



House of Commons
CANADA

Standing Committee on Aboriginal Affairs and Northern Development

AANO • NUMBER 055 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, May 31, 2007

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Chair

Mr. Colin Mayes

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•(1110)

[English]

The Chair (Mr. Colin Mayes (Okanagan—Shuswap, CPC)): Welcome to this meeting of the Standing Committee on Aboriginal Affairs and Northern Development for Thursday, May 31, 2007.

Committee members, we are continuing with our study of Bill C-44, an Act to amend the Canadian Human Rights Act.

Today as witnesses we have Chief Rose Laboucan from the Driftpile First Nation; Chief Marie-Anne Day Walker-Pelletier from the Federation of Saskatchewan Indian Nations; and Erica Beaudin, the executive director of the Saskatchewan First Nations Women's Commission Secretariat.

Welcome to our witnesses.

We're going to provide time for our witnesses to make presentations, and then we will move into questions. I'd like to start with Chief Rose Laboucan.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): A point of order, Mr. Chairman.

[English]

The Chair: Mr. Lemay.

[Translation]

Mr. Marc Lemay: I have a point of order, Mr. Chairman. I will wait until the witnesses and yourself get the translation. I know that one of the witnesses does not have it yet. It is a very important issue, Mr. Chairman.

Briefly, Mr. Chairman, I want to complain in the strongest terms possible about what the government has just attempted.

An hon. member: A point of order, Mr. Chairman.

Mr. Marc Lemay: I want to remind my colleague that I am already speaking on a point of order.

Mr. Chairman, I want to complain about the fact that, this morning, the government tabled a motion in the House to put an end to the work of this committee.

[English]

The Chair: That was determined by the Speaker of the House to be out of order. We are not entertaining the motion that was put forward in the House this morning.

We'll move on to the presentations of the witnesses.

[Translation]

Mr. Marc Lemay: If you want war, you will get it.

[English]

The Chair: Please be courteous to our witnesses.

You can begin. Thank you.

Chief Rose Laboucan (Driftpile First Nation): Good morning to everyone. I thank you for the opportunity I almost didn't have, but in saying that, I don't feel I should have any more drama than my plane ride and the responsibility and accountability to be here to speak on behalf of first nation women and children in my community, and that's the reason why I'm here.

I want to say that when I initially took this opportunity to speak, I didn't want anything in writing, because I think from my oral history I'm able to voice my concerns without having to write them down. So I didn't pass out any documentation.

The one thing that I saw in this process, the first flaw I saw, was that no genuine consultation occurred. In 1977 there was a promise broken, because the federal government said they would engage prior to the application of the Canadian Human Rights Act regarding any changes that were to be made. That was not my promise; it was the promise that was made.

So even from that point of view, I don't know how I'm going to be able to say that my human rights and my benefit are being reassured by the changes that are going to occur on section 67.

As the leader of a small community in northern Alberta where the collective rights when it comes to the land base supersede the human rights, I have no other option but to protect that small piece of land that has been designated to me as a reservation. And knowing that and knowing that the collective and individual rights issue is going to be an even bigger burden to us than you will ever know, I can't begin to say how the matrimonial real property rights issues and the other issues stemming from the land management act.... All of these are connected to the repeal of this bill, and I want to be consulted. I want to know what the future outcomes are going to be in this process. I want to know how to address those prior to that.

When Bill C-31 was imposed, no one looked at the future and the impact of that bill. In this case, I definitely want to be reassured that any financial burdens are not on me, because when you look at individual human rights and issues that will come forth, you can see there will be a financial burden to that. There's no way anywhere in my budget that I can accommodate that.

Do not get me wrong. I am for the women. I am for the children and the protection of the children. I'm a mother, I'm a grandmother, so no one can deny me that opportunity and say that this is not about those rights. It definitely is.

As for the principle of Bill C-44, the repeal of section 67 I don't have a problem with, but let's talk about the process and what has to occur prior to that, instead of ramming something down my throat again. I say that as a first nations person who has had to live under the Indian Act all my life.

I just want to say that there are other things I would like—definitely the transition period. There are other accommodations that could be made to this bill before it's passed in the House, but number one and foremost, without consulting me you have already violated my human rights as an individual. You can't have both, You can't have your cake and eat it too, and say collective rights are only this part of me, and individual rights are only this part of me. No. It's either that they encompass me as a whole individual or not. And don't strategize so that I'm isolated on one part of my human rights and not the other.

