, conditions and circumstances in which the provisions of the agreement cease to have effect.

To the extent that they are in conformity with the provisions of this section, the provisions of an agreement shall have precedence over any inconsistent provision of this Act and, as regards the organization and provision of services, of the Act respecting health services and social services (chapter S-4.2) or of the Act respecting health services and social services for Cree Native persons (chapter S-5).

Any agreement entered into under this section shall be tabled in the National Assembly within 15 days of being signed, or, if the Assembly is not in session, within 15 days of resumption. It shall also be published in the *Gazette officielle du Québec*.<sup>73</sup>

[120] The Nation submits that such an agreement would be the first step towards autonomous management of youth protection. However, it is essential that any agreement entered into in accordance with section 37.5 of the YPA ensure substantive equality of treatment for Naskapi

<sup>73</sup> *Youth Protection Act*, CQLR c P-34.1.

children. Indeed, the requirements set forth within the YPA create an apprehension that the agreement contemplated, while being a first step in the right direction, may fall short of assuring cultural safety for children and their family. Indeed, a strict reading of article 37.5 suggests that essential components of child protection could not be adapted to the Nation's reality, such as the definition of grounds of endangering situations pursuant to article 38.<sup>74</sup> The Nation fears that such requirement could hinder the achievement of the objective of the agreement.

#### iv) The lack of daycare services

[121] Naskapi families face inadequate early childhood education (“ECE”) services. While it could be argued that this topic is not in the direct scope of youth protection, the Nation submits that the lack of proper ECE services hinders Naskapi families’ capacity to care for their children in a manner that is consistent with other Québec residents.

[122] The Government of Québec’s *Ministère de la Famille* (the “MF”) has the mandate to develop and implement “policies, programs and measures that meet their needs [of children], taking the various family models and their living environments into consideration, for instance”<sup>75</sup>. The MF continues to state that, “[i]n an effort to create conditions to help families thrive and contribute to children's development, the Ministère's actions focus primarily on ensuring the accessibility and quality of childcare services, reconciling family and professional life.”<sup>76</sup> However, this mandate is not fully realized for the community of Kawawachikamach.

[123] Considering the DYP’s mission to ensure the protection, safety and proper development of children, it must recognize that healthy child development occurs on a continuum, both inside and outside the home. Access to quality early childhood education promotes healthy childhood development through the access to qualified educators, a healthy and safe environment, social interactions, and access to healthy and balanced foods, which are not always available within the home. As such, ECE services can be used as a tool for the DYP to reach its objectives.

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<sup>74</sup> **Exhibit P-089**, *Les enjeux de l'application des régimes de protection de la jeunesse aux familles autochtones* (22 septembre 2017), Sébastien Grammond, at 67-83; see also Grammond Presentation. *supra* note 70.

<sup>75</sup> Ministère de la famille. « Mission », *Ministère de la famille*, (December 16, 2016) [Online : <https://www.mfa.gouv.qc.ca/en/ministere/ministere/mission/Pages/index.aspx>], [**Famille**].

<sup>76</sup> **Famille**. *supra* note 75.

[124] Provincial standards for educational childcare centers are often disconnected from the real needs of families in Kawawachikamach. Indeed, childcare regulations and policies provide for numerous requirements which do not meet the needs of the community and prejudice the Naskapi educational childcare centre (the “CPE Sachidun”). For example, the MF requires daycare centers to be open for extended hours between 7 am and 6 pm. However, Naskapi parents work within the community, their workplace is therefore close to the daycare center, and there is no traffic. As a result, the CPE Sachidun operates for longer hours than is required, using funds that could be allotted to other needs. In addition, the MF’s mandatory calendar of operation does not take into account cultural holidays or unexpected community circumstances, such as power cuts, excessive cold, community events, holiday closures for community employers, events during which the community would expect the center to remain closed under different circumstances. Pursuant to these regulations, the CPE Sachidun loses funding if it closes, but also loses funding if it remains open and the attendance is reduced because of families observing the aforementioned events. Furthermore, the CPE Sachidun must continue to pay its staff’s salaries even when the service is not necessary, which negatively affects its budget. These regulations, among others, are culturally and contextually inappropriate.

[125] Although funding for the construction of a new building for CPE Sachidun was accepted pursuant to the attestation made by the public health authorities that the current building is unsafe and unsanitary, the need for additional childcare spaces remains. Even though the Nation was allotted the funding for a new building, no additional childcare spaces were granted despite repeated efforts to secure such spaces. While the new building is definitely a welcomed development, it will not have an adequate number of childcare spaces considering the annual growth rate of the community. This is highly problematic and shows the Government of Québec’s lack of foresight when allocating funding, especially when considering that the construction of a building that allows for additional childcare spaces would not be significantly more expensive than the building currently being contemplated.

**v) The Nation's recommendations**

[126] The Nation recommends the following:

- a) That the Government of Québec guarantee that Naskapis will have access to services in the language of their choice in a manner that is substantively equal to that of other Québec residents;
- b) That the Government of Québec provide culturally appropriate training to social workers in order for them to fully understand cultural identity as an essential component of the child's interest, which needs to be preserved;<sup>77</sup>
- c) That the Government of Québec implement measures to ensure the involvement of the Nation in hearings, including through measures specific to the exercise of rights under 81.1 YPA;<sup>78</sup>
- d) That youth protection workers be paired with local workers, in order to raise awareness on the cultural factors and to break any preconceived notions of indigenous parenting;
- e) That the Government of Québec fund and implement sponsorship programs for parents so that their children may remain in their custody and that they resolve problematic situations on their own;
- f) That youth protection services encourage the participation of Naskapis in defining criteria for foster families, taking into account the community's resources and reality;
- g) That youth protection adapt intervention protocols to the community and raise awareness to the Naskapi culture;

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<sup>77</sup> Grammond Presentation. *supra* note 70.

<sup>78</sup> *idem*.

- h) That the Government of Québec provide for funding for the Nation's CPE Sachidun that is coherent with the community's current and foreseeable needs, including but not limited to additional childcare spaces.

## V. CONCLUSIONS

[127] Within the last decades, the Nation worked in collaboration with the Government of Québec in order to achieve better access to and better quality of services for all Naskapis. However, the Nation submits that there remains much to be done for Naskapis to be provided the same level of services as non-indigenous Québec residents. The Naskapis' situation is particular since they must face every day the barriers of their remoteness, their language, their histories and their culture when accessing public services in Québec.

[128] The Nation stresses the importance and the volume of the information that was presented to the Inquiry. The Nation hopes that the recommendations stemming from this process will provide concrete solutions in order to improve the relationship between Indigenous Peoples and the Government of Québec. However, the Nation remembers recommendations presented to and made by the Truth and Reconciliation Commission of Canada in 2015 and is aware that too few actually lead to action.

[129] The Nation fears that the Inquiry's recommendations may not achieve their goals if they are not followed by concrete measures from the Government of Québec to ensure their implementation through law and policy. Indigenous Peoples have a right to effective and special measures to ensure the improvement of their economic and social conditions and access to public services without discrimination:

### Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular

attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.<sup>79</sup>

[130] The Nation submits that the Government of Québec has a positive obligation to take measures to implement the recommendations that will result from the Inquiry within its legislative body and policies. The upcoming adoption of Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, will leave no doubt to the obligation of all levels of government to implement and enforce the rights of indigenous people, both individually and collectively, in accordance with UNDRIP.

