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Chair

Mr. Bruce Stanton

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• (1100)

[Translation]

The Chair (Mr. Bruce Stanton (Simcoe North, CPC)): Hon. members, witnesses and guests, welcome to the 29th meeting of the Standing Committee on Aboriginal Affairs and Northern Development.

[English]

This morning and through the early part of the afternoon, we are welcoming three newly elected chiefs from their respective organizations. Each of them will have one hour.

We are going to begin by welcoming the newly elected national chief of the Assembly of First Nations, Shawn Atleo.

Chief, it's great to have you with us here this morning.

We'll commence with the usual opening statements by our guest witness for approximately 10 minutes and then go right into questions from members.

Chief, we're glad to have you with us. You have approximately 10 minutes. If you go over that a little bit, that's fine also. We have the full hour, but I'm sure members will have many questions for you also.

Chief Atleo.

Chief Shawn Atleo (National Chief, Assembly of First Nations): Thank you so much. I see a clock behind you, so I will be self-governing this morning within the 10 minutes that you've identified.

Good morning to the committee.

Thank you, Mr. Chair.

[Witness speaks in his native language]

I come from the little village of Ahousaht, off the west coast of Vancouver Island, and it is our way to acknowledge the Algonquin people.

Thank you so much to the committee for inviting me to be here this morning. Within the 10 minutes allocated, I'd like to provide some opening thoughts.

I hadn't really thought of it in that way, but yes, there are new individuals in the various leadership roles. It's happening amongst the national executive as well. We have new regional chiefs in British Columbia, Alberta, and Yukon. There seems to be a lot of this happening right now amongst first nations across the country.

To begin discussing what we've come here to cover today, I want to offer up some general comments and then some specific thoughts about a possible way forward, because of course having just come through an election.... I already apologized to Mr. Lemay for the 24 hours and eight ballots that occurred, and also to anyone else who went through that, as has been the case right across the country. But of course it was an election in which all of the candidates worked very hard, supported by their families and their communities, all with a deep care and concern for improving the lives and conditions of our people.

We all work in a very complex policy environment. The needs of our communities are, of course, some of the most acute that are faced in this country. There are ongoing pressures being faced by our communities. As national chief, it's my role to advocate for the chiefs for first nation governments, for those who sign treaties. We've been dealing with a cap, an imposed cap of 2%, since 1997.

We have some sense over the course of our history of lurching from conflict to conflict, if I can describe it that way, both in the courts, through many, many court decisions, and on the ground. Examples crop up nearly daily when it comes to relations between first nations and the government.

I can point very quickly to a number of them, including Akwesasne right now, with the border guards. I join Grand Chief Mitchell's call for a mediated solution to yet again another conflict of differing opinions about whose jurisdiction needs to be honoured. That community operates within five different jurisdictions in that area. There's deep frustration about the inability to come to some resolve.

We have a history of conflict, and I think it's our time to really examine and reflect on how we can do things differently. Our community, as you well know—this committee would know better than most—is very young. I saw some numbers that said 49% of our population is under the age of 19, which puts me, at the age of 42, amongst the older set in our demographic. This is very true, and we have a shortage of paid work in our communities.

The most recent focus on H1N1 not only draws attention to the issues of pandemic planning and the need to make sure we are well prepared for H1N1, but it also opens the window to the broader health conditions, to chronic diseases, to the broad issue of health supports in our communities, and to access to health services. We know that we have three times the rate of diabetes in our communities. We have deep structural and fiscal challenges in areas like housing, which impacts health. We have infrastructure needs and there is a need for ongoing work.

We have a need for healing to overcome the effects of not only the residential schools but the long-term lingering effects of colonialism in our communities and the constraints of the Indian Act. I'll come back to those with some specific thoughts.

First nations are increasingly looking to reach out and create new structures and authorities as a way of doing business. We're seeing examples of this across the country, examples of how to work independently and interdependently with other levels of government, including municipalities. I saw an example of this in Treaty 8 territory recently, in northeastern British Columbia. And of course there are new arrangements with industry.

• (1105)

We are well aware of what was said by the Royal Commission on Aboriginal Peoples, and I quote:

The main policy direction, pursued for over 150 years, first by colonial then by Canadian governments, has been wrong. Aboriginal peoples must have room to exercise their autonomy and structure their solutions.

This still remains the most important aspect of what we would suggest today. We must be in a position to jointly design and deliver the solutions that impact our lives. This was further supported by the Harvard project in 2006 in a report authored by Stephen Cornell, which stated that the three key factors include self-rule, capable governing institutions, and a cultural match. Other work by Chandler and Lalonde in the area of suicides further supported these notions.

My own community had an incredible experience with major suicides happening in our communities. Thankfully, not only did the government work with us at that time, but Canadians worked with us. Business and industry stepped up and said, "What can we do to walk with you to address these issues?" It ended up a very successful leadership initiative that serves as one example of how first nations and governments can together reach out to the broader Canadian society to say, you know, these issues are happening right here in Canada today; we need to find some ways to really work together.

The way forward perhaps builds on that notion, an enabling notion, moving from constraint and imposed control to respect and recognition. To move forward based on interdependence and mutual accountability is always what the treaty relationship was about, it's what it still means today, and it's what it will mean going forward. We want to move from an assumption of dependence to sustainable funding and from unilateral delegation to tripartite harmonization. We have examples of tripartite agreements where we are able to overcome the jurisdictional gaps and sometimes the jurisdictional wranglings that occur. That means shared accountability as well.

The approach needs to be one of overcoming and bridging divisions, inclusive and open processes, and having culture and

identity as a source of confidence and strength for first nations. So if, as the Prime Minister articulated, the residential school period was wrong, that it should have never happened and it should never happen again—there is an acknowledgement of the deep damage that was done under the guise of an education policy—shouldn't we then look at this issue of education as being one of the tools to support the reconnection of people with family, with land, with culture, and with the over 50 indigenous languages in this country that the experts suggest are in dire need of being supported?

I ran and was elected on four major themes, the first of which was supporting first nations families and communities. The second was around exercising and implementing rights, talking about treaties and aboriginal title and rights. The third theme was about the need to focus on economic and environmental interests—that convergence between a planet in peril and the issues of climate change that we all have responsibility for, but also noting the great market challenges that have happened in the recent past.

First nations haven't really been a part of the broader market economy in a significant way. If the economy is beginning to warm up, as experts would suggest, first nations don't want to be once again chasing the caboose of a train that's ready to leave the station. First nations want to be on board and helping to lead the way in a new market economy, one that tackles the issues of morality that have been challenging us, whether it's the Ponzi schemes or the collapse of Wall Street. I know that first nations have much to contribute to the discussion about building strong, sustainable economies, and doing it with a care for the environment.

In the area of first nations families, education will always bubble to the surface as an area of strong importance where we put a lot of effort. There's a report coming out today from the Community Foundations of Canada and it will be entitled, "Canada's Vital Signs 2009". I've not seen this report. I understand it's being released today and it will touch on first nations high school graduation rates. It will not be a really positive report. We'll wait to see the findings, but I am flagging this because it's really important. While we are making progress in a number of areas, there are certain indicators, such as high school graduation rates, that will continue to be important for determining the future success of first nations throughout the entire country.

•(1110)

In the area of health, I'm pleased that we were able to sign a communications protocol on H1N1. It's important that this protocol be fully implemented, that first nations governments throughout the country work very closely with health authorities and other jurisdictions to ensure there are no gaps in information, that we're closing the gaps in planning, and that we're working from shared knowledge of whether we are fully prepared.

When I took office and the H1N1 issue arose, it was very clear that there were differing levels of information or understanding between jurisdictions. This is not helpful for individuals. This is not helpful for emergency planning. We still have a long way to go and we'll need to continue to be very diligent in that area.

With respect to child welfare, I think about Jordan's Principle and a similar concept, making sure we overcome interjurisdictional challenges, that we take care of the needs of the children and address issues around funding supports. We know we have too many children in care across this country, and that is another major issue of concern.

We want to continue to reflect that Canada is amongst the very small minority that have not supported the United Nations Declaration on the Rights of Indigenous Peoples. I believe Australia has moved forward to express support. I heard from the former special rapporteur for the United Nations that the United States has begun to express tacit support for the United Nations Declaration on the Rights of Indigenous Peoples, and we're pleased about that.

There have been specific ideas around the issue of treaties and treaty implementation, such as an office of a national treaty commissioner. With respect to comprehensive claims, the policy dating back to 1986, I think we need to advance the notion of removing barriers that inhibit successful outcomes and fail to support the implementation of agreements that are signed within that policy. I think, most recently, of my discussions in the Yukon with the Yukon self-government agreement.

I've touched on the economy and the environment. We have much more work to do in the area of consultation and accommodation by governments. This must be approached consistently, and it must be grounded in respect for first nations' rights and title and treaties.

When it comes to working with first nations governments, I suggest that we support the protection of both the collective and individual rights of our citizens. There are examples of this with the issue of citizenship. As opposed to once again having the unilateral decision-making by governments to determine issues around status, we would like to broaden that to citizenship. It is nations, after all, that determine who their citizens are. It's those who have treaty rights who determine who has the rights under that treaty. We want to table that sort of notion as well.

So how is it that we can work together? And these points will close my opening thoughts.

We have some ideas for creating parliamentary studies and/or special committees, for example, that this committee could consider striking in several areas, such as convening a joint committee between this committee and the Standing Committee on Justice and

Human Rights to address violence against indigenous women and girls and to ensure that Canada has a full response in its report to the committee to end discrimination against women that is due November 2009. I would like to table that as one specific example.

Second, there could be a special committee to examine the fundamental barriers inherent in the current Indian Act framework. I mentioned citizenship or the issue of status. Why can't we take a broader view to issues such as status, looking at it through the broader lens of citizenship? Matrimonial real property is another such example. There are issues of justice and alternative dispute resolution.

•(1115)

When I raise these issues, I think about RCAP, which said that the history of policy-making for the last 150 years has been wrong and we need to do something significantly different. I think of the Penner report. I think of the negotiations that have been happening in British Columbia for around 15 years, the emerging experience in the Atlantic provinces with the made-in-Nova-Scotia process, and of course the experience of the courts and the conflicts, far too many conflicts, that have plagued our relationship.

Thank you, Mr. Chair. Those are my opening comments.

The Chair: *Merci, Chef.* It is very much appreciated.

We'll try to get as many questions in as we can. We'll begin with Mr. Russell.

Mr. Todd Russell (Labrador, Lib.): Thank you, Mr. Chair.

Good morning, National Chief. It's good to have you here. On behalf of myself and all the Liberal Party, I want to congratulate you once again on your historic victory.

I was in Calgary at the time and, being sleep-deprived by about six-thirty, I decided that sleep was going to be a bit more forthcoming than the eventual results. It was a fantastic time to be there, though. It was the first annual general assembly of the AFN that I've had a chance to attend.

You covered a lot of ground in your 10 to 12 minutes, but I was struck by your comment that we move from conflict to conflict, and that this has been the nature of our relationship with the crown for many generations. You mentioned the border issue in Akwesasne. Some of us would even say conflict-to-conflict will come up in the H1N1 policy, with maybe some jurisdictional wrangling about who is responsible for what.

I think of some of the legislation that has come before this committee. When certain legislation comes before this committee without the proper involvement of first nations or aboriginal people, there seems to be a hell of a lot more tension around this particular table. There is certainly a lot more conflict between the aims and aspirations of aboriginal people and what the government wants to impose. There is also the UN Declaration on the Rights of Indigenous Peoples, and all of these things are somewhere in the mix.