I know it's a really big issue, so when we look at it and we look at the land base and we look at the collectivity of our way of life, I need more time. I need to talk about this more openly and discuss all the alternatives and strategies that I could bring forth in this process.

•(1115)

It is from that perspective that I chose to come to speak to you today. Hopefully when there's a question and answer period, we'll get into more detail about it.

That's where I'm coming from. I just want the opportunity to have these discussions and move forward.

Thank you.

The Chair: Thank you very much.

We'll move on now to Chief Marie-Anne Day Walker-Pelletier.

Chief Marie-Anne Day Walker-Pelletier (Okanese First Nation, Federation of Saskatchewan Indian Nations): Good morning, and thanks for the opportunity to be here today. I have Erica with me, who will discuss the consultation process, but I'll deal with the other issues.

I'm Chief Day Walker-Pelletier from the Okanese First Nation in Saskatchewan Treaty Four area. I have been chief of my first nation for 26 consecutive years. During my tenure I have witnessed many changes and many challenges within our first nations community—within my own community and within other communities that I'm from and that I represent.

I'm here to discuss my perspective on Bill C-44 and the repeal of section 67. I also bring common themes from my colleague Chief Sarah Gopher from Sauteaux First Nation, who was unable to be with us here today because of pressing commitments in her community.

I first want to state that I support the ideology of the application of the Canadian Human Rights Act on first nations land. I believe and, further, act every day to support our first nations processes that carry out just decisions for everyone.

In fact, there is potential for me as a leader to have greater access to funding from the federal government. This act may enable me to provide opportunity for my members in a way that I cannot do right now with the resources that are available. In the event that the Canadian Human Rights Act becomes applicable, additional resources for drinkable water, more housing, sustainable schools, and health centres now seem a possibility.

Further, as a leader I'll be in a better position to lobby the government to fulfill their obligation to us as first nations, because they will have to follow their own laws.

I have several concerns about Bill C-44 as it is presented and communicated.

First, I feel that the government is using a negative perception of first nation women living on reserve. I hear their lives have few rights and, further, little opportunity. As a woman who has grown up and lived on reserve all my life, other than leaving for schooling, I know this is not the case. We have issues that do affect women differently; however, these are part of the greater social considerations on the reserve. As a woman chief, I am more concerned about the vulnerability of all my members and believe that every situation is unique and must be considered differently.

Further, I feel that Bill C-44 is a premature bill to go before the House for further approval. If the intent is to bring federally legislated fairness and equality to our first nations and our members, then the government must ensure proper diligence be given to a first nation process for community input and guidance, and additionally, that once first nations have spoken, the government will respect that voice and enact their own recommendations, protecting our inherent and treaty rights.

In Saskatchewan, apart from our inherent rights as first nations people, we also have six other treaty areas and the rights that were negotiated with them. In fact, it is our belief that our inherent rights and the rights of the land treaties and the promises the Crown made to our ancestors must be paramount. We as chiefs hold the responsibility of keeping these promises alive in our present-day lives.

We believe that any legislation that will impact our collective inherent and treaty rights must go through a thorough review and recommendation process with our elders. This must happen before we as leadership even entertain endorsement or rejection. It is with their teachings and memory and guidance that they will provide an understanding and world view that must be considered.

Further, we believe that the government must give serious consideration to and take action to support our governance processes in trying to accommodate new mainstream legislation, especially if it is not first nation contrived. This is one of our inherent rights.

•(1120)

Finally, any legislation that is meant to protect individual rights of first nations must include language that will protect our collective rights. This is our unique status that we, as first nations, hold in this country. This language right must include provisions to guide and support the adjudicators who are entrusted with the interpretation of the Canadian Human Rights Act for first nations and their communities.

As for consultation with first nations, we have several issues to reference that demonstrate the negative impacts on first nation people when legislation is passed that does not have first nation approval for process, analysis, and implementation. We only have to mention Bill C-31 to see the lasting impacts on communities and how communities are still torn apart by that legislation.

As the chief of my individual community, which is part of the File Hills Qu'Appelle Tribal Council and the Federation of Saskatchewan Indian Nations, I know that the consultation process from the community level to the provincial level has been next to nil. In fact, when I mentioned to my community members that I was going to Ottawa to sit before this committee, not one of my members had even heard about Bill C-44. However, 20 years later, if you ask my members about Bill C-31, they still have much to say about its many effects—mostly negative—on our community. It is the general consensus that Bill C-31 created more inequalities than any measure of equality for our first nations women and children, despite it being purported to eradicate these inequalities.

