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Chair: Mr. Bob Bratina



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• (1105)

[English]

The Chair (Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.)): Ladies and gentlemen, guests of the committee, I see that we have quorum. We have our guests in place. Accordingly, I call to order this meeting of the indigenous and northern affairs committee.

We will begin as usual by acknowledging that in Ottawa, when we meet there, we're on the traditional territory of the Algonquin people. I'm located on the traditional territory of the Haudenosaunee, Anishinabe and Chonnonton first nations.

Pursuant to the order of reference from the House on December 10, 2020, the committee is continuing to study Bill C-8, an act to amend the Citizenship Act, regarding the Truth and Reconciliation Commission of Canada's call to action number 94.

To ensure the meeting is orderly, especially for our guests just joining us, it's critical that we have a clear and proper translation. That requires you to locate the interpretation icon, which is at the bottom centre of the screen, and select English, which I'm going to do right now, or French, whichever language you wish to speak in and hear.

That being said, the other thing I want to assure you of is that we keep fairly strict on timing in order to get through the complete cycle of questions. It may seem that we are cutting off answers that are important—and they are all important—but we do need to have the timing in place, which is rounds of questions of six minutes, five minutes, two and a half minutes, and so on, so that all of our questioners get in.

With our guests having that information, we're going to open up with six minutes of presentation, starting off with Ms. Poitras.

Please go ahead, for six minutes.

Regional Chief Marlene Poitras (Alberta Association, Assembly of First Nations): [*Witness spoke in Cree as follows:*]

tânisi, kitamiskâtinâwâw kahkiyaw.

[*Cree text translated as follows:*]

Hello, I shake all your hands.

[English]

Members of the committee, friends and relatives, thank you for inviting me here today to share the perspectives of the Assembly of

First Nations. I'm honoured to be on the unceded territory of Treaty 6.

Before discussing the proposed legislation, I would like to give committee members a brief history of the Assembly of First Nations advocacy and leadership that led to the creation of the Truth and Reconciliation Commission's calls to action, the reason we are all here today.

Prior to the creation of the TRC, the AFN was a party to the Indian Residential Schools Settlement Agreement. At that time, we stressed that compensation alone would not achieve the goals of reconciliation and healing. Rather, a comprehensive approach would also require truth-telling, healing and public education. From this, the TRC was created, resulting in 94 calls to action. I thank everyone involved in the commission, including recently retired senator, Murray Sinclair.

It has now been almost six years since the release of the final report of the TRC and its calls to action. While progress to implement all 94 calls has been slow, I am hopeful that this government's recent attempt to implement calls to action finally proceeds. We cannot waste time anymore. Ensuring first nations are included in Canada's citizenship oath will go far to symbolically affirm what first nations have known all along and what is already inferred in Canada's constitution: Our aboriginal and treaty rights already existed prior to the creation of Canada.

Here in Alberta, Treaty 6, Treaty 7 and Treaty 8 first nations are sovereign peoples and nations. Treaties were signed to allow us to share the land and to allow for peaceful coexistence. They were not agreements by first nations to give up their sovereignty, laws, forms of governance or right to self-determination over the lands and their people. While true reconciliation goes beyond implementing all 94 calls to action, implementing this initiative will better enable new Canadians and first nations to begin the journey of peaceful coexistence.

Each year hundreds of thousands of people decide to become Canadian citizens. Hundreds of thousands of people decide to call Canada their home by taking the citizenship oath. I have heard many who have attended these citizenship ceremonies remark on the emotional significance of this day. Many of these people have their own experiences of colonization and its effects. Many of these people share first nations' love and respect for each of our sacred lands, languages and cultures. For every year this initiative is delayed, we are delaying our ability to meet one another and our ability to start on this journey of peace and prosperity.

The AFN has been involved in discussions on the citizenship oath since 2016. We have worked with the honourable minister and his predecessors, the Inuit Tapiriit Kanatami and the Métis National Council to develop language that reflects our unique histories and the contributions of Canada's indigenous peoples. The language contained in the bill differs from language put forward by the AFN. In 2017, our executive committee provided the following language as a guide, "I swear (or affirm) that I will be faithful and bear true allegiance to her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada, including the inherent rights, titles, treaties and agreements with First Nations and the rights and agreements with Métis and Inuit peoples, and fulfill my duties as a Canadian".

The inclusion of "inherent rights, titles, treaties and agreements" is important as it affirms Canada's legal obligations to first nations. These obligations are shared by Canadian citizens as well. As National Chief Perry Bellegarde so often says, "We are all treaty people." That is why the AFN has been involved in providing guidance to Canada on changes to its citizenship test and accompanying materials as called for in call to action 93.

• (1110)

We are hopeful that with the passing of this legislation newcomers can begin to use the citizenship test and guide to develop a better understanding of the legacy of our many contributions to Canada, and the potential we all have in working and prospering together.

I'm also aware of the role the citizenship guide plays in its use as an educational tool in elementary and secondary schools across many parts of Canada. The time is now to implement these changes. Canada is reconciling with its past and renewing a commitment to a future free of racism, discrimination and intolerance. It is only through ensuring that Canadians understand this past and the ongoing injustices that we can move forward together.

This legislation represents a significant step. The only way we can truly reconcile past and ongoing injustices is by all of us, indigenous and non-indigenous peoples alike, working together to find a way forward.

I look forward to answering your questions.

Hay-hay. Knanâskomitinâwâw.

The Chair: We now have Mr. St. Pierre, the national chief of the Congress of Aboriginal Peoples.

Please go ahead.

The Clerk of the Committee (Mr. Naaman Sugrue): I'm sorry, Mr. Chair. Chief Poitras is our only witness for this panel.

The Chair: I'm sorry, Chief. I apologize for that. I'll do that formal introduction in the second part. I thought that perhaps we were moving the panels around.

With that, we will start a round of questioning, a six-minute round first of all, with Raquel Dancho.

Please go ahead.

Ms. Raquel Dancho (Kildonan—St. Paul, CPC): Thank you, Mr. Chair.

Thank you, Chief Poitras, for your excellent remarks. I really appreciate the thought that went into those. I took a lot of notes. I have a number of questions that I'd love your perspective on.

On what you touched on a bit at the end, I wasn't familiar with or aware of the recommendation from the AFN for the oath change. I found it very interesting. It's much different from what the government has put forward. I know that in call 94, as everyone knows—just for the purposes of the committee, I'll state it again—it was going to be just four extra words, "including Treaties with Indigenous Peoples". Now we have "including the Constitution, which recognizes and affirms the Aboriginal and treaty rights of First Nations, Inuit and Métis", and then it goes on to finish.

I just wanted to get your thoughts generally. Do you like how it's being put forward now? Would you perhaps want a different change somewhere between what you put forward and what's there now? I just wanted general comments on how you think it looks and if you think it's good to move forward.

Regional Chief Marlene Poitras: I recognize that the Constitution is the highest law of Canada, and treaty and aboriginal rights are recognized in there. I'm good with the way the wording is, but if we can include "inherent rights".... We believe that our inherent rights are something that was bestowed on us from time immemorial and that treaties came after that. Those treaties were made with the Crown, so if Canada wants to include the Canadian Constitution, they also have a fiduciary obligation for that, so I'm fine with that.

• (1115)

Ms. Raquel Dancho: I appreciate that.

We've been looking at the last five years. You've mentioned that you were first consulted in 2016. Our understanding is that's when it began. Then we had sort of three introductions of very similar bills in that time, through three ministers. Finally, after five years of work at the committee stage, which is quite far from the end of passing it and getting it royally proclaimed into law and then having new citizens say the words, we're still a far way off.

I have concerns that if there's a spring election or something like that, we might get further delayed and have to start from the beginning. Do you have any concerns about the length of time that this one step has taken? We have 94 of them. I'm just concerned that if we keep going at this pace we'll never get there.

Regional Chief Marlene Poitras: Yes, I do have a concern, because to me this is an easy thing to do. You just have to change your wording or insert the wording to include "Aboriginal and treaty rights". To me, that shouldn't take long. It shouldn't have taken this long.

Yes, I do have a concern, because for true reconciliation to occur, I believe this will be a great first step in that process. It will be beneficial for all of us.

