

**Public Inquiry Commission on Relations between Indigenous Peoples and  
Certain Public Services in Québec: Listening, Reconciliation and Progress**  
Presided over by the Honourable Jacques Viens

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**Makivik Corporation**  
**Application for Full Participant Standing**

TO:

**Registry of the Commission**

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## **Makivik Corporation's Role and Structure**

1. Makivik Corporation represents the Nunavik Inuit who occupy and exercise treaty rights over 1/3 of the land mass of Québec under the *James Bay and Northern Quebec Agreement* (hereinafter "JBNQA"), signed in 1975 with the federal and provincial governments.
2. Nunavik Inuit also occupy lands and waters and exercise treaty rights over an extensive offshore area, which is the subject of the *Nunavik Inuit Land Claims Agreement* ("NILCA") signed with the federal government and the Government of Nunavut in 2007: in Hudson Bay and Ungava Bay and in the Hudson Strait, outside of the territorial jurisdiction of Québec.<sup>1</sup>
3. As a modern treaty, the JBNQA not only created new regimes for issues such as wildlife harvesting, lands and environmental impact assessment, but also addresses issues of modern life, such as: Section 15 on Health and Social Services for the Inuit; Section 20 on Administration of Justice; Section 21 on Policing; and Section 29 on Economic and Social Development.
4. Makivik Corporation (hereinafter "Makivik") was created following the signing of the JBNQA, as the successor organization to the Northern Quebec Inuit Association, which had negotiated the agreement. In Inuttitut, the term "Makivik" means "To Rise Up".
5. Makivik is the Inuit party to the JBNQA, as provided for in para. 1.11, and 27.0.1 to 27.0.3; it was incorporated by a public statute of the National Assembly.<sup>2</sup> Makivik is also the Inuit party to NILCA.
6. Makivik is what has come to be called an "Inuit birthright corporation." Makivik's members are the Inuit beneficiaries of the JBNQA and they elect the executive and board of directors; beneficiaries of the JBNQA were automatically enrolled as beneficiaries of the NILCA.
7. Makivik's specific objectives under the statute are:
  - a. to receive, administer, use and invest the part, intended for the Inuit, of the compensation provided for in the James Bay and Northern Agreement and the revenues there from, as well as all its other funds;

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<sup>1</sup> *Nunavik Inuit Land Claims Agreement Act*, S.C. 2008, c. 2.

<sup>2</sup> *An Act Respecting the Makivik Corporation*, CQLR c S-18.1.

- b. to relieve poverty and to promote the welfare and the advancement of education of the Inuit;
  - c. to develop and improve the Inuit communities and to improve their means of action;
  - d. to exercise the functions vested in it by other acts or the Agreement; and
  - e. to foster, promote, protect and assist in preserving the Inuit way of life, values and traditions.<sup>3</sup>
8. Makivik also administers the settlement funds paid to the Inuit under the JBNQA and NILCA, which has given it an important role in the economic and social development of Nunavik, especially through subsidiaries in essential sectors such as air and marine transport or building construction.
9. Since 1978, Makivik has been the leading organization in the social and political development of Nunavik. As part of its work, Makivik has developed an effective working relationship with the governments of Canada and Québec, with whom it has signed numerous agreements. These include the *Sanarrutik* partnership agreement on economic and community development signed with the province in 2002<sup>4</sup> and three successive funding agreements for social housing in Nunavik signed by Makivik with the governments of Canada and Québec between 1998 and 2015 and renewed in 2016.
10. Makivik Corporation is governed by a board of directors composed of five executive directors elected at large by the Inuit beneficiaries to the JBNQA and 16 directors elected as representatives of each of the Inuit communities (Kangihsualujuaq, Kuujjuaq, Tasiujaq, Aupaluk, Kangirsuk, Quaqtaq, Kangisujuaq, Salluit, Ivujivik, Akulivik, Puvirnituaq, Inukjuak, Umiujaq, Kuujjuaraapik, Chisasibi and Killiniq).