Apart from the promise of the government in 1997 to exempt the Canadian Human Rights Act from being applicable to the Indian Act, without full consultation with first nations, my fear as a chief is that if a proper public education and communication process is not done, the impact will create a misinformed membership that will be further confused about their rights as well as their responsibilities.

Currently, the transition period that is referenced in Bill C-44 is six months. If a conscious, cautious, and respectful process is to be carried out, including elders, women, and the disabled in the community, then the six-month process is not realistic. I would suggest that the transition period be extended by at least 30 months. It would also be prudent to say that the consultation process should be adequately funded to ensure a comprehensive community voice.

On the process of consultation, I will turn it over to Erica to describe the process to you.

• (1125)

The Chair: Thank you, Chief Pelletier.

Madam Beaudin.

Ms. Erica Beaudin (Executive Director, Saskatchewan First Nations Women's Commission Secretariat, Federation of Saskatchewan Indian Nations): Thank you very much.

The consultation process that has been discussed in Saskatchewan is that before Bill C-44 goes any further in the legislative process, a fair and considerate consultation process that builds on a respectful nationhood must occur.

We believe the topics that follow must be thoroughly considered when analyzing implementation.

First of all, there is the role of culture, language, and traditions. When undertaking a comprehensive consultation with first nations, the government must understand that our cultures, spoken languages, and traditions, including our oral history, must be an essential component.

What is an understanding on a topic in one language is very much different in another. Also, our oral history may have an ability to

approach the subject and define human rights in a way that may not be considered in foreign world views and languages, such as our two languages of French and English.

In terms of an operational analysis, in order for first nations to meet, at the very least, the minimum standards that will be required in first nations communities once the CHRA applies, what we're looking at is an operational analysis that considers that financial, capacity-building, and human resources are needed. In this process it's important that first nations and the federal government work together to provide a joint analysis that is agreed upon and that both are committed to fulfilling.

In order to look at the financial resources and capacity-building, the operational analysis needs to provide a foundation for further financial resources to build capacity in first nations. If first nations and the federal government work together, they'll have a greater chance of meeting the requirements of the Canadian Human Rights Act.

In terms of the first nations institutions, historically we as first nations have had mechanisms in place to adjudicate when a person or party has felt aggrieved. The application of the CHRA on first nations is an opportunity to strengthen and support our justice institutions and the processes and decisions they make that are relevant and meaningful to their community members.

In terms of document language and definitions, currently Bill C-44 narrowly defines aboriginal authority. It would be wise to have the language and the definitions in Bill C-44 discussed at length at the community level to ensure relevancy, understanding, and clarity. It's common sense that if people understand the language and the meaning of the language, they will understand and support its importance.

• (1130)

Chief Marie-Anne Day Walker-Pelletier: As first stated, I believe the application of the Canadian Human Rights Act to first nations could be a positive change. As a leader, my hands have been tied financially many times in terms of assisting my members on reserve to reach a standard of living that is enjoyed by other Canadians.

This bill, if carried out in a process that is respectful of and meaningful for first nations, could lessen that gap. If it includes the wisdom of our elders and the contemporary knowledge of our youth, and considers the special circumstances of our people living with disabilities, the process has enormous opportunity for positive change. It is critical to have an act that respects our unique status and protects our collective rights as first nations people while allowing us, as first nations leaders, the opportunity to satisfy and meet the needs of our individual members.

I thank you for this opportunity to speak today. I would be happy to answer any questions that come forward.

Thank you.

The Chair: Thank you to the witnesses for their presentations.

We'll move into the seven-minute rounds.

Madam Neville will begin.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Thank you, Mr. Chair.

Let me thank the three of you for coming today. You raise a number of issues, some of which have been raised before and some of which, I think, were stated for the first time today.

I'm going to share my time with my colleague Mr. Merasty, but I do want to get something on the record and ask your thoughts on it.

You have all spoken about the importance of the consultation process. You've all spoken about the importance of doing this in a fair, respectful, and consultative manner.

Chief Laboucan, you spoke about being tired of—if I wrote it down correctly—having things rammed down your throat over and over again. Are you aware that there was an effort to abort this committee and not even allow us—

Mr. Rod Bruinooge (Winnipeg South, CPC): Mr. Chair, I have a point of order. We should stay on it until we're done.

The Chair: We will restrict our discussions to Bill C-44.