Ms. Raquel Dancho: Absolutely.

Last week in committee the minister did mention a bit about number 93, which kind of goes hand in hand with the citizenship oath. It's the citizenship guide that new Canadians, as you know, have to study to take their test to officially become Canadian.

In the last five years have you been consulted at all on what would be included in a new citizenship guide?

Regional Chief Marlene Poitras: I have not, that I'm aware of, nor has the executive. However, I believe the national chief has been involved in those discussions directly with the minister.

Ms. Raquel Dancho: Okay. What would you like to see included in that, from your perspective? I know there are probably many things, but just for the purposes of the committee, if you could give us a few examples, that would be great.

Regional Chief Marlene Poitras: Our people, first nations people, are ceremonial people, which was indicated when we negotiated those treaties. It was done in a ceremony. The land acknowledgement that people do now is ceremonial in itself. What I would like to see is an official welcoming, possibly by our elders, as part of that welcoming process for the new citizens of Canada.

Ms. Raquel Dancho: That's a great idea. I think it would be lovely. You mentioned ceremony. I think it's wonderful to move through the truth and reconciliation process. We have so much pomp and circumstance in the Westminster-style democracy that we have, and to start incorporating the ceremonies of indigenous peoples I feel would really elevate it. That would make it even more historical and important. I really appreciate those comments and I know the opposition parties will be ensuring that the government puts significant thought into what it includes in the citizenship guide. I hope you are consulted and that the ceremonial importance, that part of it, is introduced to new Canadians, who may not be familiar with many of the ceremonies of first nations people in this land. I appreciate your comments very much.

We have about 15 seconds left. Is there anything else you'd like to share in conclusion?

Regional Chief Marlene Poitras: It's exciting that this discussion is occurring, even though it has come to the table for the third time. I'm hopeful and optimistic that this time it will go forward.

• (1120)

Ms. Raquel Dancho: I appreciate that. Thank you, Chief.

The Chair: Thanks, Ms. Poitras.

Thanks, Ms. Dancho.

Mr. Powlowski, you have six minutes. Go ahead, please.

Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.): Thank heavens I'm number two and not number three or four, because with one paragraph here it's getting harder to ask new questions. Ms. Dancho stole both my questions. I thought after the first, I still have the second one. Then she went on to ask the second one, too, so I'm really ticked off here. I'm hunting. Even more complicated is that, as Chief Poitras has already said with respect to the issue of including a reference to the Constitution, it doesn't seem as though the Assembly of First Nations wants to die on this hill. It's okay with reference to the Constitution.

My understanding is that aboriginal rights are inherent rights. The Constitution, in reference to aboriginal rights in section 35, is pretty broad. It's been years since I went to law school, but as I recall, the Constitution is a growing tree, so the definition can evolve over time. I would have thought the reference to the Constitution would be more inclusive and more desirable than being limited to that wording.

Maybe you can just confirm that you're okay with the reference to the Constitution. I think that's the big question before committee, and I know the Bloc doesn't really want it there.

Regional Chief Marlene Poitras: I've done my research and have read about the Bloc and its concern with the Constitution. We have to acknowledge that inherent rights and treaty rights preceded the Constitution and are contained in there. There are also a number of court cases that affirm first nations treaty rights and title and aboriginal rights and title, so I think it's incumbent on the legislators to ensure that these aspects be included in the bill.

Mr. Marcus Powlowski: With regard to my second question—again, Ms. Dancho touched on this, but I'd like to word it in a different way—the citizenship guide is what all new Canadians study before they become citizens. It asks a bunch of esoteric questions such as why they make steel in Hamilton. I look at it and wonder why they're asking these kinds of questions, but this is an opportunity for new Canadians to get to know the country and to set out what we think are the important things about being Canadian.

What would you say if you were talking to a new immigrant? What would you like them to know about indigenous peoples and their contribution to Canada?

Regional Chief Marlene Poitras: I want to share a story that I had with my hairdresser, who was going through the immigration process in Canada. She was telling me a bit about what she was learning, but she had no idea about the residential schools. I proceeded to educate her and she did some research, and when I come back to see her, she was telling me all of what she'd learned.

To me, indigenous people, through the signing of the treaties, have contributed to Canada, and I think it's time that was recognized. We continue to contribute.... Signing those treaties and agreeing to live in peaceful coexistence says a lot about aboriginal people or first nations people in this country.

It's important that it's recognized, but it's also very important that people learn about our history. When you talk about truth and reconciliation, it's about truth and going to the past. As bad as it was, it's also important that we acknowledge it and reconcile and move on, so that we can become partners and live in peaceful coexistence as it was determined in those treaties.

• (1125)

Mr. Marcus Powlowski: Do I have any time left, Bob?

The Chair: Yes. You have one minute before I get to my explanation of the question you posed.

Mr. Marcus Powlowski: You've covered a couple of things that you'd want in the citizenship guide. Can you think of other parts of indigenous history that you think indigenous peoples would want new Canadians to know about because they might not know about it?

I'm in Thunder Bay and we have a large indigenous population, but that's not the case in a lot of parts of Canada. Most immigrants go to Toronto, Montreal or Vancouver.

Is there anything else in the history that you would say we're particularly proud of and want new Canadians to know about?

Regional Chief Marlene Poitras: Our history precedes any of the books that were written. For example, when I go home, there are books that were written by the nuns or the priests, and the history starts from their era.

Our ancestors fought hard for the land. They maintained the land and entered into agreements with the newcomers. I think it's very important to include our culture and our traditions and show how we are very welcoming to anybody and want to work together in a good way.

The Chair: Thanks so much, Ms. Poitras.

We have limestone, which is an ingredient of blast furnaces with the iron ore, and the sheltered harbour. However, our geology also gave us flint, which was important for the Chonnonnton first nation. They traded in flints.

With that, we move on to Madam Normandin, for six minutes, please.

[*Translation*]

Ms. Christine Normandin (Saint-Jean, BQ): Thank you very much, Mr. Chair.

Chief Poitras, thank you for your testimony, which I listened to with great interest. It was well documented, very consistent and very clear.

Before asking my questions, I would like to make a small preamble to explain the position of the Bloc Québécois and its support for first nations' claims.

When the United Nations Declaration on the Rights of Indigenous Peoples was being discussed in Geneva, the Bloc Québécois was present. In 2004, it was part of the working group for the development of the declaration. The Bloc Québécois was also in Geneva in 2006 to finalize the process. In 2007, when the agreement was completed, Canada did not ratify it. The Bloc Québécois then lobbied, insisted in the House and asked questions of the Harper government until 2010, when the declaration was finally signed by Canada.

It's one of the things we've been supporting for a long time. We also agree with the recommendations and calls for action contained in the report of the Truth and Reconciliation Commission of Canada. We strongly support the principle of Bill C-8, which seeks to recognize the rights of first nations in the oath of citizenship.

I'd like you to tell me about the exact wording of the text; you've already touched on it a bit. It may be a very small detail, but what is

being recognized is the Constitution in which the indigenous and treaty rights of indigenous people are mentioned. Would you agree that indigenous and treaty rights should be recognized more specifically, rather than specifically referring to the Constitution?

[*English*]

Regional Chief Marlene Poitras: As I said previously, the Constitution is the highest law of Canada. Treaty rights and aboriginal rights are recognized in there. To me that already exists. It is just a matter of taking those words and incorporating them into the citizenship oath.

To me, as long as the treaty and inherent rights are acknowledged, I think that goes a long way for Canada. That's a good start in acknowledging that we have treaty and inherent rights in this country. However the wording is in the end, I'm fine as long as our treaty rights are included.

• (1130)

[*Translation*]

Ms. Christine Normandin: I'm going to continue in the same vein, just to make sure that we understand each other.

First nations rights were not created by the Constitution. They existed long before. Indeed, first nations are nations, and as such, they have rights. You talk about inherent rights, and they existed before the Constitution. Didn't they?

[*English*]

Regional Chief Marlene Poitras: From my understanding and what I was told by my family, my great-great-grandfather signed adhesion to Treaty 8 on July 13, 1899. He did that on behalf of our nation. Only nations could enter into treaty.