[131] It is with hope and faith in the Government of Québec that the Nation presents the enclosed recommendations with the firm belief that this call of action shall be heard and ensure all Naskapis better access to public services, without discrimination and in total respect of their being, culture, beliefs, language and histories.

Montréal, November 30, 2018



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Our file: 30-17-1783

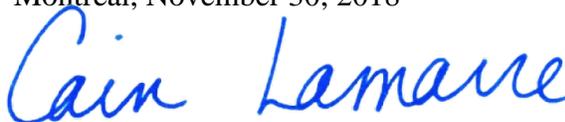
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<sup>79</sup> UNDRIP, *supra* note 59.

**AUTHORITIES SUPPORTING THE MEMORANDUM OF THE  
NASKAPI NATION OF KAWAWACHIKAMACH**

- TAB 1** *Northeastern Québec Agreement*, The Members of the Naskapis de Schefferville Band, Canada, Québec and al, 31 January 1978, Ottawa: Indian and Northern Affairs Canada, [NEQA];
- TAB 2** *James Bay and Northern Québec Agreement*, Grand Council of the Crees of Québec, Northern Québec Inuit Association and al, Sainte-Foy, Québec: Les Publications du Québec, [JBNQA];
- TAB 3** *Complementary Agreement no. 2*, Naskapi Landholding Corporation of Schefferville and Government of Québec, 4 November 2004;
- TAB 4** *United Nations Declaration on the Rights of Indigenous Peoples*, UN General Assembly, 2 October 2007, A/RES/61/295, [UNDRIP];
- TAB 5** *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2.

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**DOCUMENTS SUPPORTING THE MEMORANDUM OF THE  
NASKAPI NATION OF KAWAWACHIKAMACH**

- SCHEDULE 1** Author Identification Form;
- SCHEDULE 2** Map of the Naskapi territory;
- SCHEDULE 3** Budget comparison between Cree Community Miyupimaatisiun Centres and the Naskapi CLSC;
- SCHEDULE 4** Graph representing health budget per capita;
- SCHEDULE 5** Graph representing staff size per facility;
- SCHEDULE 6** Cooke, Alan. *A History of the Naskapis of Schefferville*, Indian Affairs and Northern Development, 1976, 13A : 35, excerpt;
- SCHEDULE 7** Statistics Canada, Census Profile, 2016: Kawawachikamach, Terres réservées aux Naskapis, Québec, Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released October 25, 2017 [Online : <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?lang=e>];
- SCHEDULE 8** Barreau du Québec. *La justice dans le Grand Nord : Rapport sur les missions du Barreau du Québec auprès des communautés autochtones du Grand Nord québécois*, 2014 [Online : <https://www.barreau.qc.ca/media/1301/20150123-rapport-nord.pdf>];
- SCHEDULE 9** Lavallee, B., Neville, A., & al. *First Nations, Inuit, Métis health core competencies: A curriculum framework for undergraduate medical education*, The Association of the Faculties of Medicine Canada, 2009, [Online: <http://www.afmc.ca/pdf/corecompetencieseng.pdf>];

**SCHEDULE 10**

Ministère de la famille. « Mission », *Ministère de la famille*, (December 16, 2016) [Online : <https://www.mfa.gouv.qc.ca/en/ministere/ministere/mission/Pages/index.aspx>], [**Famille**].

Montréal, November 30, 2018



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## Schedule 1 – Author Identification Form

## AUTHOR IDENTIFICATION FORM

Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Quebec : listening, reconciliation and progress

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#### First name & last name\* :

Caroline Briand

#### Brief submitted by (*organization, association, community, etc. if applicant is not an individual*) :

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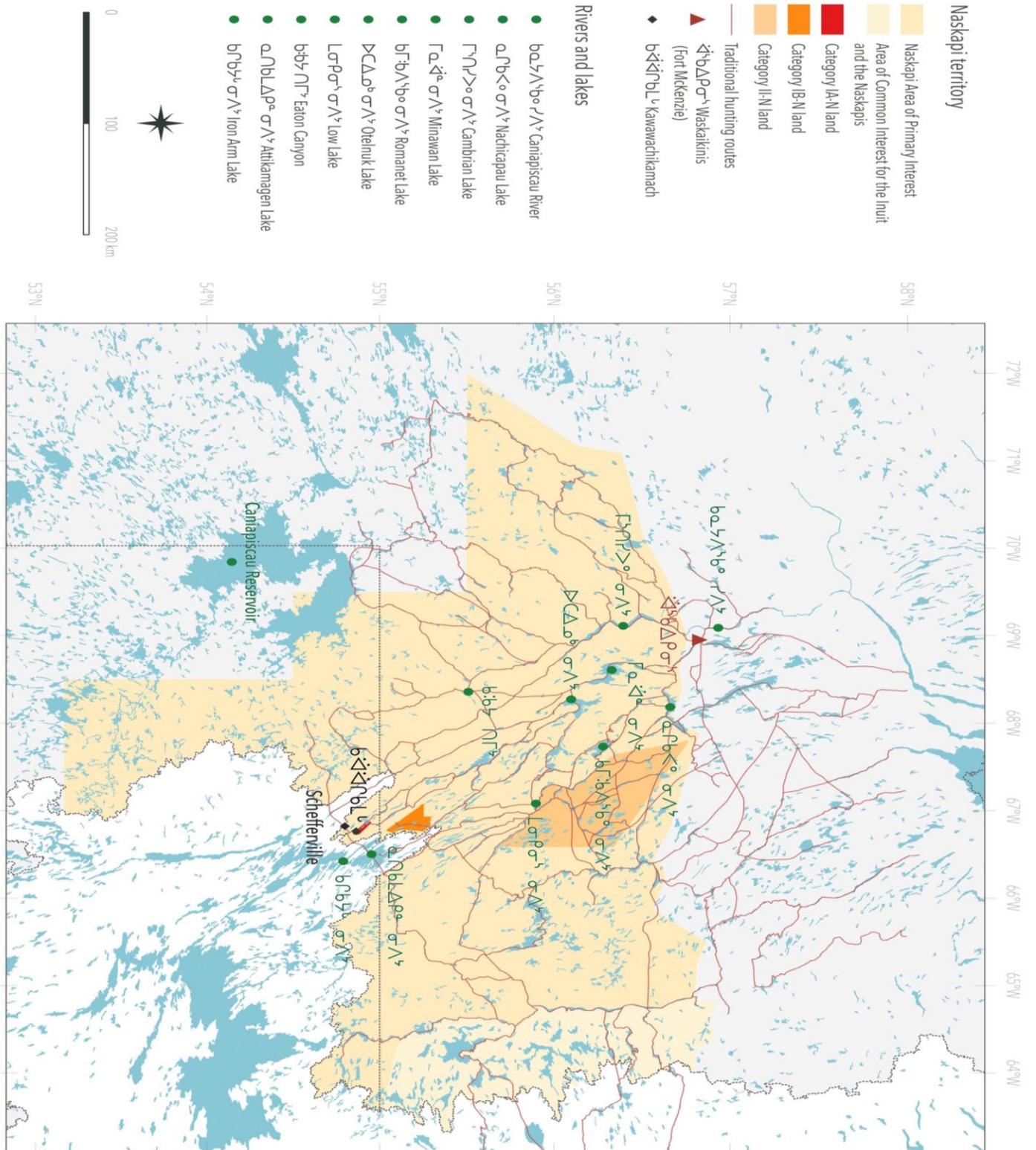
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#### Transmission date (*day-month-year*)\* :

