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Chair

Mr. Andy Fillmore

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• (1530)

[English]

The Chair (Mr. Andy Fillmore (Halifax, Lib.)): We'll get under way, if everyone is ready.

Welcome everybody. I'm glad to be back. I think this is perhaps our third meeting of this committee.

I would like to make a special welcome today to our guests from the Assembly of First Nations. National Chief Perry Bellegarde is here, with his chief of staff Dale LeClair, and his adviser, Max FineDay.

I understand that you're going to give us a presentation, for which we're very grateful. We think we'll have that be around 20 minutes or so, if that suits you. We can stretch it either way, if you need to. Then we're going to create an opportunity for some good discussion and questions from the committee members afterwards.

Before we get under way, I would like to acknowledge that we're meeting with our committee today on the ancestral lands of the Algonquin Nation.

With that, we can get under way.

Chief Perry Bellegarde (National Chief, Assembly of First Nations): Thank you very much, Mr. Chairman.

[Witness speaks in Cree]

In Cree, Mr. Chairman, I basically said that I'm very happy to be here. I acknowledged the men and women, all my friends around the table, and gave a heartfelt thank you for the welcome here.

I have a bit of a presentation to go through on behalf of our Assembly of First Nations, so I'll get right to it. You each have a copy of it in your kit.

When I was asked to be here, and to focus on certain agenda items and certain topics, but to focus more on “misconception training”—that's what people wanted to get into—I said, okay, I can prepare a package to talk about structure, governance, inherent rights, treaty rights, some constitutional dialogue on the time frames of things that impacted on us as first nations people, some of the recent Supreme Court decisions, and our recent December 10 meeting, where the Prime Minister committed to a certain number of things. That's the outline of what I want to get into here this afternoon.

The AFN, our Assembly of First Nations, is a national advocacy organization representing 634 first nations across Canada with 58 different indigenous languages. You can name a reserve, any reserve....

In British Columbia there are 203 first nations. In Alberta you have 47. In Saskatchewan you have 74. In Manitoba you have 67. In Ontario you have 134, and in Quebec 42. On the east coast there are 30-plus first nations, with the Atlantic Policy Congress of First Nations Chiefs. In the NWT you have 40-plus first nations. Yukon has 14. In total you have 634 first nations, with 58 different languages that are unique. I stress that.

The Assembly of First Nations is made up of those different nations, different tribes. Some have pre-Confederation treaties. Some have numbered treaties, Victorian treaties. Some have modern-day treaties. Some are inside the Indian Act and some are outside the Indian Act. So it's about knowing who you're working with, the background, the politics.

At the AFN we have 10 regional chiefs, one from every province, who sit with me as my executive. Regional Chief Ghislain Picard, from *la belle province du Québec*, sits with me, along with Regional Chief Day from Ontario. We all sit together monthly. We have quarterly meetings, but we also bring together our chiefs of Canada twice a year: three days in December and three days in July.

The national chief is elected by the 634 chiefs every three years. I go to the polls in July 2018, so you're stuck with me for the next number of years. I don't plan on going anywhere.

At the AFN we also have resolutions. Our chiefs give us mandates, resolutions, and direction, political direction. We also have chiefs committees. With 10 regional chiefs, I hand out portfolios. For example, we're having an education forum. That's the portfolio of Regional Chief Bobby Cameron from Saskatchewan. You have 500 people at the Delta today talking about education and the path forward, about legislation. Who holds the pen if we draft legislation so that there's stable funding in place for schools, and O and M operations on the reserve? All of these things are being talked about. In health care it's Regional Chief Day. We have chiefs committees on health and on education. That's our structure as the Assembly of First Nations.

Now, a lot of people will say—on this slide here, I've applied it myself from Little Black Bear—that we put the Creator on top, and then the people. All of the people, on reserve and off reserve, get to vote for our chief and council at Little Black Bear. Because of the Supreme Court of Canada's Corbiere decision, no matter where you reside, whether you live in Ottawa, Toronto, Regina, or Vancouver... When there's an election at Little Black Bear, I have the right to go home and vote. There's no exclusion. That's the Corbiere decision. Our chiefs and councils represent all their membership. That's the first point I'll make. Little Black Bear is one reserve out of those 634.

Then we belong to a thing called an agency, File Hills Agency, five reserves that work together back home. We provide our stand-alone police service agreement back home. We have health care services. We work together as five reserves: Star Blanket, Okanese, Peepeekisis, Little Black Bear, and Carry the Kettle. There's no election there, but we work together to provide services.

● (1535)

Then we belong to a thing called the tribal council, the File Hills Qu'Appelle Tribal Council. There are 11 reserves that work together as a tribal council back in Saskatchewan. Again, they get together, the chiefs and council, and elect a tribal chief or tribal chair, whatever you want to call it. There are services and programs, a little bit of politics sometimes, and advocacy. That's what it is.

Then there's FSIN. Little Black Bear belongs to the Federation of Saskatchewan Indian Nations. There are 74 reserves in Saskatchewan, and they work together politically under that umbrella.

Little Black Bear as well belongs to the Assembly of First Nations, 634 first nations.

I take the time to explain this because wherever you're from, as members of Parliament, you might have first nations in your territory. Apply that to them. They'll have a similar structure. They'll have a similar way of being organized. Whether you're from northern Ontario, Quebec, or B.C., it's similar. You just have to know the structure.

The AFN, I say, is on the bottom, not on top. That's how I explain these things. It's an advocacy organization. It's respectful of the diversity. It's responsive to the needs that have been identified by our chiefs and leaders across Canada, and it's relevant as a national organization for bringing about policy and legislative change.

Then I also put to the side Little Black Bear as a signatory to Treaty 4. We're part of the Victorian treaties, the numbered treaties. I put that there just to show you. When we talk about inherent rights and treaty rights and self-determination, I use that as an example. We might be 4.5% of Canada's population as indigenous peoples, but we're not ethnic minorities. We're indigenous peoples with the inherent right to self-determination. We have our own languages, our own laws, our own lands, our own people, and our own identifiable forms of government, the five elements you need in international law for that right to self-determination to be recognized and respected. We have them.

That was exercised when we entered into this nation-to-nation relationship with the crown in right of Canada, the crown in right of Great Britain. Because of the 1982 patriation of the Constitution, it is now the crown in right of Canada. That's for treaties, nation to nation. We always used to say that nations make treaties; treaties do not make nations. Now, because we agree to coexist and share the land and resource wealth, we're all treaty people: everyone in this room, including me, we're all treaty people.

That treaty relationship we hold onto very dearly. That sovereign, that relationship with the crown is something we respect very greatly, because it's a covenant. That sanctity of contract, that sanctity of agreement is something we hold very dearly as indigenous peoples. It is like the shaking of a hand, the coming together of indigenous peoples and non-indigenous peoples, when

you see a treaty medallion. You see that on the medallion it says for as long as the sun shines, the grass grows and the rivers flow. Queen Victoria is on the back of that medallion. But as well, it is the Creator watching. That's why we say it's a covenant. Ceremonies were utilized in the consecration of that nation-to-nation agreement.

In Treaty 4, in treaties, the nations there are the Cree peoples, the Nakota Assiniboine peoples, and the Saulteaux/Anishinabe Ojibwa peoples. Three different nations or tribes are signatories to Treaty 4. There are 34 first nations chiefs.

That's a little bit of the overview in terms of structure. Just think about all your own first nations now.

There's the issue of portability of rights we have to get our heads around. I'm not a treaty Indian just because I live on the reserve. Portability of rights and portability of services and programs all have to be contemplated now. I have the right to vote for my chief and council. Now 50% of our people reside off reserve, off the community. That's an important point to raise.