We have inherent rights to the land. That's what we're born with. Treaties preceded that and even preceded the Canadian Constitution.

[*Translation*]

Ms. Christine Normandin: As a minority, Quebeckers recognize themselves in this. Whenever the rights of aboriginal peoples are defended as a nation, we feel that we are also defending our rights as a Quebec nation.

Isn't the main thing to recognize the rights of first nations and to confirm the existence of these rights for centuries, rather than to specifically recognize the Constitution?

[*English*]

Regional Chief Marlene Poitras: The recognition of the rights is something for which my ancestors have been fighting for hundreds of years, east and west. I believe that it's high time that those rights be not only recognized but also implemented and that the treaties be implemented. To me, that is very important to the reconciliation process.

[*Translation*]

Ms. Christine Normandin: Can it be said that there is still a long way to go in terms of the Constitution? It does not yet cover all the rights of first nations that need to be recognized.

[English]

Regional Chief Marlene Poitras: Section 35 of the Constitution does incorporate the treaty and aboriginal rights, and I believe it also includes the Métis and the Inuit. I think it's just a matter of treaty implementation. One of the things that we've always strived for is to have a treaty implementation policy, because as you are aware the Indian Act was put into place even before Treaty 8 was signed and we were put under that.

For Canada to set it right, it has to put in some policy or some recognition that treaties exist in this country and are in Canada's Constitution, which is the highest law of the land. Our belief is that treaties are also the highest law of the land.

The Chair: Thanks, Ms. Poitras.

We go to Ms. Kwan now for six minutes.

Please, go ahead.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much, Mr. Chair.

Thank you so much, Chief Poitras, for your comments. I think they are very informative for this committee.

As we are talking about the Constitution, section 35 reads:

- (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
- (2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

That's the language in section 35.

In your comments you raised the issue of inherent rights, with which I absolutely agree. There needs to be full recognition of the inherent rights of the indigenous peoples.

In terms of the wording of the text for the changes for the swearing-in, what would you think if these words were added: "inherent rights of indigenous peoples as recognized by the UN Declaration on the Rights of Indigenous Peoples"? After the language that says, "I will faithfully observe the laws of Canada", insert the words "inherent rights of indigenous peoples as recognized by the UN Declaration on the Rights of Indigenous Peoples", and then carry on to say, "including the Constitution", etc.

What are your thoughts on that?

• (1135)

Regional Chief Marlene Poitras: UNDRIP is currently being discussed. I believe that was introduced in December and that is something that especially the treaty first nations have some issues with, because they believe that a treaty is an agreement and that exists and nothing has really moved forward on the recognition of our treaties even though we've been advocating for that for a number of years.

If you wanted to include that wording, I would ensure that the first nations leadership, especially those with treaties, be consulted, because there are some issues. I believe that in order to incorporate language into the citizenship oath, you have to have some agreement from people that they are satisfied that it is something worth including.

Ms. Jenny Kwan: There's concern with using the word UNDRIP. You would rather it simply say "inherent rights of", maybe using the same language of first nations, Inuit, and Métis people.

Would you prefer that then, to simply recognize the inherent rights without reference to UNDRIP?

Regional Chief Marlene Poitras: The issue of UNDRIP is still being discussed. Legislation has been introduced and it hasn't received royal assent yet. There are still consultations. There's still the process that needs to continue where there will be appearances before committee. I would rather allow that to unfold before anything is mentioned to include other types of agreements that are not agreed to by everybody collectively, moving forward.

Ms. Jenny Kwan: Maybe you can advise the committee specifically the words you would like to see changed in the citizenship oath as proposed, so that it reflects the inherent rights you mentioned earlier?

Regional Chief Marlene Poitras: The language that the AFM executive recommended...I will just read the addition. It's "including the inherent rights, titles, treaties and agreement with First Nations, and the rights and agreements with Métis and Inuit peoples". That was the recommendation from the AFN executive.

• (1140)

Ms. Jenny Kwan: I have it. Thank you very much.

I would like to turn to the issue around education.

Beyond the citizenship guide, do you think there are other actions the government should take in education for newcomers?

Regional Chief Marlene Poitras: As I said, the true history needs to be told. We also have our cultures and ceremonies. I believe to have a well-rounded education is really important, so that newcomers can understand who we are and also take pride that they're coming into a country where indigenous peoples are part of the Canadian fabric.

The Chair: Thanks so much.

Now we go to the five-minute round with Mr. Viersen. Mr. Battiste is next up.

Mr. Viersen, go ahead for five.

Mr. Arnold Viersen (Peace River—Westlock, CPC): I want to thank our witness for appearing here today,

I really appreciate your coming out. It's always good to have a fellow Albertan here.

There's been a lot of discussion around how the Constitution comes into this. Is there unanimity within your organization as to the inclusion of that word?

Regional Chief Marlene Poitras: I'll have to go back to the aspect that I recently read out. That is what we agreed to as the executive. For me to give you a well-rounded answer on that, I would have to consult with the executive.

Mr. Arnold Viersen: Sure.

I'm interested in pursuing the idea around ceremony a little. We have a ceremony when you take the oath. What's your idea of how we would incorporate...? Often we have government officials at that ceremony or RCMP in the red serge. What's your idea on how we would incorporate an indigenous perspective into that?

Regional Chief Marlene Poitras: We have so many ceremonial elders and of course it would have to be from the traditional area where the ceremony is being conducted. You would ask an elder from that region to be involved and to do an official welcome. We have various ceremonies for things, whether it's to welcome people or even with agreements as we had in the treaty. There are different aspects of that, and as I said before, I think to have our indigenous ceremonies included will go a long way.

Mr. Arnold Viersen: The TRC recommendation had specific wording for the citizenship ceremony oath. The current bill that's before us does not reflect that wording directly. Your recommendation is different again.

Was there an issue with the TRC discussions when they were drafting that wording? I know we had the people from the TRC here, and they said that it was more of a suggestion than definitive. Were you at all involved in that discussion with the TRC and how they came to their wording?

Regional Chief Marlene Poitras: No, I wasn't involved at the time.

Mr. Arnold Viersen: Okay. I'm just trying to figure out why there's daylight between your wording, the TRC's wording and now the government's proposed wording.

Regional Chief Marlene Poitras: I'm not sure how because, personally, I haven't been involved in those discussions. Like I said, as long as we have our treaty rights, existing agreements and the title of first nations, Métis and Inuit, to me, that would go a long way.

Mr. Arnold Viersen: Very good.

Mr. Chair, I put a motion on notice in the last meeting. I'm wondering if we could dispose of that motion at this point.

I put this motion on notice:

That, pursuant to Standing Order 108(2), the committee undertake a study on the cancellation of the Keystone XL pipeline and the potential loss of the Line 5 pipeline in northern and Indigenous communities, that the study take into account but not be limited to the impact on Indigenous businesses, jobs, economic prosperity, self-determination, and mutual benefit agreements as well as the efforts of the federal government to reduce greenhouse gas emissions and that the committee report its findings to the House.

• (1145)

The Chair: If you're asking me, Mr. Viersen, my preference is that we don't lose the energy and direction that we've created with the meeting so far. I think we're having an excellent meeting on a complex topic, so I would prefer to hold that off for now and find an appropriate place to pick it up, if that's okay with you.

Mr. Arnold Viersen: That would be fine with me if you're willing to bring it up at the end of the meeting. This is my time when I have the floor. Therefore, I'm moving that motion. However, if you're willing to agree with me for some time at the end, I'd be happy to move it then.

The Chair: We can do that. Thanks very much.

Now we go, for five minutes, to Mr. Battiste.

Please, go ahead.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Thank you, Chief Poitras, for presenting in front of us. I think we're learning a lot.

I want to thank you for your leadership as well. I was part of the Assembly of First Nations national youth council when we were discussing the Indian residential school settlement, and I learned so much from the regional chiefs, as well as then national chief Phil Fontaine, about the importance of education and the importance of the Indian residential school settlement. As part of the co-chair, of course, I was part of the AFN executive at the time.

We've heard a great deal about the importance of education as part of the bill. As you are well aware, the constitutional law of Canada—which you've said a few times now—is the highest law of Canada and the supreme law of Canada.