You mentioned some processes that we could use, from a parliamentary perspective, to ease our way through some of these issues, instead of going from conflict to conflict. You talked about special committees on particular matters. But I also want to go back a little. You mentioned RCAP, and I want you to reflect a little on the Kelowna agreement. I know some people raise their eyebrows or nod their heads when we mention Kelowna, but it seemed to be a process that served, at least in part, to resolve some of the difficulties we have and to stop the conflict-to-conflict type of mood.

I'm wondering if that process had some value to you. Would it be a process that might help us build future relationships between the crown and aboriginal peoples? How important is a respectful process to you as national chief?

•(1120)

Chief Shawn Atleo: Thank you, Mr. Chair, and thank you, Mr. Russell.

I truly believe good process can produce good results. None of us likes process just for the purpose of process. I think our people and our communities demand much more than that.

When I reflect back on 2005 and those discussions that occurred and I think about the work that has ensued since then, one example stands out, and it was our ability to really build on that process in 2005. For first nations, we tabled a report. I co-authored a report with Dave Nahwegahbow to the chiefs and assembly, called "Recognition and Implementation of First Nation Governments". It's a body of work that was approved by the chiefs in the spring of 2005 that builds on RCAP, that builds on the Penner report, and that from a first nations perspective suggests very strongly that there is a way we can do joint policy and legislative changes. First nation governments need to be involved, and the Assembly of First Nations can, where the chiefs support it, play a facilitative and coordinating role.

We have several examples that suggest outcomes. One was work that ensued in British Columbia. In my previous role as B.C. regional chief we signed a transformative change accord with the former Prime Minister, Premier Campbell, and the BC First Nations Leadership Council, and it has resulted in work in a number of areas—health and education.

At the national level, I think about the Specific Claims Tribunal Act process, a joint first nations and government process that produced an approach that changed fundamentally the way specific claims are handled, with a new independent tribunal that has yet to be fully operational. But we have expectations that this will bring an element of fairness and an element of independence to the process and, as many first nations suggest, will remove government from being that of both judge and jury on claims.

Most recently, I was in Regina, close to two months ago, meeting with the premiers. The premiers have agreed to establish a national aboriginal affairs ministers working group. One of the interests that the premiers were expressing, which I share, was the idea of having a first ministers meeting happen in 2010. I think there's a notion that good process equals the need to establish real working relationships to overcome those deep gaps of misunderstanding that occur and that result in conflict on the ground. I think as leaders we have a responsibility to examine every manner possible to engage in a process that will produce different results.

The core principle here is that in order to move away from the unilateral development of solutions and/or policy and/or legislation in isolation of first nations, we need to shift that around and, if we can, learn from some of our experiences most recently that it's time for us to return to a process of real engagement.

•(1125)

Mr. Todd Russell: Thank you for that. I believe that all of us share that something different has to happen. We just can't continue to repeat history.

I want to ask you about McIvor, as an example. This is a court case that has come down. We know it could be in an appeal stage. Putting that aside, and I want to come back to repeating history, how much engagement—well, that's the word the government uses—has there been between the government and the AFN on possible legislative approaches to McIvor, seeing that the courts have ordered the government to respond?

The Chair: We'll have a short response, if we can, Chief.

Chief Shawn Atleo: We haven't had the full joint legislative effort offered or agreed to that we would like.

The Chair: Thank you very much.

[*Translation*]

We will now move on to Mr. Lemay from the Bloc Québécois, who has seven minutes.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Thank you.

Good morning National Chief. It is an honour and pleasure to welcome you today. I would like to make a short preamble, just as you did.

Your election, which lasted almost 24 hours, was the first time since Quebec's national holiday in the 1970s that I went to bed at 7:30 in the morning.

On a more serious note, I was in Calgary and some of my colleagues were there as well—I saw a number of them there—and I must say that I was truly impressed. It is important to me that you know that and share that with your colleagues. I was impressed by how much responsibility the chiefs and their assistants had. They—including many aboriginal women who are now chiefs—did exceptional work during the days they spent in Calgary. I saw that it was not just the election of a National Chief that was important; there were many other issues.

Today, you are lucky to have before you members of the government and others who aspire to form the next government. The issue I am interested in is how to eliminate the 2% cap. In your inaugural address, you said that education was extremely important, but if the 2% cap remains I do not know how you will manage given the birth rate in your communities. How can we, as MPs, intervene with the government? What initiatives have you taken to urge the government to eliminate this cap?

[English]

Chief Shawn Atleo: First of all, on two fronts, I think it is worth noting that we began the evening with 80% participation in the election for national chief. I think your observation is an important one to note. Twenty-four hours later, we still had over 70%, which was astounding. I think it's important to note that the leaders do care deeply about what's happening with the state of the affairs in their communities.

On the issue you've raised around the cap, I think about the over 60 schools needed in our communities right now. There are stories of kids taking class in tents in isolated communities. I refer to the point I made around citizenship in the McIvor case. We have to remember these are deep concerns an individual has about belonging within her family, the connection among family, and the connection of people with their nations.

The ideas we're suggesting here around parliamentary committees, that this committee drives an approach, is to really break from this notion of having approaches done in isolation of first nations. To suggest, first of all, that the approach on Indian Act status has not been sufficient, we also suggest there is a way forward if we can ask this committee to take the issues of the barriers of the Indian Act to a higher level. This does require all parties to overcome the partisan differences that may exist.

Mr. Lemay, exactly as you articulated in the beginning of your comments, the realities you are faced with in Parliament, the realities our communities face, require that this committee helps move us forward in some way, shape, or form to overcome differences in approach or differences in viewing how we might come to some conclusion. To take the issue of status, perhaps the approach is not what we would like, but perhaps that conversation needs to be broadened anyway to a discussion about citizenship.

I would suggest, in response to what you've raised here, that on the issue of the 2% cap we can quantify the needs of schools, the infrastructure needs, and the resources needed for teachers. As I referenced earlier, we have another report coming out today from the Community Foundations of Canada that would suggest to us very strongly that as a country we can do much better in the area of education. This is something we need to design together.

•(1130)

[Translation]

Mr. Marc Lemay: I have another concern; something I am quite familiar. As you know, I am from Quebec. In several communities, many aboriginals are leaving the reserves to go to the big cities where they lose their identity. It happens, unfortunately. I will have an opportunity to talk about that with the President of the Native Women's Association of Canada in a few minutes. They are also at risk of losing their lives.

With a very high birth rate, a 2% cap and communities that are literally exploding, are we not at an impasse? You are the new National Chief and I do not know what solutions you have in mind to address this problem. Education is important. It is essential because it opens the door to freedom. With an education we can take charge of our lives and grow. What can we, as politicians in Ottawa, do to alert the government to this problem of aboriginals leaving their reserve because of overcrowding?

[English]

Chief Shawn Atleo: Thank you.

I just saw a report from Indian and Northern Affairs that actually suggests first nations are not leaving the reserves in great numbers. It's recent data, and I think it would be important to have that information brought forward, because it's new information. There has been this notion that first nations are leaving reserves in droves, and the most recent information suggests otherwise. And so if they are staying home, first of all—it's the same thing as my point around H1N1—we should arrive at a place where we have the same information about what the realities of our communities are.

So to begin with that, one idea that I had was perhaps the need for an indigenous policy institute of some kind that would support all of our efforts when it comes to first nations issues, because it becomes often a war of data. And that can lead to divisions within and amongst the indigenous peoples themselves, a fight between on- and off-reserve that we need to overcome.

When I spoke earlier, when I talked about overcoming divisions, I was also talking about overcoming the divisions within and between first nations communities, overcoming the divisions between on- and off-reserve. The issue of citizenship speaks to an issue of divisions between status and non-status, and so we'd really value the idea of a parliamentary committee looking at these issues, perhaps even tackling this notion of the 2% cap and examining funding arrangements, moving away from discretionary funding.

•(1135)

The Chair: We're going to have to leave it there. We're quite a bit over time there, Chief, if you don't mind. You can wrap up on that idea perhaps in one of the other questions and add it on, if you can.

Merci, monsieur Lemay.

Now we're going to go to Ms. Crowder for seven minutes.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Thank you, Mr. Chair.

I want to welcome the national chief to Ottawa.

I was also at the Assembly of First Nations meeting in Calgary. Being from British Columbia, I have to admit that seeing the elders and all of the people there who came out to support it was an honour and a privilege. So congratulations to you, your community, and your elders, because I know they were a big support.

I want to make a brief comment before I start with my questions.

You touched on the UN Declaration on the Rights of Indigenous Peoples. In a recent report by Paul Joffe in September 2009, he talked about Canada's increasing isolation. He pointed out that in April 2009 the Labour government in Australia announced its endorsement of the declaration; that in the spring of 2009 both New Zealand and the United States indicated that they were in the process of reconsidering their opposing positions; and that Canada was increasingly isolated on the world stage. I think you made an important point, that the declaration elaborates on indigenous people's inherent rights, which throughout history have not been respected.

That's a bit of a context for a question I'm going to lead into.

What this committee is aware of and what we know is that since Confederation in 1867 we've had decades of neglect and outright denial of inherent rights. We also know that we have any number of reports. We've had Auditor General's reports. We've had the Royal Commission on Aboriginal Peoples. We've had court decisions and studies. They all largely pointed to the fact that conditions for first nations, Inuit, and Métis in this country are appalling and there is a need to move forward.

We can talk about funding, housing, water, and the environment, but if we don't actually address some of the underlying issues we're not going to move forward. You can put money into housing, but you have to address some of the issues around self-government.

Can you specifically comment on the fact that what we seem to be missing here is recognition of a nation-to-nation status? We don't have recognition and implementation of those self-government agreements and treaties once they're signed. There is a lack of recognition around the honour of the crown and the fiduciary responsibility.

I wonder if you can comment on whether dealing with those things that seem to underpin everything else might not help us move forward.

Chief Shawn Atleo: I completely agree.

A major area of concern that would perhaps suggest a way forward in our work is the comprehensive claims policy. I mentioned the Specific Claims Tribunal Act effort because it was a joint first nations-government exercise. It produced a bill. Perhaps we need to consider an effort that's comparable in the area of comprehensible claims policy. We look at section 35, where aboriginal title and rights and treaty rights are referenced. I heard a lawyer just yesterday suggest it's undeveloped. We haven't talked about how that is given meaning within Canada. That speaks to the nation-to-nation agreement.

I feel like I'm flogging his book, but I keep talking about John Ralston Saul's book *A Fair Country: Telling Truths about Canada*. He says this country was founded upon a relationship between first nations and the newcomers. The first nations—the Mi'kmaq, the Maliseet, the Mohawks, and the Métis—fought shoulder-to-shoulder with Canadians. This is a relationship between allies. It's a nation-to-nation relationship.

It's really time we reflect on the most recent history—the over 40 court decisions, to put a number on it, and it keeps going up. We witnessed the passing of the late Donald Marshall Jr. It has been 10

years since the Marshall case, and the Mi'kmaq are still looking to have their treaties rights respected and implemented in a manner that is mutually agreeable. How do we arrive at the mutually agreeable and satisfactory implementation and recognition? It can only be done jointly.

•(1140)

Ms. Jean Crowder: I assume this is your paper, *It's our Time: a Discussion Paper for the Council of the Federation*. It was part of the meetings with the ministers. I want to give you an opportunity to talk about this, because it often comes up that first nations governments are not accountable.

Back in 2006 the Assembly of First Nations put together a very good position paper, *Accountability for Results*, outlining that the Assembly of First Nations and the chiefs across this country were prepared to come to the table jointly to talk about accountability issues. The Auditor General, of course, had identified that the government of the day was not fulfilling some of its own responsibilities.