● (1540)

As I said to our officials this morning at the Delta, when we talk about Indian control of Indian education and the need to invest in proper schools on the reserve, and making sure that on the one hand there are math, science, literacy, and numeracy, what's equally important on the other hand are your languages and your sense of tradition. There are two systems. Our children walk in both worlds. We need to balance that. But bear in mind as well that we need to work with provincial governments, because 50% of our people reside off the reserve, in cities, so it's about influencing those systems in the cities and towns as well. What we need to work on is twofold. Put that as itself now.

The next slide is on the time frame. These things are important because they're part of Canada's Constitution. All these things that I'm going to be talking about are part of it. I start the timeline with this thing called the doctrine of discovery. It's very important.

It's very important, and I call it an illegal and racist doctrine. That's what I say. There are terms that I'm using now called "assumed Crown sovereignty" and "assumed Crown jurisdiction", because that doctrine of discovery is coming under fire not only nationally, but internationally, within the United Nations, which is why we're trying to get an audience with Pope Francis.

This is a whole story unto itself, this doctrine of discovery, but you can start with that piece. From there, the Royal Proclamation of 1763 is very important, because the crown recognized first nations title to land and territory. It's a very important piece of legislation or, if you will, our agreement. That's part of Canada's addendums to the Constitution.

Next, I talk about the nation-to-nation relationship and the treaty-making process. There are the pre-Confederation treaties, the Robinson-Huron and Robinson-Superior treaties, and the numbered treaties. John A. Macdonald was the prime minister of the day. He realized that he didn't have title to the territory lands, so he devised an instrument called treaties, and he tasked Alexander Morris, on behalf of the crown, the Queen, to go out and cut a deal with the Indians out west. Alexander Morris was the treaty commissioner. It was a very high office. That was the making of the treaties in the 1800s.

I've put the residential schools next, which were established in the 1800s. This is a very important timeline. It's a very important piece of work that had a negative impact on indigenous peoples.

Then, of course, there's the BNA Act. Why have I put that there? Because of section 91(24): the federal government is responsible for Indians and Indian lands. It doesn't say "Indians on Indian lands". It just says Indians and Indian lands. That's further recognition of title.

Then I talk about the Imperial Order in Council of 1870. It's part of Canada's Constitution. Basically, in English words, it says that for what lands are taken up for settlement in the Northwest Territories—it doesn't say "Indians" or "first nations", but uses the word "aborigines"—they are supposed to be compensated on a fair and equitable basis when lands are taken up for settlement. That's a very important piece of work, that 1870 order in council.

Then there's the Indian Act of 1876, which we still have to this day. Why I've put it there is that right up until 1951 it was illegal for Indians to get access to legal counsel. We couldn't have access to a lawyer until 1951. We couldn't leave the reserve without a permit until 1951. The Indian Act is a big challenge for us now, but it's still there.

Between the residential school system and the Indian Act, between those two things, you can see the hurt and the harm that have been done to our people, including breaking up our governance system and imposing two-year elective systems, throwing out the clan mothers, throwing out our hereditary chiefs, and throwing out our traditional chiefs. All of our ways of governing ourselves were no good, and you imposed a two-year elective system, this Indian Act. So the challenges in 2016 and beyond are about what we do now to move beyond the Indian Act. That's the big challenge for us.

There's the NRTA of 1930. People want to talk about a national energy strategy. People want to talk about resource revenue sharing. The natural resources transfer agreement was unilaterally passed in 1930 by the federal government, passed in Alberta, Saskatchewan, and Manitoba. They had total control in their provincial boundaries over the oil, the coal, the potash, the uranium, the trees, the water, everything. It was unilaterally done in section 10 in 1930: "subject to existing trusts, this will be done". We've always maintained that there's a crown/federal fiduciary trust obligation.

• (1545)

In 1974 the modern treaty-making process kicked in because of the Calder decision, as well as the 1975 James Bay and Northern Quebec Agreement, and all those things. Then in 1982, the patriation of the Constitution, section 35, existing aboriginal treaty rights are recognized and affirmed: a full box of rights or empty box of rights,

and what process to utilize to fill that up: a political process and/or legal process? Then, of course, there's the UN declaration of 2007.

The timeline is very important. Just to get our heads around the constitutional framework, that is why we say there's a crown federal fiduciary trust obligation to Indians and first nations people. That's there.

Legally now, there were the recent Delgamuukw and Sparrow Supreme Court of Canada decisions. All members of Parliament should know all these cases. All 338 members of Parliament should know the things I'm talking about: Delgamuukw, Sparrow, the Haida, Mikisew Cree, the Marshall decision on the east coast, the treaty right to commercial fish. This is the first time ever that the Supreme Court of Canada went back and made an addendum to its initial ruling because of Marshall. I just flag these ones, some of the high-level ones. Then, of course, there is Tsilhqot'in around aboriginal rights and title.

The judicial branch of government is saying something very clearly when it comes to rights recognition, aboriginal rights and title, treaty rights. How many Supreme Court of Canada decisions were we winning? We see that. That shows you this right here.

We say these are all rights that are minimum standards for the survival, dignity, and well-being of indigenous people, no question. The issue is that the judicial branch is saying this, but the legislative and the executive branches of governments are not keeping up with the policy and legislative changes as dictated by this one over here. That's the challenge moving forward. That the legislative and the executive branches of governments have to keep up with what the judicial branch is saying, and that means policy and legislative changes. So, put that on the shelf now.

Before October 19, we campaigned very hard in the sense of getting our issues onto all the party platform agendas, every one. I tried to get on the caucuses. I've been to the Liberal caucus. I've been to the NDP caucus. I talked to as many members of Parliament from the Conservatives as I could. I went to the Green caucus. There were a couple of people. Educating and making them aware of what the issues are in closing the gap, this was what we used. This was before October 19.

There are six themes: strengthening first nations, families, and communities; sharing equitable funding, in other words lifting the 2% funding cap that's been there for 20 years; upholding aboriginal treaty rights; respecting the environment, which means looking at Bill C-38 and Bill C-45, and more involvement on resource projects across Canada, the Energy Board; revitalizing indigenous languages; and implementing the TRC calls to action.

That was before October 19. We had the Prime Minister come to our chiefs assembly in December. He committed to five items. You can see the reflection, you can see the mirror almost, if you will, to what we put as priority items as indigenous peoples.

First, a national inquiry be committed to the chiefs of Canada. That's ongoing. It's in the preconsultation phase now. Three ministers are leading that good process.

Second, making significant investments in education is very important. How do you get out of poverty? Good quality education.

Third, he talked about removing the 2% funding cap that's been in place, which is a cap on potential, a cap on growth. The fiscal frameworks that exist now through the contribution agreements don't keep up with inflation, don't keep up with the rising population. The fastest growing segment in Canada is young first nation men and women. It's not based on needs, so the gap that needs to be closed is huge. We talked about moving that and moving toward long-term sustainable funding relationships with the crown so that there's predictability.

Fourth, he talked about implementing the 94 calls to action from the Truth and Reconciliation Commission which is very important, along with a full federal law review of imposed legislation.

● (1550)

I expand that one to include not only federal laws but also policies, because a comprehensive claims policy, the specific claims policy, the inherent right to self-government policy, and the additions-to-reserve policy haven't been updated in 20-plus years, and they're based on flawed views on termination of rights and title, not recognition of rights and title, as referenced in those Supreme Court of Canada decisions.

There has to be not only a federal law review but a federal law and policy review to get into line with what your own Supreme Court is saying. So, there is much work to do going forward.

This, friends and relatives, is just an overview.

I want to show, from one reserve's perspective—my home reserve where I grew up, Little Black Bear—how it all fits in going forward. On March 22 we're hoping these key strategic investments will be made in all these areas to close the gap.

With regard to the gap I am referring to, on the United Nations human development index, Canada is rated sixth. When you apply the same indices to indigenous peoples, we're 63rd. That's what needs to be addressed.

More and more Canadians are saying that it is not right, and we have to make the investments in education and training. Dealing with 130 boil-water advisories, potable water, and overcrowded housing—all those negative stats—are what that gap represents, and people are getting it. That's what we have to work on collectively together.