30-11-2018

## Schedule 2 – Map of the Naskapi Territory

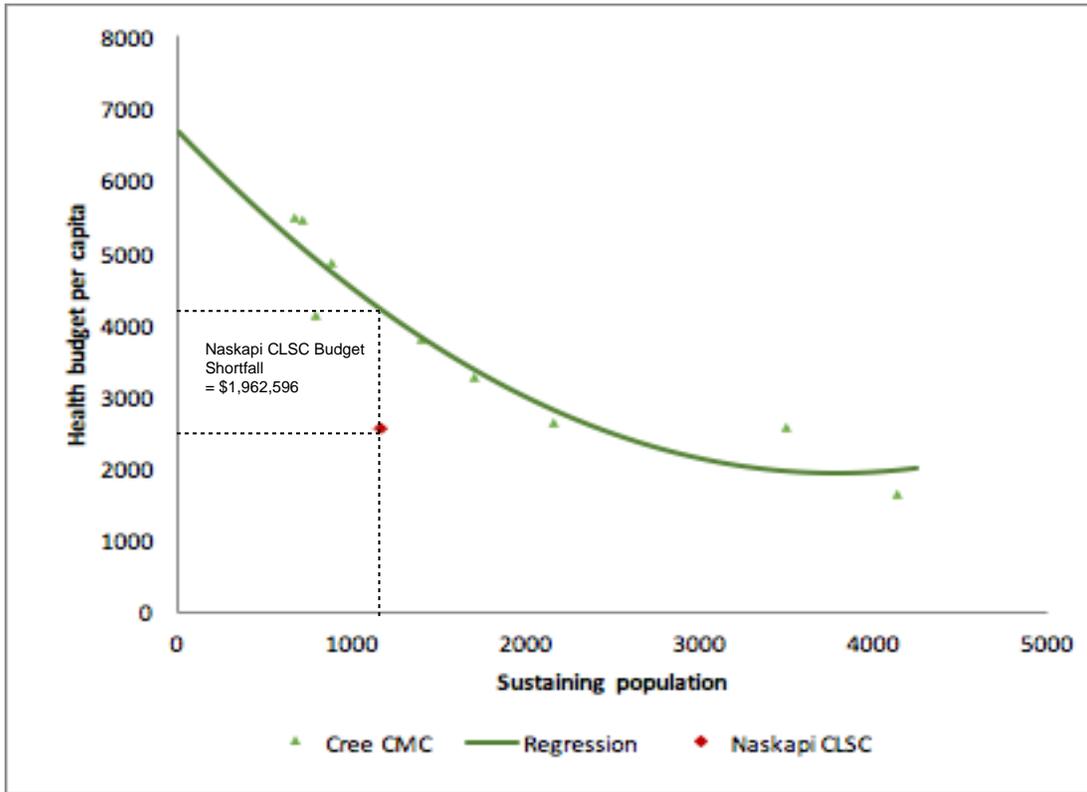


### Schedule 3 – Budget comparison between Cree Community Miyupimaatisiun Centres and the Naskapi CLSC

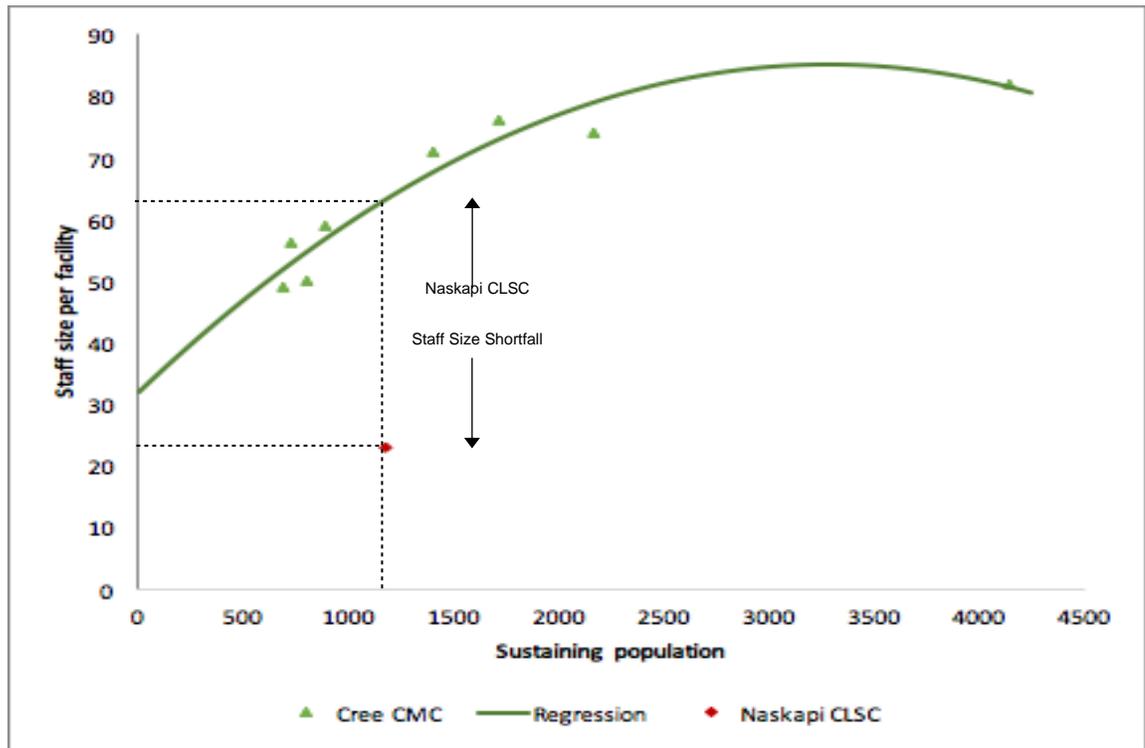
*Budget comparison between Cree Community Miyupimaatisiun Centres and the Naskapi CLSC  
(Marcel Lortie, 2013-2014)*

	Budget allocated	Sustaining population	Health budget per capita	Staff size per facility
Chisasibi CMC	\$6,782,616	4,143	\$1,637	82
Mistassini CHC	\$8,935,961	3,512	\$2,544	137
Waskaganish CMC	\$5,671,546	2,159	\$2,627	74
Waswanipi CMC	\$5,561,916	1,710	\$3,253	76
Wemindji CMC	\$5,311,795	1,403	\$3,786	71
Ouje-Bougoumou CMC	\$3,265,185	793	\$4,118	50
Whapmagoostui CMC	\$4,301,156	888	\$4,844	59
Nemaska CMC	\$3,929,489	722	\$5,443	56
Eastmain CMC	\$3,714,297	680	\$5,462	49
<i>CMC Total/average</i>	<b>\$43,759,664</b>	<b>16,010</b>	<b>\$3,746</b>	<b>73</b>
Naskapi CLSC	\$2,953,753	1,171	\$2,522	23

### Schedule 4 – Graph representing health budget per capita



Schedule 5 – Graph representing staff size per facility



## Schedule 6 – A History of the Naskapis of Schefferville

APPENDIX "IAND 10"

A HISTORY OF THE NASKAPIS OF SCHEFFERVILLE

by

Alan Cooke

Preliminary Draft

March 1976  
Copyright: Alan Cooke,  
1976

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Islands and also toward the post of Caniapiscau, the most northern in the Ruperts River District. They leave little scope for others" (B153/b/2/15). His last remark referred to the recent importation of hunters from Rupert House. (See Table 1 for a summary of Naskapi population figures during this period.)

