HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Indigenous and Northern Affairs

INAN • NUMBER 097 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Thursday, March 1, 2018

Chair

The Honourable MaryAnn Mihychuk

Standing Committee on Indigenous and Northern Affairs

Thursday, March 1, 2018

● (1530)

[*English*]

The Chair (Hon. MaryAnn Mihychuk (Kildonan—St. Paul, Lib.)): Welcome everyone. We have a very large crowd. I'm glad everyone's here. We are starting a new study, but before we get into the hearing itself, we have a bit of committee business to take care of.

Prior to that, I want to recognize that we are on the unceded territory of the Algonquin people. Part of a process that more and more Canadians are taking part in is recognizing the lands of our original peoples, where we hold public hearings or ceremonies, which is an important part of the process of truth and reconciliation.

Pursuant to order of reference on Wednesday, February 7, 2018, we are going to be discussing Bill C-262, an act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

Before we get into presentations, I would ask the committee to have a look at the budget. We need to approve $1,700 to complete our lands study. It is moved by Mike and seconded by Gary that we approve it.

(Motion agreed to)

The Chair: Thank you.

We have a full agenda, and we have many experts in the room. We want to hear from you. Many Canadians are interested in the topic, especially one of our members, Romeo Saganash, who is the presenter of the bill and is bringing it forward for Canada.

We are going to start with the Department of Justice. We have two representatives. The way it works is that you'll present for 10 minutes, then we will move to the Department of Indian Affairs and Northern Development, then to Canadian Heritage. Each group will have 10 minutes, after which we will go into rounds of questioning.

Thank you very much for your attention. We're going to start with the Department of Justice. We have Ana Stuhec and Stefan Matiation.

Ms. Ana Stuhec (Acting Assistant Deputy Minister, Aboriginal Affairs Portfolio, Department of Justice): Before I begin, I would like to recognize the Algonquin Nation on whose traditional territory we are gathering.

We would like to thank the committee for inviting the Department of Justice to appear today with respect to this private member's bill, Bill C-262. As you know, in May 2016, the federal government expressed its unqualified support for the United Nations Declaration on the Rights of Indigenous Peoples and committed to its full implementation, in partnership with indigenous peoples.

Since then, the government has taken many steps toward implementing the UN declaration, which have been highlighted on various occasions by the Minister of Justice as being a necessary component of the transformation that the federal government wishes to undertake in renewing its relationship with indigenous peoples.

[*Translation*]

Establishing the Working Group of Ministers on the Review of Laws, Policies and Operational Practices Related to Indigenous Peoples was a key step in this process.

In announcing the creation of the working group in February 2017, the Prime Minister indicated that its objective is to seek to ensure that the crown is meeting its constitutional obligations with respect to aboriginal and treaty rights, adhering to international human rights standards, including the United Nations Declaration, and supporting the implementation of the Truth and Reconciliation Commission's calls to action.

● (1535)

[*English*]

Further, in July 2017 the Government of Canada adopted and publicly released “Principles Respecting the Government of Canada's Relationship With Indigenous Peoples”. The principles are rooted in section 35 of the Constitution Act, 1982, and the UN declaration, and are informed by the report of the Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Commission's calls to action. The principles, as well as the UN declaration, guide the review of the laws, policies, and operational practices and form a foundation for transforming how the federal government supports indigenous peoples and governments.

In carrying out its mandate, the working group has also heard from many indigenous leaders and organizations about their vision for how Canada should adopt and implement the UN declaration in full partnership with indigenous peoples. As explained by the Minister of Justice when she announced the government's support for Bill C-262 in November 2017, this bill broadly aligns with the government's commitment to implement the UN declaration and its commitment to transform the crown-indigenous relationship. It represents one critical aspect of the shift that must be made to transform indigenous-crown relations based on the recognition and implementation of indigenous rights.

Bill C-262 calls for the alignment of federal laws with the UN declaration. The bill's proposed approach, similar to the approach taken to date by the federal government, reflects an acknowledgement of the need to implement the UN declaration in co-operation and collaboration with indigenous peoples through a range of diverse measures, including legislative policy and administrative measures. The nature, scope, and type of approach taken in specific areas will necessarily vary.

[*Translation*]

The bill also reflects article 38 of the United Nations Declaration, which states the following:

> States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

For this reason, and as many have observed, the bill alone will not accomplish the full implementation of the United Nations Declaration. A comprehensive approach including additional efforts and measures to implement the United Nations Declaration is needed.

[*English*]

On February 14, 2018, the federal government took additional steps to advance this implementation. The Prime Minister delivered a statement on the recognition and implementation of indigenous rights in the House of Commons that confirmed the shift to a recognition of a rights-based approach to relations with indigenous peoples and committed to the development of new legislation and policy through a new recognition and implementation of rights framework.

The measures proposed in Bill C-262, as well as the important discussion the bill will generate before this committee and across the country, are part of accelerating the shift to recognition of rights-based relationships.

Madam Chair, we look forward to answering questions from members of the committee on this private member's bill, Bill C-262. Thank you.

The Chair: Thank you.

We'll move to Indian Affairs and Northern Development.

Welcome.

[*Translation*]

Mr. Joe Wild (Senior Assistant Deputy Minister, Treaties and Aboriginal Government, Crown-Indigenous Relations and Northern Affairs, Department of Indian Affairs and Northern Development): Thank you, Madam Chair.

Good afternoon, everyone.

I would like to start by acknowledging that we are meeting here on the unceded territory of the Algonquin people.

[*English*]

Thank you very much for the invitation to speak today on Bill C-262. I will be focusing my comments on giving an update on the Government of Canada's efforts to ensure we're not hindering the implementation of indigenous rights, which include work to implement the United Nations Declaration on the Rights of Indigenous Peoples. At its core, the declaration affirms that indigenous peoples have the right to live, develop, and thrive according to their unique circumstances and priorities, that is, to determine their futures for themselves.

We've long worked to advance self-determination and improve indigenous well-being. For over 30 years now, there have been efforts driven by and grounded in section 35 of the Constitution Act, 1982, which section recognizes and affirms indigenous rights.

● (1540)

[*Translation*]

For example, the ongoing negotiation of modern treaties and self-government agreements advances the implementation of articles 3, 4 and 5 of the United Nations Declaration, which affirm the rights of indigenous peoples to self-determination and self-government.

[*English*]

Since 2015 we have also been engaged in recognition of indigenous rights and self-determination discussions. Through these discussions we have sat down with indigenous groups based on how they want to organize themselves and start from a place of recognizing their rights. We have ongoing rights recognition discussions with communities, tribal councils, historic treaty groups, and Métis organizations, as well as other community-based organizations that are coming together to rebuild their nations on their terms.

Through these discussions we are exploring shared priorities that our indigenous partners raise. We come to the table without predetermined mandates and we work together to chart a path forward to achieving the outcomes that matter to indigenous communities. We are striving to build flexible arrangements, support indigenous communities in achieving self-determination on their terms that can evolve along with our relationships. Through this innovative process we are living out our commitment to co-development, which is reflected in article 18's declaration that indigenous peoples have the right to participate in decision-making about matters affecting their rights through their own representatives.

Working with self-determined groups to advance shared priorities, including nation building and governance, also responds to articles 3 and 9, which assert the rights of indigenous peoples to determine and belong to their own communities, nations, and political entities.

[*Translation*]

The declaration also makes repeated calls to respect the principle of free, prior and informed consent when making decisions that affect indigenous peoples.

Consistent with these calls, both section 35 and the duty to consult serve to protect indigenous rights from crown action, and reconcile the rights of indigenous peoples with those of wider society.

[*English*]

We still have work to do to implement the full scope of free, prior, and informed consent. Canada has established a whole-of-government approach to these obligations in response to court decisions and best practices established by federal departments and agencies to meet their specific needs.

These are just a few examples of the many ways that our work has been advancing and continues to advance the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

More recently, the Government of Canada has taken bold new steps to lead collaborative efforts that support indigenous peoples' treaty rights and their inherent rights as recognized in section 35, while also meeting the objectives outlined in the UN declaration.

[*Translation*]

On February 14, the Prime Minister announced that the Government of Canada will develop a recognition and implementation of indigenous rights framework in full partnership with first nations, Inuit and Métis peoples.

To truly renew the relationship between Canada and indigenous people, the Government of Canada will make the recognition and implementation of rights the basis for all relations between indigenous peoples and the federal government.

[*English*]

This is at the heart of what the UN declaration aims to achieve, and the declaration is a foundational piece upon which we build the framework. While our work to date has gone considerable distances toward implementing elements of the declaration, we know that more work is required. The framework for the recognition and implementation of indigenous rights will provide the mechanisms necessary for all federal departments to fulfill the commitment to recognizing and implementing rights, facilitating a whole-of-government approach grounded in law and policy.

To determine the contents of the framework, Minister Bennett is leading a national engagement with first nations, Inuit, and Métis partners with a particular focus on women, youth, and elders. The engagement will also include industry, the general public, and our provincial and territorial partners to support a pan-Canadian commitment to the recognition and implementation of indigenous rights.

Make no mistake though, our partners in this process are the rights holders, not the stakeholders.

We will work in partnership with indigenous peoples to determine the shape of a renewed crown-indigenous relationship.

Through this process we are putting into practice Bill C-262's call to work in consultation and co-operation with indigenous peoples to implement their rights in Canadian law. What we are learning through engagement also builds on existing sources of knowledge such as the Report of the Royal Commission on the Rights of Indigenous Peoples, the Penner report, and the tireless work of many indigenous advocates.