Mr. Rod Bruinooge: Mr. Chair, could I just respond?

Hon. Anita Neville: Mr. Chair, I challenge the ruling of the chair, because I think this is relevant to the consultative process.

Mr. Rod Bruinooge: We wanted to sit non-stop. Why would that be ramming it down? We wanted to sit until we're done.

The Chair: Okay, Mr. Bruinooge—

Mr. Rod Bruinooge: That's not aborting. That's extending in perpetuity.

Hon. Anita Neville: That's your interpretation.

Mr. Rod Bruinooge: It's not aborting at all.

The Chair: Rather than get into debate in front of the witnesses, I would prefer that you ask another question. If you're not—

Hon. Anita Neville: Then I would ask you to comment on the importance, again, of the consultative process and whether you think it would be in the best interests of your communities for us to sit here all summer.

Mr. Brian Storseth (Westlock—St. Paul, CPC): How does it affect the communities if we work all summer?

The Chair: Direct the question to the witnesses, please.

Hon. Anita Neville: The communities want to be heard.

How do you view the consultative process and the processes of this committee in dealing with and hearing from communities?

Chief Rose Laboucan: I'd like to respond to that.

When this bill was brought to my attention some time ago, after reviewing the documentation on it I felt that my human rights should not be an imposition but a process that would respect me as a person. That hasn't happened. Isn't that the whole philosophy of the Human Rights Act?

By the time I get to this table for face-to-face communication or consultation, whatever we want to deem it, my choices have already been diminished. My decision-making powers are very limited

already by the time I get to this table. So even in that, my human rights have been violated in this process.

As a first nation leader, I feel very violated, because I feel as if I'm helping work in that broader context of the phenomena of modernization, colonialism, and genocide, coming here as a so-called witness in a process in which I should have been involved in discussion, with the changes that needed to be made, and with the bureaucracy and the manipulation through processes that have occurred within time. I'm speaking as a human being who has to live in the context of being violated all my life.

It's sad that something as critical and as important as a human rights act, which has enabled many citizens to voice their concerns, was not available to me as an Indian living on a reservation. Then all of a sudden, this wonderful thing was going to happen for the women and children. "I'm doing this for the women and children." Well, I'm sorry; that's not what's happening.

The manipulation that's still going on and the non-truth that's not coming out onto the table is what needs to be communicated with me. That's what I want to know. What is the real purpose of this repeal of section 67? What is it? What are we accommodating here? Nobody's going to tell me that it's just done out of the blue for the benefit of me as a woman and of my children.

I want the honesty put on the table. That is how I was raised to deal with stuff, to be honest and open. As a leader, I have no choice but to put those same things on the table, because that's how I was taught.

I was very discouraged and disappointed that one minute I'm here, and one minute I'm not here. Either we're going to do this or we're not going to do it. That's pretty sad. I just hope that one day in this country we're going to be able to talk to one another as human beings. That would be a real human right, in my opinion.

Thank you.

• (1135)

The Chair: Mr. Merasty, you have a couple of minutes.

Mr. Gary Merasty (Desnethé—Missinippi—Churchill River, Lib.): I want to pick up on your comment on openness and honesty.

Having come from this community and having been a chief myself and seen the struggles of our community people—women, children, everybody—the openness and the reality is that the government policies, Indian Affairs policies in particular, force human rights violations to occur on the reserves every day, period.

Then we have a government trying to deflect the blame or, maybe even worse yet, assign that blame to the first nations communities. When you peel it back, is it the fault of a mother who under Bill C-31 falls within subsection 6(2) and has a child and does not disclose who the father is, and the child is no longer status? Is that the fault of the band? No, it's government policy.

A disabled child can't get any services, unless they perhaps get apprehended by the state. What is happening to address those issues today by this government?

To me, when you peel it back, if the media were to understand where these violations start, if Canadians were to understand where these violations start, then we would have much more fruitful dialogue, because then Canadians would tell us to consult extensively. They would say we should reconcile these rights, which are real, because 30 years of Supreme Court and Federal Court cases have established them as being real. They would say we should reconcile them in a modern context.

They'd say we should analyze consequential impacts on the Indian Act, because the Indian Act is a racist document. We want to get rid of it, but I don't think the trust is there for this government to actually replace it with something adequate. That's what I hear from the communities.

Then they would say we should design something that's fair, reasonable, with the proper consultation and accommodations made. But I guess instead we have this government exaggerating the sins of first nations administration on this issue.