Mention has already been made here of the problems that every trader who dealt with the Naskapis had to face. If the trader gave the Naskapis as much ammunition as they wanted, they naturally preferred hunting caribou to trapping marten. If the trader did not give the Indians enough ammunition, they might starve, for they were now dependent on guns as well as other trade goods. Some of the traders who dealt with the Naskapis, especially William Kennedy and Henry Connolly (who were themselves part Indian), understood the Naskapis' desires and needs, and they

TABLE 1. Some past population figures, 1833-1911,  
of the group now known as the Schefferville Naskapis.

Date	Population	References	Deaths by Starvation.	References
1833	250-300	B38/e/1/2; B38/z/1		
1843	276	B153/b/15		
1843-44			20	B153/b/3/27; B153/b/3/17; Connolly, n.d., p.
1846-47			36	B153/b/3/20d sa more than 20; Connolly, n.d. p. 148 says 36
1848-49	[166]		54	B153/b/4/12
1856	200	Gt. Bt. Privy Council, 1927, Vol. 5, p. 2287		
1857			ca. 50	A11/50/19
1883	350	Elton, 1942, p. 358		
1886	ca. 400	<u>ibid.</u>		
1889	350-360	<u>ibid.</u>		
1892-93	150	<u>ibid.</u>	200	<u>ibid.</u> and p. 38
1896	150	<u>ibid.</u>		
1911	ca. 240 (about 60 hunters)	<u>ibid.</u>		

were naturally inclined to be generous to them. But others, especially Donald Henderson, considered the company's interests first and foremost, and he gave out no more ammunition than he considered absolutely necessary. He was wrong more than once, as repeated disaster demonstrated. The records are not perfectly clear on the cause (or causes) of the first mass starvation of Naskapis, but in the light of later events it seems likely to have been a shortage of ammunition. During the winter of 1843-1844, except for two young women who were able to reach Mingan, three large families, amounting to about 20 persons and including five good hunters, starved to death (B152/b/2/17; Connolly, n.d., p ).

The next winter, 1844, was a bad year for marten, but the fur returns at Fort Nascopic were further reduced, according to Henderson, who had replaced Kennedy at that post, because Connolly, who had just built an outpost at

Manuwan Lake, was overgenerous in supplying ammunition to the Naskapis there. The Naskapis, of course, knew that marten were scarce everywhere and that there was no sense in wasting time trying to trap marten, when they could be living comfortably on caribou--which, in fact, is what they did. Surprising as it may now seem, the traders at this date did not understand the cyclic nature of animal populations in northern Canada, although a few of them guessed at it. They knew there were good years and bad for the various species, but even in bad years they often blamed the laziness of the Indians for the poor returns.

Connolly was reprimanded and informed that he was to have as little to do with the Naskapis as possible: they were attached to Fort Nascopeie, and his duty at Manuwan was, if possible, to persuade the Inuit to come from Ungava Bay to trade with him there.

The winter of 1846-1847 was a hard one. Connolly and his men had to abandon Manuwan to avoid starvation and go into Fort Nascopeie. They arrived there in early February, having met on the way some Naskapis who complained that Henderson had not given them enough ammunition to hunt. And they were right. In mid-March, three women and a boy, the only survivors of the group Connolly had met, dragged themselves into the post, the others having all died of starvation. Henderson's re-

marks on their arrival in the post journal tell much of his values and attitudes, and they show how far he put the company's financial interest above any human consideration. He admired the survivors. "The poor wretched beings, notwithstanding all their privations, they managed to bring in a few furs they had collected during the winter, viz. 8 prime otter, 13 marten" (B139/a/4/27).

But Connolly thought otherwise and wrote elsewhere, "I would not be in [Henderson's] place for all the world, for he will assuredly have to answer one day for all this to that Divine Being whose creatures he has so harshly treated, in not supplying their wants in November last. They only ate two otter skins and all the deerskins and tentings" (Connolly, n.d., p.147). Connolly knew that they would certainly have eaten the 8 prime otters and the 13 martens too, had they not believed that Henderson would have turned them away if they arrived empty-handed. In the post journal, Henderson mentions in passing other deaths, but he gives no total. Connolly later learned that 36 Naskapis had starved to death that winter (ibid., p.148).

Henderson does not seem to have learned anything from the Naskapis' terrible experience of the winter of 1846-1847 --or perhaps he considered that the Naskapis had not yet learned enough. In February 1848, he recorded that once

again Indians were coming into Fort Nascope starving and bearing reports of death--and he feared, therefore, that the fur returns would inevitably be affected. He was, of course, right. In a marginal note against one such entry, Connolly later wrote, "No wonder they should have starved as out of all these men [how many is not stated], he gave only one man 6 measures of powder and 18 measures of shot in the month of June, and the other had not a gram and then [he has] the face to expect martens from them" ( B139/a/4/42d).

The next winter exactly the same events inexorably took their course. In June 1848, Henderson settled with the Naskapis and himself set off for North West River to leave the country and the company's service. His last entry in the post journal was lighthearted: "So hurra-hurra! for a long and last adieux to Fort Nascope" (B139/a/4/48), but he left the prospect of yet further misery behind him. Connolly, who took charge of Fort Nascope that autumn, received his first news of disaster in May 1849, when the widow of Chief Paytabays (who had starved during the winter of 1843-1844) appeared, "So weak that she was almost obliged to crawl." She reported that nearly half of the Naskapis had starved to death. "It appears", Connolly recorded, "that

they had gone to the barren grounds beyond the Caneapiskau River in the hope of making provisions for the coming winter, which has been long and severe and the Indians had received very little ammunition..." (Connolly, n.d., p.154).

When the news of this appalling tragedy reached Governor Simpson, he demanded an explanation. Indians starving was, of course, to be regretted, but losing hunters was serious affair, especially in a difficult and sparsely settled region that produced valuable furs.

Richard Hardisty, who now had charge of the Esquimaux Bay District, informed headquarters in London that there had been a great loss of life among the Naskapis, and that it was not because of lack of caribou but because they lacked ammunition. After trading with Henderson at Fort Nascope during the spring of 1848, they had set off "in the direction of Ungava where their ammunition becoming expended they had nothing to depend on but their bows and arrows which proved of little service to them and consequently 18 hunters with their wives and families amounting to 96 human beings perished from hunger" (B1.53/b/3/44). Hardisty gave the same information to Governor Simpson, adding that several survivors of that party had returned to Fort Nascope in the spring and that

they were surprised to find Connolly in charge there. "These Indians blame Mr. Henderson for not supplying them better with ammunition, and say that before their ammunition was expended some of them would have come to the Post for another supply but believing Mr. Henderson to be still there they thought it no use to come as they did not believe that he would supply them with any" ( B153/b/4/8d-9).