In the conclusion of your paper, *It's our Time: a Discussion Paper for the Council of the Federation*, you indicated that we must transform the process of engagement to include things such as “clear direction and leadership” and “dialogue and planning”, but you also talked about “shared accountability to ensure reporting and the tracking of results”. I wonder if you could talk about what you think are the important elements of that process—and I'll just leave the rest of the time for you.

Chief Shawn Atleo: What we're talking about—and we can link it to issues such as funding—first of all is that first nations have an incredible amount of reporting to do to the federal government. There have been efforts to reduce the level of reporting first nations have experienced, but it takes up an inordinate amount of time, this one-way accountability, I guess is the way I will describe it, that first nations experience with the federal government.

Really, the way forward needs to move from that experience to shared accountability, a shared responsibility. To accomplish that, you need to jointly design what that might look like. We have some examples. It could include some of the agreements I referenced earlier, such as the one in the Yukon. However, what the Yukon first nation governments will say is that they didn't sign an agreement with the Minister of Indian Affairs; they signed an agreement with the crown. Yet there seems to be a void of implementation policy, which suggests there is an area of work that we could strongly consider putting some effort into, because if there are issues with implementation of the agreements signed within the last 20 years, certainly there are issues around the implementation of treaties signed much earlier than that, such as in the case of the Mi'kmaq people over 200 years ago. And if we address these issues of implementation, it will encourage those who do not have treaties who are saying, why should I go to a table if there are problems around implementation?

I'm suggesting that perhaps there needs to be a high-level look at this, and perhaps that time is now, the time is right, to address it.

The Chair: Very good. Thank you, Chief.

Thanks, Ms. Crowder.

Now we'll go to Mr. Duncan for seven minutes.

Mr. John Duncan (Vancouver Island North, CPC): Thank you, Mr. Chair.

I offer our warm congratulations on your July 23 election and welcome you to the committee. I think your strong leadership has demonstrated itself throughout your career, and you're demonstrating that once again today.

You did talk about the complex policy environment we live in. I was in opposition in this same portfolio for many years. It's very enlightening to be a part of government and to recognize how many of the things you have talked about are things we are also seized with in many regards. There are challenges to changing the way we do things. If we can create a partnership on as many of those challenges as possible, I think we can do a lot.

There has been discussion here about the 2% cap in education. We know about the ongoing negotiations with the 13 first nations in British Columbia, the FNCIDA process, which I think will be a model for the rest of the country in terms of the comparability.

You've talked about the specific claims policy. I think that's a major advance. It was done jointly, and the Senate played a strong role.

On the education front, we know that the aboriginal youth are very important to Canada and to our future for all of us—this is not a first nations question; this is a Canadian question.

I appreciate your strong recognition of the role of the environment and economic development.

You talked about moving away from unilateral decision-making. I want to talk about process versus action. How can we move from process to action? You described four joint committees on some important subjects: violence, citizenship, MRP—the matrimonial real property—and alternative dispute resolution. I believe those were your four.

We went through a very painful process on the Canadian Human Rights Act amendments to be inclusive of first nations people in this country. Without leadership from the government, I believe that never would have happened. So I guess the challenge is how we would create a process that would better that. The example I'll pose is matrimonial real property. You said we should table something. We should maybe study it in joint committee. How can I be convinced that would have any different result than further status quo—in other words, no movement because no consensus could be reached? That's my question.

• (1145)

Chief Shawn Atleo: Thank you for that. I think we have to build on the areas that have worked as well as pay attention to what hasn't worked, where process becomes about process, and we become bogged down.

I'm always mindful of what my father told me when I was a kid in school. He said there's the hard way and the harder way. There are

not necessarily any easy ways when it comes to what we're discussing. The difficult path is the one where we, from the very beginning, jointly identify an agenda, we jointly design an approach that builds on examples of success, like the specific claims.

We have over 16 years of negotiations in British Columbia. While we don't have a shared notion of whether or not the efforts that have been undertaken constitute the kind of success or the rate and pace of success that is acceptable to us, we need to jointly determine that throughout all the negotiations happening across the country.

I would suggest that we need—and that's the reason we're tabling some ideas here—to shift us from just reacting to some of the initiatives that government is rightfully responsible for and, because of legal cases that are arising, has to respond. Fair, we understand that, but I think this committee has an important role to play to recognize that this could place us in a position of greater peril and more short-term difficulty, while the long-term issues are not addressed.

I want to recognize Jeannette Corbiere Lavell, who has come into the room, president of the Native Women's Association of Canada, because of work she and others like her have done to address this notion of belonging with community. I know she will have much to say about the plight of first nations women across this country and the experience of unilateral policy decisions. We're suggesting there's a better way to do it and we've got some recent examples upon which to build. You mentioned the specific claims process.

I'll leave my comments at that for now. Thank you.

• (1150)

The Chair: You have about 30 seconds left, Mr. Duncan.

Mr. John Duncan: I don't think I can launch into a question.

On the education front, I'll recognize your strong leadership as chancellor of Vancouver Island University and say that I do expect that negotiations in British Columbia are going to be successfully concluded, and this will be a strong measure that will lead us in a good direction very soon. I'd also like to say that some of the work that is being done on labour skills training for the aboriginal community is doing wonderful things at the college and trades level. A lot of very good things are happening, and I'm sure you'd be happy to expound on that at some time, but you probably haven't the time within this window.

Thank you.

The Chair: Thank you, Mr. Duncan.

Members, we have time for two short questions. We'll go to Mr. Bagnell and then to Mr. Dreesen for three minutes only.

While that's happening, members, we'll have some documents circulated for your consideration and we'll take a short moment at the end of the next hour to consider that. It's a piece of committee business involving our northern economic development study.

Mr. Bagnell.

Hon. Larry Bagnell (Yukon, Lib.): Thank you.

I was at Calgary, and it was great that you came to the Yukon. People really appreciated that. I'm not sure if you were there for my speech, which I gave in three different aboriginal languages.

You mentioned the committee on the status of aboriginal women to solve that problem. I think you should probably add the status of women to your suggestion of which committees should get together on that, because we have a committee on that.

I have two questions. One is related to the Aboriginal Healing Foundation. That money is expiring, and I don't think anyone would believe the healing is finished. We really need that to continue. I hope you'll be helping us push for that.

Second is that I really appreciated the fact that your radar screen includes the implementation of self-government and land claims, which I think is the biggest issue. You probably heard that in the Yukon that's the biggest issue for the chiefs there. In the past, they felt it wasn't an issue for either the federal government or the AFN as much as they would like, because they're a little bit different from the rest. Any plans you have in that area would be great, and I'm glad it's on your radar screen.

Last, the Senate committee did a great study on that, and I have a response from the minister, which I assume you have. If you don't, you can have this copy. Do you have any comments on the minister's response to the Senate's report?

Chief Shawn Atleo: Thank you.

I think the Aboriginal Healing Foundation needs to continue to be supported. Experts agree that it takes at least 10 years for the kinds of programs that are being implemented. I can speak from personal experience, from my own community on the west coast, that it takes at least 10 years to see some sort of significant results out of these programs. It's really important that the work continue, and it flows, I think, from the spirit of the apology offered by the Prime Minister.

On issues or approaches that have been spoken about in the past, we have an Indian affairs ministry. Perhaps what we need is a first nations-crown relations ministry. Perhaps we need, as I said earlier, a notion of a treaty commissioner. The Senate committee report on the implementation issues....

Again, committee, what we're suggesting here is that we take a look at the idea of high-level self-reflection on work that needs to be done in these areas, and that we consider jointly what kinds of resolutions there might be to address them.

The Chair: Thank you, Mr. Bagnell.

Now we'll go to Mr. Dreeshen, who's new to our committee.

Mr. Dreeshen, welcome. You have three minutes for questions.

Mr. Earl Dreeshen (Red Deer, CPC): Thank you very much, Mr. Chair.

I appreciate the opportunity to be here in the aboriginal affairs and northern development committee. I thank my fellow colleagues for the welcome they have given me.

Truly, I appreciate this opportunity. It's my first time to be able to speak to someone who has so much involvement in the future of our aboriginal people. I really do appreciate that.

I'm a school teacher, and in 1976 I had the honour to accompany some government members from the Alberta legislature to the 100th anniversary of the signing of Treaty No. 6. I picked up a little bumper sticker that day, and I proudly displayed that in my classroom. That was the one thing that I took out of my classroom 32 years later.

So I've had the opportunity to deal with a lot of aboriginal youth over my career. I've shared with them some of the joy and some of the anguish as well.

I know that your involvement in education has been extremely significant. Our government has committed \$268 million over five years, and \$75 million over the next two years, for programs such as the educational partnership program and the first nations student success program.

First, what tools does the Assembly of First Nations use to measure aboriginal student performance? Second, how has your organization received the introduction of these programs, and what role will they have in improving students' performance and educational environments for first nations communities?

• (1155)

Chief Shawn Atleo: Thank you for that.

I share in wanting to acknowledge Treaty No. 6. Even though my community is a non-treaty community on the west coast, the elders have quoted Treaty No. 6 all my life. To hear that you, after so many years in teaching, have obviously an awareness picks up on Mr. Duncan's comments about education.

In my role as chancellor, I do want to reach out to academia across the country and have them help answer the question about how we can graduate more people with an understanding about the original relationship between treaty nations, between first nations in this country and Canada more generally. I think that would go a long way toward closing gaps of misunderstanding and help develop the relationship.

That is work that needs to be done a broader basis. That speaks to curriculum. That speaks to the leadership of universities in training teachers to make sure they are going to support us and not just develop human capital for a market economy. They are responsible for developing actors in a civil society. We have deep social justice issues still in this country in all of the areas that we talk about.

We have a phenomenal education secretariat with the Assembly of First Nations, very professional. We have a national chiefs council on education. I couldn't speak to, but can get to you, the tools of analysis that we have.

One question I would want answered is whether or not those tools of analysis are done jointly. The point I'll keep reiterating here is this notion that we work from different data points, different information. It's not a shared analysis all of the time, and as such it becomes something that can cause conflict when the dire needs of our people and our communities remain so very high.

I hope that sheds some light on that. I would love to follow up with you on it, because I share an interest in examining it further.

The Chair: Thank you, Chief.

Thank you, Mr. Dreeshen.

On behalf of all members of the committee, Chief, we greatly appreciate your time here. We issue, again, congratulations on your new role in a very important organization for aboriginal people, for first nations people across our country. I wish you all the best in the months ahead.

Members, we're going to suspend for approximately five minutes while we change over to our next witness. You can do your goodbyes, and we'll get under way as quickly as possible after that.

We'll suspend.

- _____ (Pause) _____
-
- (1205)

The Chair: Members, we're going to continue now with our second hour of today's meeting.

We welcome the new president of the Native Women's Association of Canada, Jeannette Corbiere Lavell. We're pleased to have you here today. Congratulations on your new post, a very important post.

We are working through not quite a full 60 minutes for our session here today, so for the benefit of all members and Ms. Lavell, we're going to start with a 10-minute presentation. Then, members, we're going to shorten the rounds for questions in an effort to get in more questions. I am suggesting four minutes. Can you keep your rounds to four minutes?

We've scheduled 10 minutes for the opening presentation. If it goes over by a few minutes, that's okay. I will signal when you are getting to the end and you will need to wrap up at that point.

Welcome, Ms. Lavell.

Ms. Jeannette Corbiere Lavell (President, Native Women's Association of Canada): *Meegweteh.*

[Witness speaks in her native language]

I bring you greetings from my people. I am from the Wikwemikong Unceded Indian Reserve situated on Manitoulin Island. I am Anishinabe from the Anishinabek Nation.