I guess I ask whether that's a fair assessment, because that's what I've heard from witnesses over the last little while.

• (1140)

The Chair: Unfortunately, Mr. Merasty wanted to make a statement rather than ask a question. We have to move on. The rule is seven minutes for questions and answers, and as the chair, I have to do my job.

So I'm going to move on to the Bloc and Mr. Lemay.

[*Translation*]

Mr. Marc Lemay: I am honoured to welcome you before this committee, Chiefs.

I have to tell you that I got involved in politics only three years ago. Previously, I was a criminal lawyer and my clientele, in the region where I live, Abitibi-Témiscamingue, was mainly people from aboriginal communities. Therefore, I am well aware of their circumstances. I live 550 km north of here. I know what the situation is in my region and I suppose it is unfortunately the same in many of your communities.

Even though this may be very hard for me, I would like to avoid blaming the present government. I will try to restrain myself. I would also prefer not to blame the previous government. The members opposite will tell you that the Liberals were in power for 13 years and did not do anything. I think it would be better to stay calm even though I have to admit that it is a very hard for me after what happened this morning.

First of all, I would like to know if you all agree that section 67 of the Indian Act should be repealed. I suppose you will say yes. At the last meeting of the Assembly of First Nations of Canada, several chiefs told us that they needed to be consulted, and we got the same message from the Chiefs in Quebec. There is however a problem and I would like to know what your position is. The present government as well as the people at Indian Affairs are saying that there has already been too much consultation. As far as they are concerned, this matter has been talked about during 30 years. I'm sure that this is what the Parliamentary Secretary will tell you later on.

Of course, we will do everything in our power to have this bill amended. If its implementation takes 36 months, I will have no problem with that. As far as you are concerned, however, what would be proper consultations? That seems to be the crux of the matter. At least, that has been my feeling during these past few weeks. You can use of the rest of my time for your answer.

[*English*]

Chief Rose Laboucan: You said you're a lawyer, and so I have to be careful on how I respond and define "consultation".

Mr. Marc Lemay: Don't worry about it.

• (1145)

Mr. Gary Merasty: He didn't say he was a good lawyer.

Some hon. members: Oh, oh!

Mr. Marc Lemay: I said I'm a criminal lawyer.

Chief Rose Laboucan: Well, this has been a criminal process.

Consultation is taking too long for too many, and it's really sad because the Supreme Court of Canada has set out that there is a duty to consult. Those are not my decisions. That is a Supreme Court decision.

My views on consultation mean that I have to know the facts, I have to know what changes are going to occur, and I have to know what impact it's going to have. There's been 30 years of this, and we had to take it upon ourselves to study it, to know what's going to happen, and think of the outcomes. Where has the consultation occurred and with whom?

You know, 30 years is not a hell of a long time when we've been going through this for 100 and some years of lack of consultation in any process that was very real and impacting our community. Taking me on a plane ride, or in the olden days giving a bottle of whiskey to someone—that's not consultation. We know that's a violation and a criminal offence, if we look at it and go back and study it. A lot of times that's what consultation was to many people. It was coming in, handing out a few trinkets, and going off again. That was consultation.

That's not what consultation is. I want to sit with you. I want to discuss the problem. I want to come up with strategies, solutions, and outcomes that could make the difference and make that change. It's long overdue. And knowing that there are other lawyers in the room, I have to be careful how I answer this.

Chief Marie-Anne Day Walker-Pelletier: I want to respond and say that I think the government has their own process of consultation and their understanding. I make reference to what I provided on language and its understanding. That's where we come from. As treaty first nations people, we come from a uniqueness of having treaties and that understanding. We come from a different understanding, and that needs to be respected. When we talk about consultation, it's from the perspective of our elders, of our people who guide us. That's consultation—going back to the community.

The government has its own definition that, again, does not jive with how we believe consultation should be. I think that's where we need to connect and come to understand each other. What is it that you need and what is it that we want? We're not there yet.

It's driven again by government policy, and it will never work because our communities think more about collective thinking than individual thinking. Government is trying to make us think individually, and I think that's where we're going wrong right now. You're saying one person, but not looking at it from a community or treaty rights position, from an inherent rights position. I think there is a big difference.

Thank you.

The Chair: Madam Crowder.

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

I want to thank our witnesses for taking the journey to come and appear before the committee. I know that asks a lot of people, when you have to leave your communities and come to this place.