Connolly later learned that it was not 96 people who had starved to death, but "only" 54 (B153/b/4/12). Connolly believed, and the records support him, that Henderson was primarily responsible for the deaths of about 110 persons. Whether Henderson was responsible or not, it is clear enough that a group of 276 Naskapis was reduced to about 166 during the short space of six years with what hardship, misery, and sorrow and with what effects on family and social life no one today can imagine or understand. Henderson, however, would surely have thought first of the sad loss in furs that the company had sustained.

In 1857, the Naskapis experienced another mass starvation, one that might well have been worse but for the energetic relief measures undertaken by Donald Smith (later Lord Strathcona and Mountroyal), who had charge of

the Esquimaux Bay District at that time. He explained to headquarters in London that returns that year were poor because some 30 families (say 120 persons) attached to Fort Nascopie had been persuaded by a clerk working for a free trader on the Labrador coast to trade there for "rich supplies". The Naskapis arrived on the coast in winter only to be told they had not brought enough to trade. Some of them went back inland, and Smith understood that about 50 of them died there of starvation. Meantime, there were about 70 other Naskapis stranded and destitute at the Moravian mission station at Nain. Smith immediately went to their assistance and, in his opinion, saved many of this group from certain death. (All/50/19-19d)

As though the foregoing were not harrowing enough, there was worse still to come, the worst disaster yet. In 1893, more than 150 Naskapis died near the Koksoak River when a variation occurred in the pattern of the caribou's autumn migration. A.P. Low, who was exploring the peninsula geologically at this time, attributed much suffering among the Naskapis during the late 19th century, including this disaster, to the Hudson's Bay Company's "movement in policy...away from granting the Indians credit" (quoted in Elton, 1942, p. 381 and 383). This last unhappy event is still remembered by elderly persons in

Schefferville. As reference to Table 1 will show, the Naskapis have been resilient population -- and they have needed to be resilient.

Until Fort Chimo was reopened in 1866, the Hudson's Bay Company attempted, at first with considerable success, to keep the Naskapis inland, away from free traders along the north shore of the St. Lawrence River and on the Labrador coast. There are, of course, many complaints in the post journals about various hunters having visited the coastal posts, where they got better prices, but these trips were irregular and did not involve many persons.

At this time, there were outposts of Fort Nascoptic occupied intermittently at Sandy Banks, and at Lakes Winokapau, Michikamau, and (for a short time) Manuwan. all supplied by canoe from North West River. These outposts (except Manuwan) were frequented mainly by Naskapis and Montagnais who today trade into North West River and the north shore posts. The Naskapis who had formerly traded at Fort Chimo were as firmly attached to Fort Nascoptic as the company could attach them, and that was quite firmly. This arrangement worked well enough from the company's point of view and, relatively speaking, probably from the Naskapis' point of view also, until about 1870, when the company closed Fort Nascoptic and once again "attached" the Naskapis to Fort Chimo.

TABLE 2. Dates of the Naskapis' "attachment" to Hudson's Bay Company posts and to Schefferville.

<u>Dates</u>	<u>Location</u>	<u>Years</u>
1830-1842	Fort Chimo	12
1843-1870	Fort Nascopie	27
1871-1915	Fort Chimo	44
1916-1948	Fort McKenzie	32
1949-1956	Fort Chimo	7
1956-1972	John Lake Reserve	15
1972-1976	Natimekosh Reserve	4

The 27 or so years that the Naskapis traded into Fort Nascopie may be regarded as a period of relative stability. The company closed the post chiefly because, for other reasons, Fort Chimo had been reopened and partly because Fort Nascopie had always been difficult and expensive to supply. When the company had closed Fort Chimo in 1842-43, at John McLean's insistent suggestion, everyone believed that the Ungava venture was losing money. The company's system of bookkeeping at that time was so cumbersome that no one could tell whether or not one year's outfit had made a profit or not until the books on it could be

closed, and that sometimes took five or six years to accomplish owing to the slowness of communication and the frequent loss of pertinent documents. When, however, the Ungava venture had been wound up, it became clear that the company had begun to make money on it and that the returns, although small, were both valuable and increasing.

I am unable at present to say anything very detailed about the history of Fort Chimo after 1870. The Hudson's Bay Company has only recently opened its archives dated later than 1870 to scholars, and they are now available to the public up to the date 1900. I have not yet had a chance to examine the records from this 30-year period. However, Charles Elton was permitted to examine post-1870 records (and post-1900 records also) in relation to the Quebec-Labrador peninsula during the preparation of Voles, mice and lemmings ( Elton, 1942 ), and he quotes from many of them. He also had the opportunity to speak with many persons who had had long acquaintance with Fort Chimo and the region. L.M. Turner spent two years, 1882-1884, at Fort Chimo collecting materials for his valuable Ethnology of the Ungava district, Hudson Bay territory ( Turner, 1894 ). However, one needs to look at the solid mass of documentation that evidently exists in the

Hudson's Bay Company's archives before speaking more than generally about the history of the Naskapis at Fort Chimo.

About 1900, a Paris-based fur company, Revillon Frères, decided to compete seriously with the Hudson's Bay Company in direct fur buying. Revillon Frères established a large number of posts in northern Canada, including, in 1903, one at Fort Chimo, which continued in operation until 1930. Competition more or less divided the fur trade between the two companies and, of course, it drove up the price of fur.

At the turn of the century, also, the numbers of caribou, hitherto so numerous--if unpredictable in their movements--began to diminish. Reports of their growing scarcity came in from all directions, and their disappearance was especially felt at Fort Chimo. Why their numbers should have diminished so rapidly is unknown: reasons that are usually offered include overhunting, introduction at about this time of the repeating rifle, disease, and migration. Whatever the cause or causes, their numbers certainly diminished sharply and continued to decrease until recently, when evidently the trend has been reversed.

The Naskapis, who had always depended almost exclusively on caribou ( and fish ) for food, and could turn to no other species as the Inuit could, were greatly afflicted by this unexpected development. As we have seen, they were accustomed to range seasonally over most of the lake plateau of the Quebec-Labrador peninsula to hunt, fish, and trap. But with few or no caribou to be had near Fort Chimo, they could not reach these inland trapping grounds without carrying with them a sufficient supply of store food to get them there, and store food was not only heavy and difficult to transport, it was also expensive. When it became clear that this situation was not merely temporary, James Watt, then officer-in-charge of Fort Chimo (and later the pioneer of beaver conservation in James Bay) decided in 1916 to establish an outpost for the Naskapis well inland.