A lot of people focus on section 35 of the Constitution of Canada, which recognizes and affirms the aboriginal and treaty rights, but I don't feel that people acknowledge and put as much weight on section 52, the supremacy law that you were referring to that recognizes that aboriginal and treaty rights, which include inherent and aboriginal title and all of the things the AFN was talking about, are actually the supreme law of Canada.

Do you feel that enough Canadians, new Canadians or old Canadians, understand that treaties and aboriginal rights are the supreme law of Canada? Do you think there's enough information about that?

Regional Chief Marlene Poitras: No, I don't think there's enough information. You're right—education is so important. I know that the treaty commissions in Saskatchewan and Manitoba have done an excellent job of educating about our treaties' being the supreme law of Canada, but I believe there needs to be more mass education so that people can understand it. Newcomers would be a great place to start.

Mr. Jaime Battiste: I want to hold up something that I have from Treaty Education Nova Scotia. As part of our initiative—and you mentioned the other treaty commissions, Saskatchewan and Manitoba—we give this pamphlet out to all new Canadians. It talks about the terminology, our ancestral homelands, the constitution and treaties.

Do you think that would be a good step for Alberta to take so that all Canadians really understand the different treaty areas in your area, as well as understand the terminology that's appropriate when dealing with indigenous people? Do you think that's an important step moving forward?

Regional Chief Marlene Poitras: Absolutely. I think that anything we can do to educate others.... Also, in Alberta, we have a lot of traditional land use studies that were done. That speaks to the history of the ancestral lands and our history of hunting and trapping, because we were nomadic people and we travelled around. Those traditional land use studies are very important because they provide a lot of information about our history.

Mr. Jaime Battiste: Our advocacy as first nations has been strong for generations, but as part of that, we advocated very strongly for the inclusion of section 35 and section 52 of the Constitution.

Do you feel that including reference to the Constitution and reference to indigenous, aboriginal and treaty rights as the supreme law of Canada, which covers inherent title, respectfully acknowledges the inherent and treaty rights of indigenous people across Canada in a way that new Canadians could understand?

• (1150)

Regional Chief Marlene Poitras: Yes, because the new Canadians will be learning about our lives. Treaties are already recognized within the Constitution. I believe that in educating the newcomers, that's key. Like I said previously, I'm really excited for this process and that these discussions are occurring. This should have happened a hundred years ago.

Mr. Jaime Battiste: With that, I just want to say thank you, Chief Poitras. As well, if you could, give my best to one of my favourite Albertans, Leroy Little Bear from Banff. He's one of the people I depend on for a lot of knowledge. He was so instrumental in my understanding of so many different concepts within aboriginal and constitutional law.

Thank you.

Regional Chief Marlene Poitras: I will. Thank you.

The Chair: Thank you very much.

Ms. Normandin, you have two and a half minutes. Please go ahead.

[Translation]

Ms. Christine Normandin: Thank you very much, Mr. Chair.

Thank you again, Chief Poitras, for what you said in response to my last questions. I also thank you for taking the time to document and explain what you said.

If the bill had included the exact text of call to action number 94, it would not necessarily have been perfect—nothing ever is—but

would it have been acceptable? It wouldn't have been perfect, but would it have been acceptable to you?

[English]

Regional Chief Marlene Poitras: Yes. Like I mentioned previously, my great-grandfather signed adhesion to treaty, and to include “treaty” in the citizenship oath—it is already included in the Canadian Constitution—would go a long way, because our ancestors fought hard. I know of elders who taught me a lot about treaty and who have passed on. They said that they had been at it for 50 or 60 years of their lives in advocating for this to occur. With it happening now, it's exciting, and I'm glad to be a part of that.

[Translation]

Ms. Christine Normandin: Thank you.

For the Bloc Québécois, there is the issue of the Constitution, but all parliamentarians will have to work together to finalize the bill.

Do you think it would be a good thing for us to try, if possible, to achieve unanimity on the bill, or even speed it up so that it can be passed before the next election?

[English]

Regional Chief Marlene Poitras: Absolutely. I think that by all parties coming together unanimously on this, it's a good indication that our treaties and our inherent rights are being recognized in the way that they should have been a long time ago. I believe that will go a long way in building trust with indigenous people in Canada.

[Translation]

Ms. Christine Normandin: Thank you very much, Chief Poitras.

I think that's all the time I had, Mr. Chair.

[English]

The Chair: Thank you so much.

Ms. Kwan, you have two and a half minutes. Go ahead.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

Just to follow up on the last question I was asking about education, I'm wondering, aside from the content around the rights of indigenous, Métis and Inuit people, are there any specific initiatives that you think the government should embark on, actions to do that education?

Regional Chief Marlene Poitras: I think it would go a long way to have the education start in the grade schools, where the children can start to learn about our history. To me, that would be a start.

If we had that education within the curriculum, it would help in addressing the systemic racism that exists. People can learn about our history and learn about the contributions we've made to Canada.

• (1155)

Ms. Jenny Kwan: Do you think the Canadian government should produce this educational material for the provinces and territories?

Right now, as it stands, each province has its own take on educational materials, so there are no standardized educational materials out there.

I'm wondering whether or not there should be a body who will do that work, so that it's consistent and utilized across the country.

Regional Chief Marlene Poitras: I think that's good, but each territory has different aspects to their history. You can't introduce something that's going to be "this is the history". It also has to incorporate other aspects.

One of the greatest tools that I've seen is from the treaty commissioner in Saskatchewan. They have all this excellent material, and I think that would be a good place to start. However, each region I believe would have to do their own, because of their unique history in this country.

The Chair: Thanks very much.

Mr. Vidal, go ahead, for five minutes, please.

Mr. Gary Vidal (Desnethé—Missinippi—Churchill River, CPC): Thank you, Mr. Chair.

Chief Poitras, thank you for being here today. The conversation has been very valuable.

I'm going to echo a little bit of what Mr. Powlowski said, as the second questioner today. By the time you get this deep into the lineup, it's getting difficult to come up with new and creative questions that haven't already been asked by colleagues.

I'm going to change the flavour around the education a little bit. You're probably going to say, "I've been there, done that already, Mr. Vidal", but I'm going to hit it again anyway.

You talked about some of the good work by the treaty commissioner in Saskatchewan. I come from northern Saskatchewan, and I grew up with a lot of first nations neighbours, friends, teammates and colleagues. I worked with them in my time as mayor and whatnot. I guess where I'm coming from is that I realize that's not the case for all Canadians from coast to coast. I've had that privilege of having that experience and that relationship.

You talked a lot about education. In your opening comments, you even talked about the TRC recommendation number 93, which the education component should be part of. My comments the other day were maybe a little bit expressing frustration around the picking of number 94 and not having 93 done with it, because the education component is so important. In your opening comments, you talked about this being a symbolic component.

My question—and it's following up a little on what MP Kwan said as well—is beyond just the citizenship guide. There are many people who will never swear a citizenship oath because they were born in Canada. There are many people who are citizens of Canada who will never go through the new process that we're talking about now. It's really important that we educate those people, as well, to some of the history and relationships.

You referred to residential schools and the story about your hairdresser. I want to give you the opportunity to talk more about how we become successful at educating all Canadians, not just new citizens, about some of the history, some of the very important aspects of treaties and relationships.

Regional Chief Marlene Poitras: As I just mentioned, it's really important that education occurs. Nowadays, there's virtual...all different platforms that can provide education.

I always think of Gord Downie of The Tragically Hip, and how he only learned about the plight of first nations indigenous people when he was an adult. It's really important that you start with the younger ages, but you continue that education until people understand our history and how we came to be, and why there are so many disparities in our community in terms of the suicides, housing issues, addictions, and it goes on and on.

People need to understand where that stems from. To me, education is so important.

Mr. Gary Vidal: Following a bit further down that path, we heard from the minister the other evening about the extensive consultations that were done around this recommendation about this piece of legislation.

In the context of education and some of the work being done around call to action number 93, could you talk about what would be effective in the context of consultation around that—the education component? Is there enough consultation being done around that, and has it started? Who should be involved? What do you see that looking like?