Mr. Chairman, that's my Indian Studies 101. That's my misconceptions training or whatever. There is a lot more we could have gone into, but that's where I want to leave it right now, and there might be questions or comments from around the table.

The Chair: Thanks very much, Grand Chief. You provided us with exactly what we asked for, which was a thorough and unvarnished assessment of where we are now, and the work that lies ahead, so thanks very much for that.

We're going to follow the process we've set up for this committee for questions and answers. It may seem a little formal, but it's to ensure that everyone around the table gets a fair chance to ask a question.

We have developed a speaking order and we're going to just leap right into that with Michael McLeod as the first questioner.

I'll just say that each question in this first round has exactly seven minutes for the question and the answer, and I'll try to police that a little bit.

● (1555)

Mr. Michael McLeod (Northwest Territories, Lib.): First of all, thank you for coming to make your presentation to us. It was very informative.

I come from the Northwest Territories where, as you probably know, half the population is indigenous, 11 different languages are spoken, and many aboriginal governments are in the process of settling land claims or have settled them and are working towards self-government. There are many challenges on that front. The north has very different conditions from those on reserve. We also face other challenges, such as the high cost of living and things of that nature, including travel in an area that's very difficult.

In December at your Special Chiefs Assembly, you talked about a nation-to-nation renewed type of arrangement. Our Prime Minister also stated:

It is time for a renewed, nation-to-nation relationship with First Nations Peoples. One that understands that the constitutionally guaranteed rights of First Nations in Canada are not an inconvenience but rather a sacred obligation

As I talk to the different people in this government, MPs, and different party members, I get a sense that there are all kinds of different interpretations. I'm also getting that sense from aboriginal people and aboriginal governments.

I want to ask you what that term, which you used and the Prime Minister used, means to you. What did you expect when you heard that, and how do you see that working with indigenous peoples across the country, especially in your community of Little Black Bear First Nation?

Chief Perry Bellegarde: That's a great question. You could apply it to each of the 634 reserves. I met with three chiefs this morning and asked them if they were a nation. Some chiefs will say yes. Others will get it and say no. We're part of the Cree Nation. But we've got Cree in Quebec, in Ontario, Alberta, Saskatchewan, the Nehiyaw peoples. You have Woodland Crees, Swampy Crees, Plains Crees. There are different dialects, but we're all part of that.

If you're talking about nation to nation, we're not structured by nations. Some chiefs want to go down that road. The Dene Nation gets together. The Dene peoples will get organized as Dene. The Mi'kmaq people on the east coast are organized as a Mi'kmaq people if you go by the nations, by the language. That's the ideal. We're not there yet.

Treaty areas are coming now. The agencies and tribal councils are creatures of the Department of Indian and Northern Affairs Canada. We didn't come together and say let's form a tribal council as Indians. That didn't happen. It came together because of the Department of Indian Affairs and their district INAC offices at that time. We have to break away from the colonization and get back to ourselves, the nation to nation. Some nations will go back by their language and get together and get organized in that way. Other areas will look at treaty territories coming together.

There are options. We should maintain and reserve the right to proceed at our own pace. Once we get organized, then we need to start engaging the crown to move beyond the Indian Act. That's what it means to me, keeping in mind that whole vision to work towards a nation-to-nation collective. We're not structured and organized by nations. We have 634 first nations under the Indian Act, bands in some cases. We have to move beyond that. That's the challenge right now, and we're all at different levels. So it's going to take some time to get there. That's why I showed you the structure. I wanted to give you a little understanding that we as indigenous peoples have to break beyond the Indian Act and organize ourselves in the best way to serve our needs.

• (1600)

The Chair: Thanks, Michael, and thank you, Chief.

The next question is coming from Cathy.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Thank you, National Chief. That was a great overview and refresher. It's really important information to start our committee's first formal meeting.

I want to focus on a specific area that I think is important to all of Canada but also to the communities you represent. This is the area of natural resources development. I want to pick up on your suggestion regarding the indigenous licence, but I also want to ask you to frame it. I'll look at, for example, Kinder Morgan. It goes through the interior of British Columbia, and there is great desire in some quarters for this project to move ahead. If there was a process in place, I think there would be great enthusiasm. Of course, it hits the coast and I think it would be an understatement to say that in that area the enthusiasm diminishes sharply. I would like you to expand on the concept you talked about, with some emphasis on how it relates to varying opinions. I think there are many examples. How do you create an indigenous licence when lots of people are very enthusiastic and others are much less so?

Chief Perry Bellegarde: That's a good question.

We just finished a two-day energy forum a couple of weeks ago in Vancouver. We brought people together. Minister Carr, the natural resources minister, was there, first time ever; great. Representatives from the provinces were there. First nations leaders were there, chiefs. Industry leaders from pipelines and from oil and gas companies were there. Environmentalists were there. Clean energy

officials were there, as were CEOs from solar and wind. We tried to create a space and a table for dialogue. There are different interests, no question.

The comment about indigenous licence ties in to the duty to consult and accommodate. The indigenous licence ties in to free, prior, and informed consent within the United Nations declaration. That's what I'm referring to when I say indigenous licence. First nations people, because of their right to self-determination, are tied in. If that right is respected, that means they'll be able to say yes or no to projects. That's where it rests. We have to be involved.

The message was simple. Before you try to build anything—industry or provincial governments—build a respectful relationship with indigenous leaders and indigenous peoples. Build a respectful relationship before you build anything. That was the message.

This indigenous licence ties in with those two things, the duty to consult and accommodate. The crown has the obligation to do that. It's not industry; it's the crown's obligation. They have to do a better job of that. Right now industry is wondering what they should do, what the rules are. They don't know.

That's where that ties in—

Mrs. Cathy McLeod: I guess it's my practical health care nurse saying, you know, at the end of the day, there's great enthusiasm and great anger, and I'm not sure how we ultimately get to an alignment on that piece.

Chief Perry Bellegarde: It's dialogue in a respectful way, which is the best way. It's bringing people together. You're not always going to get agreement. There's so much diversity. But if we can respect each others' perspectives and points of view and have that dialogue, that respectful engagement, we might find common ground.

As I've always pointed out, we have rights as indigenous peoples, but we also have responsibilities for the land and water. I gave my perspective about an indigenous world there as well, about how we're all tied together. We're all related.

Mrs. Cathy McLeod: You've gone through a very tragic history in terms of policies over time. British Columbia, of course, is working toward settling agreements. For example, there are agreements that need to be settled. I think they're working in a fair direction. But by virtue of need, I guess, they are impacting third party private businesses or people.

Would you agree that in terms of the crown, in this case Canada, there should be a philosophy of avoid, mitigate, or compensate? I'm not saying we don't have to do this. We do very much have to do it. But should there be some philosophy around...? I think we'd bring all Canada along if we created the least hardship for third party interests.

Does that seem like a reasonable concept the crown should have as they negotiate these agreements?

• (1605)

Chief Perry Bellegarde: It's all of the above. That's part of it.

Again, under the existing frameworks that we have, when you talk about British Columbia.... Even when I meet with the premiers, I ask them to set up a bilateral process with chiefs and leaders in their respective provinces so they have access. Do the 203 chiefs meet with Premier Christy Clark on a regular basis? They do. Do they have any issues about the duty to consult the tables on resource revenue sharing; duty to consult and accommodate; free, prior, and informed consent to create economic certainty? They should have those tables and processes established.

I've also asked the premiers not to issue a licence or permit to industries if the CEO of the company does not have an engagement strategy with first nations people in terms of procurement, employment, or benefit sharing. If they don't, then don't issue them a licence or permit. You'll see that the industries will start banging on first nations leaders' doors to establish a respectful relationship.