To use the language of Bill C-262, this is our “national action plan” for advancing indigenous rights and achieving the objectives of the declaration. Based on early feedback, the recognition and implementation of an indigenous rights framework may include a number of elements such as: legislation to formalize the standard of recognition of indigenous rights as the basis for all government relations with indigenous people; a new policy that reflects the unique needs of first nations, Inuit, and Métis peoples to replace the current comprehensive land claims policy and the inherent right policy; reforming government policies and practices to support the implementation of treaties and self-government agreements; mechanisms to support the rebuilding of indigenous nations and governments and advance indigenous self-determination and the inherent right of self-government; creating new dispute resolution approaches to address rights-related issues, including overlapping territories, treaty implementation, and historic grievances, that move us from conflict to collaboration; tools to strengthen a culture of federal government accountability and to build greater trust between indigenous peoples and the federal government; and legislation to replace Indigenous and Northern Affairs Canada with two new departments that will better serve the distinct needs of first nations, Inuit, and Métis peoples.

These likely components represent preliminary thinking on what shape the framework will take but respond directly to key elements of the declaration. The goal is to chart a new way forward for the Government of Canada to work with first nations, Inuit, and Métis peoples and to end decades of mistrust, broken promises, poverty, and injustice.

Working together with first nations, Inuit, and Métis partners to define how we recognize and implement indigenous rights in federal law and policy is vital to overcoming the legacy of colonialism and rebuilding indigenous nations and governments. This transformative shift in our relationship will not happen overnight. We are working towards a longer-term vision for a better Canada in which healthy, prosperous, self-determining, and self-governing indigenous nations are key partners.

This goal is echoed in Bill C-262, which will support us on the road to making the vision of the UN declaration a reality and fulfilling the promise of section 35.

● (1545)

[*Translation*]

We are committed to delivering real results that improve indigenous well-being and bring Canadians together in a more just society, so that we can continue on in our journey towards reconciliation.

Thank you.

I look forward to answering any questions you may have.

[*English*]

The Chair: Thank you.

Our final presenter in this panel is Canadian Heritage.

Welcome.

Mr. Hubert Lussier (Assistant Deputy Minister, Citizenship, Heritage and Regions, Department of Canadian Heritage): Thank you, Madam Chair.

I also wish to begin by acknowledging that we're on the ancestral lands of the Algonquin Anishinaabeg. We thank the committee for the invitation to Canadian Heritage to provide information on Bill C-262.

My brief remarks will describe how currently Canadian Heritage addresses initiatives that align with the UN Declaration on the Rights of Indigenous Peoples. I will address indigenous languages which is raised in article 13 of the declaration, then cultural heritage issues as it relates in particular to articles 11 and 12.

[*Translation*]

In December 2016, before the Assembly of First Nations Annual General Assembly, the Prime Minister committed the government to enacting legislation to preserve, promote and revitalize indigenous languages. The Prime Minister also stated that the legislation would be developed jointly with indigenous peoples.

In June 2017, Canadian Heritage Minister Mélanie Joly joined National Chief Bellegarde from the Assembly of First Nations, President Obed from the Inuit Tapiriit Kanatami and President Chartier from the Métis National Council in announcing the launch of a process to co-develop this legislation.

Since that time, the four parties have been working diligently and collaboratively on the co-development of the legislation. I would like to add that those groups are not the only ones that will be consulted, of course. All rights holders will be included in the consultations.

By helping preserve and restore indigenous languages, Canadian Heritage is following through on the government's commitment to implement the Truth and Reconciliation Commission's calls to action in the spirit of reconciliation.

On the financial programming side of things, Canadian Heritage delivers the aboriginal language initiative. That component supports community-based, indigenous-led projects that focus on the revitalization, preservation and promotion of indigenous languages. The component's resources were increased from $5 million to $19 million in Budget 2017. Canadian Heritage also delivers a program component called northern aboriginal broadcasting, the purpose of which echoes article 16 of the United Nations Declaration on the Rights of Indigenous Peoples.

[*English*]

Articles 11 and 12 of the declaration include issues of access, preservation, and repatriation of cultural property and human remains, particularly those that are in the possession of the state. Currently, Canadian Heritage provides financial support to indigenous communities and eligible Canadian museums to assist communities to access, preserve, and transmit their heritage to future generations.

A modest amount of funding is also available to support such repatriation activities. The department is working on revising details of its funding programs in order to better address the needs related to repatriation to indigenous communities, for example, by expanding the kinds of institutions that are eligible under our program and by including different kinds of eligible expenses. Repatriation from public collections such as the national museums is undertaken directly by those institutions that operate at arm's length from the government.

In response to the Truth and Reconciliation Commission call to action 67, also in relation to this issue, the Department of Heritage is providing funding to the Canadian Museums Association to undertake, in collaboration with aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the United Nations Declaration and to make recommendations.

This concludes my remarks.

● (1550)

The Chair: Thank you.

We will begin the rounds of questioning with MP Will Amos.

Mr. William Amos (Pontiac, Lib.): Thank you to our witnesses. We appreciate the testimony and the written substance as well.

I'm interested in the intergovernmental dimension of this. Obviously, there are impacts. I have raised the question before. I would direct my questions to Mr. Wild and Ms. Stuhec.

How do you foresee the federal government's ability to implement legislation such as Bill C-262 and to implement it in a manner that recognizes that not all provinces are at the same point as the federal government in relation to this project towards reconciliation, or they are at different stages, or they have different interpretations? I'm particularly thinking about issues relating to land use management. Obviously, I represent Algonquin constituents in the riding of Pontiac, so my focus is in that context. I'm less focused on the north.

Could you comment on how we get to implementing the heart of what is intended in Bill C-262, recognizing that we don't have all of those levers related to land use planning or resource management?

Mr. Joe Wild: I guess I'm going to start, and Ms. Stuhec will jump in if I miss something.

Obviously, any federal piece of legislation only attaches to the areas of federal jurisdiction, but there's nothing unusual in that in terms of implementing any international treaty, agreement, and so on. There's always a question as to what role provinces will take, what approach they will take in looking at whether or not they see themselves in those commitments, and how they see implementing those commitments.

To be specific around the land use management question, at least in my area, which is in terms of the treaty negotiations and the work we do at tables across the country, most of those are tripartite tables in that the provinces are present in those negotiations. There very much is a dynamic where we work with provinces around what a land and cash package will look like, in order to address the interests of the indigenous community we're negotiating with.

There are certainly variances across the country in terms of the approaches by provinces around some of those questions, but it's a norm in our work that they are present at the table with us when we are trying to address how we're going to deal with defining and discerning jurisdiction around land use and management.

● (1555)

Ms. Ana Stuhec: The interpretation and implementation of the UN declaration in domestic law is subject to Canada's constitutional framework, and so it includes the division of powers. A number of the articles of the UN declaration do have implications for the provinces and territories. They would require an action plan on the part of both parties to make it work, to fully implement the declaration, and so it does require collaboration. But recently at the meeting of the FPT Ministers Responsible for Human Rights, ministers shared approaches on advancing human rights and reconciliation with indigenous peoples, and they agreed on ongoing intergovernmental discussions on the UN declaration, so some of that work is beginning. It's also useful to note that both the Government of Alberta and Government of British Columbia have committed to implementing the UN declaration within their jurisdiction. So we're starting off on that path.

Mr. William Amos: Okay, thank you.

Could you please elaborate a bit more on the status of the discussions with the Government of Quebec around UNDRIP, and what statements they have made and what interactions you have had?

Mr. Stefan Matiation (Acting Director General and Senior General Counsel, Aboriginal Affairs Portfolio, Department of Justice): The only thing maybe that I could add to that is the FPT meeting that Ana referred to would have included all of the ministers from each of the provinces, including Quebec, so they were part of that discussion.

Mr. William Amos: Okay.

Mr. Wild, you mentioned that in most discussions that are ongoing, whether they're rights recognition tables or comprehensive treaty negotiations, as the case may be, they engage in tripartite discussions. How does the federal government reflect its engagement to accommodate in a context where you have negotiations with lands and funds? Is it characterized as such, and will that change in any respect with the application of a bill such as this if promulgated?

The Chair: We have about 30 seconds.

Mr. Joe Wild: First, I'll just quickly clarify that the tripartite conversations are where there are land issues in play. Not all of the tables are not necessarily tripartite. It just depends on the subject matter.

I'm not sure we would frame the discussions we're having in a "duty to accommodate" frame. That's not really the basis on which we're having the dialogue. It's trying to figure out what's the appropriate land base necessary for a viable, self-sustaining indigenous government and community and how you build what's going to be needed for the base of an economy. That's more the outcome that I think we're trying to get to. Again, I wouldn't say that we have that perfect in any way, shape, or form, I think we know there are problems there, but that is where we're trying to get to.

The Chair: Questioning now moves to MP Cathy McLeod.

Mrs. Cathy McLeod: Thank you to everyone who presented. It's unfortunate that we have so many departments in such a short time, because I think there's something valuable that we need to get from every single department. Certainly had it been my preference, we would have enjoyed you all for an hour each.

I'm going to start with Justice. I'll keep them short, because I have a whole bunch of questions.

The UN declaration was seen as a road map in terms of how Canada moved forward. With the commitment of the government to implement, and with Mr. Saganash's bill, I would suggest that what we have committed to and what we will be committing to is changing the laws of Canada to be consistent with the UN declaration.

Would you agree with that, yes or no?

Ms. Ana Stuhec: Yes, I would say that's the goal.

Mrs. Cathy McLeod: Okay, thank you.