### **Parnasimautik**

11. In 2013, Makivik, in association with six other regional organizations in Nunavik, organized Parnasimautik, an extensive series of consultations in all the northern villages, Montreal, Chisasibi and Kawawachikamach.
12. Parnasimautik allowed Nunavimmiut (the people of Nunavik) to create a comprehensive vision for the development of their region, in which the Inuit traditional way of life

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<sup>3</sup> *Act respecting the Makivik Corporation*, s. 5.

<sup>4</sup> *Partnership Agreement on Economic and Community Development*, 2002

<[https://www.autochtones.gouv.qc.ca/relations\\_autochtones/ententes/inuits/Entente-Inuits-ang.pdf](https://www.autochtones.gouv.qc.ca/relations_autochtones/ententes/inuits/Entente-Inuits-ang.pdf)> .

(culture, identity and language) and the environment would be protected and enhanced; it also addressed how to improve relations with governments and find solutions for service delivery, and determine the conditions under which Nunavik would be developed and governed.

13. The resulting 2014 *Parnasimautik Consultation Report*<sup>5</sup> addressed a broad range of issues, including: culture, language and identity; lands; food security; families; education; health and social services; justice and social regulation; cost of living and housing; local development and essential services; employment; and regional development.

## **Makivik's Role in the Relationship between Indigenous Peoples and Public Services**

### **The Justice System (Legal Services)**

14. Makivik has worked for decades to improve the justice system in Nunavik, whose problems have been well documented.<sup>6</sup> Makivik's work includes managing community justice programs and participating in bodies that advocate for better access to quality legal services.
15. On July 6, 2015, the President of Makivik and the Chair of the Kativik Regional Government sent a joint letter concerning the urgent need to improve the administration of justice in Nunavik to the Québec ministers of Justice, Public Security and Aboriginal Affairs. In particular, they relied on the conclusions of a 2014 report by the Barreau<sup>7</sup> and the *Parnasimautik Consultation Report* in 2015 to ask for a response to the urgent need to increase justice services and fully adapt them to the realities and needs of the region.
16. The two main themes that emerged from the Parnasimautik consultations concerning the administration of justice and social regulation (collective rules to create social harmony) were the need to increase the availability of justice services in Nunavik and to adapt those services fully to the realities and needs of the Nunavik region.
17. In partnership with the Kativik Regional Government (KRG), Makivik manages *Ungaluk*

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<sup>5</sup> *Parnasimautik Consultation Report on the Consultations Carried out with Nunavik Inuit*, 14 November 2014 <[http://parnasimautik.com/wp-content/uploads/2014/12/Parnasimautik-consultation-report-v2014\\_12\\_15-eng\\_vf.pdf](http://parnasimautik.com/wp-content/uploads/2014/12/Parnasimautik-consultation-report-v2014_12_15-eng_vf.pdf)>.

<sup>6</sup> Inuit Justice Task Force, Final Report, *Blazing the trail to a better future*, 1993; Québec, Ministère de la Justice, *Justice for and by the aboriginals, Report and recommendations of the Advisory Committee on the Administration of Justice in Aboriginal Communities*, 1995, <<http://www.justice.gouv.qc.ca/english/publications/rapports/coutu-f-a.htm>> (summary).

<sup>7</sup> Barreau du Québec, *Report on the Barreau du Québec's Missions to Aboriginal Communities in Québec's Far North*, 5 December 2014 <<http://www.barreau.qc.ca/pdf/medias/positions/2015/20150123-rapport-nord-an.pdf>> .

or Safer Communities Program, the first Inuit-run crime prevention program. (The term *ungaluk* in Inuttitut refers to the first level of snow-blocks used as the foundation for an igloo.)