On your point about third party interests and the crown compensating, you'd look at everything you can to make peace in the valley, so to speak, as long as things are done in a respectful way, rights aren't trampled on, aren't put to the side, that people are looked after. I always say it this way: first nations people, of course, want to be part of the economy and of course want to create wealth and jobs and have great employment opportunities, but not at the expense of the environment. It's about balancing long-term sustainable economic development strategies.

Even talking to the Chilcotin chiefs, they don't want an environment footprint this big. They want something smaller and maintainable. I've talked to those chiefs. I've been up into the Chilcotin territory in B.C., and that's what they say: respect the long-term sustainable economic development strategies.

First nations people want to be part of that. They want inclusion, but not at any cost.

The Chair: I'm afraid that we're over seven minutes now.

In my enthusiasm to hear this great dialogue, I left Michael with two minutes still in his question. If there is time left over in anyone's question, I'll leave you the option. We'll put it back on the clock and we'll go through the list again, or you can choose to take the two minutes.

I want to offer you that two minutes, if you'd like them, Michael.

Mr. Michael McLeod: I had one more question that I wanted to ask. It's about the land claims process.

We have a number of aboriginal governments that are engaged in the land claims process, and the process up to now, through the policies that are in place, is not allowing for any flexibility.

I want to hear your views on moving forward with the new type of collaborative intentions that this government has brought forward, and if you have any suggestions on how we can improve the process going forward.

Chief Perry Bellegarde: Just on that point again, remember the federal law and policy review? Comprehensive claims has to be part of that. It has to be updated, and again, there has to be a process established for that to happen. That's going to take some time. However, that's where that rests, because that comprehensive policy

was put in place and it was based on termination of aboriginal rights and title, not recognition. That's what has to change.

There has to be a process established, and there has to be proper authorities and mandates given to the representatives who are negotiating things on behalf of the crown and first nations government. If they had the proper terms of reference, authority, and mandates, based on a proper policy, based on recognition of title and rights, you'd get a lot more done.

That's my comment.

Mr. Michael McLeod: Thank you.

The Chair: Thank you both

Charlie, please.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you, Chair.

Thank you so much, Chief, for coming today.

I represent communities of Treaty 9, a little bit of lands from Robinson-Huron, and then my Algonquin communities that have never signed any treaties and they're very active in my region. I'm very proud to work with them.

There are a number of issues I want to get to. I don't want to sound curt, but I want to focus in on them because this is a rare opportunity for discussion.

I want to start off with this. AFN was a signatory to the Indian Residential Schools Settlement Agreement. Part of that was the creation of the independent assessment process, which is supposed to be non-adversarial and a way of bringing closure.

We've seen the St. Anne survivors. Evidence was suppressed. The hearings were jugged. There were narratives that had lies. They've been in provincial court twice, and I believe they're going back a third time. Now we have the administrative split. We have the issue of the day scholars. All of this is getting wrapped up really quickly.

My question for you, as one of the signatories, is whether you believe that this IAP cannot be shut down until we get a clear answer on the justice to these cases that has been denied in such an egregious fashion. What are the AFN's views on how we deal with this, with the timelines on the closing of the IAP process?

• (1610)

Chief Perry Bellegarde: Charlie, I think we need a political resolution to the issue, as opposed to a legal one. It takes too damn long. The survivors and the victims need justice sooner than later.

We've supported the day scholars' class action suit politically. There should be justice for them. We've talked about the split as well, and we support that there be a political resolution to that issue. We want to bring that to the Minister of INAC as soon as possible. She has made similar statements that this should be resolved, that those 1,000-plus students that have been excluded should not be excluded and there should not have to be a lengthy legal process. It's almost like the crown is trying to limit its financial liability and obligations, which is not right. It speaks against the apology, and it speaks against reconciliation. That's not acceptable.

Those are the two points that we have to find political resolution for sooner than later.

Mr. Charlie Angus: Thank you. What concerns me is that if a legal process that's supposed to be arm's-length needs a political process to intervene in the legal process, there is something wrong with that legal process. Are there lessons that need to be learned from the fact the Department of Justice undermined these rights time and time again?

Chief Perry Bellegarde: Nothing is ever perfect, I always say. We learn from things, and we make sure they don't happen again. That's the way I look at it.

Mr. Charlie Angus: Thank you.

I want to ask you about the important thing of closing the gap in the communities. The federal government has a 6% escalator in health, the transfers to the province. None of the communities I represent even came close to that, with a 2% cap. Even then they were down below 2% many times. If we're going to take this off after 20 years it will leave a massive hole in infrastructure, in health, and in education. What is the bare minimum escalator we need to ensure the monies are going to flow and we're not going to get another shell game of promises one year and then the money will be slowly drawn back. The provinces have clear escalators. What would you say is the escalator we need not only to meet the needs, but also to start to close the gap that's been created because of the 2% cap?

Chief Perry Bellegarde: That's a great question. When we met with the Minister of Finance...this year, because we're trying to influence the federal budget that is coming out March 22, we can't say, "here's the 7% escalator that we need this year". We're trying to influence every department, INAC, Health, ESDC, Heritage, languages, and everyone else. There are seven or eight key departments. The operative word is "investments". Investments are needed in all those key areas to close the gap. What the percentage is, I'm not sure yet. I don't have the answer to that.

What's more important is the work I've requested for next year. I've asked that there be put in place a fiscal framework working committee between the AFN and the crown so we get to the right number, and we can get the proper assessment, the proper analysis, and the proper escalator so that the gap starts closing. At the end of the day, that's really what's going to matter, if we start moving from 63, up to 60, to 50, to 40, and eventually get to six like everybody else. There is going to be a substantial amount of investment dollars needed—I'm going to say billions—in the federal budget this year. Then establish a proper process to work to the proper fiscal agreement next year. That's what we asked to be put in place.

Mr. Charlie Angus: Fair enough. I think we have to codify this in the long term so that promises one year won't be forgotten in year two.

It was great, that little primer on Delgamuukw, and Haida, and the Otaki River. These obligations are clear. I'm concerned about Site C, because the Minister of Environment today said she's been consulting indigenous communities that are affected. I haven't heard of anybody on the ground that's been consulted. There are about 20-plus fisheries permits that are being rammed through right now. You've spoken up on Site C. Has anyone in the ministry talked to you about what needs to be done to resolve the outstanding concerns of the communities about the impact of Site C on their traditional territory?

• (1615)

Chief Perry Bellegarde: Not yet. We have mandates from our chiefs to slow down Site C, and we're supporting the chiefs up there. That's our position as the AFN, to slow it down. That's hydro and it's clean, but even having a clean energy project affects inherent rights and treaty rights. That's not acceptable. We've supported the chiefs and the leadership in that area to slow things down, do the proper consultations, and get them involved. I can say no it hasn't happened with me. There's still a lot of work to do regarding Site C.

Mr. Charlie Angus: Thank you.

It's been two weeks since the Human Rights Tribunal ruling that Canada systematically racially discriminates against indigenous children. My office is flooded with calls from families saying that their children were denied medical services. We see documents saying that severely handicapped children are being denied services, but they say they will provide the services in the documents. The federal Department of Health says they'll provide those services if they voluntarily give their children up to foster care.

I'm asking, in light of that, have there been discussions between the AFN and the individual departments of Health, and Justice, and Indigenous Affairs about how this government will break apart that systemic discrimination and move beyond the nice words I've heard? What are the systemic changes that are going to be needed in the department? Have they begun to speak with you about how to dismantle the system?

The Chair: A brief answer, if you would.

Thank you.

Chief Perry Bellegarde: Preliminary discussions, Charlie, are happening, so the answer is yes, but we have a lot of work to do.

Mr. Charlie Angus: Thank you very much.

The Chair: Next on the order is Gary, please.

Please go ahead.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Thank you, Mr. Chair. Thank you, Grand Chief and your colleagues, for joining us this afternoon.

There are a number of issues, and I want to start by probing the nation-to-nation question a bit further. I appreciate the way you've laid out your vision of what that means.