Then we head into the freem prior, and informed consent, FPIC, which I think is absolutely fundamental to this particular piece of legislation. I'm going to target the area of consent. I think we hear lots of people saying it means this, it means that, but I thought it was said best by Pam Palmater:

> In what alternate universe does consent not require you to say yes or no? In every other context in society and in law, and in contracts, consent means you get to say 'yes' or 'no.' Only in the case of Indigenous peoples does it mean something else.

I would ask the justice department, is there a clear definition as it would relate to this in terms of what consent will mean? I certainly know in the Criminal Code there's a clear definition. I've seen lots of lawyers argue all sorts of areas, but I think Pam Palmater perhaps said it best. Could you talk about consent?

● (1600)

Ms. Ana Stuhec: Consent has specific meanings in both domestic and international law, and they were applied.

I think the important thing would be—

Mrs. Cathy McLeod: You said it has a standard definition. Do you have the definition there that you could give us?

Ms. Ana Stuhec: I don't have the definition with me, but it's generally—

Mrs. Cathy McLeod: Could you table it?

Ms. Ana Stuhec: Okay.

Mrs. Cathy McLeod: What is consent, from a legal perspective?

Ms. Ana Stuhec: If we can table that, I'd....

Mrs. Cathy McLeod: Okay.

Ms. Ana Stuhec: It's so I don't misapply the term.

I think what's important in the context of the UNDRIP is that article 38 allows us to actually work on the interpretation together, through a collaborative and co-development approach, with indigenous peoples to determine how these terms are defined and how they're applied. I think what's critically important about the UN declaration is that it allows for that kind of relationship, where we're determining together how these concepts apply.

Mrs. Cathy McLeod: Certainly, from my perspective and from that of many of the first nations communities, there is a very clear interpretation of what consent means. I would suggest that perhaps Pam Palmater is right.

My next area is that this will apply to laws of general application, plus obviously there are significant areas in terms of natural resource development and land use.

In terms of laws of general application, I would take, perhaps, Bill C-45, which is the marijuana legislation. How would you get FPIC—free, prior, and informed consent? If we're going to put it into the law, how are we going to get free, prior, and informed consent?

Clearly, in my opinion, the marijuana legislation is going to affect first nations communities as per laws of general application. The minister has indicated that it applies to laws of general application.

As a department, how are you going to get free, prior, and informed consent for something like Bill C-45? Because you don't have that right now.

Senator Patterson was just in the north. They're very concerned. They said they had no consultation around Bill C-45. Perhaps you could talk about how you are going to get free, prior, and informed consent from Inuit, Métis, and the very diverse first nations across the country.

Mr. Stefan Matiation: The best way to tackle that question, to clarify things, I think, is just to back up a little bit and speak a little bit about the duty to consult, and section 35. I'll definitely get to your question more specifically. But just—

The Chair: You have two minutes.

Mr. Stefan Matiation: Okay.

Mrs. Cathy McLeod: I have three more.

Mr. Stefan Matiation: As you know, we have a lot of direction from the Supreme Court of Canada on duty to consult, how it applies, and when it applies. There is a case now in front of the Supreme Court, called the Mikisew Cree case, which does get at the issue of duty to consult in the context of the legislative process.

As you probably know from the Federal Court of Appeal level, the view was that there isn't a duty to consult that applies in that context because of the role of Parliament in taking a bill through. That part of the question, I think, is still linked back to our duty-to-consult framework and the Supreme Court of Canada guidance on the duty to consult.

Mrs. Cathy McLeod: If you're committing to UNDRIP, you're committing to free, prior, and informed consent around laws of general application. We know that you're making the commitment to put it into the laws of Canada. That's very clear. I think we've agreed about what this bill does and what UNDRIP does. So how are you going to get free, prior, and informed consent for a law such as Bill C-45? We're not looking at our existing legal framework; we're looking at a new legal framework.

● (1605)

Mr. Stefan Matiation: Bill C-262 reinforces the government's commitment to implement the UN declaration.

Mrs. Cathy McLeod: Yes.

Mr. Stefan Matiation: The UN declaration is the declaration of the United Nations, and its role in Canadian law is to serve as an interpretive tool that courts can use in interpreting legislation and in interpreting Canadian law.

Bill C-262, in section 3, refers to the application of the UN declaration in Canadian law. That's consistent with the way courts can draw on international instruments, like the UN declaration, today as interpretative sources of guidance.

The Chair: Sorry. Questioning now moves to MP Romeo Saganash.

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Thank you, Madam Chair, and I want to thank the witnesses for coming to testify on Bill C-262. Your presence is highly appreciated.

I want to continue on that very question that my colleague, Cathy McLeod, posed. The question we need to ask ourselves in response to that question is, in what way will Bill C-45 affect aboriginal treaty rights? I see very few ways that Bill C-45 will affect aboriginal treaty rights.

You referred to additional measures that would be required to further the implementation of the UN declaration above and beyond Bill C-262. I certainly agree with that. The Prime Minister, on Valentine's Day, made a speech in the House of Commons to which I responded. One of the things he talked about was that necessity to have a major shift in the political culture of Ottawa towards indigenous peoples and their fundamental rights. Joe referred to a "transformative shift", and I agree with those terms.

Bill C-262 refers to making sure the laws of Canada are consistent with the UN Declaration on the Rights of Indigenous Peoples. The Prime Minister referred to laws, policies, and operational practices. Article 4 of my bill refers only to laws. Would you suggest we now add or amend that article to include policies and operational practices?

Mr. Joe Wild: That's an open question, obviously, for members of Parliament to determine. Clearly, our focus is that we are continuing to examine not just laws, but also policies and practices to ensure alignment with recognition and implementation of an indigenous rights approach, and that we are doing so in a way that implements the UN declaration.

Ms. Ana Stuhec: I agree. Full implementation of the UN declaration is going to require a multi-faceted approach in legislation, policy, programs, and the way we operate. It will require a change and shift in all of those directions for us to make meaningful implementation.

Mr. Romeo Saganash: Would that improve or strengthen Bill C-262 if we decide at this committee to make that amendment to include policies and operational practices?

Mr. Joe Wild: That's ultimately something that committee members will have to determine in terms of their perspective on strengthening or improving. It's very difficult for public servants to weigh in and to make a value judgment on that. Our job, of course, is to loyally implement the laws of the country. Again, it's clear that our focus be multi-faceted, and it needs to be in order to get to where we think we need to be in terms of the relationship the government is seeking.

Mr. Romeo Saganash: Given the new direction that this present government wants to give to relations with indigenous peoples, isn't that what you're doing already?

Mr. Joe Wild: I certainly agree, that is the work that we have under way. There is lots still to do — I don't want to give the suggestion that we're near the finish line, but absolutely that is our focus: looking at what laws, policies, and practices need to be transformed in order to reflect a recognition-based approach and to implement the UN declaration. There's been some evidence of that over the last few weeks, including even the environmental assessment review proposals that were tabled by the government, which show the multi-faceted nature of this work.

● (1610)

Mr. Romeo Saganash: The other question I have is for Ana or Stefan. Under article 4.1 of the Department of Justice Act, the minister needs to make sure that any legislation to be introduced in the House of Commons is consistent with the Canadian Charter of Rights and Freedoms. Presently, we don't have the equivalent for aboriginal treaty rights or indigenous human rights in this country. This bill will achieve that, to make sure that any future legislation is consistent with the UN Declaration on the Rights of Indigenous Peoples. Do you agree with that interpretation?

Mr. Stefan Matiation: I guess what I would say is that the bill establishes some accountability mechanisms in the form of the requirement of an action plan and report. I would just say that's the facts of the bill, and I would leave it at that. It does establish an accountability framework for the achievement of that objective of consistency between laws and the UN declaration.

[*Translation*]

Mr. Romeo Saganash: Mr. Lussier, you talked about various articles of the United Nations Declaration on the Rights of Indigenous Peoples. However, I could not help but notice that you did not cite article 31 of the Declaration. Is there a reason for that?

Mr. Hubert Lussier: Could you refresh my memory and remind me what article 31 contains?

Mr. Romeo Saganash: I have on hand the English version of article 31, which states the following:

[*English*]

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions...

[*Translation*]

Mr. Hubert Lussier: The simple reason I did not mention it is that it is a shared responsibility between my department and Innovation, Science and Economic Development Canada. That department is in charge of intellectual property issues, and its representatives are not here with me. I think it would have been more appropriate for the two departments to appear together to adequately discuss this issue. That said, my colleagues who handle intellectual property issues at Canadian Heritage are very familiar with this matter.

[*English*]

The Chair: Thank you. Questioning now moves to MP Gary Anandasangaree.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Thank you, panel, for joining us.

I'm just picking up, Stefan, on your assertion that UNDRIP is an interpretative tool with respect to Canadian law. How important is the passage of Bill C-262 for this to be used under Canadian law, right now?

Mr. Stefan Matiation: I don't think I'm in a position to say how important it is. I would just say that the government has clearly made a commitment that it's going to implement the UN declaration. There are many measures to be taken down that path. A legislative approach like this is one measure among many, as Ana and others have mentioned.

Mr. Gary Anandasangaree: Would you say that it's an essential component of implementing UNDRIP or could it be done without legislation?

Mr. Stefan Matiation: I would suggest that it's a possible measure. I wouldn't make any judgment as to whether it's necessary or the most important, or any of those things. I would just say that it's a possible measure.

Mr. Gary Anandasangaree: Article 34 provides the rights to the indigenous traditional system and customs, in accordance with international human rights standards.

Currently what work is being done in order for us to move towards that approach?