18. Ungaluk distributes \$10 million per year to crime prevention initiatives in Nunavik and, in some cases, in urban areas in Québec, with the following goals:
  - a. to reduce substance(s) abuse and/or addiction(s);
  - b. to prevent violence and other crimes (adults and/or youths);
  - c. to promote social integration or reintegration (prevent offending or reoffending)
  - d. to address trauma and/or mental health;
  - e. to assist victims of crime and violence;
  - f. to build parental skills and/or encourage safe families;
  - g. to prevent school drop-out and/or to promote educational opportunities;
  - h. to promote alternatives to and diversion from the criminal justice system.
19. Makivik administers the Community Justice Initiatives program, which comprises ten local justice committees. The program was launched in 2000 and includes a broad array of measures, including pre-charge diversion from the court to the justice committees, recommendations on sentencing and production of Gladue reports,<sup>8</sup> reintegration of offenders into the community and visits to detainees
20. In 2013, Makivik, the Kativik Regional Government and other regional organisations proposed the Saqijjuq Project to the Government of Québec as a means to curb alcohol and drug abuse. The projects aims to reduce the physical and psychological harm caused by substance abuse, as well the resulting over-representation of Nunavik residents in the judicial system. (*Saqijjuq* means a change in wind direction in Inuttitut.)
21. Makivik now sits on the Saqijjuq Board of Governance and Coordination Table, along with the Nunavik Regional Board of Health and Social Services, the Kativik Regional Government, the Ministry of Health and Social Services, the Ministry of Justice, and the Ministry of Public Safety, which oversees the project's implementation.

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<sup>8</sup> Pursuant to the *Criminal Code*, R.S.C., 1985, c. C-46, s. 718.2 (e).

22. The Saqijjuq Project's goals are:
- a. to raise awareness and mobilize as many individuals as possible in the fight against drug and alcohol abuse;
  - b. to put together various support programs to help individuals in need;
  - c. to adapt justice, health and public safety services to Nunavik's specific realities;
  - d. to favor the imperative coordination between the various organizations working in Nunavik;
  - e. to put in place any additional services required, especially treatment and rehabilitation facilities, for substance abuse problems ; and
  - f. to ensure that Inuit core values and elders participation are at the heart of all related initiatives.
23. Makivik Corporation is a member of the Working Group on Justice in Nunavik, created in 2008 to analyse various aspects of the justice system in Nunavik and propose recommendations on how to improve access to justice and the administration of justice and correctional services.
24. To date, the Working Group on Justice in Nunavik has made recommendations such as the creation of permanent court staff positions on the Hudson Bay coast, the creation of a permanent judge position in Nunavik, the construction of adequate court infrastructure in the communities, and increased funding for local justice committees.
25. Makivik is also a member of the *Forum sociojudiciaire autochtone* (Aboriginal Socio-judiciary Forum), made up of Québec ministries and agencies, Aboriginal communities and organizations, as well as partner organizations in the field of justice, such as the courts. The Forum's goal is to identify problems in Aboriginal justice (including social services, policing and corrections) and to find effective, practical and efficient solutions; it addresses issues such as transportation, interpreter services, and victim assistance. It is a formal means for joint discussion, information-gathering, coordination between agencies and making recommendations to solve specific or general problems.

### **Correctional Services**

26. Advocating for improvements in detention conditions and rehabilitation programs for Inuit offenders is part of Makivik's mandate and as part of this work, it focuses both on facilities in Nunavik and in southern Québec. The possibility of housing Nunavik Inuit



detainees into a single detention facility is an issue that has been the subject of frequent representation by Makivik over the past decade.

27. Makivik is also active in providing services in detention facilities, such as organizing visits by family and elders, support and preparation for parole hearings and culturally-adapted workshops for detainees.
28. In addition to its participation in the *Forum socio-judiciaire autochtone* and the Working Group on Justice in Nunavik, mentioned above, Makivik is a member of the follow-up committee to the *Special Report by the Québec Ombudsman on Detention Conditions, Administration of Justice and Crime Prevention in Nunavik*, released in 2016.<sup>9</sup>
29. Echoing the conclusions of the Barreau's 2014 report that justice and detention facilities were inadequate in Nunavik, the Ombudsman concluded that the detention conditions of detainees in Nunavik are unacceptable and that crime prevention measures are woefully lacking. Although her investigation had been aimed at determining whether detainees' rights were being respected, the Québec Ombudsman concluded that the deficiencies in detention facilities stemmed from broader problems in both the administration of justice and crime prevention.
30. The particular problems in the relationship between Québec correctional services and Nunavik Inuit noted by the Ombudsman include: the human and financial impacts of the absence of a correctional facility in Nunavik; the over-representation of the Inuit in Québec's correctional systems; and the overcrowding and unsanitary conditions at detention facilities in Nunavik.