• (1200)

Regional Chief Marlene Poitras: I always advocate that for consultation, especially with our leaders, it depends on what aspects you're going to be consulting on. If it's more technical you go to the educators, but if it becomes political then it's important that the leaders are at the table when decisions are being made.

For first nations in the history of this country, decisions have always been made for us. There are also a lot of documents out there that we can extrapolate information from. You have RCAP, you have the red paper in Alberta, and you have the TRC and the missing and murdered indigenous women reports. The list goes on in terms of the reports and the information that's gleaned from those reports. It's important that we don't reinvent the wheel moving forward. It's important that first nations are at the table in any type of consultation.

The Chair: Thanks very much, Ms. Poitras.

In view of the time, I'm going to ask the indulgence of the Liberal members of our group to forgo the last question so that we may suspend. We'll organize the second hour of the meeting, which will also require dealing with Mr. Viersen's matter. We also don't have too much time to extend the meeting, because I have House duty and I'm sure there are other busy individuals among the committee members as well.

Right now we're going to suspend and prepare for the second part of the meeting.

The meeting is suspended.

• (1200)

_____ (Pause) _____

• (1200)

The Chair: We now resume this meeting of the Standing Committee on Indigenous and Northern Affairs.

We have presentations now from our next three guests.

We'll start off with National Chief Elmer St. Pierre from the Congress of Aboriginal Peoples.

You have six minutes, Mr. St. Pierre. Please, go ahead.

• (1205)

National Chief Elmer St. Pierre (National Chief, Congress of Aboriginal Peoples): Thanks a lot, Bob. I see a few people I know, like Lorraine Whitman from the Native Women's Association.

My name is Elmer St. Pierre. I am the national chief of the Congress of Aboriginal Peoples.

First of all, it's always been our tradition to offer tobacco when we exchange our views and talk in friendship.

The Congress of Aboriginal Peoples is one of the five national indigenous organizations recognized by the Government of Canada. We represent off-reserve status and non-status, Métis and southern Inuit. CAP is also the federal voice for our provincial and territorial members. We have a long history of having to fight for recognition of our grassroots people. We've been working since 1971. We are celebrating our 50th anniversary this year.

In 2016, the CAP/Daniels decision ruled that non-status Métis are Indians under the Constitution and a federal responsibility.

A few things come to mind. The citizenship oath is a very important symbol. New Canadians should know that the treaties are as important as the Constitution itself. All Canadians should understand that fact. Symbols need to be backed up by action. Treaties are not just in the past. Many communities today don't have recognition or a land claim statement. They need action to protect their rights as indigenous people.

We cannot forget the other 93 calls to action. There are still recommendations from the Royal Commission on Aboriginal Peoples that need action. In 2018 CAP and the Government of Canada signed a political accord to work toward including our people in federal policies. Supporting this accord is also a necessary step toward reconciliation. The political accord is only one of many ways to represent the rights of our people in government policies.

A distinctions-based model is a barrier in our country to our grassroots people. Today we heard a lot of people talking about UNDRIP as well as this body here under the Citizenship Act. Unfortunately CAP has not had the opportunity to be involved in these consultations. We seem to be left out. We got invited to this meeting only in the last week. We don't know who is doing what anymore, and CAP represents our Métis people, and the Constitution does say, "Indians, Métis and Inuit". At some point—I'm maybe getting off topic—the government has decided that CAP's grassroots people don't fall within that category. We speak for our own people—our membership, our grassroots people—right across Canada from Labrador to B.C.

Education is another big issue. The newcomers should know who we are and what we stand for, because you talk to someone and sometimes they say, "You're an Indian," and ask if we are an East Indian. We say we're from Canada. We're one of the first peoples. We get talking, and it's really surprising.

• (1210)

One of our biggest problems is—I might as well say it—the racism and discrimination that CAP has to go through to try to get to these meetings. Sometimes it's a last-minute thing. Most of the time we don't even get to speak, and if we do, it's normally about half an hour or an hour before they throw it to us like, "Okay, you have a chance to speak". That doesn't give us time to put something together.

I wish I could say that I knew more about citizenship, but if we're not consulted on it then how can we put our two cents in, more or less?

The Chair: Mr. St. Pierre, you're going to be angry with me because I have to interrupt you.

The translation has been interrupted. We're not hearing the French. We're going to see if we can solve that problem right now.

Mr. Clerk, do you know the issue?

The Clerk: Yes, Mr. Chair. It seems to have stopped and mysteriously come back.

We'll see if we can continue. I do hear the French interpreters now.

The Chair: Elmer, you have about a minute to go. You can start up again and finish off.

National Chief Elmer St. Pierre: At this point in time, Bob, I'd like to thank you. I finally see Cathy McLeod down in the bottom corner there.

Thank you, Cathy. I see a good friend of ours, Lorraine Whitman. I imagine I probably know a few other ones here, but I'd like to thank you for inviting CAP to be at this table.

Hopefully again in future meetings that you're chairing, Bob, we'll be there and we can speak. Give us enough notice ahead of time, because it would be a pleasure to be able to know what's going on in our country, especially with our aboriginal peoples.

Thank you.

The Chair: Thanks, Elmer.

We move on now, for six minutes, to President Whitman from the Native Women's Association.

Please, go ahead.

Ms. Lorraine Whitman (President, Native Women's Association of Canada): *Wela'lin*, Chair.

Good afternoon. *Taluisi* Lorraine Whitman, Grandmother White Sea Turtle. I am the president of the Native Women's Association of Canada, and I am speaking to you today from unceded traditional territory of the Mi'kmaq Lnu people. *Kwe kwe*.

I would like to thank the Government of Canada, and the members of the House Standing Committee on Indigenous and Northern Affairs in particular, for inviting me here today to talk about Bill C-8 and the proposal to change the oath of Canadian citizenship to recognize the rights of indigenous peoples.

It has been more than five years since Justice Murray Sinclair released the final report of the Truth and Reconciliation Commission after its multi-year study of the horrors that occurred behind the walls of Canada's Indian residential schools. I commend the Government of Canada for committing to act upon all of the 94 calls to action contained in that report.

I also understand that in just two days you will be doing your line-by-line review of the proposed Bill C-8 and that I am speaking to you at what can only be described as the last minute. I hope that the members of Parliament sitting around the table will excuse the fact that NWAC seems to be offering an opinion so late in the day. The truth is that it was only last week that we were advised about the contents of Bill C-8 and the committee's work.

If you have further legislation that will affect the lives of indigenous women, girls and 2SLGBTQQIA+ people in Canada, we would be pleased to be part of the discussion right from the start, at the same time as you hear from the male-led indigenous organizations. I urge you to keep in mind that NWAC, which has been in existence since 1974, is the largest organization representing indigenous women, girls and 2SLGBTQQIA+ people in Canada. When you consult with us, you are consulting with grassroots first nations, Métis and Inuit women in every part of Canada.

Moving on to the matters at hand, we are extremely glad to see that the government is going forward on this recommendation of the TRC. I believe that all of us around the table would agree that far too many Canadians who were actually born in this country lack a basic understanding of the history of colonialization that shaped the relationship between Canada and the indigenous people. Too few Canadians have been taught about the importance of first nations, Métis and Inuit, not just to the history of this country's formation but to the present-day realities.

Most do not realize that when ore is extracted from the ground, it is being taken from our traditional territory, and that in many cases, it has been extracted based on the agreements we call treaties. They do not know that when trees are cut, it is because we have agreed to share the bounty of our ancestors with settlers. To have that reflected in the oath of citizenship is indeed an important step to righting some of the wrongs and injustices that were revealed by the inquiries of the Truth and Reconciliation Commission.

We agree with the changes in wording you have made in the original TRC call to action to recognize the three distinctive groups of indigenous peoples who call Canada home. I think it is fair to say that indigenous women, girls and 2SLGBTQQIA+ people, despite their resilience, have suffered exponentially under colonialism. The national inquiry that examined the root causes of why so many of us are murdered or go missing found that there has been nothing short of a genocide. For that reason, we believe the realities of gender must also be reflected in the oath of citizenship and accompanying guidebook and that all new Canadians must affirm that they understand the importance of indigenous women to the land we now call Canada.