Do you believe the government is on the right track and is the government's vision in line with yours, or does the government need to look at it in a different way? I'd like to get your deeper thoughts on that so we have a very similar understanding of where we are, going forward.

Chief Perry Bellegarde: In terms of the nation-to-nation relationship, it's almost as if you need the constitutional process to start working toward...because in Canada, you have common law and civil law. Remember Charlottetown and Meech Lake? First nations governments were going to be recognized. I say they should be recognized as a first order of government, not as a third order of government.

What's the process to get us there? There has to be a process and that has yet to be established. That's where we have to start looking and start working toward that. It's almost like a constitutional working group, if you will, involving the feds, the provinces, the first nations governments. You've had section 35 since 1982. Is it a full box of rights or an empty box? The debate still goes on. We need a process to start working toward that respectful nation-to-nation relationship, again, getting first nations governments not as a third order, but the first order, and having first nations law and jurisdictions recognized in addition to common law and civil law.

Mr. Gary Anandasangaree: Some have suggested the answer is to eliminate the Indian Act. I think you've suggested that it may be a work in progress.

How do we address the challenges within the Indian Act to make sure that going forward we also link to the nation-to-nation relationship? How do we do it, and what order do we do it in? Do we change the Indian Act now and then do the discussions, or do we do the discussions and have a parallel process? I think it's a very long and complex issue, but I would like to see, in your vision, how you think we should move forward.

Chief Perry Bellegarde: It should be in a very flexible way, in a very patient way. It's the simplest answer I can make. We all want to move beyond the Indian Act, no question. It's been there since 1876. It's 2016. But we need a process to move beyond the Indian Act. That's going to take some time. Out of the 634 first nations, everybody's at different levels. Some want to do it alone; some... there are other conglomerates when you come together that can possibly look at working beyond processes to move beyond the Indian Act, but those processes have to be struck, even in terms of treaty implementation.

Treaty 3 is working together strongly, but where is the crown to engage on a treaty enforcement and treaty implementation process? Treaty 4 is working together; Treaty 9 is working together. The Douglas Treaties on Vancouver Island are working together, but they want the crown to engage so processes have to be established for that. That's how I see that. Once the processes are established, you can start working toward moving beyond the Indian Act but having a flexible approach and a patient approach with it. One size won't fit all.

• (1620)

Mr. Gary Anandasangaree: I believe one of the AFN's visions is with respect to education. I think you had said that first nations do not seek better education, that you seek the same, referring to the

education that is provided to kids in the school system. With 50% of the population off reserve, I'm not so sure if that's adequate in terms of the school boards themselves, the kids who are part of the regular school system.

How do we incorporate cultural sensitivities or go beyond cultural sensitivities to make sure the young people understand their language, have access to learning their culture, and are able to be themselves?

Chief Perry Bellegarde: Again, it's a two-pronged process. On the reserve you have to deal with closing the tuition gap, because on reserve it's \$6,500 per child versus the provincial school system where it's almost \$11,000 to \$12,000 per child, versus the French school system where it's almost \$20,000 per child for tuition. That has to be addressed. That closes the gap, so then you can pay the teachers the same salaries and you'll have access to the same extracurricular activities, plus math, libraries, and computers. All those things can happen. Close the O and M gap and the tuition gap.

Then you have to look at the capital infrastructure. You have to focus on the schools themselves on reserve. With the off-reserve school systems, the languages are important—on reserve and off reserve—because studies have shown that once a young child is fluent in their first nations language, by 12 to 13 years of age they're more successful in school and therefore more successful in life. Studies have shown that. They know who they are and where they come from and that their language is equally as important as English and French. That's validation; that's acceptance. You have to work on the on-reserve school system, but influence the provincial school systems as well.

This is why I work with the premiers. Why can't they declare the indigenous languages as official languages of the territory or state like they do in the NWT? Why can't they do that in Saskatchewan, Ontario, Quebec, and Alberta? That can happen.

It's a two-pronged strategy on the reserve. That's where the federal crown comes in, dealing with the tuition and capital structures needed for proper schools and working with the provincial systems as well, because 50% of our kids are in those systems, both in the Catholic school system and in the public school system. That's where curriculum is very important.

Mr. Gary Anandasangaree: Thank you, Grand Chief.

Thank you, Mr. Chair.

The Chair: Thanks for that, Gary.

Thank you, Chief.

Next in the order is David.

David, we're moving into the five-minute question and answer round now.

Mr. David Yurdiga (Fort McMurray—Cold Lake, CPC): Thank you, Mr. Chair.

I'd like to take this opportunity to thank the national chief for being here today to give us an education. I've learned a lot of things that I wasn't aware of before, so I thank him so much for that.

I'd like to talk about a national inquiry. In March 2015 the committee on the elimination of discrimination against women considered the issue of violence against indigenous women in Canada, including missing and murdered indigenous women. The committee expressed concern over the disproportionately high rate of violence against aboriginal women in comparison with men and non-aboriginal women.

I've had many discussions with indigenous communities within my riding, and many individuals expressed that the national inquiry should also be expanded to include missing and murdered aboriginal men.

What are your thoughts on the national inquiry being expanded to include missing and murdered indigenous men?

Chief Perry Bellegarde: I think eventually we're going to get there, but not at this point in time.

The whole issue is about ending violence in our communities. That's the issue. This one with missing and murdered indigenous girls is first. It's a priority, no question. The number is higher than 1,200. It's greater than that. You know that.

Ending violence really becomes the theme and the issue. It doesn't only affect females; it also affects males; it affects families; it affects communities. Ending violence means addressing all the root causes of violence: poverty, disproportionate numbers of people in jails, family breakups, alcohol and drug abuse, overcrowded housing, and poor education. All those root causes have to be addressed. That's where my head goes right away.

When you ask about whether it should be expanded to include missing and murdered men, not right now. Focus on the women, because that's where it is right now. Eventually ending violence as a bigger theme will have to be addressed. That includes reviewing the whole justice system and starting to work towards a restorative justice system as opposed to a punitive justice system. That's a whole other dialogue unto itself.

•(1625)

Mr. David Yurdiga: I understand that if you expand it too much it becomes an onerous task. I agree with you, but that was one of the questions that was brought up while I was meeting with my different indigenous communities. I said I'd bring it up to see if there's anything in the works in the future.

I've always been of the opinion that the next generation and our future leaders should be involved in the advancement of our society at whatever level it may be. In relation to the national inquiry, do you feel that the indigenous youth should be actively involved? I've had a lot of young people say to me that they'd like to be part of it. How do they become part of this process? Frankly, I don't know how that engagement's going to take place, but they're asking, "How can I be involved? This is my history. These are my grandparents. I want to make sure that I understand and am part of it."

I'm not sure how I can go back to them and say, "This is what we can do to involve you." Are there any plans for involving indigenous youth?

Chief Perry Bellegarde: From the AFN's perspective, we have our women's council, youth council, and elders' council involved

with our delegation. When we have a second round table coming up in Winnipeg on Thursday and Friday, the families will be front and centre, no question. That's the priority and focus. From our delegation, we do have our youth involved through the AFN youth forum, youth council. That's one step. It's one way of doing it.

We have to make sure that all the voices that want and wish to be heard do have a space. Again, in the terms of reference that are being developed, there could be a spot for that. We don't know what the terms of reference are eventually going to look like. All I'm saying is the AFN has included youth through our youth council.

Mr. David Yurdiga: Is there a website where the youth can access this information and put their ideas forward? Is there anything they can access? A lot of these communities are remote and they don't have the opportunity to travel to these round tables. Is there something that says that they can go to a certain place so their voice can be heard?

Chief Perry Bellegarde: It's all on our website. Look to my officials. We have our AFN website, Facebook, social media. Yes, there is an opportunity for inclusion and involvement.