### **Health and Social Services**

31. As part of its mandate, Makivik has participated in a series of consultations focusing in part on health and social services in Nunavik, which falls under the jurisdiction of the Nunavik Regional Board of Health and Social Services.
32. The Parnasimautik Consultation Report describes wide-ranging psychosocial and health problems resulting from colonization and subsequent changes experienced by Nunavik Inuit over the past decades.

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<sup>9</sup> Québec Ombudsman, *Report on detention conditions, administration of justice and crime prevention in Nunavik*, 18 February 2016 <[https://procteurducitoyen.qc.ca/sites/default/files/pdf/rapports\\_speciaux/2016-02-18\\_detention-conditions-in-Nunavik.pdf](https://procteurducitoyen.qc.ca/sites/default/files/pdf/rapports_speciaux/2016-02-18_detention-conditions-in-Nunavik.pdf)>.

33. The *Parnasimautik Consultation Report* also identified health and social services as fundamental issues and made recommendations about the problems that Nunavik residents face in obtaining health and social services. These include: overcrowding in residential housing; difficulties in accessing health services locally; aging infrastructure and hospital equipment; and the high turnover of employees in Nunavik's health and social services network.
34. In August 2015, Inuit leaders presented the report's findings to the Ministers of the Government of Québec with responsibilities for programs and services in Nunavik and met with the Premier of Québec to discuss the report.

### **Youth Protection**

35. Youth protection (or child welfare) is a crucial issue for Nunavik Inuit and Makivik has therefore participated in initiatives to review and improve these services.
36. In 2007, the *Commission des droits de la personne et des droits de la jeunesse* (CDPDJ) carried out an "investigation into child and youth protection services in Ungava Bay and Hudson Bay," that is, in Nunavik.
37. Given Makivik's mandate to promote the welfare of the Inuit, the CDPDJ addressed some of the recommendations in its report to Makivik.<sup>10</sup> The CDPDJ also noted Makivik's role in implementing the recommendations in its 2010 follow-up report.<sup>11</sup>
38. In addition, the *Parnasimautik Consultation Report* mentioned above also examined the relationship between Nunavik Inuit and youth protection services in Québec.
39. The *Parnasimautik Consultation Report* found that deficiencies in services for parents, families and youth in difficulty have a significant impact on the delivery of youth protection services. The report also noted the negative impact of the large number of youth protection interventions in Inuit communities, children being placed in foster care, and the need to increasingly attune the youth protection process to Nunavik's social and cultural reality.

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<sup>10</sup> CDPDJ, *Investigation into child and youth protection services in Ungava Bay and Hudson Bay, Nunavik: Report, conclusions of the investigation and recommendations* (2007), pp. 62, 66, 73 and 75  
<[http://www.cdpdj.qc.ca/Publications/rapport\\_Nunavik\\_anglais.pdf](http://www.cdpdj.qc.ca/Publications/rapport_Nunavik_anglais.pdf)>.

<sup>11</sup> CDPDJ, *Nunavik : Follow-up report on the recommendations of the investigation into youth protection services in Ungava Bay and Hudson Bay* (2010), pp. 22-24, 31, 34-36, 48-51  
<[http://www.cdpdj.qc.ca/Publications/Follow\\_up\\_report\\_Nunavik\\_2010.pdf](http://www.cdpdj.qc.ca/Publications/Follow_up_report_Nunavik_2010.pdf)>.



40. Finally, Makivik supports the Qarmaapik Family House, which signed an agreement in 2016 with the *Direction de la protection de la jeunesse* that allowed for the construction of the family house in Kangiqsualujjuaq. This non-profit, locally-driven community organization provides a safe house for children and families in need, and counselling for parents and families. It is intended to be an alternative to the Québec youth protection system for Nunavik Inuit.