• (1215)

I close today by commending your efforts. I hope that this legislation finally becomes law, five years after the release of the report of the TRC. I look forward to the day when I can congratulate you for fulfilling all the calls to action of the TRC and the calls for justice of the national inquiry.

Wela'liq.

[*Translation*]

Thank you very much.

[*English*]

Thank you for listening to my words.

The Chair: Thank you. That was very well presented, Ms. Whitman.

We now have, for a final six-minute presentation, Mr. Cardinal.

Éric, please go ahead.

[*Translation*]

Mr. Éric Cardinal (As an Individual): Good afternoon, Mr. Chair.

Thank you very much for giving me the opportunity to testify in the context of your work. I am doing so in a personal capacity while wearing several hats.

I wear the indigenous law lecturer's hat first. For the past 15 years, I have had the great pleasure of passing on my passion for indigenous law to university students. Currently, I teach the course entitled Canadian Law and Indigenous Peoples at the University of Montréal.

I am also vice-president of Acosys Consulting Services, an indigenous company that offers training and coaching services in governance for indigenous communities. In this capacity, I participate in negotiation tables with the federal government. In all, I have been working for more than 25 years in the field of indigenous law and policy.

The issue of the recognition of aboriginal and treaty rights is therefore part of my daily life. I am very honoured to be able to speak here today on Bill C-8, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94).

First, let me commend the initiative behind this bill, which responds to the government's commitment to implement the commission's calls for action and foster reconciliation between indigenous people and Canadians. I respectfully submit, however, that the text as proposed in the bill does not truly reflect the intent of the legislation.

The purpose of the bill, as outlined in its accompanying summary, is to include in the Citizenship Act a solemn promise to respect the aboriginal and treaty rights of first nations, Inuit and Métis peoples.

However, the new wordings of the declarations proposed for both the oath and solemn affirmation do not require the person to promise respect for indigenous rights, but rather respect for the Constitution. May I remind you of the text in question:

[...] I swear to faithfully observe the laws of Canada, including the Constitution, which recognizes and affirms the aboriginal and treaty rights of first nations, Inuit and Métis peoples.

We swear to uphold the Constitution, but we do not swear to uphold aboriginal or treaty rights. Some may say it's a theoretical or linguistic nuance, but I don't think so. On the contrary, it is a funda-

mental nuance, given the principles of nation-to-nation relations between the Canadian Crown and aboriginal peoples.

As you are surely aware, aboriginal rights are known as inherent rights, that is, they exist independently of state recognition, whether by the Constitution or otherwise. The oath should therefore simply lead the person to promise respect for aboriginal and treaty rights, without a reference to the Constitution being necessary.

Moreover, the term Constitution itself is not used in an accurate and correct manner. Now it is the meticulous professor of law speaking. In Canadian law, the Constitution is the body of law that organizes Canada's institutions and determines the fundamental rules that govern society. When we say "the Constitution", we are not talking about a single document. The Constitution is a mixture of laws, orders in council, court decisions and constitutional conventions.

Finally, let me also point out that section 35 of the Constitution Act, 1982, is itself a promise made by the Crown to indigenous peoples. This promise has not been fully kept. On the one hand, there are still many nations that are negotiating or awaiting recognition of their rights by the state. On the other hand, in interpreting section 35, the Supreme Court has limited its scope by allowing the government, in some cases, to infringe upon indigenous and treaty rights.

To be fully consistent with the concept of reconciliation and the principles of nation-to-nation relations, I believe that the reference to the Constitution should be removed and that the declaration should simply, directly, include a solemn promise to respect the indigenous and treaty rights of first nations, Inuit and Métis peoples.

Thank you very much, and congratulations for the work you are doing.

• (1220)

[*English*]

The Chair: Thank you very much, and you're well within the time allotted.

To accommodate the rest of the meeting, including Mr. Viersen's matter, we're going to hear from each of the parties with a six-minute round of questioning. I think that will leave us enough time to deal with the other matter.

We'll have Ms. McLeod, Mr. van Koevorden, Ms. Normandin and then Ms. Kwan.

Cathy, please go ahead for six minutes.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Thank you, and I'm very pleased to see some familiar faces here today.

I appreciate your testimony because sometimes what seems like a simple bill turns out to be a little more complicated, and specific words obviously really matter within the bills.

First of all, I want to pick up on National Chief St. Pierre's point about this being an important symbol, and from the comments from all the individual parties it sounds very well supported. This seems like a well-supported bill moving forward. Of course, there's some conversation around whether there should be some massaging of the actual words, and there have been a number of different iterations.

Even though the government has not implemented UNDRIP legally, they have made a commitment to the concepts of the UN declaration, which talked to the issue of free, prior and informed consent. Mr. St. Pierre and Ms. Whitman, to what degree have you been kept apprised of the various iterations and language this has taken from what was originally within the TRC?

As you can see, it's had a number of iterations. Do you believe your organization should be completely engaged and be part of giving consent to move things forward?

Maybe, Ms. Whitman and then Mr. St. Pierre, you could speak about the degree to which you have been engaged in the process, which clearly the Liberal government has said it would do.

• (1225)

Ms. Lorraine Whitman: *Wela'lin.*

Thank you very much for giving me the opportunity to answer the question.

We had signed an accord with the Crown in 2019, saying that we would be sitting at the tables with our other INOs so that we would be able to be included, as we do represent and we do advocate for the women and girls and our 2SLGBTQQIA+ community. I feel that being a part of that and sitting at the table answers the questions of our grassroots women.

As you know with a national inquiry and the finding of there being a genocide, it certainly makes it difficult for me as a leader if I'm not at the table speaking and advocating for the women and defending their rights. This is what I'm asked to do on their part. We certainly need to be at the tables and to be included. It's from the lens and the views of the indigenous women. Our society has been run in a matrilineal way, where the women have been the leaders in the system and in the group. When we're excluded from the table, it makes it difficult for us to be able to truly start putting our voices at the table, speaking for the women.

Mrs. Cathy McLeod: Were you given the different changes in language and the reasons? Were you part of the discussion around the language and the language changing?

Ms. Lorraine Whitman: No, I hadn't been included in any of that part. Just two weeks ago, as I mentioned, we were included in this conversation, which I certainly appreciate. Thank you.

Mrs. Cathy McLeod: National Chief St. Pierre, what about you?

As we say, we've had different iterations of wording. Would you say your organization has been included in every step? The government has made a pretty significant commitment on how it's going to move forward and codevelop legislation. Of course this is a [*Technical difficulty—Editor*], so it should have been easy to have a very comprehensive process.

National Chief Elmer St. Pierre: Thank you, Ms. McLeod. No, we haven't....

As Lorraine said, about a week and a half ago we got the invitation, and as well, we got an invitation that we could speak at this meeting. Prior to that, we had no contacts. We've never had consultations on the new Citizenship Act, nor have we been consulted on any of the things that are happening with the Liberal government. Sometimes it's hard to even get in touch with Minister Bennett.

Our big thing is that if we don't know what's happening and we're not sitting at these tables like this one here, how are we ever going to know? Our people are not being represented.

I think you mentioned something about UNDRIP. With that, we had no consultation. It was MNC, Assembly of First Nations and ITK. They were the ones who put UNDRIP together. We had, I think it was, a total of three hours to be able to sit and talk, and it was only word changes that we were able to do because we didn't have the time to get right into the whole....

Mrs. Cathy McLeod: I think it would be fair to say that although you are supporting this legislation because it is something we've been waiting five years for.... Again, it's a simple piece of legislation that did not meet what the Liberals portray as codevelopment, or even any form of free, prior and informed consent, which, of course, article 19 of the UN declaration calls for. Free, prior and informed consent before legislation is tabled that impacts indigenous—

• (1230)

The Chair: Ms. McLeod, you're about a minute over. I'm sorry.

Mrs. Cathy McLeod: Thank you.

The Chair: I think we get the point.

We'll move on now to Mr. van Koeverden for six minutes.

Mr. Adam van Koeverden (Milton, Lib.): Thank you very much, Mr. Chair.

Thank you to all of the witnesses for coming today, for sharing your insights, and for providing so much perspective on the process and making sure that the voices of your communities are heard on this. I hope it leads to further consultations and more fulsome discussions.