Mr. David Yurdiga: May I make a comment? A lot of my communities don't have the Internet. It's not the best in these communities because of where they live.

Chief Perry Bellegarde: That's a valid point.

Mr. David Yurdiga: I'll try my best to relay that information, and I'll do what I can. Maybe I can express my concern through my staff back to the committee.

The Chair: Okay, thanks, David.

Thank you, Chief.

Next up is Don.

Mr. Don Rusnak (Thunder Bay—Rainy River, Lib.): National Chief, thank you for attending here today. It's a pleasure to have you here. As Ontario's only first nation member of Parliament, I welcome you here today. I have a million questions, but I have to stay within my five minutes.

In my area, I represent Grand Council Treaty 3 and also the Robinson-Superior community of Fort William First Nation. I want to get back to the nation-to-nation process, because I'm still not clear in terms of where AFN sees their fitting with helping organizations like Grand Council Treaty 3 or the individual communities.

I understand that essentially you're saying you want to leave it up to the communities and the individuals, and if they want a group, then so be it. Where does AFN fit in terms of helping us, in terms of the federal government, and helping the communities to get started in this nation-to-nation process, or whatever process they decide to do?

Chief Perry Bellegarde: Don, AFN is not a rights and title holder. Neither is the FSIN, and neither are tribal councils. It's the people, the first nations themselves, who are the rights and title holders. We're facilitators. In Cree, we have a word *oskâpêwis*; we're servants or helpers. That's all we are; that's all I am. You will notice I put the AFN on the bottom, not on the top.

We can help facilitate and guide in terms of government, in terms of engagement with the crown. If you're from Treaty 3, the Treaty 3 people are working together. The Grand Council Treaty 3 is a model, but where is the crown? Our treaties are with the crown. It's not enough just to have a representative from Indian Affairs come out on Treaty Day. Where is the crown? In Treaty 4—and it's similar in all the numbered treaties—"at a place or places to be appointed," you will meet with representatives of the crown to receive your annuity payments and discuss all aspects of this treaty. That's what it says. Where is that process? So Treaty 3 is working out. They need the crown to engage.

This is a moment for the crown to revamp how government works and establish those processes, so that Treaty 3 feels that yes, they are working towards implementation and enforcement now, and the crown is working with them for that, according to the spirit and intent of the treaty. That has to be done wherever those treaty territories are working together. Robinson-Superior is starting to work together. There should be a process for the crown to engage.

That's my recommendation and advice to this committee. My respectful advice to the Prime Minister and his cabinet is find new processes of engagement. Even look at establishing a treaty commissioner again as an independent office of the crown which reports to Parliament, just like the Auditor General, just like the Privacy Commissioner, which are independent offices. That's how this country was founded, by utilizing a treaty commissioner on behalf of the crown, not reporting to the Minister of Indian Affairs or the Prime Minister, but to all 338 MPs, on behalf of the status of these treaties. That's what should be looked at as a new way of doing things—a new old way of doing things.

• (1630)

Mr. Don Rusnak: How much time do I have left?

The Chair: Thirty seconds.

Chief Perry Bellegarde: Sorry, we'll go for coffee.

Mr. Don Rusnak: Perhaps with Grand Chief Warren White one time.

Chief Perry Bellegarde: Yes.

Mr. Don Rusnak: In any event, in dealing with off-reserve first nations people—you touched on it a bit—what's your best advice to engage them? I know the law, but a lot of the chiefs I speak to, whether purposely or not purposely, exclude a lot of the off-reserve first nations. What's the best way to make sure that they're part of this process?

Chief Perry Bellegarde: Ensure that the fiscal resources are there at the community level so they can look after the people off reserve.

Look at school supplies for example. The chief and council only get money for school supplies based on the on-reserve population, but half their people live off reserve in town, in Kenora or wherever. Their people are going to say, "Hey, my kids go to school in town here. They need crayons. They need books, all these things." Who are they going to ask? They're going to ask the chiefs and councils, and nine times out of 10 those chiefs and councils will fund that, but they get no money for that.

Ensure that the proper fiscal relationship is in place based on total membership on and off reserve so that the chiefs and councils can

look after their citizens no matter where they reside, portability of rights.

Mr. Don Rusnak: I'm probably out of time.

The Chair: Sorry, yes. I got distracted with timekeeping here.

Thanks, Don, for the questions and for the thoughtful responses. I really appreciate that.

Arnold, you have five minutes, please.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Thank you, Chief Bellegarde, for being here today. It's a real privilege to be able to question someone like you, so I really appreciate your coming here.

You mentioned fundamental human rights in your report. I would assume that the most fundamental human right is the right to life. As you know, there's a special joint committee studying physician-assisted suicide. They've been doing that for the last two months, and they're about to bring out their report on this.

I'm alarmed by the lack of first nation engagement on this. It appears that the committee only heard from two indigenous witnesses.

Dr. Alika Lafontaine is the president of the Indigenous Physicians Association of Canada. In his presentation he said:

I feel obliged to identify the absence of the major national indigenous organizations. I believe there has not been meaningful consultations with indigenous peoples.

Was the Assembly of First Nations invited to present at this joint committee on physician-assisted dying?

Chief Perry Bellegarde: The answer is no, not to my knowledge. The issue is a lack of capacity. As an organization we've been gutted in the last 10 years, so we don't have the capacity to respond to all these important issues in a very meaningful and effective way.

• (1635)

Mr. Arnold Viersen: Do you feel that first nations were consulted? We had two—

Chief Perry Bellegarde: It's obviously weak. Again, it comes back to capacity in a lot of instances. It's not that it's not an issue, it's just that a lot of times capacity comes into play.

Mr. Arnold Viersen: Have you consulted with the more than 600 reserves represented by the AFN? Have you consulted at all on this issue?

Chief Perry Bellegarde: No, not at all. It's something that has to get done, because it is a huge issue, the fundamental right to life. Again, it's a capacity issue. We're getting ready for the environmental meetings coming up, so we're focusing our energy on that. Then the first ministers conference is coming up in July.

So the answer is no, we have not been involved or consulted adequately.

Mr. Arnold Viersen: Both of the indigenous witnesses that appeared highlighted other important areas of concern, noting that indigenous peoples have the highest rates of suicide in Canada, with indigenous young women at nearly eight times the national average. Dr. Lafontaine expressed alarm that the consultations of the government may be ignoring the largest potential demographic that is eligible to pursue this service. Can you speak to any concerns that the AFN may have in regard to preventing suicide, and the impact of legalizing assisted suicide?

Chief Perry Bellegarde: The whole issue is mental health. When you look at holistic health, you think of mental, emotional, spiritual, and physical health. These are the four quadrants of an individual's being and they all have to be in balance. Mental health is a huge issue, and there are not enough adequate resources. The suicide rate is high among the Inuit and it's high among our youth. It really has to be addressed. Where are the adequate resources to deal with this?

Dealing with mental health issues and having a national suicide prevention strategy has to be put forward. There have to be both the human and financial resources in place to deal with this because it's an epidemic in our territories and communities.

Mr. Arnold Viersen: One of the things talked about at this committee hearing was the use of palliative care. I think you just addressed that a little: the four areas of life, the spiritual, the psychological, and the physical health of these communities.

What is it like in the indigenous world, the incorporation of the entire family into the beginning of life and the end of life decisions that are made within the indigenous community?

Chief Perry Bellegarde: It's a really deep question. How long do you want me to get into it?

Mr. Arnold Viersen: You have 45 seconds.

Chief Perry Bellegarde: Again, it's wellness, child rearing.... We have different sections from birth: the quadrants again, zero to 25. You have adolescents and teens. It's a whole cycle.

Historically we had child rearing practices and ways of raising children. Children are gifts from the Creator. The role of the grandparents was huge and key in raising the family as a unit.

Everything has been displaced.

Mr. Arnold Viersen: Perhaps I can join you and Don for coffee, and we can continue this conversation.