● (1615)

Mr. Joe Wild: I would say that, along with languages, culture, traditional systems of decision-making, and governance, more and more the discussions around revitalizing traditional systems of indigenous law and understanding those systems are definitely at the heart of a lot of the conversations that we are having, across the country at various tables. We are looking at different concepts around self-determination and how different communities are seeing that, as well as self-government.

There's certainly work going on in different parts of the country that is looking at some of it. What I try to get to is, our agreements that we enter into with indigenous governments and nations really should be seen as bridges between their indigenous perspective, culture, language, systems of governance, decision-making, and law, and Canada's, at the federal level.

If we're going to have agreements that truly work as bridges between these systems, then it's important that we take the necessary steps to help indigenous communities and nations that have to overcome the 150-plus years of colonialism to actually understand what those concepts mean for them in today's world.

There are many who do. I don't want to suggest, in any way, shape, or form, that no indigenous nation actually understands those things. Many understand in profound ways, but many are struggling to recapture a lot of things that have been lost, damaged, and harmed through the legacies of assimilative practices that governments have adopted over many decades.

There is work going on. There are law schools in the country that are working closely with communities to help, looking at revitalizing and actually memorializing in writing what their systems of law actually are. Then we're looking at those to figure out how to have an agreement, as we're looking at self-government, that can work within that system of law, as well as our own.

I think that these are really important pieces of work.

Mr. Gary Anandasangaree: With crown-indigenous relations, I think you've undertaken the process of separating into two different departments. There appears to be a significant shift in approach, particularly with the recognition of rights approach.

With respect to Justice, on the litigation side and with respect to ongoing discussions, has that been transformed? Has the transformation taken place in Justice, or is that still at an early stage? Based on what the Prime Minister has committed to and where, as a government, we're going, some of the criticism we get is that Justice is far behind, whether it's negotiation or it's litigation, being able to pivot into a recognition of indigenous rights-based approach.

Ms. Ana Stuhec: We've been working very hard to implement and bring the principles that were announced last summer into our work through the advisory, the litigation, the policy, and the programs within Justice, in terms of changing the lens with which we view the work we do. It's an ongoing project, and we're making progress, but there continues to be work to do.

Mr. Gary Anandasangaree: To department of Heritage, I know that language is an essential component of UNDRIP and ensuring protection of same.

One of the things that keeps coming up is we have a duality in terms of Canada with respect to English and French. Parliament would be a perfect example of where this issue comes up. Where would the use of indigenous languages be protected in your estimation, and what does Parliament need to do in order to have certain rights enabled within the systems of our domain?

Mr. Hubert Lussier: I'll answer that on two fronts.

First of all, the piece of legislation that we're co-developing is what I would describe as an enabling legislation. We will create a commitment, we will abide by the commitment, to support indigenous languages financially and through other means if possible. Second, it won't conflict with the rights and obligations created around French and English, which are the official languages of the country.

Whether we go beyond the current varying, minimal type of services in indigenous languages that are currently provided by federal institutions will be determined later.

● (1620)

The Chair: Questioning now moves to MP Cathy McLeod.

Mrs. Cathy McLeod: To recap from the first round, this bill will commit us to changing the laws to be consistent with free, prior, and informed consent. We don't have a clear definition of what consent is and we don't understand how we're going to get consent from Métis, Inuit, and the first nations from across this country, so we're moving ahead with something that has some important unanswered questions.

I want to go again to Justice and into another area. In the Supreme Court of Canada, Department of Justice lawyers, on January 15—and this was after there had been a commitment to implement the UN declaration—stated that the idea that Canada needs to expand the duty to consult to be in line with our international obligations, including UNDRIP, then “fails to reflect that Canada's consultation process is consistent with international standards.” They argued that the duty to consult is firmly established in existing Canadian jurisprudence and that UNDRIP does not change that.

Is that the position of the department?

You had the minister and the Prime Minister commit to implementing the UN declaration. You have your Justice lawyers in court arguing those statements. To me, they seem completely unaligned. It seems to go to Mr. Anandasangaree's comment that although this is a tool, there's nothing that precludes the government, if they were serious about what they were doing, to be arguing a completely different track.

If they were serious about the UN declaration, why are those comments being made in court?

Ms. Ana Stuhec: The Supreme Court has interpreted section 35 of the Constitution Act broadly. Section 35 should be viewed as a full box that includes the protections offered, including the duty to consult, so the Canadian courts have developed a robust framework for a meaningful recognition protection of section 35 aboriginal and treaty rights.

UNDRIP is consistent with the existing framework, but it allows us to fill the box to ensure that it's as robust and meaningful as possible.

Mrs. Cathy McLeod: We had two bills tabled just recently, Bill C-68 and Bill C-69. The government has committed to the UN Declaration on the Rights of Indigenous Peoples. Certainly, there are parts of those bills that talk to indigenous rights, but there was no language included in terms of the UN declaration. Despite the government's commitment to indigenous peoples in Canada, it tabled two important pieces of legislation that made no mention of these concepts, other than perhaps that they are going to aspire to getting this.

Can you tell me why was that missing from those pieces of legislation? I would presume that the justice department reviews these pieces of legislation in terms of these overarching commitments by the government.

Mr. Stefan Matiation: I would say that I don't think we're in a position to speak to the decisions that would have been made in getting to that in those particular bills.

I do want to reiterate that the UN declaration implementation is a process that engages many parties, obviously including indigenous people. It will be a collaborative process that will take some time and some effort, and various mechanisms will be used in pursuing that.

Mrs. Cathy McLeod: In 2016, the justice minister said:

> Simplistic approaches such as adopting the United Nations declaration as being Canadian law are unworkable and, respectfully, a political distraction to undertaking the hard work actually required to implement it back home in communities....

I would presume that the justice minister has at her disposal many comprehensive briefings. This was a planned speech, so what has changed such that something that was unworkable in 2016 is now quite workable in 2017-18?

● (1625)

Ms. Ana Stuhec: A range of options are available for implementing the UNDRIP. The legislation itself may be viewed as a simplistic approach and stuff, but the ability to do a holistic multi-faceted approach using various mechanisms does allow for that, and I think we're just allowing for that.

Mrs. Cathy McLeod: To get into the natural resource sector section, for something like a pipeline such as Kinder Morgan, even if 50 communities said yes, and one community said, “No, I don't give free, prior, and informed consent,” my colleague, Mr. Romeo Saganash indicated that he felt the implementation of the UN declaration should preclude moving forward, unless you have free, prior, and informed consent from everyone. Do you agree with that perception of it?

Mr. Romeo Saganash: Fifty?

The Chair: We're moving on. That took much longer than a very short question.

We're going to move to MP Bob Bratina.

Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.): Thank you.

How has UNDRIP been working since its implementation in 2007? Has there been an overview of how it has functioned, what the shortfalls have been, and how they can be made better?

Mr. Stefan Matiation: Again, I think the key thing with the UN declaration is that it is an aspirational document that describes the rights of indigenous peoples, and it describes various means that need to be undertaken in order to achieve implementation. That is a process. It does take time, and as has been mentioned, it does require some hard work.

You've heard about some of the progress and some of the different ways the departments have been working toward implementation, and working with indigenous peoples toward implementation. It is going to be at least what I think of as a bit of a national undertaking that engages indigenous peoples with all Canadians and all governments, basically in a process aimed ultimately at reconciliation.

Mr. Bob Bratina: Does anything capture oral tradition? In some of the cases where issues have fallen down, in Russia, for instance, which has numerous indigenous groups they say they can't fish there because there's no proof that's really their territory. They would obviously have an oral tradition that would say it was. Is anything captured in UNDRIP, or should be, that relates to the validity of oral tradition?

Mr. Joe Wild: I'm not sure if a specific article in the declaration speaks to it. I'm sure others in the room probably know that off the top of their head, but I'd have to look through to see it.

Certainly in the approach that we're taking, both in the negotiation processes, but also in how we're trying to do some transformations around how we deal with specific claims and the claims issues, we are very much trying to make more space in order to be able to take into account oral tradition and how that has a way of shaping how we need to view both concepts of territory as well as traditional rights that were being exercised and how they were being exercised.

I think you have space created by the courts. Certainly, the specific claims tribunal has created space for receiving oral history as evidence and giving it weight and credence. Within our processes, we are trying to build in more and more of that. Again, that is all part of trying to have an approach that is based more on recognition, where you're trying to move away from traditional forms of evidence as being a basis on which to make a decision, and instead trying to talk about it more from a relationship perspective to get a better understanding from an indigenous group about how they perceive it, how they see it, and what they're basing it on. I think you see more and more of that happening in all different facets of government, even in the ways we are talking about how traditional knowledge gets taken into account in scientific-based processes, like management of the fishery.

More and more, we have these spaces that are being created that are trying to recognize that there is a very valuable contribution to our understanding of the country that comes out of those oral traditions. We need to make the space for them and be able to incorporate them.

● (1630)

Mr. Bob Bratina: Just quickly, on dispute resolution—

Mr. Joe Wild: That's article 31.

Mr. Bob Bratina: How does dispute resolution work? There could be disputes between the Canadian government and a first nation, or there could be a dispute between two first nations, or among all three, and so on. Can you say anything in a few seconds about how that works?

Mr. Joe Wild: I think we are trying to find alternative ways of addressing disputes. A lot of work is going on around the specific claims process in particular, in trying to figure out different ways to address disputes when they arise.