Many years ago I came before a committee such as this to retain my right as a member of my community, because, to me, this is who I am. It's my identity and my place, the place of all my ancestors and the place of any future generations that I'm part of.

I would like to share with you some of the teachings I have been brought up with and show you how I intend to use them as president of the Native Women's Association of Canada. Maybe some of you have heard of the grandfather teachings. These are practices that we try to follow every day.

The first is honesty, and through honesty, in my role as the president, I hope to be looking at transparency and accountability.

Humility. We're looking at our provincial and territorial member associations. They have been at the bottom rung, and we need to ensure that their voices are heard, so this is going to be one of my big initiatives.

Respect. Respect is inherent in all our relationships with each other. When we think of respect, we think of human rights and the matrimonial real property legislation that is being proposed, because this ensures that respect is being continued.

Under truth, we're looking at economic development, employment, education, training, especially for our women. The results will have a positive impact on our families and our communities.

Courage. It takes a lot of strength and courage to challenge legislation. We're looking at the Sharon McIvor case and our rights as citizens within our own nations.

Under love, love of our people, love of our community, love of our families, we're looking at the elimination of poverty, and all that this entails.

Wisdom. We look to the wisdom of our elders, the wisdom of our teachers, for health, well-being, and for a sense of balance within our communities.

So that's my view of how I'm going to approach my role as the president of Native Women's Association of Canada.

I would also like to acknowledge that we are here working and speaking to you on the lands of the Algonquin people, and I acknowledge them and recognize that it is a privilege to be here.

The Native Women's Association of Canada, for those of you who may not have been recently told about us, is a national representative organization made up of 11 provincial and territorial member associations, which we could refer to as PTMAs, from across the country. We are dedicated to improving the social, economic, medical, and political well-being of our first nations women, our Métis women, and the Inuit women of Canada. Many of our provincial organizations consist of members from those three categories.

At this committee session, I would like to present the priority issues that the Native Women's Association of Canada is considering, the issues that all of the aboriginal women in this country are looking to resolve. We're looking at the discriminatory provisions in the Indian Act, which we're still having to deal with. We're looking at matrimonial real property and violence against aboriginal women.

•(1210)

We will also speak about the need for greater capacity for the Native Women's Association of Canada to effectively carry out our critical work, particularly given the fact that NWAC is the only national organization representing the views of aboriginal women.

If we look at the Indian Act, in April 2009 the British Columbia Court of Appeal ruled in the McIvor case. I happen to know Sharon McIvor and I was supporting her in this initiative. The provisions they were looking at in the Indian Act were paragraphs 6(1)(a) and 6(1)(c), which governed registration or status. The ruling said that these were unconstitutional and must be amended within the year.

This is a consequence of the discriminatory second generation cut-off enacted in Bill C-31, which means that brothers and sisters may have different abilities to pass on status to their children. In particular, mothers who regain status through Bill C-31 will not be able to pass on this status to their grandchildren as easily as those who had prior to Bill C-31.

This particular section affects me directly. I regained my status under Bill C-31. For 15 years I didn't have my status, even though I'm very much a part of my community. Now under Bill C-31, two of my grandchildren have status according to the provisions; three of my granddaughters, whom I love dearly—these are my future generations—do not have status because of this provision within the Indian Act.

The McIvor decision is in part a welcome decision from the perspective of first nations women in Canada who have long fought for the removal of this discrimination resulting from Bill C-31. But it is not what we envisioned.

I took my own personal case to the Supreme Court of Canada—this was way back in 1970, so it's a long time ago—in my endeavour to remove sex discrimination contained in paragraph 12(1)(b) of the old Indian Act. I did it to protect my children and my grandchildren's rights.

Now here we are, almost 40 years later—I know because my son is 39—and we all know that Bill C-31 did not in fact result in equality in a meaningful way. This complicated system established under subsections 6(1) and 6(2) for status under the Indian Act has not only left residual discrimination toward the women's descendants—my granddaughters—but it will also lead to the eventual elimination of Indian status for many of our first nations. This is unfair, and we need to deal with it right away. I think this is an appropriate time to be addressing this.

I was also the commissioner on citizenship for the Anishinabek Nation, and during that work with my communities, the 42 first nations, I was told and I realized that within three years some of our first nations in the Anishinabek Nation will have their last status Indian born. After that, there will be no more status Indians in that community. That is in the middle of southern Ontario. That's reality. That's what we're facing under this current Indian Act.

There is also the unfair requirement for our women to state the paternity of their children. If they do not, their children's father is deemed to be non-status. This is totally unacceptable. I don't know if you would require your women to have to do that in order to keep

their citizenship. There are many reasons for this within our communities, social and cultural reasons, and it definitely needs to be looked at.

•(1215)

We were told just last week in a presentation from Indian and Northern Affairs Canada that the federal government does plan to make the required amendments to ensure that the registration provisions comply with the Canadian Charter of Rights and Freedoms. We're pleased they have made that commitment. It is a step in the right direction. Earlier I mentioned that we support the B. C. Court of Appeals' decision in part, and that's because it is still too narrow. It is not dealing with my grandchildren and Sharon McIvor's grandchildren. This needs to be looked at. If we can do it in a meaningful way to ensure that the constitutional requirement to consult and accommodate our people's aboriginal and treaty rights is ensured, then I think we would be starting in the right direction.

In the Government of Canada's presentation to us last Friday, I believe, it outlined plans to hold national engagement sessions with national aboriginal organizations and 15 regional engagement sessions. This was done to provide information on the government's preferred approach to legislative amendment and to provide an opportunity to review and to receive views of all the aboriginal delegates they were talking to. But it was just an information session, and INAC has acknowledged that. If this is the approach that leads to the formulation of legislative change, you can be assured that the views and perspectives of our first nations community members will not have been solicited in this process in any kind of meaningful way.

NWAC urges this committee to call upon the Department of Indian and Northern Affairs to put adequate resources to hold meaningful discussions with the national aboriginal organizations and our communities across Canada about these legislative amendments. We urge you to ensure that the feedback received is considered in the drafting of these amendments. A culturally relevant gender-based analysis of the proposed amendments must take place. We would like some assurance that this is going to be done.

Once again, the unstated paternity presumption must also be addressed in a meaningful way. This is done to ensure that our women are not put through any more hardships. Once again, this is only dealing with our women within our communities, and it's just double hardships again. I know it's not a simple issue, and it goes to the essence of our rights as first nations, as nations within this country of Canada. We are nations, and we should have the right and be able to practise our rights as nations within this beautiful country of ours. All we would like to see is to have that right.

If we have that right to decide who our citizens are, who our members are, the right to our language, the right to our history, the right to practise our own ceremonies, I think that would be a step in the right direction. I believe it's the only way we can go.

•(1220)

The Chair: Okay.

Ms. Jeannette Corbiere Lavell: Matrimonial real property is another priority, and this is a big priority from both sides. It concerns the debate over what is going to happen in this piece of legislation. Aboriginal leaders have made their positions very clear about this proposed legislation. We have stated that it does not provide for the full and thoughtful consideration of this issue. We fully support legislative changes that will ensure protection for first nations individuals, especially our women within our communities and our reserves. However, we would not like to see this happen so that it endangers our rights as members within the community. We have that responsibility to protect our rights as aboriginal women within our communities, as first nation women, the right to protect our communities and our lands. This is why we have some concerns with the way the legislation is being proposed right now.

The Chair: We're over time here.

Ms. Jeannette Corbiere Lavell: We would like to know that we can have some support from the government to deal with Bill C-31 in a meaningful way, so that we can have the resources to work together on this. I don't believe it's very much to ask, as we are willing as a national organization to work with the government to deal with this particular section, which I know is causing a great deal of difficulty to many of the first nations across Canada.

The Chair: Ms. Lavell, I think we're going to have to try to wrap up at that, so we can leave some time for questions. If you could sum up in the next 30 seconds or so, that would be great. If there's something still that you need to get out in the course of the meeting, you can probably have the opportunity to work that into your responses.

Ms. Jeannette Corbiere Lavell: *Meegwetch.* I understand, and it's what always happens to me, but I get so caught up.

I just want to share the other big issue we have as aboriginal women, and I'm sure you've heard about it; we've just had our vigil. It's the violence that is being perpetuated against us as aboriginal women. I know there are some investigations taking place across Canada, and we would like to assure you that as native women's organizations, we are committed to working with the various systems within Justice to ensure that we can settle and make our communities a safe and viable place for our women and children. We have been working with the Minister of State on this, and I feel confident that we will be able to continue working on our special initiative, Sisters in Spirit—that's what our program is called.

Last, I want to say that as a national aboriginal women's organization we have been having much difficulty in trying to strengthen and bring up the leadership within our provincial and territorial organizations. We do not receive the same kind of funding as our brothers have within their organizations. It would be equitable, I believe, if we could be able to access some resources, some support from the various departments, to ensure that our voices are heard, not only on the violence towards women but also on the matrimonial real property, on the Sharon McIvor case. I would think it's just very simple.

So *meegwetch.* Thank you for listening.

The Chair: *Kitchi meegwetch.* Thank you very much. Rest assured also that the brief you submitted will be translated and distributed to all members as well.

[*Translation*]

I would like to recognize Karen Green, Executive Director of the Native Women's Association of Canada.

[*English*]

Madame Green, welcome.

Now we'll go to the first round of questions, four minutes for both the question and response.

We'll begin with Mr. Russell, for four minutes.

Mr. Todd Russell: Good afternoon, Ms. Corbiere Lavell and Ms. Green. It's good to have you here. And congratulations. I certainly do honour your life's work, which you're continuing in fine stride with your presentation here this afternoon.

I want to go back to the issue of murdered and missing aboriginal women. It's something that strikes me very personally, very emotionally. I tell you, I cannot believe that there are 520 documented murdered and missing aboriginal women in this country and we have not had a public inquiry or a public investigation into this. I am struck, and anybody in this room will be struck. The sexualized, racialized violence against aboriginal women exists every single day.

I just ask every committee member to reflect. You hear of an aboriginal woman missing, and the mother has to come to Ottawa and hold a press conference to try to get some attention—not once, but twice. A non-aboriginal woman goes missing, and the helicopters are out, the police cars are out, and there is a force on the ground like you've never seen. Something is wrong with this picture.

We say we've been addressing it, but it continues—for example, only two weeks ago, and another one last spring. Something has to happen.

I say this to my opposition colleagues, the Conservative Party. I am not saying this as a partisan, but I'm telling you to urge your party to move in the direction of raising this issue to national prominence. It's a scar on this country, and something has to be done. We have to have a national public inquiry into this, along with all the other supports that NWAC and others have asked for to continue concurrently. I don't believe we will ever erase this scar unless we expose it for what it is—the sexualized, racialized violence that it is.

I commend you for your work. I just wanted to make that statement. We will push for that public national investigation. It has to happen. Anything you can do to encourage us, to urge us on, would be appreciated.

•(1225)

Ms. Jeannette Corbiere Lavell: *Meegwetch.*

Further, if we look at our women who are going through this, it also affects our families and our communities. Within our teachings, our children are a gift from the Creator. We have a responsibility to take care of them, to nurture them, and to prepare them for their roles. Taking one life is not acceptable. It's totally against our concept of who we are as a people. As well, this is our future generation. It's just devastating to our community.

I totally agree we need to stop this violence and all these murders. Many of our young women are going missing. We will work with any department. As you said, we would definitely support it.

The Chair: You still have time for a very brief question, Mr. Russell.

Mr. Todd Russell: No, I'm fine. Thank you.

The Chair: Okay.

[Translation]

Mr. Lévesque, you have four minutes.