Chief Perry Bellegarde: Yes. I wish I could be briefer, but these are such deep questions, I can't answer in 20 seconds. It's going to take a little longer sometimes.

I apologize, Chair.

The Chair: Thank you. Good. I appreciate the depth of the question. That was great.

Rémi, you have five minutes, please.

[*Translation*]

Mr. Rémi Massé (Avignon—La Mitis—Matane—Matapédia, Lib.): Thank you for accepting our invitation, National Chief Bellegarde. I am pleased to meet you.

I represent a riding—

Chief Perry Bellegarde: One moment, please.

I speak a little bit of French.

Mr. Rémi Massé: You speak French very well.

Chief Perry Bellegarde: Thank you.

[*English*]

I want to be fluent in two years.

[*Translation*]

You are very important to me.

Mr. Rémi Massé: It's easier for me to speak French when discussing these kind of issues.

Once again, thank you for accepting our invitation.

I represent one of the two ridings in Gaspésie, in eastern Quebec. I am lucky enough to have three Micmac communities in my riding. During and after the election campaign, I had an opportunity to have several discussions with Chief Martin and Chief Larocque. Those insightful discussions have helped me better understand the issues Micmac communities are dealing with.

Something in particular struck a cord with me—the language issue. You talked about it earlier. There are at least 58 aboriginal languages, with different dialects. I would like to hear your thoughts on the measures that could be taken to meet the language needs in all communities.

● (1640)

[*English*]

Chief Perry Bellegarde: That's a good question regarding the importance of language.

One way of measuring, because they're all at different levels.... Studies have shown that out of the 58, only three will survive, Inuktitut, Cree, and Ojibwa. There must be a national revitalization strategy put in place. It would be great if the government would announce.... That's something we want to work on with Minister Joly and the Prime Minister, announcing a national strategy on the revitalization of indigenous languages. That should happen.

There should be strategies in place, and models, nation by nation. There are different systems or models that can be utilized to bring back and revitalize these indigenous languages, because they're all at different levels. Some have many speakers and some don't. You need a mentor tutor in some cases, someone who's fluent, matched up with a person who's interested in learning. You have different models that can be looked at. You have immersion programs that can be looked at.

There's a great language program right now in Victoria, at the Royal BC Museum. It's there and they have 34 indigenous languages in British Columbia, but they have a model there. I encourage everybody to go see it, because they're doing a great job of revitalizing and capturing. That should be done nationally, so the other 20-plus languages that are left out could be included as part of that.

There must be a greater focus. I would urge the crown, if it could expend as much energy and effort as it did to kill the language through the residential schools.... If it could expend as much energy as it did in that process, we would see a national strategy come forth because it's so important to our identify.

Our indigenous languages should be viewed and looked upon as Canada's national treasures, because they aren't spoken anywhere else in the world. They're here, and if you lose them, they are lost forever, and that's the travesty.

We must do as much as we can to preserve, promote, and enhance indigenous languages. I encourage the Mi'kmaq, the people....That's where our heads and hearts are with it. This is a big focus for all of us around this table and we should expend more energy to preserve it.

Mr. Rémi Massé: Thank you. I know that Michael wanted to ask a number of questions, so I'd like to share my time with him.

Mr. Michael McLeod: Thank you.

I appreciate your comments on language. My wife is enrolled in the language revitalization program and I can attest that it's a very good program.

I have a real concern over the issue of land claims and where things are going on that front. Even with some of the aboriginal governments that have settled land claims, we're still hearing a lot of concern over financing, funding, and pondering parts of the agreement.

However, there are still a number of organizations that want to find their way forward in terms of settling the issues that are challenging them. In the Northwest Territories, we have five major tribal councils that are in various stages of discussion on either land claims or self-government. They can't seem to find the resources or the time to really work in terms of what's needed in governance. They can't provide the people. They don't have the resources to provide programming and there are all these things in terms of housing and education. There's a shortage. All their time is being spent on land claims negotiations.

In my area, the people I represent.... There are many different organizations, but I also belong to the Dehcho First Nation and it has been in negotiations for over 20-some years. We want to see them move past that. I think modern-day land claims and treaties are the way forward in terms of reconciliation. If people can move into a governance model where they can focus and look at issues that are challenging to people and deal with it at the community level, that would go a long way.

Do you envision setting up a mechanism, such as has been suggested and even tried, a deputy minister oversight committee, board, or structure that would provide political connections to the process, where you don't just take a bunch of negotiators, give them a mandate, put them in a room, and make them stay there till they're done? Usually, they run into a real challenging issue where they can't make headway, yet they can't bring the leaders back into the room.

I'm hearing about all kinds of different options out there and there are some good ones. I'm not sure if your organization has looked at things of that nature.

• (1645)

Chief Perry Bellegarde: There has to be an option other than the courts. It's as simple as that. There has to be a political option put in place. It's not the courts, because it's costly and time-consuming, and that's not the answer.

Where is the dispute resolution mechanism that the crown should be putting forward? What are the terms of reference for that mechanism? Is it a senior cabinet oversight committee? Possibly, because we're asking for that to be put in place as well, in order to deal with all these indigenous issues from the five priorities that the Prime Minister outlined, but there has to be an oversight.

There should be new institutions of the crown established. That should be looked at.

Then again, I link it back to the laws and the policies that have to be updated. Why it's taking so long is that the current and existing processes were based on flawed policies. That's the issue. It's taking so long because the terms of reference, authority, and mandates are based on flawed policies. That's what has to change. There has to be a process clearly established to breathe life into these things. These are lawful claims. These are lawful obligations. The longer it takes to settle, the more money it's going to cost the crown. That's the way we see it.

There have to be processes established. It's not the courts. That's what has to be looked at: new systems and new processes, and new ADRs with proper terms of reference, authority, and mandates that have to be struck. You have to restructure government. You have to relook at even the cabinet, look at oversight committees, if you will, but linked to the PCO and the PMO. Those things have to be changed.

If I had a magic pen, I'd do it, but I don't have it right now. Soon, though.

The Chair: Thanks for that.

Charlie, thank you for allowing a full answer there. You're last on the formal order for questions, but we'll go to the top and see if people have more questions to ask.

Please go ahead, Charlie. You have three minutes in this round.

Mr. Charlie Angus: Thank you, Chair.

I have two questions. They regard children. In the communities I represent, children are being educated in dangerous conditions.

In Kashechewan, we were meeting with the students and waterlogged tiles fell into the middle of the classroom in a talk about how they should be fighting for education rights. We had to move out of the classroom. In Marten Falls, I'm getting calls from parents who are terrified because their kids are going to school where there's no sprinkler system. What would happen in a fire? That would be illegal in the provincial system, but it's just another day at Indian Affairs. They don't even track the conditions of the schools they're supposed to be responsible for, so has the AFN looked at what it will take?

I really don't think our communities can wait any longer. They need the action. They needed it last year and they needed it the year before, but they certainly can't wait another 10 or 15 years until Indian Affairs gets around to fixing these things, because children's lives in some cases are literally on the line.

Chief Perry Bellegarde: All I can say is that I totally agree with you. The schools are in deplorable condition. There are health and safety issues that have to be addressed immediately.

We are going to continue to call on the crown to do that and to address those things. You're going to lose another generation of children if it's not addressed. That's not acceptable in 2016 and beyond. If you address the on-reserve tuition, you have to do the capital as well, and there are priorities and hot spots across Canada.

We want to work in partnership with the government to make sure that this happens sooner than later. That's the way you get kids out of poverty and people out of poverty: a good education. This is just not acceptable.

• (1650)

Mr. Charlie Angus: Thank you, Chief.