## PART IV - 1916-1956

Almost nothing has been published about Fort McKenzie, and most of the detail offered below is taken from correspondence I have had with former managers of the post and from conversations with the late Sebastien McKenzie during the summer of 1962, when I lived on the John Lake Reserve, Schefferville. Sebastien--or Bastien as he was usually called--was in charge of Fort McKenzie from its establishment in 1916 to 1922, and he continued to serve there as a clerk and interpreter until 1936. The officers-in-charge with whom I have corresponded include W.T. Watt (1922-24), G. Webster (1924-27, 1928-30, 1932-36), C.N. Stephen (clerk from 1927-28, 1930-32, and officer-in-charge, 1936-41), and P.J. Soper (1941-43). The Hudson's Bay Company withdrew from Fort McKenzie in 1948, but I have not yet been able to establish communication with any of its managers after 1943.

James Watt chose for the site of Fort McKenzie the northeast corner of Lac LeMoynes (also called Lake Canichico), an elongated expansion of the Swampy Bay River about seven miles above the junction of the Swampy Bay and Caniapiskau rivers and about 120 miles by canoe (80 miles overland) south of Fort Chimo. According to W.T. Watt,

there were 15 or 20 Naskapi families who continued to make Fort Chimo their headquarters and never went near Fort McKenzie: he mentions in particular "Pantany, Canaquist, chief of the Chimo Nascopies, Shemaganish, Natawapio, Toma, Jock and Scemon Shemaganish" (Watt, February 1964). These people, Watt says, hunted southeast from Fort Chimo, around Whale River and George River, where there were always caribou, and they spent the spring and summer in Fort Chimo. He also remembers that there were about four families of Crees, originally from Great Whale River, who attached themselves to Fort McKenzie (Watt, June 1963).

Competition at Fort Chimo and an advanced base of supply for the Naskapis were not the only reasons for the establishment of Fort McKenzie, for the post also served

*the Crees who hunted inland from Fort George and Great Whale River....and the Montagnais from Seven Islands....The furs we bought from them would never have reached Fort Chimo. I have traded with Indians who had never been near Fort McKenzie before, but from others'*

*directions hit the place right on the nose after travelling fourteen sleeps, pulling light toboggans, just to purchase a few staple items they required to carry them through 'til spring [Stephen, March 1963].*

C.N. Stephen has published an illustrated account, "Koksoak River brigade", describing how Fort McKenzie was supplied (Stephen, 1941). Right after break-up nearly everyone at the post went by canoe with the winter's fur returns down to Fort Chimo, a trip that usually took only three or four days. During Stephen's residence at Fort McKenzie the freight to be taken inland was carried by a 15-ton motor boat from Fort Chimo up-river 55 miles to Burgess Landing, then taken forward from that point by canoe. There were three main portages--Manitou Gorge, Big Falls, and Second Falls--and a number of demi-charges, where canoes had to be partially unloaded to be tracked around rocky points. The portage road around Manitou Gorge is about four and one-half miles long and was made in three "dumps"; a farm cart was used here for the heaviest and most awkward pieces of freight.

Big Falls portage is about one mile long, and Second Falls portage is rather less. Goods were especially made up for this journey into packs of not more than 100 pounds, although chests of tea and barrels of pork and oats weighed more. Over the years imports seem to have ranged between 30 and 45 tons, and their delivery to Fort McKenzie usually took three or four weeks. Women and children did much of the work on the portages, and the women also helped track the canoes up the rapids. Families, tents, and stoves would be carried first to the next camping place, and the women and children would set up camp while the men went back for freight. That done, the women and children would then carry the freight forward while the men brought up the rest of the goods. Nets were set at the best fishing places, and some rations (flours, tea, sugar, and lard) were issued. When the Naskapis had been paid for this work, they prepared for the winter. Here is Webster's descriptions of this preparation:

After all transportation ends had been tied up, Indians paid off, goods checked and stored, and canoes taken from the water, our activities would shift to getting the Indians outfitted for the coming fur season. Each man would be advanced [credit] according to his trapping ability, [and the] nature of his trapping grounds. For the benefit of all concerned advances were very carefully dealt with. Such things as the amount of traps he can look after, his past record and sundry other things that can only be understood by a knowledge of the country and trading experience, which does not come over night. It was also up to the post manager to see that Indians spent the advance wisely, furnishing him with basic needs for the winter. Such items as flour, tea, lard, pork, baking powder, tobacco, matches, fish hooks, net material, traps, together with basic clothing needs, which consisted to a large extent of cottonade and denim, flannelette, shirting, wool socks, sweaters, duffle, needles, thread, tea pails, frying pans, ammunition, rifles, shot guns, and blankets...the amount of flour, lard and pork they took would not keep them all winter, but the important part was to make

sure it was enough for him to reach his trapping grounds. He could then to a large extent get along on country food. Add to the above such items as pocket knives, canoe canvas, tenting, canoe paint, print cotton, a few lines of dress material, candles, tweed pants, and you have a fairly good idea of the trade goods carried at Fort McKenzie in the 20's and 30's (Webster, October 1962).

From my correspondence with Messrs Watt, Webster, Stephen, and Soper, and from conversation with Bastien McKenzie, it seems clear enough that life at Fort McKenzie did not alter greatly, except in relation to fur cycles, from its establishment in 1916 until about 1942, although the signs of changes to come had begun a little earlier. In spring 1938, the first aircraft landed at Fort McKenzie, with--appropriately enough-- Bastien McKenzie aboard it. The plane was searching for some lost men who were later found near the Labrador coast. In 1941, the first managerial officers of the Hudson's Bay Company, P.A. Chester, managing director, Mr. Cheshire, manager of the fur trade department, and Dr. Tisdale, a nutrition specialist, visited the post. And in 1941, Captian Elliott Roosevelt led an expedition to Labrador, Ungava Bay, Frobisher Bay,

and Greenland to choose sites for airstrips on what was called the Northeast Staging Route. Aircraft made in the United States were flown by this route to Great Britain, and many wounded persons were flown back along it. Captain Roosevelt's participation in this venture was nominal: most of the actual work was accomplished by his "technical advisor", Dr. Alexander Forbes. One of the sites chosen for an airfield, first known as Crystal One, was on the west bank of the Koksoak River, about five miles upstream from Fort Chimo. Supplies and equipment for the new airfield were delivered in October 1941, and work was already well advanced when the United States declared war on Germany and Japan that December (Forbes, 1953).

In October 1942, the Department of Transport sent two radio operators to Fort McKenzie to assist the Hudson's Bay Company staff in taking meteorological observations and to broadcast them. The company had been taking weather observations for the Meteorological Service of the Department of Transport since September 1938, but by the summer of 1944, the Meteorological Branch had taken over this work entirely. During twelve years of observation, the lowest temperature recorded at Fort McKenzie was  $-60^{\circ}\text{F}$ . on 19 January 1946; the

highest was 91°F. on 3 July 1944 and 4 August 1946; and on 31 May 1950 the temperature rose to 87.5°F. The mean daily temperature was 22.7°F.

In 1948, the Hudson's Bay Company closed its post at Fort McKenzie, but the Department of Transport continued to operate a weather station there until 1951. So far, I have not been able to obtain any clear account of why Fort McKenzie was closed, for before the war it had been, on average, a profitable post. Conversation with informed persons seems to indicate that more and more of the Naskapi hunters took casual employment of one sort or another at Fort Chimo, mainly connected with the airbase. It does, however, seem anomalous that the company should have withdrawn from Fort McKenzie three years after the war had ended, and activity at the Fort Chimo airbase had virtually ceased, when it might have been expected that the Naskapis would return to their pre-war pattern of existence.