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Ms. Corbiere, congratulations on your election. It is my pleasure to welcome you here today.

With respect to the power of women within their community and governmental decisions, do you believe that Canada's recognition of the United Nations Declaration on the Rights of Indigenous Peoples would help precipitate initiatives to meet the needs of first nations women?

[English]

Ms. Jeannette Corbiere Lavell: As I understand the intent of the Declaration on the Rights of Indigenous Peoples, that sense of equality is there and that sense of recognizing our traditional practices, which is respect for our women in any decision-making and any measures that affect us within our communities. In that context, I totally agree. It would be in our best interest to have that Declaration on the Rights of Indigenous Peoples recognized. It would be a step in the right direction.

I thank you for the question.

[Translation]

Mr. Yvon Lévesque: Do you think that discussions between the Government of Canada and the first nations on Bill C-31, for instance, with a view to attaining equality in the country between the different nations, would also help to precipitate matters?

• (1230)

[English]

Ms. Jeannette Corbiere Lavell: Exactly. You are absolutely correct. If we could have a meaningful consultation on Bill C-31, on our rights as women within the division of property, we would be able to share the cultural context. That is what is causing the problem right now. We see it as having some flaws in terms of taking away the rights of our community members. If we could have that meaningful dialogue and work with you on this, I think it would be good. That's how we must do it. It would be acceptable. Yes, that would be good.

[Translation]

Mr. Yvon Lévesque: It would be our pleasure. Thank you.

[English]

The Chair: Thank you, Monsieur Lévesque.

Now we'll go to Madame Crowder, for four minutes.

Ms. Jean Crowder: Thank you, Mr. Chair.

First of all, congratulations on your recent election, and welcome to the committee.

A number of other members touched on it, but I want to come back to the violence against aboriginal women, the murdered and missing aboriginal women. I know that the Native Women's Association, in conjunction with a number of other organizations, has called for a national plan of action. It has outlined elements such as improving public awareness and accountability, reducing the risk by closing the economic and social gap, and improving the child welfare system.

We just had the national chief from the Assembly of First Nations here. He would like to see a joint committee that would include the federal Department of Justice, that we have a subcommittee on human rights, the Standing committee on Aboriginal Affairs and Northern Development, and the Standing Committee on the Status of Women look at violence against aboriginal women and girls.

I wonder if you could comment on whether you think that kind of joint process would be helpful.

Ms. Jeannette Corbiere Lavell: I just spoke briefly to the grand chief of the Assembly of First Nations, Shawn Atleo. We did talk about that briefly.

From what I know, we have made that commitment to work together to achieve the end of this violence towards our women. We have women on reserves, but 70% of our population is now actually living off-reserve in the urban centres. Of that 70%, I would say that over 40% are single mothers with children. If we could do something about that together with the other aboriginal organizations, it has to result in a positive change. We are open to working with the other organizations.

Ms. Karen Green (Executive Director, Native Women's Association of Canada): We would see the Native Women's Association of Canada as a key player in that, obviously because of the expertise and the work that we've done in this area over the last five years—well, after the last many years, but it's been very focused in the last five years.

Ms. Jean Crowder: If the proposal was that we had various parliamentary standing committees looking at this issue, it would seem that the Native Women's Association would be a key partner in that process.

A witness: Absolutely.

Ms. Jean Crowder: It seems that we could do some of this cross-jurisdictional work, because we're not just talking about the fact that women are murdered and disappear; we're talking about what happens in the justice system. We're talking about what happens with housing, infrastructure, education, and all those other things as well. It would seem important to have that cross-jurisdictional discussion.

Ms. Karen Green: NWAC has actually developed a very comprehensive action plan for its own work. It covers all aspects from violence to economic security, education, and human rights, so we've already developed a very comprehensive model that we're hoping to get support for from various federal departments.

Ms. Jean Crowder: So it would be important, if we decided to have that cross-committee look at things, to include the work that's already been done by the Native Women's Association of Canada.

Ms. Jeannette Corbiere Lavell: As a matter of fact, it was us, through the Native Women's Association of Canada, who brought out what is happening to our women with this. We brought it forward. We brought it to light. We have been talking about it for many years.

We are really pleased that we're getting support to work on this from across the non-partisan government people, because it affects us all, this violence that is there within our communities. It affects not only us as aboriginal women, but all women. We can work together and put those provisions in there, and with the halfway houses, too, that we so desperately need, and all the other provisions that Karen has talked about.

• (1235)

Ms. Jean Crowder: Do I have time left?

The Chair: Unfortunately, no. Next time we'll have more time.

[Translation]

Thank you, Ms. Crowder.

Mrs. Glover, you have four minutes.

[English]

Mrs. Shelly Glover (Saint Boniface, CPC): *Merci bien.*

Four minutes is a very short period of time, but I just want to take a moment to thank you very, very much and congratulate you. I can't tell you what an inspiration you are to many of us aboriginal women.

I just want to put into some context who I am. My background is Scottish and Cree. I am a Métis woman whose mother spent her entire career working for the Manitoba Youth Centre, which is, of course, our jail for kids. She worked extensively with aboriginal youth to try to give them some hope. These were misguided youth who simply were looking for a way to identify, so she brought the teepee to the youth centre and spent an enormous amount of time bringing ceremonies to the youth centre. Thankfully, I was able to learn much of the teachings of the aboriginals because of my mother's involvement with the community. She now works with aboriginal women's communities in Manitoba.

I have seen first-hand what you speak of when you talk about violence against our women. I was a police officer for almost 19 years with the Winnipeg Police Service. I spent much of my career in the child abuse unit and the missing persons unit. I have worked on cases of missing aboriginal women, including that of Felicia Solomon, who would not have been identified if it weren't for the actions of many investigators who collaborated, because all we found were body parts.

I want to bring up the fact that I am very pleased to hear that you are spearheading again the Sisters in Spirit project and that you

believe in what our government is doing to get to the bottom of this case of more than 500 missing aboriginal women. Is that correct? Are you still of the conviction in your beliefs that this is a good project funded by the Government of Canada?

Ms. Jeannette Corbiere Lavell: Most definitely, and we are working on a regular basis with the minister of state, and she has been supportive.

Mrs. Shelly Glover: Thank you.

What brought me to this parliamentary world is frustration. When I was a police officer working on some of these cases, the Liberal government was in power, and I was angry because we could not get them to come to the table. So I thank them for finally getting to the table, but I assure you I've worked on this for much of my life and I agree that we must continue to do everything in our power.

But you've asked for further collaboration. I want clarification, if you could, because I believe in the investigative measures of our police forces. The RCMP is now collaborating on a task force in my province of Manitoba, where there are 75 women missing. They are trying to come to grips with perhaps more evidence that could help us reunify and bring justice to these poor families.

But I want to clarify something. You have asked for more collaboration. The opposition has mentioned inquiries, but I don't think we want more talking; we want more action. That means investigations, with more police officers and more people doing the grassroots work that's involved in stopping this violence and reunifying these women who are missing, if possible.

Is that correct?

Ms. Karen Green: It's really both. We're doing a lot of work with various police departments across the country. Part of our initiative for our Sisters in Spirit is to do more work with police departments, including curriculum development, protocol development, and working with the toolkits we've developed. We're encouraging them to investigate the cases more seriously and quickly and not have so many cases that haven't been cleared.

There are policing issues and response issues. Then there are the 520 cases that we've currently documented. We're asking for an investigation into how those 520 cases were handled in terms of where the gaps were. Where did things fall between the cracks around access to justice, media reporting, different police responses, and public reaction? That's the kind of information we're looking for in the broader investigation.

• (1240)

Mrs. Shelly Glover: I appreciate your comments.

I will always stand up for women, particularly when we are being suppressed. For a member of Parliament to swear at me at my first visit to the aboriginal committee is appalling. I apologize on behalf of Parliament that this type of behaviour goes on, but I won't take it. I am glad to see that you are strong women who won't take it either.

Thank you for coming.

The Chair: Thank you, Madam Glover.

We will go to Mr. Bélanger for four minutes.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Chair, I wasn't going to go there, but I will.

In terms of partisanship, I was at the cabinet table when my colleague Andy Scott worked for a good 18 months to prepare the terrain to arrive at an accord that would see the Government of Canada try to address fundamental problems of health, housing, and post-secondary education for the aboriginal community at large. When 13 premiers and territorial leaders and the Prime Minister of the country and six aboriginal national leaders all agreed on a certain weekend in a certain community that indeed that was the way to go, they didn't get around to signing a document, because it wasn't yet drafted. It was agreed that it would be drafted and signed and that the government would include in its fiscal framework, over the next five fiscal years, an investment of \$5 billion in additional money. That was called the Kelowna Accord. I would argue, with all due respect to Madam Glover, that it was bringing to the table and bringing forward some very positive action, which was supported. We had not only consensus but unanimity. Unfortunately, the government that was elected in 2006 decided not to follow up and not to respect that agreement.

If we're going to go that route, let's put all the facts on the table. I wanted to address—and it's a question I need to understand, if I may—a piece of legislation that's pending. We don't know what the government intends to do. They said that they wanted to bring it forward again. It's Bill C-8. You're aware of what I'm talking about. It is amendments to the matrimonial situation in the legislation. When we were debating that in the House, we were told that you supported that legislation. Then we were told otherwise. Could you clarify that? If you don't support it, tell us—perhaps not today, we won't have time in four minutes, but perhaps in future exchanges—what you would like to see. I think that would be very useful.

The Chair: Mr. Duncan has a point of order.

Mr. John Duncan: I'd just like to put on the record that we are very dissatisfied with some comments that were made during Shelly Glover's questioning. I'm not sure what the procedure is, but I want to lodge strong objections and make it clear that this was unacceptable behaviour. We all heard it on this side, and it was most inappropriate.

The Chair: Okay.

Mr. John Duncan: It came from Mr. Russell.

The Chair: The point of order is noted. I'm fairly certain that the record will not show the comment, although I must say that it was audible, and I heard it as well. I don't know if Mr. Russell wishes to comment at this time. Perhaps we can deal with it now.

Mr. Todd Russell: Well, I guess it's like this.

When I hear rubbish being said at the table, I usually call it rubbish or some other adjective. I'll stand by my comments.

The Chair: Okay.

We're not going to take away your time, Mr. Bélanger.

•(1245)

Mr. John Duncan: Mr. Chair, nothing less than an apology would suffice. That was anything but an apology, and I think this is reprehensible.

The Chair: The point of order is noted. I'll take these comments under consideration and get back to the committee. Let's continue with the response now to Mr. Bélanger's question.

Go ahead, Madam Lavell. You have about a minute and a bit to wrap up. We have a minute and 20 seconds left in the time slot.

Thank you.

Ms. Jeannette Corbiere Lavell: I'll ask Ms. Green to answer that.

Ms. Karen Green: With respect to matrimonial property, we believe there is a gap in terms of legislation in that area. We had a number of issues with respect to the legislation as it was presented. A lot of that was going to first nations jurisdictions and challenged first nations jurisdictions and their law-making abilities. We never want the individual rights of aboriginal women to be put against the collective rights of aboriginal governments. That was one of the major problems with the legislation.

There are many other provisions in the legislation we had difficulty with. We have been speaking with officials about how we change that. It might work to make it more presentable and palatable and have it actually reach the women who need to be reached. We're working constructively on that. I don't know where they're going to take us, but we are having discussions.

Hon. Mauril Bélanger: If you would care to share any information with members of the committee, I'm sure we would welcome that.

Ms. Karen Green: We'll forward something.