We have similar issues about the so-called overlap of territorial claim issues, particularly in British Columbia. We've been trying to open the door to our indigenous partners, saying we want to hear more about how they resolve these things traditionally. We want to hear more about how they see resolving some of these issues, particularly when they are indigenous nation to indigenous nation. Many have protocols and other systems of governance to address these kinds of things. There's no reason we can't look at them as potentially being a basis on which we could then see what we can incorporate into our own processes.

Mr. Bob Bratina: Thank you.

The Chair: Thank you. That concludes our time allocated for the first panel. We'll suspend for a couple of minutes and let the other crew come up for the next half.

● (1630)

(Pause)

● (1635)

The Chair: We're going to get started. I know the members are anxious to ask questions. Therefore, we need to get your presentations on the record.

I am going to suggest that the two organizations dealing with the environment are together. How you split it is up to you. I will probably be quite ruthless on timing, so try to keep it short.

Without further ado, I'm turning it over to the Department of the Environment and the Canadian Environmental Assessment Agency. Each group on the panel has up to 10 minutes. Please proceed.

Ms. Dominique Blanchard (Assistant Deputy Minister, Public and Indigenous Affairs and Ministerial Services Branch, Department of the Environment): Thank you.

I'd like to acknowledge that we are here today on the unceded territory of the Algonquin people.

My name is Dominique Blanchard. I am the assistant deputy minister of the public and indigenous affairs and ministerial services branch at Environment and Climate Change Canada. I am joined today by my colleague Brent Parker, who is from the Canadian Environment Assessment Agency.

Thank you to the committee for inviting my department to contribute to this session on the subject of Bill C-262. In my remarks today, I will discuss the actions of Environment and Climate Change Canada in advancing reconciliation with indigenous peoples and in working toward fulfilling the government's commitment to adopt and implement the UN Declaration on the Rights of Indigenous Peoples. I will address the work already under way as well as the opportunities we see to further enhance relationships between my department and indigenous peoples and governments.

[*Translation*]

Indigenous peoples are leaders in conservation. They have long been stewards of the environment and have well established rights related to the use of the land, waters, ice and wildlife. They have knowledge of the environment that spans generations.

The mandate of Environment and Climate Change Canada is to protect the environment and to conserve the country's national heritage. We undertake weather forecasting; wildlife conservation; air and water quality monitoring and protection; water quantity monitoring for informed water management decisions; and, oversee and contribute to measures that mitigate against and adapt to climate change.

Accordingly, it is critically important for Environment and Climate Change Canada to maintain and build strong and positive relationships and partnerships with indigenous peoples, and to collaborate in defining our environmental future. This is a responsibility that extends to each and every part of our department.

[*English*]

We have a history of establishing and supporting partnerships that enable us to reflect the perspectives of indigenous peoples in the delivery of our mandate. We are proud of recent efforts we have made to expand and deepen those relationships at local, regional, national, and international levels. For example, we have established joint distinctions-based senior bilateral tables to support nation-to-nation, Inuit-to-crown, and government-to-government relationships to assist with the implementation of the pan-Canadian framework on clean growth and climate change. We work with indigenous peoples on projects to support the stewardship of natural resources, including through, for example, the co-management of conservation areas, wildlife management boards, and indigenous-led projects supported by the aboriginal fund for species at risk.

At the international level, Canada has been recognized for its leadership in advancing the local communities and indigenous peoples platform under the United Nations Framework Convention on Climate Change. Indigenous peoples have joined us in representing Canada on the delegations for this and other international fora, such as the Convention on Biological Diversity or the Intergovernmental Panel on Climate Change.

We're also establishing countless partnerships at the local and regional levels. For instance, the Canadian ice service is partnering with Inuit communities to understand sea ice information needs in light of changing ice patterns in the north. We are collaborating with first nations on a project to develop training curricula related to environmental monitoring. We are also supporting indigenous-led efforts to address environmental challenges affecting the Great Lakes.

Finally, we and the Canadian Environmental Assessment Agency, along with other federal partners here at the table, worked closely with indigenous partners in developing the recently tabled Bill C-69, which proposes important requirements concerning the engagement of indigenous peoples in the environmental review process and the use of traditional knowledge to inform decision-making.

● (1640)

[*Translation*]

Sustaining and enhancing partnerships of this nature, and supporting the broader work being done across government to advance reconciliation, has required Environment and Climate Change Canada to look internally, as well.

In May of last year, our department created a new branch, which I lead. Part of our mandate involves bringing cohesion and organization to the department's indigenous affairs and reconciliation activities, and bringing to ground broader government efforts in these areas within our department.

[*English*]

In this vein, we're developing governance structures to ensure effective cross-departmental collaboration, developing tools to support broader engagement and consultation with indigenous partners, and implementing training and awareness opportunities to develop the intercultural competencies of our employees.

We are also working closely with many of the colleagues you have heard from and will be hearing from today in implementing the Truth and Reconciliation Commission's calls to action, the principles respecting the Government of Canada's relationship with indigenous people and, relevant to our discussion today, the United Nations declaration.

In our view, working towards aligning our work with the provisions of the UN declaration presents an opportunity for us to build trust with our indigenous partners; enhance the integrity of our policy-making, research, and analysis; and achieve better environmental outcomes for all Canadians. Several articles in the UN declaration are tied closely to our mandate in that they reflect indigenous people's rights concerning the stewardship of the environment. For example, article 24 speaks to rights related to conservation of medicines, plants, animals, and minerals. Article 31 relates to the maintenance and manifestation of traditional knowledge, including in relation to flora and fauna. Importantly, article 32 confirms the rights of indigenous peoples to determine and develop priorities and strategies for the development and use of their lands and resources.

In regard to these articles, Environment and Climate Change Canada is well situated to build upon existing practices and relationships. Through our engagement in the negotiation of treaties and other arrangements, ECCC works with indigenous partners to collaboratively conserve and protect wildlife and other environmental resources. Also, as a science-based department, we are working to ensure that traditional knowledge informs our work, and we are reviewing and refining our approach that freely shared traditional knowledge can better complement contemporary scientific research to inform decision-making. Lastly, we're working to build transparent and comprehensive engagement processes that respect the rights of indigenous peoples in determining how lands and resources are used.

[*Translation*]

Environment and Climate Change Canada recognizes that there is more to be done. This will involve the continued examination of our contribution to the government's reconciliation agenda, including the implementation of the United Nations Declaration. This will mean further strengthening our engagement with indigenous partners, and assessing new opportunities to align departmental programs, policies, laws and regulations with indigenous rights and interests. And we will need to do more work internally to build greater awareness amongst our employees of indigenous rights and interests, and of our related responsibilities.

[*English*]

In closing, I would like to thank you for the opportunity to highlight some of the efforts under way at Environment and Climate Change Canada to move forward on our commitment to support reconciliation with indigenous peoples, including through the implementation of the UN declaration. As a department, we are steadfastly committed to this important work.

The Chair: Thank you.

Mr. Parker, are you speaking now?

Mr. Brent Parker (Director, Legislative and Regulatory Affairs Division, Canadian Environmental Assessment Agency): No.

The Chair: All right.

We're going to move on to the Department of Fisheries and Oceans.

Mr. Robert Lamirande (Director General, Indigenous Affairs and Reconciliation, Department of Fisheries and Oceans): I would also like to acknowledge our presence on the unceded territory of the Algonquin peoples.

I would like to thank the chair, vice-chairs, and committee members for the invitation to speak to you today to support your study of Bill C-262 and for the opportunity to elaborate on the suite of programs, policies, and legislative initiatives under the purview of the Minister of Fisheries, Oceans and the Canadian Coast Guard that have made and will continue to make advances toward reconciliation with the indigenous peoples of Canada.

I am Robert Lamirande, the director of indigenous affairs and reconciliation directorate at Fisheries and Oceans Canada. I would like to introduce my colleague, Marc Sanderson, acting director general, national strategies of the Canadian Coast Guard.

My directorate is responsible for providing policy advice on indigenous fishing and other matters toward advancing reconciliation with indigenous peoples; negotiating and implementing program, treaty, and other constructive agreements on Fisheries and Oceans management; promoting fisheries-related economic opportunities through programming to support indigenous capacity to fish safely and effectively; and building relationships and partnerships with indigenous communities through effective engagements, which we do hand in hand with the national strategies directorate of the Canadian Coast Guard.

● (1645)

[*Translation*]

We do this work because the sustainable use of the fishery resource, the protection of fish and fish habitat, the conservation and management of our oceans, and the safety of those on the water are a priority for the department—a priority held in common with indigenous communities.

And because Fisheries and Oceans Canada and the Canadian Coast Guard have presence in many coastal and rural communities across Canada, we have worked hard with indigenous communities and groups to collaborate and partner on all aspects of our operations. These relationships are comprehensive, complex and dynamic. They are adaptive to the capacity of each indigenous community or group to participate in economic opportunities and in co-management.

[*English*]

We are now on a clearer path to a renewed, nation-to-nation, crown-Inuit, and government-to-government relationship, one that builds on the relationships and partnerships developed over the past decades. These relationships with indigenous communities are the touchpoints through which we will collaborate to articulate what reconciliation means in the context of Minister LeBlanc's portfolio.

This includes those changes to programs, policies, and laws necessary to demonstrate that we are moving to reconciliation with indigenous peoples. This commitment to reconciliation is guided by the principles respecting the Government of Canada's relationship with indigenous peoples. These principles, as you know, are themselves guided by the United Nations Declaration on the Rights of Indigenous peoples.

I want to highlight for you how Fisheries and Oceans Canada has worked in collaboration and in partnership with many indigenous communities. Through the innovative and successful Atlantic and Pacific integrated commercial fisheries initiatives, Fisheries and Oceans Canada provides commercial fisheries access, business management capacity, and training needed to build self-sustaining, indigenous-owned and -operated commercial fishing enterprises.