### **Police**

41. As stated above, policing in Nunavik is the subject of Section 21 of the JBNQA, which provided for the creation of the Kativik Regional Police Force.
42. Since 2008, Makivik has also become involved in policing issues in urban areas, mainly Montreal. Makivik developed its own strategy and action plan to help low-income and homeless Inuit in Montreal. Makivik believes that by providing on-going services to urban Inuit in difficulty or who are homeless, it will ensure they have fewer problems with the police and the justice system.
43. Since 2010, Makivik has established a working relationship with the Montreal Police Department, in the context of the strategy mentioned above.

### **Makivik's Experience with Commissions of Inquiry**

#### **The High Arctic Relocation**

44. Beginning in the late 1970s, Makivik had made repeated representations to the Department of Indian Affairs and Northern Development concerning the so-called "High Arctic relocation." In 1953 and 1955, the federal government relocated Inuit from Inukjuak (formerly Port Harrison) in Nunavik – as well as from Baffin Island in Nunavut – to the High Arctic communities of Grise Fiord and Resolute Bay, without their informed consent and on the basis of promises the government did not keep.
45. The Royal Commission on Aboriginal Peoples ("RCAP") held special hearings on the High Arctic relocation, received Makivik's research report and the archival documents it had collected on the subject, and released a special report in July 1994.<sup>12</sup> RCAP's special report concluded that the relocation was conducted without proper authority and that it had inflicted significant harm on Nunavik Inuit by moving them to a new and harsh

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<sup>12</sup> RCAP, *The High Arctic Relocation: A Report on the 1953-55 Relocation and Summary of Supporting Information* (three volumes), July 1994 <<http://data2.archives.ca/rcap/pdf/rcap-458.pdf>>.

environment without adequate resources, partly in order to reinforce claims to Canadian sovereignty in the region.

46. The RCAP special report also recommended an apology, formal recognition of the Inuit's role in asserting Canada's sovereignty, as well as compensation for the survivors. The federal government signed a Reconciliation Agreement with Makivik in March 1996, which created a \$10-million trust fund for relocated individuals and their families. In August 2010, the Hon. John Duncan, Minister of Indian and Northern Affairs Canada, finally issue a formal apology in Inukjuak.

### **The Killing of Sled Dogs**

47. Since 1999, Makivik had consistently demanded that the federal and provincial governments undertake an independent inquiry into the killings of sled dogs by provincial officials (especially the Sûreté du Québec) and the Royal Canadian Mounted Police ("RCMP") in Nunavik in the 1950s and 1960s. Makivik's goal was to obtain formal redress for the families whose dogs were killed.
48. In November 2007, the Hon. Benoît Pelletier, the Québec minister responsible for Native Affairs, and Makivik's president, Pita Aatami, jointly mandated Jean-Jacques Croteau, a retired Justice of the Québec Superior Court, "to review the Inuit's allegations concerning the slaughter of sled dogs in Nunavik" and asked him to issue a report.
49. The mandate also asked former Justice Croteau to determine what reasons the authorities might have had to kill dogs and the manners in which the killings were carried out. To accomplish his task, he visited 14 Nunavik communities and heard from 179 witnesses; he also relied on documents provided to him by Makivik (interviews, briefs, archival documents, etc.).
50. In March 2010, former Justice Croteau presented his final report in which he concluded, among other things, that while there never was a policy of slaughtering the dogs, the Government of Québec had acted out of ignorance of Inuit culture when their representatives killed the dogs as an alleged threat to local populations. These actions put Inuit lives and livelihoods at risk, preventing them from travelling and hunting.<sup>13</sup>
51. On the basis of former Justice Croteau's recommendations, Québec Premier Jean Charest

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<sup>13</sup> *Final Report of the Honorable Jean-Jacques Croteau Retired Judge of the Superior Court Regarding the Allegations Concerning the Slaughter of Inuit Sled Dogs in Nunavik (1950-1970)*, 3 March 2010.

issued a formal apology to Nunavik Inuit on August 8, 2011, in Kangiqsualujjuaq. At the same time, he signed a \$3-million compensation agreement with Makivik on behalf of the former Inuit dog-owners.