First, I am joining you today from Halton, which is the traditional territory of the Haudenosaunee and the Huron-Wendat, the Attawandaron and the Anishinabe, the Mississauga of the Credit First Nation and many others. I'm very grateful to be sharing this land.

My question today is for Ms. Whitman.

Ms. Whitman, I bring greetings from my friend, Sherry Saevil, who is a grandmother who lives in my community. She says hi. We were chatting the other day because we share a birthday, which was on Friday.

Ms. Lorraine Whitman: *Wela'lin.*

Mr. Adam van Koeverden: My question to you is around education.

Certainly this is a great step forward for newcomers, to provide them with some perspective and perhaps a little bit of insight on what Canada is and who Canada [*Technical difficulty—Editor*] and who it has always been.

However, for people like me who were born here, how can we ensure that this citizenship oath and ceremony go beyond the ceremony? What types of education do you think would be helpful or necessary to ensure it's not just something that's read, but that it's something that's understood and participated in? How do you think that can have an impact on settler people like me and people who are born here in Canada, who might do a citizenship ceremony or oath only electively? They decide to go to the library one day and do one.

How can we contribute to a further understanding and more work? And I thank you for all of the work that you've done.

Ms. Lorraine Whitman: *Wela'lin.*

I attended a citizenship ceremony in Wolfville two years ago. I made opening remarks and said the opening prayer. I wore the regalia. For people to be able to do the oath, education is so important, not only for new immigrants coming in but for Canadians as a whole. We're seeing a lot of conflict in that today.

Nova Scotia does have a citizenship pamphlet available that provides some of the information about the first nations in Nova Scotia, the Mi'kmaq—we just have the one tribe. In it, there is some of the treaties that have taken place and some of the cultural components.

It's important, because Canada is a very large and diverse country and we have so many tribes across the country, for pamphlets to be available for those areas where the oath is given, for that province or territory. An education pamphlet should be given to new immigrants coming to Canada, letting them know that we have lived here for thousands of years and we are the first peoples.

When I was at the event in Wolfville that day, the immigrants and new Canadians were so appalled to see a woman up there speaking, and then to see an indigenous person. They'd never seen an Indian beforehand in the cultural regalia. All of the other areas have different regalia as well. It is an important component, when we have an opening, for the elders to be involved. We had drumming of the Honour Song to welcome everyone. We have our Peace and Friendship Treaties that have taken place in Mi'kma'ki. This was the first discovery of colonialism. It started in the east and then went west. [*Technical difficulty—Editor*] of peoples that have lived through all of the hardship, the hurt and the pain that we've gone through with colonialism, so education is such an important component.

I hope I was able to answer your question.

Mr. Adam van Koeverden: You certainly provided some important insight, and I appreciate it.

My family's journey to Canada started in Nova Scotia at Pier 21. My mom got off a boat in 1957 from Hungary. The boat obviously didn't leave from Hungary as it's a landlocked country, but that's

where they came from. We're grateful to both the original people and Canada to have a safe place to live, so I'm very grateful for that.

Do you feel these adjustments would be as inclusive as possible, given that the indigenous culture in Canada is probably just as diverse as the people who are coming to live here?

My mother came from Hungary and my father from Holland, and apart from being next to each in the dictionary, they're probably not that similar. There are countries that are even more diverse, obviously, but so is the culture of indigenous peoples in Canada.

Do you feel we'd be as inclusive as possible? If somebody was doing a ceremony in Pacific Canada, in the northern parts of Canada or Nova Scotia, do you think that all cultures would be observed or included adequately in the ceremony?

• (1235)

Ms. Lorraine Whitman: With the indigenous culture, I haven't seen much of it happening or occurring. That's why I thank each and every one of you today for asking me to be included here, because of the educational program.

We certainly need to emphasize that we are all treaty people. It was my ancestors and your ancestors who signed these treaties. We have to make sure, when we educate people, there's no guilt—it wasn't you personally—over all of the hardships that indigenous people endured over the years. We need to start all of that education in the primary grades. We need to include institutions, and when I say institutions, I include governments as well. The education has to start at a young age in order to be fulfilled.

At the same time, we need to also let them know that we were willing. We opened our doors to newcomers. We were able to give them food and clothing. When these men got off the boats, there were no women. They were very sick men. We needed to help them. Our families brought them in to help them in the community. That needs to be stressed.

The Chair: I'm sorry, Ms. Whitman, but we're about a minute over.

Ms. Lorraine Whitman: I'm sorry.

Mr. Adam van Koeverden: Thank you very much, Ms. Whitman. *Wela'lin. Meegwetch. Marsi.*

The Chair: Thanks so much.

Ms. Normandin, you have six minutes.

[*Translation*]

Ms. Christine Normandin: Thank you very much, Mr. Chair.

Before we begin, through you, I would ask the witnesses, if it is possible, for those who had any to send their opening statements to the committee so that they can be translated. This would help us in the clause-by-clause debate on the bill. I extend the invitation, if possible, of course. Thank you very much.

During the meeting with the first group of witnesses, I mentioned that the Bloc Québécois really wanted the gist of Bill C-8 to pass, but as you may have understood, there are discussions surrounding the Constitution issue. That's why most of my questions will be directed to Mr. Cardinal.

Mr. Cardinal, since we've talked about it, I'd like you to start by explaining what an inherent right means, in indigenous law, because it's been mentioned, but it hasn't necessarily been explained.

Mr. Éric Cardinal: An inherent right is a right that exists independently of state or constitutional recognition. For indigenous peoples, this is very important. As you know, before the Europeans came here and created New France, New England and eventually Canada, there were peoples who had lived on these lands for thousands of years. We're talking about time immemorial. This ancestral occupation was well organized. There were organized societies, what we can call normative orders.

When I teach indigenous law, I always describe a circle to represent indigenous normative orders, and this circle is not completely included within the larger framework of what might be called the Canadian Constitution, where the normative order is of a Canadian type. The Supreme Court recognizes that before the assertion of Crown sovereignty, there were pre-existing sovereignties, therefore indigenous sovereignties. Among these are rights that are recognized—not completely yet, but increasingly—by the Canadian state, notably by the Constitution Act, 1982, but also by other laws or provisions, as well as by court judgments. These rights are therefore said to be inherent.

It has long been thought that it was the royal proclamation that conferred rights on indigenous people. This is not the case. Indigenous people have special rights within Canada because they existed prior to the assertion of Crown sovereignty. These are called inherent rights.

• (1240)

Ms. Christine Normandin: Perfect, thank you.

You can probably see my next question coming. It is an open secret that the Bloc Québécois wishes to propose an amendment that will remove the notion of Constitution from the oath of citizenship. I would like to have your comments on the need to include the Constitution in it.

Is it necessary to have the word “Constitution” in the oath of citizenship?

Mr. Éric Cardinal: As you surely understood from my statement, I don't think it is necessary to mention the Constitution, and the way it is mentioned is certainly not useful. The indigenous and treaty rights of indigenous peoples are fundamental, and that's what we want to recognize. However, it is not because they are constitutionally recognized that they are important and fundamental, it is the opposite: the Constitution recognizes them because they are fundamental and important. It is indigenous rights that must be recognized, and it is those rights that must be recognized as being of fundamental importance, not the Constitution or the Constitution Act, 1982.

In addition, I heard the other witnesses earlier talking about the treaties. They said it was very important to recognize them. That

was the essence of the proposal in the Truth and Reconciliation Commission's call to action 94. But you have to realize that in constitutional law, the interpretation of section 35 is a recognition of treaty rights. It does not recognize or protect the treaties themselves. This makes the use of the Constitution less useful if the objective is really to focus on the recognition of treaties and indigenous rights.

Ms. Christine Normandin: My next question may be related to what you just said. In your speech, you mentioned that the Constitution Act, 1982 was a promise not kept.

Can you explain to me how it does not necessarily recognize all the rights of first nations, Inuit and Métis people, perhaps with concrete examples?

Mr. Éric Cardinal: That's right. As I said, many indigenous nations are still engaged in the claims process. The term “claim” means the recognition of rights that exist but have not yet been incorporated into Canadian law. While the Constitution can, in principle, recognize these rights, until they are recognized by treaty, they will not be incorporated into the Canadian legal framework.