Through the aboriginal fisheries strategy and the aboriginal aquatic resource and oceans management programs, Fisheries and Oceans Canada helps indigenous groups acquire the scientific and technical capacity, means, and training to meaningfully participate in fisheries, oceans, and habitat collaborative management, including employing aboriginal fisheries guardians.

Budget 2017, a year ago, has taken these programs a major step forward, investing over $250 million over five years and $62 million ongoing annually. This includes ongoing funding for the Atlantic and Pacific integrated fisheries initiatives and northern expansion through a new northern integrated commercial fisheries initiative.

As we embark on the renewal of these programs, we are also undertaking a review to see where and how these programs can be strengthened in collaboration with the National Indigenous Fisheries Institute, a technical organization established in May 2017 whose board is made up of experts from national and regional indigenous organizations. The institute is enabling the co-development, co-design, and co-delivery of our indigenous programs.

However, working collaboratively and in partnership with indigenous communities is not focused solely on fisheries.

[*Translation*]

The Oceans Protection Plan, for example, is enabling indigenous communities and groups to meaningfully participate and partner in Canada's marine safety system, from waterways management to emergency preparedness and response.

We are working with indigenous communities and partners to create a new indigenous chapter of the Coast Guard Auxiliary in British Columbia. And discussions with other indigenous communities are exploring opportunities to establish additional auxiliary units in the Arctic and in British Columbia to bolster responses to emergencies and pollution incidents.

A national strategy on abandoned and wrecked vessels will build an inventory of the problem vessels, and a risk assessment methodology. Indigenous communities will be invited to participate in these assessments and to help prioritize interventions.

● (1650)

[*English*]

Through engagement with indigenous communities in British Columbia, the Canadian Coast Guard has launched an environmental response officer recruitment program. We are also nearing completion of a process to recruit Inuit students for a new rescue boat station in Rankin Inlet, Nunavut.

Ongoing training programs across the country will provide participants with the knowledge, skills, and hands-on experience to enable them to play a greater role in marine safety in their communities in a safe and effective manner.

As you know, reconciliation also means self-determination of indigenous communities often but not exclusively through negotiation and implementation of treaties. Fisheries and Oceans Canada is participating in over 40 active rights reconciliation self-government negotiations with indigenous communities on fisheries and oceans matters.

Fisheries and Oceans Canada is also making systemic changes to better enable collaborative partnerships with indigenous peoples, and we have done so through important proposed legislative changes: Bill C-55, An act to amend the Oceans Act ; Bill C-64, An act respecting wrecks, abandoned, dilapidated or hazardous vessels; and Bill C-68, An act to amend the Fisheries Act. Proposed amendments to the Oceans Act will strengthen, among other things, the ability to designate marine protected areas on an interim basis and, as with all marine protected area designations, partnering with indigenous communities is the foundation for the successful protection of these unique aquatic ecosystems.

The proposed Wrecked, abandoned or hazardous vessels act, under the Minister of Transport, with the Minister of Fisheries and Oceans and the Canadian Coast Guard, would enable, among other things, agreements with a government, council, or other entity authorized to act on behalf of an indigenous group to exercise the powers and perform certain duties or functions of the minister.

The proposed amendments to the Fisheries Act and the programs enabled by these changes include certain amendments specifically aimed at advancing reconciliation, including new tools to enhance opportunities for partnering with indigenous peoples in the conservation and protection of fish, fish habitats, and shorelines; and amended provisions to enable agreements with indigenous governing bodies and any body, including a co-management body, established under a land claims agreement, to further the purpose of the act. Such agreements could enable the declaration of the law of an indigenous governing body, including a bylaw, to be equivalent in effect to a regulation under the Fisheries Act.

Fisheries and Oceans Canada and the Canadian Coast Guard have advanced and will continue to advance reconciliation through concrete changes to programs, operational practices, and legislative frameworks that give voice to the United Nations Declaration on the Rights of Indigenous Peoples. As we move forward we will seize on the relationships and partnerships we have with indigenous communities to articulate renewed nation-to-nation relationships with indigenous peoples within the mandates of Fisheries and Oceans Canada and the Canadian Coast Guard.

Thank you.

The Chair: Very good.

Our final presentation is from the Department of Natural Resources.

Ms. Genevieve Carr (Acting Director General, Indigenous Policy and Coordination, Department of Natural Resources): Good afternoon, and thank you for your attention.

I, like my colleagues, wish to acknowledge that we are meeting today on unceded Algonquin territory.

Thank you for the invitation to speak today to support your study of Bill C-262.

My name is Genevieve Carr. I am the acting director general of indigenous policy and coordination, a new unit in the Department of Natural Resources, which reports directly to the deputy minister and which was formed to support efforts to foster reconciliation with Canada's indigenous peoples.

I wish to acknowledge my colleague, who has joined me today, Mr. Terry Hubbard, who is the director general of the petroleum resources branch in the energy sector of Natural Resources Canada.

[*Translation*]

My remarks today will focus on some the areas where Natural Resources Canada is working to proactively ensure that our policies, programs and legislation align with the United Nations Declaration on the Rights of Indigenous Peoples.

My department is transforming its internal operations and culture, reviewing its policies and practices, and working across government to align with the principles, norms and standards of the United Nations Declaration.

● (1655)

[*English*]

We support Minister Carr—I should note there is no relation, despite our shared last name—in his role as a member of the Working Group of Ministers on the Review of Laws and Policies Related to Indigenous Peoples. We work closely with our colleagues across government to support horizontal engagement and policy initiatives, such as the permanent bilateral mechanisms established with national Inuit, first nations, and Métis organizations, federal responses to the Truth and Reconciliation Commission's calls to action, and the recently launched engagement of a recognition and implementation of rights framework.

We are also advancing corporate change within our organization to increase cultural competencies of all staff within the department, and we are helping to transform the department so that it can become an employer of choice for indigenous Canadians.

Natural Resources Canada is changing how we work and partner with indigenous peoples, placing emphasis on creating lasting relationships that respect and recognize the rights of indigenous peoples. Examples include the department's Generation Energy dialogue on the shift to a low-carbon future, which was heavily shaped by its engagement with and perspective of indigenous peoples from across Canada.

This engagement is ongoing as the vision that grew from Generation Energy moves to being implemented. NRCan is driving inclusion of indigenous leadership in federal, provincial, and territorial fora, such as the Energy and Mines Ministers' Conference, and the Canadian Council of Forest Ministers, as well as international trade delegations to facilitate with jurisdictions that control many of the levers for resource development. The geo-mapping for energy and minerals program is another example that has allocated close to $1 million to northern indigenous organizations to develop tools and capacity to integrate science knowledge into decision-making by northerners, for northerners.

Natural Resources Canada is also taking measures to support self-determination through full and fair opportunities to indigenous peoples to participate in the natural resources economy. Some examples include the establishment of an economic pathways partnership to make it easier for indigenous groups potentially impacted by major pipeline projects to access existing federal programs, and help support job training and business opportunities. The indigenous forestry initiative supports forest-based indigenous economic development across Canada. This year it will provide over $2.5 million to indigenous communities and organizations for capacity and business development. The IFI is exploring options to move toward a shared governance model with indigenous peoples.

The green jobs science and technology internship program is starting to take action to target career-stream jobs for indigenous youth, recognizing the importance of opportunities for indigenous youth employment in the natural resources sector.

The interim approach for major project reviews allowed my department to enhance public and indigenous participation in projects undergoing reviews by the National Energy Board. As part of the interim approach, Minister Carr appointed a three-person panel, one member of which was indigenous, specifically to create opportunities to share views not already heard by government on the Trans Mountain expansion pipeline project. Enhanced indigenous engagement through the review process led to an $86-million federal investment to establish and co-develop two indigenous advisory and monitoring committees for National Energy Board-regulated pipelines. These committees are now actively working with the National Energy Board as projects move to construction. They're an important example of how co-development can advance shared goals of safety and protection of environmental and indigenous interests for federally regulated projects.

Lastly, my department is changing laws and policies to entrench a new way of doing business, both for government and for the private sector that has an interest in developing Canada's resources. The active participation of first nations, Inuit, and Métis organizations and communities from across Canada was key to our efforts to modernize the National Energy Board, given concerns around the nature and process of indigenous peoples' participation in the regulation of pipelines under federal jurisdiction.

To note, two of the five members of the NEB modernization expert panel were indigenous. Appointed by Minister Carr, the Minister of Natural Resources, the panel was tasked with conducting a targeted review of the board's structure, role, and mandate. Natural Resources Canada provided a total of $4 million in participant funding to 157 indigenous groups over a two-year period, to provide capacity for those groups to participate in the NEB modernization review.

Our experiences through the interim period, and the lessons learned through the NEB modernization process, were critical to shaping the proposal for a new Canadian energy regulator that was tabled as part of Bill C-69 last month in Parliament. The Canadian energy regulator, CER, will help oversee a strong, safe, and sustainable Canadian energy sector as we transition to a low-carbon economy. The regulator will conduct reviews that are more open, accessible, inclusive, and transparent. This will give communities and indigenous peoples a greater voice in their future.

● (1700)

[*Translation*]

I have provided a brief overview of some of the work my department is undertaking to align with the United Nations Declaration and have focused my remarks on: internal corporate changes and support to whole-of-government priorities; changes in how we partner externally to build meaningful relationships and create space for full and fair access to economic opportunities; the application of lessons and experiences from the last two years to propose new legislation for energy regulation in Canada.