Here's one of the reasons I got into politics. I was working with the Algonquin Nation. We went to meet with an Indian Affairs minister, a nice guy, and we had a question. We thought we'd get an answer on it: why did they take a badly handicapped child out of the community? They wouldn't pay for special ed funding, but they would ship that kid on a bus, with an adult, across the border into Ontario to a provincial system, and then pay the full shot. The kid stayed out in the hallway all day with an adult watching him, and they'd put him back on the bus at the end of the day. We asked the Indian Affairs minister if he didn't think the money would be better spent in providing a special education service in the community. He wouldn't give us a straight answer.

I remember thinking that day that if that's the answer, then that's not good enough. Yet 13 years later, we have the federal government going to the Human Rights Commission on a case of denial of adequate special ed service. In the communities I represent where some kids are not even getting into school because they don't have the funding, they're being denied what every other child takes for granted.

Is the AFN a participant in this Human Rights Tribunal case? Have you heard whether or not the government is going to back down and stop fighting the children on this, or is this going to be another long-drawn-out battle like Cindy Blackstock's battle?

Chief Perry Bellegarde: The AFN is party to that. Seven years ago, the AFN and the Family Child Caring Society jointly made the case to the Canadian Human Rights Tribunal.

When the decision came down on discriminatory funding practices, we knew that's what would happen, because that was the case: discriminatory funding had been in place. It was clear from the ruling that the crown has to change its practices when it comes to children. It's discriminatory funding. So we're pushing to make sure that's addressed. We're pushing as well to make sure the crown doesn't appeal. You talk about reconciliation. You talk about repairing the relationship between indigenous peoples and the

crown. It should not be appealed, and so we're putting pen to paper to make sure that it's not appealed. We're doing that.

There's the issue, though, of Jordan's principle, and that's what should be respected, honoured, and implemented. It keeps coming back to that for children's care: make sure the child gets the services.

When it comes to special education, we were always the brown cash cow as Indian people, and our children would be classed as special education, special learners, because the tuition goes up from the \$6,500 per child to maybe \$10,000 or \$11,000 per child. That's the system that was there, and that's what has to be overhauled.

It's not going to be enough just to increase the fiscal resources in place. The overall system has to be overhauled to start working in partnership towards Indian control in the educational question. We want to make sure standards are in place, but we need to respect first nations control. Our kids aren't dumb. They are valuable individuals. The way the system was set up they were the cash cows. That's passé now. We're going to move way beyond that.

The Chair: Thanks, Charlie, for the question, and for the answer, Chief.

We've gone through our formal question order and we have about seven minutes left. I think we would like to make use of the next few minutes to hear some additional questions. I'm going to propose that we go to the top of the order, but feel free to pass if you don't have a question to ask.

Mike McLeod is at the top of the order, but he has ceded his time to Mike Bossio.

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): Thank you, Michael, and thank you very much, Chief, for being here. As Arnold said, I'm very pleased to be able to address you this afternoon, and I really appreciate your taking the time to be here.

We have talked about education for the aboriginal community. Everything that has been discussed here this afternoon I agree with completely.

Another avenue that isn't discussed as much is that we also need to educate the settler population about the historical injustices, the plight of first nations and their cultural values. I want to emphasize the cultural values and the pride that should be instilled into all of our peoples with regard to the historical and cultural heritage of first nations, as they do in New Zealand, for example. That is front and centre in their nationhood.

I think to establish this nation-to-nation relationship it's equally important to make sure we educate our settler peoples as well. In the past, that's always been done by settlers. We've defined the curriculum. We've defined how we're going to provide education and the historical and cultural context, and we have done a very poor job of it. As an example, I reflect on my own education, and the lack thereof.

I know you have a lot to take care of on your own front, but are you in a position to assist settlers in defining a curriculum and in developing the necessary educational materials? What are your thoughts on that in general?

•(1655)

Chief Perry Bellegarde: That is a great question.

Educating the settlers: your terminology is interesting. When we deal with the premiers, we ask them to change their curricula, for sure, to teach treaties and inherent rights and aboriginal rights. All schools, for example, in Saskatchewan have to teach treaty rights for all of the treaties. It's starting to be the same in Manitoba. The curriculum has to be changed, not only on reserve but also off reserve, so first change it so that treaty and aboriginal rights and title are taught.

The second piece is to start changing curricula to teach the impact of the residential schools, the history of colonization and oppression, and the intergenerational effects of the residential schools. Those have to be taught in all the schools from K to 12.

That also has to be taught to the immigrants coming into Canada. What is in their orientation? They swear their allegiance to the laws of Canada. There is a recommendation in the TRC calls to action to swear allegiance to the treaties as well. So another piece would be educational awareness for the immigrants coming in, through the process of becoming official Canadians.

All 338 members of Parliament should go through a misconception training when they are elected as members of Parliament. I have been asked by certain members of Parliament to come to do a misconception training for them because they don't know anything about inherent rights or treaty rights or what this nation-to-nation relationship may look like. That has to be done as well.

I totally agree with the question. The curricula right now across Canada should be changed. There are some things that can be done from a national perspective for the 338 members of Parliament and for new immigrants coming into Canada. That educational awareness will lead to understanding and lead to action.

The Chair: Thank you.

I think we have time for a final question, and this one, following the previous order, goes to Cathy, and we'll try to keep it short if we can.

Mrs. Cathy McLeod: Thank you.

I have just a quick comment. I was listening to the language. I was having a conversation with someone and partially in jest I said that one component of the strategy should be Rosetta Stone, and he said that there is one for Cree already. I said, "You're kidding". Anyway, I think there are not only traditional ways but also opportunities to modernize. Children love that kind of piece.

I have to get back to my natural resources piece. I've had a lot of conversations and I would like to know whether you have taken a formal position. I can't remember what was in your position statements, but I know some groups are very interested in being supported in equity positions versus other first nations groups looking for what they call an aboriginal resource tax.

Could you spend a minute or two talking about both those concepts and where the AFN sits on them?

Chief Perry Bellegarde: As the AFN, we support all of the above. We support the chiefs who want to look at equity ownership on some of the major projects. We look at some of the chiefs who look at an aboriginal resource tax. If a pipeline is cutting across Treaty 4 territory, as one was, we look at a Treaty 4 tax. About 10 years ago, all of the 34 bands got \$100,000 from this pipeline company. It was money to kind of shut up and go away, but there was a Treaty 4 tax in place, so a precedent has been set.

We also support those ones that don't want this thing. We're respecting that.

As the AFN, we can't take a formal position either way. I'm going to keep facilitating the bringing together of these interested parties to find common ground. There's always the balance between the environment and the economy. That's our position as the AFN, to respect the rights and the rights and title holders. As national chief, that's all I can do. I can't say, "We're going to do this", but I'm going to facilitate bringing people together, because we want to create the wealth and the jobs as well, but not at any cost. Having that balanced, long-term, sustainable economic development strategy is going to be our position going forward.

•(1700)

The Chair: Thank you.

I said we would be done after that question. If we were following the order, it would be Charlie's question, however, Don has made a special request for a final question.

Charlie, I don't want to put you on the spot, but would you be okay with that?

Mr. Charlie Angus: My concern is that we have to go in camera. I would have given up my spot to go in camera, because we have to get our business done, so my concerns is that I don't want to be—

The Chair: Okay. I see Don agreeing there, so that's fine.

Mr. Charlie Angus: We have to get some work done, because time is ticking and we have a lot of stuff to do.

The Chair: Okay.

National Chief Bellegarde, on behalf of the aboriginal affairs and northern development committee, I thank you. Thank you very much, Mr. LeClair and Mr. FineDay, for joining us. You've given us a lot to think about and you've provided some great resources for us.

Chief Perry Bellegarde: I have a question.

The Chair: Go ahead, please.

Chief Perry Bellegarde: Are you going to be changing your name?

The Chair: Yes, we are. We had a conversation with the minister just last week about that very thing, and we're on the case.

Chief Perry Bellegarde: Thank you.

The Chair: Thank you very much.

We'll suspend proceedings for a couple of minutes while we transition.

[Proceedings continue in camera]

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