The other problem we had was with respect to the non-legislative measures. We need to deal with housing issues, we need to deal with violence in communities, and we need to deal with poverty, lack of decent drinking water. Those things are all other issues that we have to deal with along with the legislation. That's only one piece.

Hon. Mauril Bélanger: Agreed. Thanks.

The Chair: Thank you, Mr. Bélanger.

Now we'll go to Mr. Clarke for four minutes.

Mr. Robert Clarke (Desnethé—Missinippi—Churchill River, CPC): Thank you, Mr. Chair.

I'd like to welcome our witnesses, and congratulations on your election.

I am first nations. I served 18 years in the RCMP, and I've seen a lot of murders, investigated a lot of domestic assaults, and I've seen first nation women abused and had to investigate it, but I've also had to tell the families what transpired.

Today during your testimony, the issue that I heard echoing deep down is Bill C-31. Now, with Bill C-31, I do understand the McIvor decision, but my question is, how can government look at this without Bill C-31 being challenged in court, getting those people added to the list? What can you do, or what can you suggest to this committee?

Ms. Jeannette Corbiere Lavell: I don't think I understood your question. You said—

Mr. Robert Clarke: Bill C-31.

Ms. Jeannette Corbiere Lavell: Yes, I know that.

Mr. Robert Clarke: For those who do not qualify under Bill C-31, your grandchildren, how can government look at this legislation and implement the changes without it being challenged in court?

Ms. Jeannette Corbiere Lavell: My understanding of the complaints of our women and the hardships they are going through right now is that as women we are being treated in a different way within the current legislation. My grandchildren do not qualify to be members of my community, whereas the grandchildren of my brother would, so that is still there. If we could eliminate that, it would be one step. However, we're only looking at the rights of our grandchildren. The next step, then, is what happens with my great-grandchildren?

We would only be solving it piecemeal if we go with the grandchildren, and then we would have to go through this whole process again. If we want to make sure we are working in good faith, then I think we need to work together to ensure that as first nations we have the right to determine our own citizens, our own members. We have said, I think fairly loudly, that we know who our people are. It shouldn't be up to someone on the outside or a government to tell us who our people are. No nation, I believe, undergoes that. Perhaps we can work together and bring the resources in, because right now our communities are not even able to deal with the current members that they have, or even the lands that they have. So if we could work together to bring something together, we could ensure that ongoing continuity.

We are looking at extinction, much like what happened under residential schools. Surely in this day and age that should not be allowed to take place anymore. That's what is happening. That's reality for many of our first nations. As I told you, one reserve in southern Ontario has three more years and then they won't have any more members. That's reality. We must do something about it. We do have some ideas, and we would like to work with you to look at what can be done.

Mr. Robert Clarke: How's my time?

• (1250)

The Chair: That's really about it, Mr. Clarke. I know the four minutes goes very quickly.

We still have time for one more question, and we'll take that from
[Translation]

Mr. Lemay, you have four minutes.

Mr. Marc Lemay: Good afternoon and congratulations on your election.

The government has released a proposed amendment to section 6 of the Indian Act in response to the McIvor case. Have you read the document? If so, what do you think about it? Would it address the concerns you have been talking about for the past 40 minutes?

[English]

Ms. Jeannette Corbiere Lavell: I believe that it responds to the court decision to come to a legislative change by April, but it is only the first step. It is only dealing with Sharon's argument about her grandchild. But to look at it further, then we're looking at the next

generation and others who may not be included as part of that because of the unstated paternity.

I was just talking to a woman who is a result of that unstated paternity, and she doesn't have her status.

[Translation]

Mr. Marc Lemay: Excuse me for interrupting, but we were told that the government was going to introduce a bill in the coming weeks. It will follow what we here call the consultation, or the recommendations made in the wake of the McIvor ruling. That is what the document says.

Would you be prepared to look at this very closely and make recommendations to amend, if necessary, the upcoming bill?

[English]

Ms. Jeannette Corbiere Lavell: I believe that is our offer to the current government, Indian and Northern Affairs, that we would like to work with them to ensure that the document does fit the needs of our people, especially our women, and we are open to working very closely on that.

[Translation]

Mr. Marc Lemay: Thank you.

[English]

The Chair: On a point of order, Mr. Duncan.

Mr. John Duncan: I would like the chair to note that Ms. Glover has left this room in disgust and to put that on the record.

The Chair: Okay. It now is on the record.

Perhaps we'll just finish up. I'll come back and address the previous point of order as well, but if I could, members, there are two things. We're going to finish up, and thank you very much, *Madame la présidente*, for your presentation today. It was very welcome and timely, and we wish you all the best in the months ahead in your important position.

Members, as a point of housekeeping here, I would like you to look at the documents that were circulated to you, and we will try to set aside a very short period of time at the end of the next hour to take a vote on that. The reason for that is that there may be a Liaison Committee meeting as early as this week, so if we don't get a tentative travel budget passed now, it will have to wait until after the break. So I ask you to consider that. You realize, of course, that we do not have committee business on the agenda today, so we will have to discuss this at your blessing in that regard.

Finally, if I could, members, on the point of order that was raised by Mr. Duncan, the committees really are not in a position and/or are not empowered to sanction specific members for unparliamentary language, if that is what has been alleged. However, I would encourage all members, whether their microphones are on or not, to abide by the spirit of the Standing Orders in regard to language that is used at committee. This is an important consideration and helps keep the debate and dialogue at the committees at a respectable and civil level. That's not to say that language cannot be pointed, certainly, but I would ask that you respect that. The only means we have, if members were to persist with such language, would be to not recognize members when it comes time for them to speak. Only the House can in fact bring sanctions on this type of intervention, should that be the choice of the committee.

So that is just for the benefit of members to understand the implications of the point of order, and the other comments are now on the record.

So with that, I think I saw a couple of hands up.

[Translation]

Mr. Lemay.

• (1255)

Mr. Marc Lemay: Mr. Chair, the documents seem to be in order to me, I wonder whether we could vote on them immediately. That is what I am proposing.

[English]

The Chair: Is it the pleasure of the committee to adopt the travel reports *maintenant*? *Oui*?

Some hon. members: Agreed.

The Chair: I see consensus. Okay, the reports are now adopted. Thank you for your indulgence on that.

We will now suspend for *cinq minutes* before our next session.

• _____ (Pause) _____

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• (1305)

The Chair: Let's begin our third hour, members.

We have the pleasure of welcoming Betty Ann Lavallée, the newly elected national chief of the Congress of Aboriginal Peoples in Canada. It really gives us an opportunity to get the full spectrum of representation and leadership of aboriginal peoples in Canada.

As we discussed, Ms. Lavallée, we customarily begin with a 10-minute presentation and then we'll go to questions from members.

Members, we'll keep our questions short, to approximately four minutes, so we can get in as many as possible.

Mr. Russell.

Mr. Todd Russell: Mr. Chair, on a point of order, and not to take up too much of the committee's time, I want to say that as much as I disagree with the comments from my colleague in the Conservative Party, which I thought were inappropriate, I apologize for the

unparliamentary language I used. I would not want to bring any disrepute to myself or any committee member for what I've said.

On a very personal note, I would never want to make comments that would hurt somebody personally. With these remarks, I sincerely apologize to my colleague if in fact she felt personally aggrieved, and I would say to my committee colleagues that I've always conducted myself, I think, with a certain amount of respect around this table, and I apologize if any of you have felt put out by my comments. I would like to let that rest on the record.

Thank you.

The Chair: Thank you, Mr. Russell. I appreciate that.

Now we'll proceed to Ms. Lavallée for 10 minutes.

Ms. Betty Ann Lavallée (National Chief, Congress of Aboriginal Peoples): Good afternoon, Chairperson Stanton, members of the standing committee, and fellow NAO leaders. It's an honour to be here today on the traditional and unceded land of the Algonquin people to present to the Standing Committee on Aboriginal Affairs and Northern Development.

I am a status Mi'kmaq who has lived all my life off-reserve. I'm from Geary, New Brunswick and I am the former chief and president of the New Brunswick Aboriginal Peoples Council.

On September 12 I was elected national chief of the Congress of Aboriginal Peoples. We represent the rights and interests of status and non-status Indians living off reserve and those of Métis people.

Today is an historic occasion when two of the three national aboriginal leaders appearing before you are women. I think this fact is sending you an important message about how things get done in aboriginal communities. Traditionally speaking, Mi'kmaq culture was matrilineal and women were the leaders.

Emma LaRocque, a noted aboriginal scholar, has said that colonization has taken a toll on all aboriginal peoples, but perhaps it has taken its greatest toll on the women. Women continue to be discriminated against through the Indian Act, but through the brave work of people like Sharon McIvor and Sandra Lovelace, we are taking this legislation apart, piece by piece. We have never bought into the Indian Act, and we have stood our ground and we have lived on our traditional territories.

Through this odious legislation, we are denied our birthright and treated as second-class citizens. I am a registered Indian and classified as a subsection 6(2) Indian. Under the law, my son is not entitled to be registered as an Indian. We are graded like cattle or grades of beef. It's unadulterated discrimination. Fighting this inhuman treatment and colonial-era thinking is the central priority of the congress.

The core problem we face is the denial of the federal government that it has jurisdiction over Métis and non-status Indians under subsection 91(24) of the Constitution Act, 1867. The Royal Commission on Aboriginal Peoples stated that this denial was at the core of federal government discrimination. We say that this denial is wrong in law and we are seeking a judicial declaration to resolve this issue. The declaration will remove a major obstacle to negotiating a range of matters pertaining to the rights and interests of Métis and non-status Indians.

The federal government has refused or failed to negotiate with us in good faith. As a result of their legal position, Métis and non-status Indians have suffered discrimination in health care, education, and other benefits, as well as an opportunity to negotiate or enter treaties with respect to unextinguished aboriginal rights or agreements. Our priorities include health, education, economic development, housing, and homelessness.

It is difficult in 10 minutes to cover an entire range of issues. There are many more agenda items that could be included. Some are aboriginal specific and others are of interest to all Canadians. Aboriginal veterans, matrimonial property rights, the UN Declaration on the Rights of Indigenous Peoples, and environmental issues are all of great importance to CAP.

Everyone on this House of Commons standing committee is aware of the health status of aboriginal peoples. It's much lower than that of the Canadian population. If you name any health issue, it's likely that the prevalence in our communities is much higher, from type 2 diabetes to heart disease, substance abuse, and fetal alcohol syndrome. These are all major health problems for our people.

The key priority of CAP is to work with the federal and provincial governments to resolve complex jurisdictional issues that impact on the provision of good health care. We want to ensure that our people obtain the same level of access and support as is taken for granted by other Canadians.

The pandemic of the H1N1 flu virus is of great concern to us. It is one of the most urgent health challenges we face and it highlights the vulnerability of our communities.

Let us be clear about health. There needs to be a policy change in the way the federal and provincial governments are dealing with health, including pandemic viruses. Governments need to coordinate with all national aboriginal organizations to increase readiness against this pandemic strain of influenza and any future strains that may come upon us.

• (1310)

Our first and central consideration is the fact that the health status of our people is well below the national average. We need intelligent health policies to overcome these disparities. We need to be involved. We need the capacity to be involved, and we need an integrated and transparent process to find solutions.

I've recently written to Minister Aglukkaq concerning the importance of renewing the aboriginal diabetes initiative. Type 2 diabetes is an epidemic in our communities. Dr. Stewart Harris, one of Canada's leading authorities on this disease, has reported that the prevalence has skyrocketed. If the aboriginal diabetes initiative for off-reserve and Métis is not renewed in a timely fashion, we will lose our network of front-line prevention and education coordinators. All the gains we have made in the last 10 years will be lost, and the epidemic will continue to grow in our communities.