[*English*]

This government set a new path for its relationship with its indigenous peoples in Canada, and our work is not done. We will continue to work closely with other departments on programs, policies, and initiatives that are aligned with the key principles of the declaration. We will also continue to support self-determination and engagement through programming that develops the capacity of indigenous peoples to participate in the natural resources sector and leverage that wealth creation to support their own priorities. We will continue to work closely with indigenous peoples to advance policies, programs, and regulations, including approaches to consider and protect indigenous knowledge in federally regulated energy project reviews; outline expectations for early engagement, planning, and roles for monitoring and oversight; enter into collaboration agreements on project reviews; and ensure we have appropriate indigenous representation on boards and panels.

Thank you for your attention. I look forward to answering any questions you may have.

The Chair: Thank you.

Questioning will start with MP Mike Bossio.

Mr. Mike Bossio: Thank you all so much for being here today. They were great presentations.

The panel members talked a lot about how UNDRIP would serve as an interpretation tool that the courts would use to interpret Canadian law and how the different departments were also using it as a tool to interpret how Canadian laws would be developed moving forward. In looking at that, and now looking at it through the lens of FPIC in the same fashion, it's such a complex issue. You can't interpret it, as has been indicated by the other side, in a black-and-white, simplistic, yes-or-no interpretation. As our colleague who formed this legislation, Bill C-262, had said, the rights of one group do not abrogate the rights of another, so we must take a different approach in looking at FPIC.

I would say that, based on your presentations, it seems like you are taking this type of an approach, and I would like to expand. When you're looking at the development of a project, do you approach it in this similar fashion? If there are disputes that arise, you use dispute resolution mechanisms or finally, ultimately, the courts. Would you care to comment further on that?

Ms. Genevieve Carr: It looks like you're looking right at me.

Mr. Mike Bossio: Sure, you and Dominique as well, if she'd like to comment on the approach that Environment is taking. Please go ahead.

Ms. Genevieve Carr: I'll also lean on my colleague Terry Hubbard, but let me start in terms of the general approach in the context of Natural Resources projects where we do aim to secure free, prior, and informed consent through processes based on mutual respect and dialogue.

This means that we work in partnership with indigenous peoples from the start through early and inclusive engagement so we can get to better project decisions and outcomes. The interim principles, as I mentioned, allowed us to effectively try out new approaches and figure out better ways to engage early and more meaningfully. I think Terry could reflect that the approach that we've learned, both through our consultations on the modernization of the National Energy Board, but also through the approach on interim principles, allowed us to help design legislation that would entrench the principle of FPIC by embedding that partnership with indigenous peoples. The recognition of rights, co-operation, and respect will guide how we will protect our environment and grow our economy.

● (1705)

Mr. Mike Bossio: I think that's pretty good.

Dominique, I would like to maybe have you speak to this as well, but really, through the lens of Bill C-69 and the standpoint of that early engagement process that will happen with indigenous communities, and indigenous communities participating directly and controlling, in some instances, impact assessment.

Ms. Dominique Blanchard: Brent from the Canadian Environmental Assessment Agency is best positioned to answer the question.

Mr. Mike Bossio: Sure, please go ahead.

Mr. Brent Parker: Thanks for the question. You're right, they're in Bill C-69, where the impact assessment act is proposed. There is a new set of provisions, and they are certainly in line with, and in support of, the United Nations Declaration on the Rights of Indigenous Peoples.

The agency has been evolving over time in terms of moving away from just a de minimis standard of duty to consult, and looking at going above and beyond that in terms of engagement with indigenous peoples. The impact assessment act will institutionalize some of those practices. The early planning process that you mentioned is one of those places where there's an obligation on the agency to offer to co-operate with indigenous jurisdictions. There's also a mandated obligation for the agency to consult with indigenous groups, and to collaboratively develop what's called an indigenous engagement plan. That plan would be regulated and co-developed with those groups that are implicated in the process, and would drive the impact assessment process that would take place after that.

Mr. Mike Bossio: Bill C-262 has a focus on ensuring that there's an alignment between UNDRIP and Canadian laws, but comments had been made that we should also be looking at policies and operational practices being a part of that.

The previous panel said they already embed that into their forward-looking policies and operational practices. In your presentation it sounds as if you had emphasized that specifically.

Is that really now the basis of everything that you do, that this is how we ensure that a whole-of-government approach is actually taken to ensuring that we're aligning with UNDRIP?

Ms. Dominique Blanchard: We are moving in that direction. As was noted, it extends to the way we operate as a department in our planning, as we look at the regulations we would like to implement. This process is going to evolve over time.

Mr. Mike Bossio: I know you had commented on that. Would you like to comment on that previous...?

Mr. Robert Lamirande: Policies and operational practices give effect to the relationship, and the roles and responsibilities around fisheries and oceans management decision-making processes.

We are conducting an analysis within all sectors of the department in existing relationships and how they can be strengthened within each of those areas, including small craft harbours and science enforcement.

We're looking at it from the top down, guided by proposed changes to the legislation, but also from the bottom up. We have a number of established relationships, where we support indigenous involvement in fisheries and oceans management activities. There's always more to do, and there are always opportunities to strengthen what we do.

Mr. Mike Bossio: A quick question from Will. Please go ahead, Will.

Mr. William Amos: Has NRCan's arctic offshore licensing process changed, or will it be changing as a result of the new direction the government is taking?

Ms. Genevieve Carr: I'll defer to my colleague on that one.

The Chair: Yes or no, please.

Mr. Terence Hubbard (Director General, Petroleum Resources Branch, Energy Sector, Department of Natural Resources): Yes, changes are being contemplated to the—

The Chair: Questioning is moving on to a question shared between Kevin Waugh and Arnold Viersen, starting with Arnold.

● (1710)

Mr. Arnold Viersen (Peace River—Westlock, CPC): Thank you, Madam Chair.

Before I ask any questions, I want to note for my honourable colleague Mr. Bossio that in my world, consent, no means no. That's what we're trying to get at today.

I have a question for the Natural Resources witnesses we have here today. The minister has said that attaining free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them....

How does your department define “may affect them”?

Mr. Terence Hubbard: It's embedded in the framework that we're proposing through Bill C-69 to ensure that impacts on aboriginal rights are considered part of the review process and part of any decisions taken by the government.

Mr. Arnold Viersen: You'd say that general application changes to the law have to go through free, prior and informed consent. Has Bill C-69 passed those hurdles? Would you say that there's free, prior and informed consent on Bill C-69?

Mr. Terence Hubbard: I would say that throughout the development of proposals included in Bill C-69, we have been striving towards implementing all of the principles of UNDRIP and it reflected in some of the engagement and consultation processes that we embarked on as part of that process.

Mr. Arnold Viersen: Bill C-262 has not passed into law yet. We are on the way there. It looks as if the government is going to support it, I assume without amendment.

When it does pass, say a year from now, what changes will come for your department? Are you planning that difference? How is your department going to function differently after this particular bill passes into law?

Ms. Genevieve Carr: The department is committed to implementing the principles of the UN declaration. We will continue to do that. As I noted in my remarks, we have work to do to continue to implement those principles and it will continue. We will do it through legislation such as Bill C-69, and we feel we've advanced and started to implement some of the principles there. We will continue to do it through the development of our policies and programs as we go forward.

Mr. Arnold Viersen: One of the things we've been dealing with in this country is to get our products to market, particularly via northern gateway. I think there were 31 first nations that signed on to it and three that didn't.

How are we going to navigate those hurdles? Has your department done any work on that?

Mr. Terence Hubbard: Genevieve mentioned earlier in her remarks a number of different areas where we're moving in that regard. First off, in terms of the review of projects currently under way, the government in January 2016 announced its interim principles on how it would approach reviews and decision-making processes, including enhanced engagements and consultations with indigenous communities as part of that process.

Through the proposed Bill C-69, there are a number of steps we are proposing to take to further implement these commitments, including incorporating indigenous participation right in the government's mechanisms of the new regulator, in the oversight, the strategic oversight board, as well as in the roster of commissioners who would hear projects.

Mr. Arnold Viersen: Basically, it's no means no, sometimes.

Mr. Terence Hubbard: It's part of the commitments. I think the government has been pretty clear in its desire and aim to seek consent as part of these decision-making processes.

Mr. Arnold Viersen: Thank you.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): I'm going to go over to fisheries, to Mr. Lamirande along with Mr. Sanderson.

Does the DFO negotiate mandates for fish?

Mr. Robert Lamirande: Pardon?

Mr. Kevin Waugh: Have you negotiated mandates for fish under this?

Mr. Robert Lamirande: Yes. There are currently 25 treaty comprehensive claims agreements that have fisheries provisions in them, which provide for fisheries access, for subsistence, food, social, or ceremonial purposes, establish joint technical fisheries committees, and such.

Mr. Kevin Waugh: Okay.

Mr. Robert Lamirande: We are also actively negotiating in partnership with our colleagues at indigenous relations.

● (1715)

Mr. Kevin Waugh: How are these impacted by UNDRIP, or will they be?

Mr. Robert Lamirande: I think they will be informed by UNDRIP, obviously. I think what we're looking at is really a bottom-up approach in terms of respecting what groups are seeking in terms of involvement in fisheries, oceans, or marine safety, to give effect to the relationship through agreements that help codify and put in place rules and responsibilities through joint decision-making or shared decision-making governance structures—

Mr. Kevin Waugh: How about the treaty—

Mr. Robert Lamirande: —along with the capacity and the support—

Mr. Kevin Waugh: Okay.