The Federal Government first gave direct attention to the Naskapis in 1949, when Col. H.M. Jones, then Superintendent of Welfare Services in Ottawa, accompanied by M. Larivière of the Abitibi Indian Agency, went to Fort Chimo to verify reports of their poverty and

and sickness. They immediately authorized the issue of relief to the Naskapis and supplied them with 23 canoes, of which it was later reported they made good use. The Naskapis did not, however, return to Fort McKenzie. Because they were ill-equipped for a long stay inland and because the Hudson's Bay Company's post there was closed, it is not surprising that they chose to hunt only in the vicinity of Fort Chimo.

During the next four years, they were regularly issued relief by officers of the Royal Canadian Mounted Police at Fort Chimo. They were occasionally visited by nurses and medical officers of the Indian Health Services, but they were not again visited by anyone from the Indian Affairs Branch until July 1953, when M. Jules D'Astous, Regional Supervisor of Indian Agencies, visited them and compiled a new band list of approximately 145 persons. ( In February 1954 it was revised to include 185 names.) He found that most of the Naskapis were sick, that they were totally destitute, and that they were living almost solely on relief. Several tubercular persons required hospital treatment: at first, they refused to be evacuated to Parc Savard Hospital in Quebec, but eventually most of them agreed to go, and 11 were taken to Parc Savard soon after M. D'Astous's departure. Two of them died soon after they arrived.

While visiting the Naskapis' tents, M. D'Astous asked everyone what he thought of returning to Fort McKenzie for a period of nine months to trap and fish there. Nearly everyone agreed that the idea was a good one, if they could be assisted in returning there and supplied with enough food for the winter. Encouraged by this response, M. D'Astous authorized an issue of cloth for tents, canvas to recover canoes, and rations thought to be sufficient for nine months at Fort McKenzie. The Hudson's Bay Company agreed to advance \$40.00 to each trapper.

In February 1954, M. Lucien Morisset, Quebec Regional Fur Supervisor of the Indian Affairs Branch, visited Fort Chimo and Fort McKenzie to see how the Naskapis were getting along. He was gratified to learn that the Naskapis were in general very well pleased with the experiment. They had, however, used up the rations intended for nine months during the first four months, and more had to be sent in from Fort Chimo. Some of the hunters had returned to Fort Chimo in mid-December 1953 with their furs, for which they got good prices. In fact, trapping was said to be then better than at any time during the previous 25 years.

On return, these men took with them about 1,000 pounds of stock, and their journey inland took about three weeks. To save such a loss of time from trapping, Indian Affairs asked the Hudson's Bay Company to reopen its post at Fort McKenzie.

M. Morriset returned to Fort Chimo at the end of July 1954 to make arrangements for the resupply of Fort McKenzie. He had expected that some, at least, of the Naskapis would spend the latter part of the summer engaged in salmon fishing in the Koksoak River, but the late delivery of canoes ordered for this purpose and for the transport of supplies to Fort McKenzie frustrated this plan. He arranged, therefore, for the Naskapis to take four months' supplies by canoe into Fort McKenzie, the remainder to be taken in by the Royal Canadian Mounted Police during the winter. About 30 Naskapi children attended school at Fort Chimo for the first time that summer, although not all of them attended regularly. Morriset and his colleagues were very encouraged by the hunters' success during the previous winter and by the people's greatly improved physical and psychological condition. A comparison of the 1954 returns with those of the previous year shows a striking improvement.

	<u>1953</u>	<u>1954</u>
Mink	169	688
Otter	79	186
Muskrat	737	996
Weasel	27	88
Squirrel	398	356
Lynx	-	10
White fox	179	1924
Silver fox	3	9
Other foxes	48	496
Caribou	?	about 100

The omission of marten from this list is surprising, and it appears that marten trapping was not at that time allowed, although it was permitted in 1955.

In late February 1955, M. Morriset returned to Fort Chimo, but he was prevented by various delays from visiting Fort McKenzie also. He thought that the Naskapis were doing well, but the distribution of relief by the police (who were following instructions) made nonsense of any notion that the Indians might become self-sufficient through hunting and trapping. Everyone was being given relief, whether he needed it or not, and the more prosperous hunters were thought to be "wasting" much of their income on non-essential goods sold to them by the Hudson's Bay Company.

In June 1955, the police supervised and assisted in the transport of some 17,000 pounds of rations and trade goods to Fort McKenzie. Thirty-nine Indians were paid \$3.00 per day to help in this transport, 35 of them using their own canoes. It was intended to transport the remainder of the winter supplies by the same means, but the Hudson's Bay

Company did not have enough food in store for this to be done during the season of open water. However, when September came, the Naskapis were held back from returning to Fort McKenzie because 12 of them, who had active tuberculosis, refused to be evacuated to southern hospitals. This situation mounted to a crisis and, by October, warrants for the arrest of these 12 persons were issued. However, before the warrants could be served, the Naskapis had set out for Fort McKenzie by themselves.

It is difficult to piece out exactly what happened in 1956 that resulted in the Naskapis' move from Fort Chimo and Fort McKenzie to Schefferville. Officers of what was then the Indian Affairs Branch of the Department of Citizenship and Immigration and is now part of the Department of Indian and Northern Affairs have always denied that the Naskapis were forced or pressured in any way into making this move. However, it seems to me, on the evidence at present available, that only persons at the highest levels of administration and, as a consequence, farthest removed from the scene itself, could honestly make such a statement.

.. Here is the situation. The Naskapis, having served as cheap labour at the temporary U.S. airbase at Fort Chimo and, afterward, with various geological exploration companies working out of Fort Chimo, found that the Hudson's Bay Company had closed the trading post that had been

their base of supply for some 30 years. After 1949, the Federal Government's attempts to help the Naskapis resume something like their previous life had met with some success, but these attempts had proved to be very expensive and difficult to organize.

At least as early as 1953, some official consideration had been given to the idea that the Naskapis might be supplied from, if not based at, Schefferville, where between 1950 and 1954 the Iron Ore Company of Canada (a consortium of one Canadian gold mining company and five U.S. steel companies) had built a mining town (then called Knob Lake), opened mines, built harbour and trans-shipment facilities at Sept-Iles, and constructed the Quebec North Shore and Labrador Railway to connect Knob Lake and Sept-Iles. The prospect of settling the Naskapis either at or near Sept-Iles or Schefferville must have seemed very attractive to the government. If the Naskapis lived near Sept-Iles, they could take the railway north to Schefferville and continue by canoe to their traditional hunting territories farther north. On the other hand, if they lived at or near Schefferville, they could be supplied by rail more easily and more cheaply than by sea to Fort Chimo and from there by canoe brigade to Fort McKenzie.