The education of our children and youth is a public policy priority of the first order. Aboriginal youth have the highest dropout rates, the lowest levels of literacy, and the lowest levels of skills development. It is education that improves our lives. It is education that is integral to reducing poverty in our communities. We view the needs of aboriginal children and youth from the prenatal period to

university as a priority. Federal, provincial, and territorial jurisdictions need to make a clear commitment to improving the school experience of aboriginal students and making aboriginal education a priority focus. This will require fundamental changes in the way education systems operate, to ensure there is consultation with us in development of policies, tools, and rules and implementation of structures.

Back in 1996, the Royal Commission on Aboriginal Peoples recommended the federal, provincial, and territorial governments cooperate to support early childhood education for all aboriginal children, regardless of residency. We view ECD as an essential program to ensure our children have the very best start in life by receiving all possible stimulation and nourishment. The goal of kindergarten to grade 12 should be to produce graduates with a sound education that is relevant to aboriginal culture, values, and history.

At the February aboriginal summit on education, we were encouraged by the discussions concerning strengthening aboriginal successes in education. The provincial and territorial ministers of education have recognized that in the next 15 years aboriginal students will represent over 25% of the elementary student population in some provinces and territories. Urban aboriginal families are in a particularly difficult situation because in the urban setting they lose the cultural influence and supports.

The most urbanized aboriginal people are non-status Indians and Métis. Métis and non-status Indians do not have access to the post-secondary education support services that are provided to reserves and the Inuit. This is a major barrier to increasing the numbers of aboriginal people who have post-secondary education. CAP recommends expansion of the federal post-secondary education programs to include status and non-status Indians and Métis. We are also seeking resources to provide bursaries for our students in order to assist them in pursuing higher education and skills development.

A third priority is economic development. CAP is committed to working with the federal, provincial, and territorial governments to secure programs and services that support our full engagement in the Canadian economy. We are seeking an opportunity to engage in economic development programs, which have been historically denied to our constituency. We need to have access to these programs, including regional economic development initiatives and the implementation of a network of aboriginal economic development officers.

The core of CAP's economic development relies on the aboriginal human resource development strategy, which is a basic building block. This is in jeopardy because the program sunsets at the end of March 2010. The CAP AHRDA needs to be maintained because, without this organizational platform, new initiatives will be uncoordinated.

• (1315)

In economic development initiatives, there must be a focus on the needs of aboriginal women. Their capacity to support themselves and their families is limited by a lack of education, skills, and training. In any labour market agreements, child care costs must be included.

CAP has been a long-time advocate for aboriginal people with disabilities, and there is a need for employment and training programs for this sector, which represents the most marginalized and poorest of the poor in our communities.

A final priority is housing and homelessness. The housing crisis being faced in our community requires a national aboriginal housing strategy and action plan. Our organization was the driving force behind the establishment of the rural and native housing program. This program resulted in action on the long-neglected housing and shelter needs of our constituencies. It produced thousands of housing units across Canada, but today many of these units need to be replaced or repaired. CAP has just renewed a protocol agreement with the National Aboriginal Housing Association. NAHA has been working since 1994 to advocate for the interest of off-reserve Métis housing.

We are fully supportive of the NAHA's call for a national office of housing strategy. It's remarkable that no such strategy exists in Canada. There have been numerous reports and studies on the aboriginal housing crisis, and there is increasing evidence that urban aboriginal people are facing a worsening housing situation. In 1998, the Big City Mayors' Caucus declared homelessness a national disaster. Homelessness should not exist in a country as wealthy as Canada. It's an embarrassment to all Canadians. It is an outrage that British Columbia intends to forcibly move homeless people off the streets during the Olympic Games. Homelessness is an urban epidemic of poverty, and our people comprise the largest sector. The overrepresentation of aboriginal peoples constitutes a powerful image of the move by our people to urban centres.

The Canadian public continues to associate aboriginal issues with Indians living on-reserve, but the reality is that 80% of the ancestral aboriginal population live off-reserve, and 60% live in urban areas. This is the most significant demographic factor for policy-makers, yet it is the one where the least action takes place.

[Witness speaks in her native language]

Thank you. *Merci.*

• (1320)

The Chair: Thank you, Ms. Lavallée.

Now we'll begin questions, and we'll first go to Mr. Bagnell.

Hon. Larry Bagnell: Thank you for coming. It's wonderful you could be here to give us some direction and help in our work.

I'll make a couple of comments before I ask my first question.

First, we have a Métis association in the Yukon looking for recognition and funding. As a Métis person, I hope you'll be supportive of that. Second, it was interesting that three of your major areas—housing, education, economic development—were pillars in the \$5 billion Kelowna agreement.

You mentioned that a majority of aboriginal people live off-reserve. But sometimes it seems like they fall between the cracks and all the attention is going on-reserve. One of the service providers off-reserve is the friendship centres. I was the president of our friendship centre, so I'm aware of the good work they do, but their funding has been basically frozen for maybe a decade. Of course, the cost of everything goes up, so I would assume you would be in support of my efforts to try to increase the funding to the national friendship centres across the country.

Ms. Betty Ann Lavallée: I would be in support of trying to increase national funding to any national organization that's off-reserve. As it is right now, we can barely provide the basic necessities to run an office.

Hon. Larry Bagnell: With the complex myriad between governments of members of first nations or bands, especially when people move off and on the reserve or move to an urban area, maybe you could educate the committee on how some of these people fall between the cracks in getting services from governments. For instance, they say it's this government, maybe, or that government, or another government. Maybe you could educate the committee a bit on some of those problems.

Ms. Betty Ann Lavallée: I can use a personal situation.

My father had prostate cancer. We reside off-reserve, and the health care was devolved to the band. We're registered against the Shubenacadie Band in Nova Scotia. My parents and grandparents were all born in the city of Saint John, New Brunswick. My family has never, ever lived on-reserve. In order for my father to travel from Geary to Saint John every day for eight months of treatment, he, a veteran on a pension, had to pay for it out of his own pocket. The other solution was to have somebody from Shubenacadie, who's paid to drive people back and forth, come up every day and drive him to Saint John, then drive back to Shubenacadie.

This is just one example of how aboriginal people are falling through the cracks.

The Indian Act limits jurisdiction of the chief and council to the boundaries of the reserve. Once you step across that invisible boundary, you're no longer entitled to services. You become a provincial responsibility. The province, unfortunately, will tell you to go back to your chief and council and get services. Well, that's not always possible. For someone like my child—my son is unable to be registered because I'm a subsection 6(2)—there are no appropriate mechanisms in place to assist him or his children.

So we're constantly falling through the cracks. The social welfare departments don't know how to deal with our people. To put it bluntly, just because they've moved to this side of the tracks doesn't mean the intergenerational problems that plague our communities are going away. They're still there. They still have to be dealt with, in particular with our youth.

•(1325)

The Chair: With that, we'll have to wrap it up and go to our next questioner.

Monsieur Lemay, quatre minutes.

[Translation]

Mr. Marc Lemay: Good afternoon Ms. Lavallée.

I will say the same thing to you as I said to your predecessors and that is that I think the Confederation of Aboriginal People is causing problems.

You say you represent off-reserve aboriginals, but if they are Indians within the meaning of the Indian Act, then they have a band number. An Indian who lives in Val-d'Or, but is registered in Pikogan, near Amos, receives services from Pikogan, an aboriginal community, even if he lives off reserve. I have a real problem with that. What bothers me even more is that you say you represent the Métis of Quebec. Both the federal government and the Quebec government say that there are no Métis in Quebec. In my riding, 425 people from the Wikanis Mamiwinnik community near La Sarre, say they are Métis, but they are not recognized by anyone. In section 6 of the Indian Act, even with the amendments the government is about to propose, there is no mention of Métis. The Métis are out west.

What are we to do? How could I recognize your association? I would be grateful if you could help me out. I am listening. Good luck.

[English]

Ms. Betty Ann Lavallée: You do have Métis in Quebec.

The reality is that out west you have the Métis National Council, which we commonly refer to as the big-M Métis. In Ontario and eastward, because we've been under at least 400 years of contact, we call it the small-m métis, in the French connotation of "a mixed-blood".

I'm a mixed-blood, and at one time, yes, back in the early 1970s when the movement got started, I referred to myself as a Métis. But as things progressed, as legislation started to change, we have now started in some cases.... I myself identify as a Mi'kmaq. It has nothing to do with an Indian registry card. A number is all that is. That's not what makes you an Indian; that's not what makes you a

Mi'kmaq, or a Maliseet, or a Cree, or a Mohawk. It's you, how you're raised, your culture, and your beliefs.

[Translation]

Mr. Marc Lemay: I understand what you are saying, but the problem is that the federal government—which is not insignificant—does not recognize the Métis in Quebec. In fact, it says there are none. The Government of Quebec also categorically denies the existence of Métis in Quebec. Is there currently a case before the courts to have this right recognized?

•(1330)

The Chair: Answer briefly, please.

[English]

Ms. Betty Ann Lavallée: Yes, there is. I won two of those cases in New Brunswick. Harquail, Fowler, Lavigne, they're there. What has to happen is that these individuals in Quebec will probably have to go the same route as I did and spend thousands and thousands of dollars to prove it.

The Chair: *Merci beaucoup, Monsieur Lemay.*

Now we'll go to Ms. Crowder, for four minutes.

Ms. Jean Crowder: Thank you, Mr. Chair.

Congratulations on your recent election. I know you have many challenges ahead of you, and you've certainly outlined some of the issues that are facing first nations and Métis living off-reserve.

I think you've actually come to the heart of the matter when you talk about how people are categorized. I don't know if this is true, but I would suspect that part of the reason—and this isn't a partisan remark, by the way, because it doesn't matter which federal government has been in place, this has been going on for generations—is that the heart of the matter is funding. So it's in the federal government's interest to continue to say that people don't have status, however that's recognized, because then it becomes a provincial responsibility for funding.

Ms. Corbiere Lavell rightly pointed out that under Bill C-31, with the second generation cut-off in subsection 6(2) of the Indian Act, in fact we are already starting to see reserves where the last status person is being born. So bands will not have funding for all those people who are considered non-status, and then it becomes a provincial government responsibility.

Do you want to comment on that?

Ms. Betty Ann Lavallée: You're quite right. There has been a study done. There are some reserves on the east coast that they're saying will be totally populated by non-status children by 2017. These are children like my son who, currently under section 6 of the Indian Act, is not entitled to registration.

What happens when there are no real Indians there? The government then has the power under the legislation to legislate that reserve or community out of existence. So what you have now is legalized genocide by the pen rather than by the sword. That's the sad fact. That's our reality.

Ms. Jean Crowder: I just want to add to that.

In fact, there are two reports by Clatworthy Smith: a report that was done in the mid-1980s, and then a follow-up report that actually did some estimates on reserves across the country. It estimated when the last status person will be born across the country on key reserves.

Ms. Betty Ann Lavallée: Yes, unfortunately it will start with some of the smaller reserves on the east coast, because we have some reserves with a total of 25 people in some of the communities. Unfortunately, as aboriginal people, we're like any other Canadian citizens in that there are things we can control in our lives, but who our children marry is not one of them.

Our organization said back in 1985 that Bill C-31 was not going to work. Quite simply, it wasn't just a women's issue; it affected men equally. It just so happened at that time that there was women's liberation. There are people like my father who was in the military and was enfranchised. It was a double whammy for me, as I joined the military and married a non-aboriginal man. Those are two strikes against me. I'm enfranchised. It wasn't until 1985 that I got my status back. Well, I am registered as a 6(2). My brothers are registered differently and are able to pass on their status to their children, but my son is considered less than an Indian.