Mr. Robert Lamirande: —that's needed to participate in those processes.

Mr. Kevin Waugh: How will the treaty negotiations be impacted by this bill?

Mr. Robert Lamirande: I think it will inform our negotiations in terms of going forward. We'll be seeking to put in place decision-making processes that address the rights and interests of indigenous groups and that support their involvement in processes.

Mr. Kevin Waugh: The Fisheries Act contains provisions for indigenous Canadians to harvest fish for social or even ceremonial purposes—

Mr. Robert Lamirande: Yes.

Mr. Kevin Waugh: —or for purposes set out in a land claim agreement. An important component of managing a particular fishery requires a sound understanding of the fishery size or biomass and how much the biomass is being harvested year to year.

How does your department acquire and assess the data?

Mr. Robert Lamirande: It's a science-based department. With scientific research in terms of stock assessment work on the levels of abundance, consistent with the protections provided under section 35 of the Constitution, the department gives priority to food and social ceremonial fisheries, whether through treaty or general operational practices. As well, the supporting commercial fisheries access through those processes....

Mr. Kevin Waugh: I'm going to go to Environment. I have 30 seconds and a little bit left and just one question.

The Chair: You have 10 seconds.

Mr. Kevin Waugh: Bill C-69 builds engagement, co-operation, and collaboration with indigenous groups, but there must be consent in order to proceed with major projects.

Is that right or wrong that there must be consent?

Mr. Brent Parker: Like my colleague flagged earlier, the aim is to secure that free, prior, and informed consent. There are a number of measures introduced through the impact assessment act that build a process through which we could mutually agree to a process and aim to achieve that.

Mr. Kevin Waugh: I'm sorry that we didn't have more time.

Thanks.

The Chair: We'll move to questioner Romeo Saganash.

Mr. Romeo Saganash: Thanks to the witnesses.

I think a lot of the purposes and objectives of Bill C-262 have a potential of impacting all of your departments, and I'm glad to have you here today.

One of the simple questions I would start with is that I wonder if any of your departments have sought or obtained a legal opinion on Bill C-262 and how it would impact your work.

The Chair: Do you want to direct your question?

Mr. Romeo Saganash: I'm asking all three of them, because this bill has an impact on natural resources, on fisheries and oceans, and on the environment. I imagine that all three departments have asked for a legal opinion on the impacts of Bill C-262.

Ms. Dominique Blanchard: At Environment Canada, we work closely with our colleagues at Justice who are part of the department, on a case-by-case basis. As a new regulation or a new piece of legislation is contemplated, we seek advice from them on that case-by-case basis.

Mr. Romeo Saganash: You got advice?

Ms. Dominique Blanchard: We get advice from them on a case-by-case basis.

Mr. Romeo Saganash: Did you get it for Bill C-262?

Ms. Dominique Blanchard: I can't speak to that.

Mr. Romeo Saganash: Can anybody speak to it?

Ms. Genevieve Carr: I hate to do this, but this is where I would play the new kid on the block. I regret that I'm not able to tell you, but I can check back and confirm whether we have had advice.

Mr. Romeo Saganash: Please do so.

Fisheries?

Mr. Robert Lamirande: Yes, similarly to my colleague, Dominique, we work very closely with our legal counsel in terms of supporting the relationships we have with indigenous groups.

● (1720)

Mr. Romeo Saganash: I asked the question, because the government now accepts the 94 calls to action from the Truth and Reconciliation Commission. One of the calls to action is to make sure that indigenous people get the legal opinions that governments ask for when it comes to their rights and interests. That's the reason I asked that.

I want to go a bit to free, prior, and informed consent. I think this is an important discussion with respect to Bill C-262, but also to UNDRIP.

Genevieve, I think you mentioned how you're trying to work together with indigenous people in order to get, as you said, a better outcome for different projects. Engaging with them early is also a principle that you expressed.

Is your department or are other departments aware of the human rights committee? Under the human rights committee, there's an expert mechanism on the rights of indigenous people. It did a study in 2011 or 2012 on exactly that question of free, prior, and informed consent.

Have you taken the time to read the study?

Ms. Genevieve Carr: I regret that I have not seen the study.

I would like to see it though.

Mr. Romeo Saganash: If one is to understand what free, prior, and informed consent means in the context of indigenous peoples in this country, one needs to read that report. Our justice system is independent and impartial. It can make reference to any source, including Pam Palmater. If, for Pam, consent means no, then the court can quote her on that. They're free to do that. That's how our legal system works.

I would also like to know what has changed since the election of this new government in terms of our relations with indigenous peoples and their rights and interests. I appreciate Dominique adding the concept of interests in that discussion, because it's not only rights—it includes the interests of indigenous peoples. How soon did the shift in your different departments come, once this government was elected?

Ms. Dominique Blanchard: As everyone here well knows, it was embedded in all of our ministers' mandate letters, which of course informs the direction they provide to departments. The government has been clear and provided subsequent guidance in the form of the principles and Prime Minister's statements, so I think it is fair to say that guidance has definitely informed the work we have been doing.

Many of the examples I gave didn't start with any particular government. They have been ongoing for some period, but as I said, the direction that has been given—starting with the mandate letters and the emphasis that the Prime Minister made in those letters of the need to reinforce the relationship—has guided or prompted us to deepen that work.

Mr. Robert Lamirande: With former Minister Tootoo initially, followed by Minister Leblanc, reconciliation became very much a top priority for the ministers and for the department. I mentioned the program renewal initiative that we had. It represents a significant investment in supporting the economic sustainability of indigenous communities. Those programs put emphasis not just on the act of fishing but also on business development and practices and expertise. Really it's about creating—

Mr. Romeo Saganash: In that case, tell me why it took two years to finally make a proposal to the Nuu-chah-nulth, who've had a positive judicial outcome in their fishing rights case. Why did it take two years to finally make a proposal to them? It's a case in point.

● (1725)

Mr. Robert Lamirande: We've been working closely with the Nuu-chah-nulth, the five nations, since 2009 when the decision came down. There have been active negotiations involving both CIRNA and ourselves. We've provided them with significant additional commercial fisheries access. We're working closely to implement their right to preferred means of fishing, and that process is ongoing and enormously complex.

The Chair: That concludes your time. I'm sorry.

We're going to wrap up our question session with MP Badawey. You have about five minutes.

Mr. Vance Badawey (Niagara Centre, Lib.): Thank you, Madam Chair.

I want to get right to it because with my past experience in the committees I sit on and caucuses, I'm very happy about this whole process. Not only with UNDRIP and setting the culture and setting the principles as the PM has done in the past year or so, if not longer, but also with Mr. Saganash with the direction he's taken with his private member's bill C-262. I want to congratulate him for that because it does accelerate the process, as was mentioned earlier.

Having said that, now it's time to accelerate the process, to look at education, which I think is first and foremost. When I say education, I don't mean education of the indigenous community, I mean educating us, government and the general public: understanding, establishing, pursuing, and then of course recognizing the outcomes.

The second part of that is putting strategies, the blueprint, in place. How we're going to operate, move forward nation-to-nation, and with that, establishing that strategy, the objectives, the action plans attached to those objectives and then of course most importantly, executing those action plans.

Third, as you mentioned earlier, is the alignment based on that culture.

We have the Department of Fisheries, the Department of Transport, the Department of Natural Resources, the Department of Justice. Who is going to facilitate the strategy and therefore establish the outcomes, attach the action plans, and then execute them? We know at the upper levels of government—federal, provincial and territorial—that sometimes things go awry because there's no intergovernmental facilitation.

This is the most important part, establishing that success, and of course the ultimate outcomes. Who is going to facilitate it? The next step is the blueprint, the strategy. Who is going to be the steward? Therefore having this become a reality versus just a culture.

That question is to all of you. Good luck.

Mr. Robert Lamirande: You raise a good point in emphasizing the need for coordination and working together so we're not tripping over ourselves in trying to advance the relationship through exercises we have been going through, broader oceans management initiatives, and marine protected areas that involve Transport Canada and other departments as well.

Yes, it's obviously very important to coordinate but each department, with its own mandate to develop that relationship to meet the rights and interests and objectives of indigenous groups, is the foundation of the relationship. Yes, we need to be cognizant of the relationships among our colleagues and to make sure that we're all working together at the same time but also respect the bilateral working relationship that we will have with indigenous groups.

Mr. Brent Parker: I'll add to that.

I have a different perspective on Bill C-69. As you heard from the first panel that was here, Department of Justice and CIRNA are leading the overarching approach with the principles guiding the governments writ large, but the way in which that has tangibly played out in a very real initiative is with the introduction of Bill C-68 and also Bill C-69.

A number of different acts were all introduced as a comprehensive package. We worked on it very closely with NRCan, DFO, and Transport. There was horizontal coordination, a team, a lot of the elements that you highlighted in trying to ensure there's both an action plan that put it onto the table but that also is supporting it in the strategy going forward. There's enabling legislation but implementation and policy support will follow in a coordinated manner.

● (1730)

Mr. Vance Badawey: Obviously this is a lens that each department is going to have moving forward. To the entire committee and all five sides of the House, this is not political. This is the new norm. If we don't get our act together as a House this is not going to happen.

It's incumbent upon us, all 338 members working with our respective ministries, to make this happen. Otherwise we're going to be talking about this for the next 10 years. Once again, Romeo, you did a great job. Kudos to you. Now it's just a matter of getting it done.

Thank you, Madam Chair.

The Chair: That concludes our session for today. Thank you very much for coming out.

The meeting is adjourned.