In February 1956, M. G.H. Roy, Assistant Regional Supervisor of the Indian Affairs Branch, flew to Fort Chimo, then to Fort McKenzie, to discuss the idea of the Naskapis

going either to Knob Lake or Sept-Iles during the next summer. At this time, the Naskapis with whom he discussed the matter favoured going to Sept-Iles, mainly because they thought they would have better medical and educational facilities there. M. Roy left the 15 men with whom he had discussed this idea to think about it and to discuss it further with the other trappers who were still in the bush at the time of his visit to Fort McKenzie. When a choice between Knob Lake and Sept-Iles had been made, word was to be sent to him in Quebec from Fort Chimo. In March, the Naskapis sent him word that they still favoured Sept-Iles, but scarcely had this news reached the regional office in Quebec when it was discountenanced from on high. Just why the Indian Affairs Branch suddenly decided that the Naskapis ought not to go to Sept-Iles is far from clear. However, the Naskapis appeared to be equally willing to go to Lake Wakuach, about 60 miles north of Knob Lake.

The first canoes left Fort Chimo for the interior on 23 June and soon there were 23 families on the way. Seven Naskapis employed by a survey party based at Fort Chimo stayed behind with their families, and yet others waited for outboard motor parts to arrive. Two elderly Naskapis, Panney Nattawappio and Schnectady Shenakoota, both with families, wanted to go by air. These two persons and 10 others were taken by air to Schefferville in August,

leaving about 50 Naskapis still at Fort Chimo.

Up to this date, everyone seemed to think that the Naskapis travelling overland would stop at Lake Wakuach, then send messengers on to Knob Lake to announce their arrival to the Montagnais chief, Matthiew André, who in turn would notify the Indian Affairs regional office in Quebec. Nothing whatever had been done at Lake Wakuach to anticipate the Naskapis' arrival, and it is not surprising that those best able to travel pressed on from Lake Wakuach to Knob Lake. They had been badly equipped for overland travel to begin with, they had no reserve supplies, and it would have been impossible for numbers of them to set up a new tent community at Lake Wakuach with the resources they had with them. Yet officers of the Indian Affairs Branch have always claimed that the Naskapis' arrival at Knob Lake in early August was entirely unexpected and that the Naskapis had made this surprising decision by themselves.

When the Naskapis began to arrive by canoe in Knob Lake, they reported that about 40 women, children, and elderly persons, many of whom were ill and all of whom were hungry, had been left behind at a small lake just north of Lake Wakuach. It was then that the now famous air rescue was mounted. The people left behind were picked up a R.C.A.F. helicopter and by three chartered flights, one by Canso and two by Otter aircraft. In early

September, 56 Naskapis who were still in Fort Chimo were also brought to Knob Lake by two chartered DC-3 flights.

If the officers of the Indians Affairs Branch were surprised that the Naskapis had gone on from Lake Wakuach to Schefferville, they do not seem to have been disappointed, and, so far as I know, there was never any suggestion that they might leave Schefferville for Lake Wakuach. From the federal point of view, it was certainly easier to look after the Naskapis in a town that had daily flights, schools, churches, medical services, and some prospects of employment.

In June 1957, Rev. Gavin White arrived in Schefferville. Archbishop Carrington of Quebec had sent him there because of his experience in the Eastern Arctic and because both he and some of the Naskapis could speak a little Inuit. In an early report to the Archbishop, Rev. White commented on Colonel Jones' statement that the Naskapis' move south was voluntary and the expressed wish of the Indians themselves, and he reviewed the people's first year in Schefferville.

*This statement is contrary to all that I have heard since arriving at this point, and I believe a different state of affairs was described to the Rev.*

John Burke last Fall by Mr. Lacombe of the Department. To be sure, however, I asked a gathering of Indian heads of families after Church why they had moved. They said that for three summers a Mr. Belanger of Indian Affairs Branch had visited Chimo and asked them to move to Seven Islands. They were unwilling. Then it became a matter of moving to Wakuach, 40 miles north of here, or Knob Lake. They assert that they were definitely promised that they would have a school, housing, and a nursing station with a nurse like the one in Chimo. On that promise they moved. Being new to the band, I took extra care to assure that the statements made did represent the beliefs of all the men present, using not only an English-Cree interpreter but going over the outline of it in Eskimo as well.

Mr. Jones advises that extensive assistance to provide essential food, shelter, and clothing, has been made

by the Department. Some food was supplied, but during the winter it was the R.C.A.F. which took the steps to alleviate the hunger by moving the Indians in small groups to and from hunting areas. The shelter referred to consisted of tents. No clothing appears to have been provided from government sources. The only educational provision was the Roman Catholic School, in a building supplied by the Iron Ore Company. No Naskapis received schooling. The nursing-station did not materialize, and the company medical officer has received no support or remuneration from government sources since the early months. Sanitary facilities were provided by the Town of Schefferville to prevent an epidemic. A full deposition on the matter of sanitation and health was made by the medical officer, pro-mayor, and town manager on June 11th, and is now in the hands of Dr. Percy Moore of the Dept. of

National Health and Welfare. It is gratifying to know that a Field Officer has now been appointed, since visits by Mr. Blouin of Seven Islands, however able and willing he might be, can accomplish little in the time available to him here. The visit for a full week of a social worker was also gratifying, and may help to raise the standards of personal and community hygiene. The land on which they have been located is hardly suitable for an encampment, being wedged between the lake and the road. This proximity to a road used by the white population is in part responsible for the moral breakdown of the band, especially with respect to alcoholism.

In view of their expectations and the manner in which they have been realized, the "restlessness" of the Naskapis should occasion no surprise. I should consider it extremely unlikely that they

would permanently occupy houses built for them on their present strip of ground. Mr. Jones rightly observes that a number of them will probably go north this Fall, and I cannot but feel that this would be that best thing they could do, as their acclimatization would thereby be made more gradual. At the meeting last Sunday it appeared that all would go except those who have become Roman Catholic since coming here. They would establish themselves on Lac Le Fer, and they said that if the government was going to build houses or a nursing-station, it would be better there. For the summer months they would still think in terms of settling near Knob Lake for the work at the mines during the employment season. This may not come to pass for all of them, and it still raises difficulties, mainly between the Naskapis and Montagnais, who are a non-nomadic people and believe in restricting hunting areas to specific groups.

The Naskapis have now lived in Schefferville for 20 years; with what results all can see. Unemployment is high, alcohol is a continuous problem, family difficulties and juvenile delinquency are common. During these 20 years, the people have done little hunting, and what hunting they have done has necessarily been short-term and local. They have never had the resources or the support necessary to spend the winter in the bush, as they formerly did, and as they would still like to do. No one who has visited Matimekosh Reserve can come away thinking that it is a happy, self-sufficient, healthy community. For nearly a century and a half now, the Naskapis have been moved about at the will of others, first of the Hudson's Bay Company, then of the Federal Government. Perhaps, finally, when the Naskapis have agreed to a just and honourable settlement of their land claims, they will at last be in a position to make a choice of their own and to follow it.

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## **Schedule 7 – Census Profile, 2016: Kawawachikamach, Terres réservées aux Naskapis**

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**Schedule 8 – La justice dans le Grand Nord : Rapport sur les missions du  
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Grand Nord québécois**

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**Schedule 9 – First Nations, Inuit, Métis health core competencies: A curriculum framework for undergraduate medical education**

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## Schedule 10 – Ministère de la famille

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