### **Makivik's Interest in the Work of the Commission**

52. This Commission was established in the context of the federal government's establishment of the National Inquiry into Missing and Murdered Indigenous Women and Girls to examine and report on the systemic causes behind the violence that Indigenous women and girls experience, and their greater vulnerability to violence.
53. This Commission was established after events revealed possible discriminatory practices towards Aboriginal individuals in the provision of public services in Québec, specifically police, correctional, legal, health and social services, as well as youth protection services.<sup>14</sup>
54. Its mandate is to examine the structural causes leading to such situations, especially any form of violence, systemic discrimination or differential treatment, by making an inquiry, recording the facts and making recommendations as to the concrete and efficient remedial measures to be taken by the Government of Québec and by the Aboriginal authorities.
55. The Commission must allow Aboriginal people and also public service-providers, to share their experiences and concerns and to express their opinions with respect to the solutions that could be implemented to improve the provision of public services to Aboriginals, in order to favour reconciliation and thereby foster progress in the relations between Aboriginal peoples and the Government of Québec.
56. The facts set out above make clear that:
  - a. Makivik has demonstrated an ongoing interest and has continually made representations and submitted proposals to government concerning police, correctional services, legal services, health and social services, and youth protection;
  - b. these issues fall within Makivik's statutory mandate and its role as the Inuit party to the JBNQA, a modern treaty that addresses the same issues;

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<sup>14</sup> Décret 1095-2016, G.o.Q. II, 11 janvier 2017, 149<sup>e</sup> année, n° 2, p. 24

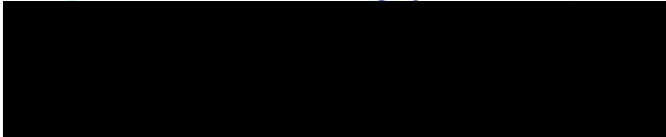
- c. Makivik has a long-term, close and collaborative relationship with the authorities that provide these public services in Nunavik, both regional and provincial;
  - d. Makivik has undertaken numerous initiatives, and has invested its own resources, to address social and economic disadvantages suffered by Nunavik Inuit not only in Nunavik, but also in urban centers in Québec;
  - e. Makivik has extensive experience in helping individual Inuit to share their experiences and concerns before commissions of inquiry, including about traumatic events;
  - f. Makivik has extensive experience in developing recommendations on concrete measures to improve the provision of public services to the Inuit.
57. Makivik therefore has a significant, direct interest with respect to the subject of the Commission's inquiry and is likely to be affected by its report.
58. Makivik will be able to provide the Commission with useful and important evidence and observations.
59. Makivik will also support the Nunavik Regional Board of Health and Social Services in its submissions to the Commission, which the Board hopes to present in more detail as a participant.

### **Conclusion**

60. For the reasons set out above, Makivik Corporation respectfully seeks:
- a. the status of a full participant before the Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec, pursuant to Rule 11 of the *Procedural and Operation Rules* of the Commission;
  - b. all the rights accorded to a full participant pursuant to Rule 17.

61. Makivik will be represented by the law firm of Dionne Schulze, whose office is located at 507 Place d'Armes, #502, Montréal, Québec H2Y 2W8, and, with the permission of the Commission, by such other representatives as Makivik may designate.

Montreal, May 1, 2017



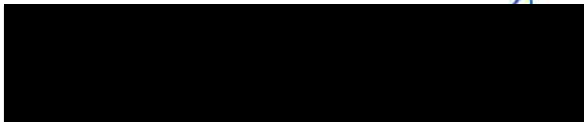
Representatives of the Applicant Makivik Corporation

### SWORN DECLARATION

I, the undersigned, David Schulze, having a place of business at 507 Place-d'Armes, #502, Montréal, Québec H2Y 2W8, declare as follows:

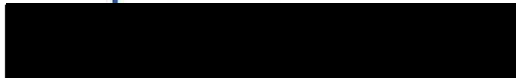
1. I am the authorized representative of Makivik Corporation;
2. I have read the *Procedural and Operation Rules* of the Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec; and
3. I make the undertaking to comply with the Rules on my own behalf and on behalf of my firm and my client.
4. All of the facts alleged in this application are true.

AND I HAVE SIGNED,



David Schulze

Sworn before me, in Montréal, Québec,  
this 1<sup>st</sup> day of May, 2017



Vanessa Lafaille  
Commissioner for Oaths, no. 182752