In Quebec, no historic treaty has been signed. It is very important for the nations in Quebec that indigenous rights be recognized. However, the Constitution does not recognize all rights. For example, unceded territories are recognized, but the rights to those territories should also be recognized.

Let me give you another example. The right to self-government, i.e., that indigenous governments can form a third order of government, is not recognized. In fact, many jurists say that the Constitution does not recognize this right, so much so that in 1992, the Charlottetown Accord planned to amend the Constitution to add the fact that indigenous governments were a third order of government recognized by the Canadian Constitution. This would be an example of an indigenous right that is not currently recognized by the Constitution.

Ms. Christine Normandin: If, in the oath of citizenship—

[*English*]

The Chair: We're out of time now, Mr. Cardinal. Thanks very much.

[*Translation*]

Mr. Éric Cardinal: Thank you.

[*English*]

The Chair: Ms. Kwan, you have the final six minutes. Go ahead.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

Thank you to all of the witnesses.

First off—to the indigenous community leadership—I'm very sorry to learn that the government did not consult you with respect to the changes in the citizenship oath. I would have thought that that had been done. In any event, I'm glad that you're here at this table now for us to receive your input, and hopefully, going forward, this does not happen again in the future.

The issue around inherent rights is something that was discussed in the last panel, and there was a suggestion in terms of making changes in the amendments to the citizenship oath to add the words “inherent rights, titles, treaties and agreements of First Nations, Inuit and Métis people”. I would just like to get comments first from Ms. Whitman with respect to that suggested change. The idea is to add those words after the language that says, “I will faithfully observe the laws of Canada”; you would then say “and inherent rights, titles, treaties”, etc.

• (1245)

Ms. Lorraine Whitman: Yes, I do agree with that, but I also would like to have included the 2SLGBTQIA+ people. As we know, we also have the two spirited in ours, but we need to be inclusive of everyone, no matter where they reside. I think it's very important that the language all be congruent and be the same in the following...and that everyone be included here and no one be left behind. Maybe with “indigenous”.... Some people, when they look at “indigenous”, are not really sure what the true definition is. As you know, our government has changed us from native Indians to first nations to aboriginal to indigenous. I think that a definition should be there, with it being within the parameters of first nations, Métis and the Inuit all being there and being inclusive, as well as the LGBTQ community.

Ms. Jenny Kwan: Thank you.

Could I get your comments, Mr. St. Pierre, please?

National Chief Elmer St. Pierre: Inherent rights is a really touchy subject for several reasons. We've never given up our inherent rights. What are they talking about when they say “inherent rights”? Do they mean our inherent right to go out and hunt and fish for our families, our inherent right to get a proper education, to get proper health care, proper housing? The term “inherent rights” is really broad. Unless we put something in there saying what “inherent rights” would mean, it's just like the Daniels case when it came down. It said that we're all Indians and that we should all be treated the same, and that hasn't happened yet.

If we want something passed under this bill, it would have to be pretty simple for the government to say yes, because when you say “inherent rights”, I would think that you're talking about just what I said: the hunting, the fishing and whatnot. That's my view on that.

Ms. Jenny Kwan: I would argue that the government, which has not followed the rights of the first nations, Inuit and Métis peoples, has caused a lot of the conflict. Had it actually recognized their inherent rights, perhaps we wouldn't be in those kinds of situations.

I think the purpose of the citizenship oath is to ensure that newcomers... It feels like 600 years ago now that I as an immigrant joined with my family in swearing the citizenship oath and became a Canadian. Back then, it didn't have such language. There was no information, in fact, about Canada's history with the first nations, Inuit or Métis people.

This is, I hope, a step forward in providing that education, and through the citizenship oath, right at the outset for newcomers to know that the rights of indigenous peoples, the first nations, the Métis and the Inuit peoples must be respected at all times. I think that's the idea behind this. Of course, it speaks to the other calls to action under the TRC, and to how slowly those calls to action are being acted on. I think that is another critical question.

I would like to turn to the issue around to education.

• (1250)

The Chair: You have 10 seconds, Ms. Kwan.

Ms. Jenny Kwan: In that case I will say thank you to the witnesses for their comments.

The Chair: Thank you for your understanding.

Ms. Jenny Kwan: I'm sorry. I would like to raise this one point, Mr. Chair.

At the last meeting with the minister, because we had some technical difficulties and the minister had to leave early, we were asked to submit written questions to him, which I have done. We still haven't received a response yet.

Particularly, I was interested in getting the list of groups with which the government had consulted with respect to this bill and their comments related to it.

Can we get that information, Mr. Chair, before the deadline for submission of amendments, which is today at 4 p.m.?

The Chair: I will put that message in as soon as we're finished here. Thank you for that.

As Ms. Kwan suggested, I want to thank our witnesses—Ms. Whitman, Mr. Cardinal and Mr. St. Pierre.

We're trying to get this done. We have a little more hard work to do, but hopefully, we can do it to everyone's satisfaction as hard as that is to do.

Once again, to our witnesses, thank you so much for your attendance today. It was great to have you with us.

Now we move on to the matter of the motion—

Ms. Lenore Zann (Cumberland—Colchester, Lib.): Thank you, Lorraine. It was good to see you.

Ms. Lorraine Whitman: Thank you.

The Chair: Mr. Viersen, you have a motion. Would you state the motion, please?

Mr. Arnold Viersen: Thank you, Mr. Chair.

I would like to see if we can get a vote done today on this motion. I move:

Pursuant to standing order 108(2) the committee undertake a study on the cancellation of the Keystone XL pipeline and the potential loss of the Line 5 pipeline in northern and Indigenous communities, that the study take into account but not be limited to the impact on Indigenous businesses, jobs, economic prosperity, self-determination, and mutual benefit agreements as well as the efforts of the federal government to reduce greenhouse gas emissions and that the committee report its findings to the House.

The Chair: I see, on the speakers list, Mr. Anandasangaree.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Thank you, Mr. Chair.

I would like to thank Mr. Viersen for bringing this study forward.

We have looked at the wording. I think this is a study that is well suited to be discussed at natural resources. I know a similar motion is there right now.

As a government, we recognize the importance of Keystone, and we've advocated for it for a number of years, as the Prime Minister and our ministers have reiterated. I think a study of it is definitely warranted, but through the natural resources committee and not through here.

We are willing to dispose of the matter today if we're able to go to a vote.

Mr. Arnold Viersen: I would say that I specifically worded this motion so that it would definitely be in the wheelhouse of this committee. This is an urgent matter as the decision has just been made. I think there is an ability for the government to continue to pursue.... The Keystone XL pipeline, that one may have been passed, but Line 5 is an urgent matter that needs to be addressed by the government.

There are treaties in place that would allow for redress on this, and I would love for this committee to study this forthwith.

The Chair: Seeing no further speakers, I'd like to call the vote on this. We can do this simply by a show of hands or on division, or we can ask the clerk to take the poll.

Could I ask those in favour of the motion to put your hand up so that I can see it on the screen?

(Motion negatived)

The Chair: Ladies and gentlemen, we now have Mr. Anandasangaree.

Mr. Gary Anandasangaree: Yes, in response to Ms. Kwan's question at the end, they are working diligently to get the information to her as soon as possible.

● (1255)

Ms. Jenny Kwan: Thank you very much for that.

In light of the fact that we were supposed to submit our amendments by 4 p.m. today and we have not received all of the information that I think we should have, I just want to make sure, then, from the committee, that if submissions for amendments do not meet the 4 p.m. eastern timeline, we would still be able to do so.

The Chair: Let me ask the clerk for an opinion.

The Clerk: Any member of the committee can move an amendment on the floor during clause-by-clause. The deadline will still apply to any non-members of the committee, but for members of the committee who do miss that deadline, it will just mean that their amendment may not be included in the package of amendments that is prepared by the legislative services. They still have the right to bring an amendment to the floor during clause-by-clause.

The Chair: Is that okay?

Ms. Jenny Kwan: Thank you very much.

The Chair: Thank you very much.

Thank you to all the members of the committee. We have a busy Thursday ahead of us, and we will see all of you then.

The meeting is adjourned.

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