The reality of the situation is that nobody has the right to tell us who our children are or are not going to be. Aboriginal women are the only women I know who go into the hospital and come out with white babies, to put it bluntly. It is my responsibility as a mother, as a Mi'kmaq woman, to determine how my son or daughter is going to be raised and what their ethnic or spiritual background is going to be. I'd like to see any law put in place that would tell someone in Quebec, Manitoba, or someone from any ethnic group what their child is or is not going to be.

The Chair: Thank you, Ms. Lavallée.

Thank you, Ms. Crowder.

Now we'll go to Mr. Duncan for four minutes, followed by Mr. Russell and Mr. Rickford.

Mr. Duncan, go ahead.

•(1335)

Mr. John Duncan: Thank you very much.

Welcome to the committee.

Congratulations on your election on September 12. My notes said it was September 11, and I was going to say that it just proves good things can happen on September 11, but you clarified that it was actually on September 12.

Ms. Betty Ann Lavallée: It was shortly after midnight.

Mr. John Duncan: That explains it.

I'd also like to say that in your introduction you were most humble, because you explained how two of the three national leaders here today are women, but what you didn't say is that you are the first woman to lead the Congress of Aboriginal Peoples.

Ms. Betty Ann Lavallée: Thank you.

Mr. John Duncan: So I think it's a special moment.

You talked about the health status of aboriginal peoples and how you wanted them to have the same level of access to health care as

other Canadians. I think that goes without saying from the standpoint of where the government should be going and where we're trying to go. At the same time, in the bigger picture, I think you want the same level of opportunity for all of the people you represent, as other Canadians have, in all areas, and that is the mandate we see in a partnership with CAP.

You talked about education and economic development and the fact that in some jurisdictions up to 25% of our youth in school will be aboriginal. That is something the Canadian consciousness needs to register. It is beginning to register. It is a very significant and important thing, because enrolment in skills training, universities, and colleges has everything to do with economic development as well as education. It's what's good for the country. So I think your focus on that is really important.

I am aware of some very positive things that have been occurring under programs such as ASEP. I have some personal knowledge of how that is changing lives and making things so much better. The early intervention, the child and family stuff, is really important.

Mr. Bagnell talked about friendship centres. I do know how important they are in the communities where they are. I also know that their funding has been frozen for a lot longer than the last decade. It went through your administration as well as ours.

It's a great organization. My question for you is, at the end of your mandate, what would your number one priority be? I'm not sure how long your mandate is. Is it five years?

Ms. Betty Ann Lavallée: It's three years.

Mr. John Duncan: What would your number one priority be? What would you like to see so very different from today?

Ms. Betty Ann Lavallée: I would like to see the Indian Act amended, that we turn it into an aboriginal peoples act where all aboriginal people are given the opportunity to play on an even playing field.

Mr. John Duncan: Okay.

I'm assuming that's my time.

The Chair: That's it for time, Mr. Duncan. Thank you very much.

Now we'll go to Mr. Russell, for four minutes.

Mr. Todd Russell: Thank you, Mr. Chair, and good afternoon, National Chief.

Ms. Lavallée, it's good to see you in a different role. We've been colleagues for about eight years around the CAP board of directors, and each of us serves in different capacities now. You're well worth it, and you will do the job proud. Congratulations.

•(1340)

Ms. Betty Ann Lavallée: Thank you.

Mr. Todd Russell: To my colleague Mr. Lemay, when it comes to Métis issues, the court in 2003, in the Powley decision, set out the criteria for the establishment of who could be a Métis—self-identification, community acceptance, and ancestral lineage. It did not have as one of its criteria whether the federal or provincial government recognized one as a Métis for the court's purposes or who could be a rights-bearing person as a Métis. If we had to depend on government all the time for identification or acceptance, we'd be in straitjackets for a fair percentage of our lives.

I want to ask Ms. Lavallée about the issue around section 91(24), the court case, I believe it's the Daniels case. I wonder if one of you could update the committee on where that case is at and if there is some way, shape, or form that the federal government could expedite the process to arrive at a conclusion, to allow the court to make its decision.

Ms. Betty Ann Lavallée: The Daniels case has been in the system since before I joined the CAP board, which was 13 years ago. The justice department has kept it bogged down in procedural wrangling. Finally, the judge has said, "Enough. Let's get on with it." My last update on that is that it's supposed to be going to hearings fairly shortly.

Mr. Todd Russell: Is there some agreement that both parties, the crown—the federal government—and the plaintiff in this case, could come to arrive at something that's a bit more expedient in terms of a decision, something like a judicial review or a judicial declaration?

Ms. Betty Ann Lavallée: No, not to my knowledge.

Mr. Todd Russell: So when do you anticipate a decision on this particular case?

Ms. Betty Ann Lavallée: That's what we're waiting for, a date for the case to be heard, presentations.

Mr. Todd Russell: Do you feel this will have fundamental importance and significance for the constituency CAP represents?

Ms. Betty Ann Lavallée: It definitely will, because it is a section 91(24) and it will establish who has responsibility under the Indian Act for Indians and those living off-reserve. I was successful in New Brunswick in winning a 91(24) under labour law, and I've done it twice under human rights acts, so precedence has been set.

Mr. Todd Russell: Okay, thank you.

The Chair: Thank you, Mr. Russell.

Now we're going to go to Mr. Payne for up to four minutes, and then I don't have anyone else on the list. We still have a bit of time, but let's go ahead, Mr. Payne.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Mr. Chairman. I'm not sure that I will take four minutes.

I apologize for arriving late. I was here, and then I was gone, and now I'm back again.

Congratulations, Chief, on your recent election. I'm sure you will be of great benefit to the group that you're representing.

I really have just one question in terms of the bill that's before the House, the matrimonial property rights act. Do you see any urgency in that bill being processed? I'd like to get your thoughts on that, and those of the people you represent.

Ms. Betty Ann Lavallée: The Congress of Aboriginal Peoples has always supported the matrimonial property rights, quite simply for the fact that we're in favour of anything that's going to protect women and children, period.

Mr. LaVar Payne: Wow, that kind of covers it. Thank you very much.

Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Payne.

We have a short question. Ms. Crowder.

Ms. Jean Crowder: Just really briefly, in your presentation you mentioned the sunset of the AHRDA agreements. I know that's a big concern across the country. Are there productive, ongoing discussions? That's March 2010, when they're sunset, is that right?

Ms. Betty Ann Lavallée: That's right.

Ms. Jean Crowder: So could you...?

Ms. Betty Ann Lavallée: On March 31, 2010, the AHRDA agreements, as they are right now, will cease to exist. That will take the ability away from our communities to assist our people with ongoing training and educational opportunities. They are coming up with something called the ASETS, which, unless you have the money to buy into these programs, you're going to be totally left out of.

So we're not in favour of these new programs that they're coming up with. And we don't believe that enough consultation has occurred on this problem.

• (1345)

Ms. Jean Crowder: Just as a quick follow-up, with the sunset of the AHRDA agreements and the new proposed way that it's going to be handled, the Congress of Aboriginal Peoples has not been included. I know some of the affiliates are actually delivering the AHRDA programs, is that right?

Ms. Betty Ann Lavallée: That's right. We have a national AHRDA accord. Because some of our PTOs were not able to secure AHRDA funding on their own, we're able to assist them with a subagreement to provide a little bit of training and employment opportunities for their constituents. This will now take the ability away from us to help our own people get some post-secondary—I mean, it even allows them to get literacy training, for those who can't read; it allows them to complete high school; it assists single moms with children to work with the caseworkers with the social department and do what they call client management. All the partners work together to allow her to get back into the workforce and get off social assistance, and then that makes her a productive citizen, because now she becomes a taxpayer and contributes to the economy. That's an extremely important program. It's not a handout, it's a hand up for our people.

The Chair: If you would like, we have a bit of time. Did you want to introduce the two gentlemen who have accompanied you here today? We didn't really get them on the record at all.

Ms. Betty Ann Lavallée: To my left is Alastair MacPhee. Alastair has worked with the Congress of Aboriginal Peoples for a number of years, in particular in environmental and health issues, and lately he's been very instrumental in assisting us through a transitional period.

To my right is Mr. Roger Hunka. Mr. Hunka has been with the organization, I think, almost since the first seed was sown. Sometimes he forgets he's non-aboriginal, that's how passionate he is. Someday we will tell him that. But Roger was kind enough to move from Nova Scotia, where he was the executive director and director of intergovernmental affairs for the Maritime Aboriginal Peoples Council, which is made up of the Native Council of Nova Scotia, Native Council of P.E.I., and New Brunswick Aboriginal Peoples Council. He was running our AAROM program in partnership with the Department of Fisheries and Oceans. Roger was around for the constitutional talks, the repatriation of the Constitution, Meech Lake, and—

Mr. Roger Hunka (National Bilateral Director, Congress of Aboriginal Peoples): You just aged me. I just look young.

Ms. Betty Ann Lavallée: So they're very experienced men in the world of politics and aboriginal issues.

The Chair: Very good. Thank you very much for that.

We just have one item from Mr. Bagnell, and then we'll wrap up. Just stay put and we'll do this one item.

Hon. Larry Bagnell: It's a quick question, actually.

The Chair: Yes, by all means, Mr. Bagnell. Go ahead.

Hon. Larry Bagnell: For people watching who may not know, could you describe your membership a little bit, whether organizations and individuals can be members, and how they become members, and roughly how many there are?

Ms. Betty Ann Lavallée: Each PTO has different constitution bylaws. I can speak to New Brunswick.

In New Brunswick, the chief and president is elected by universal suffrage. Any officer, aboriginal person, whether they're a member or not, has the right to have themselves put on the voters list and can vote for the president and chief of the New Brunswick Aboriginal Peoples Council. Each organization has their own membership criteria and their own registrar and so on, depending on what area of the country that you go to.

So everybody is somewhat different, depending on the circumstances. In the east, we're still dealing with pre-Confederation treaties, and then as you go west, each area is somewhat different.

Hon. Larry Bagnell: That's roughly how many people?

Ms. Betty Ann Lavallée: In New Brunswick over the years we've had more than 8,000 people, I'd say, come through our doors.

The fact is, in order to get services, you do not have to be a member of the organization. A membership is no different from what it would be for a member of the NDP, the Conservative Party, or the Liberals. It's there for those who wish to participate in the politics of the organization. It's not there in order to get services.

• (1350)

The Chair: Just for the record, you reference PTO. That's a provincial-territorial organization.

Ms. Betty Ann Lavallée: Yes.

The Chair: Mr. Bagnell, just before we conclude, did you have one other point in regard to our committee business?

Hon. Larry Bagnell: This is just a point of information.

When we do the trip to Whitehorse and Yellowknife, MPs will be travelling on their travel points. I'm sure the people in those two territories would appreciate, if it's possible, if it fits the scheduling, if you were to use the airlines that are owned in the north. When you're going to Whitehorse, there's an airline called Air North; and when you're going to Yellowknife, there are two northern airlines, First Air and Canadian North. Hopefully, if it fits our schedule, we could use those options, because you're using your travel points.

The Chair: Continuing on that same topic, I would just note that on the trip that is planned for Iqaluit—subject, of course, to the Liaison Committee's approval of the travel, and the House's approval, for that matter—all flights will be with First Air.

Ladies and gentlemen, that really wraps it up.

Ms. Lavallée and guests, we've been delighted to have you here today. There's no doubt that this has been quite a rare day for our committee, to hear from three important leaders in the aboriginal community across the country.

Have a safe trip home, and again, thank you for attending this afternoon.

The committee is adjourned until Thursday at 11 o'clock.

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