Both Chief Day Walker-Pelletier and Chief Laboucan have touched on the heart of the matter before us, in that we have fundamental differences between what we see as an appropriate way to move forward on something that affects people's lives at their community level.

I'm going to read a brief paragraph from page 150 of Thomas Berger's book, *A Long and Terrible Shadow: White Values, and Native Rights in the Americas Since 1492*. This is with regards to the Nisga'a claim. I'm from British Columbia, and he's talking about some of the challenges. He wrote:

Chief Justice Davey's inability to comprehend the true nature of Native culture and Native claims is widely shared. It results in an attitude toward Native people that exasperates them when it does not infuriate them. This attitude is sometimes manifested in an attempt to preserve Native culture and sometimes in an attempt to eradicate it, but it is always manifested in a patronizing way. It assumes that Native culture cannot be viable in a contemporary context. This is the crux of the matter. Native peoples insist that their culture is still a vital force in their own lives, that it informs their own view of themselves, of the world about them, and of the dominant society.

For me, that paragraph talks about the fact that if governments of all political stripes truly recognized that native peoples have a vital, vibrant culture that has entrenched human rights and that expects to be dealt with on a nation-to-nation basis on matters that are going to affect you in your own community, we would be having a different discussion.

Could you please comment on that?

• (1150)

Chief Rose Laboucan: I definitely think we would be having a different discussion, because the sad thing about this process is that many of you know the traumas—not the dramas, but the traumas—that my people have gone through. One was the residential school era. That wrecked our homes, our families, our views. Now my job as a leader is to try to mend that. Then there was the colonization process, and now my job is to try to fix that and decolonize my people.

It's really an oxymoron that I should be in front of a standing committee on the Human Rights Act. It's really sad that this country has allowed me, as a witness, to come here now and try to justify my voice. I don't know how to put it any other way, because even now, in the general populace, there are views are out there and the mentality out there that I'm the drunken Indian, that I'm the tax

burden to this country, that I'm the uneducated human being in this country. The list goes on. That is so wrong.

Who has that right? Who has that right to judge me? And I'm speaking in the context of my people here. Tell me who has that right to say, "Well, you can't think for yourself. We need the Indian Act." And the civil servant industry that we've created off the backs and hunger of my people, is that not a violation of a human right?

The culture, the language, the beautiful, magnificent teaching that we have, none of you is probably familiar with them, except a couple who I see in the room, maybe four or five. I am very cognizant of the environment I'm always in, and it hurts like hell to be a leader in today's world. It saddens me that at the time the treaty was signed—and I'm a direct descendant of Treaty 8—and the lies that have surrounded it and the philosophies that have been implemented and policies that have been made to allow the continuance of the discrimination against first nations people in this country...it does not even begin to touch how I really truly can share with you, as another human being. And the teachings that I have for my culture, you may never have an opportunity to witness or be part of, because this country doesn't allow it.

Think about the changes that have been made, and it was not till what year that we were allowed to vote? You know that. It was not allowed for us to practise our culture and our ways in the Indian Act. It was taken out. Give us some time here to really understand, and let me be the one, for a change, to manipulate that bureaucracy. Give me that opportunity.

And I look directly at him because he's directly connected to the Minister of Indian and Aboriginal Affairs, so that's where I look.

An hon. member: That's good.

Chief Rose Laboucan: I'm sorry, but either we get with this program or we don't. Talk to us or don't talk to us, but it's got to be that real, it's got to be that genuine. We are living in 2007.

I am totally tired of the concepts that are out there and the judgments and decisions that are made on my behalf. I was elected for a purpose, and that was to make decisions. Allow that to happen for me, because if it doesn't, then I'm just going to go ahead and do it anyway.

• (1155)

The Chair: Thank you.

Chief Rose Laboucan: Thank you.

The Chair: Madam Pelletier.

Chief Marie-Anne Day Walker-Pelletier: I share the same frustration as my colleague, but I think you really need to know that these issues are real. I have been chief for 26 consecutive years and I've witnessed and seen how governments try to not recognize our unique status in this country and how for me, as a first nations woman, Bill C-31 has affected my grandchildren and possibly my great grandchildren, who will not have status.

Is that the whole purpose of the government—to take away all our rights, to use these measures of amendments, legislation, policy, whatever, to make us all equal to Canadians, to take my treaty rights away through these special legislative measures? That's what it seems like, and I am talking openly here, that we're being violated. Policies and legislation are put in, and now we have the results 20 years later of Bill C-31. How many of our grandchildren are going to be first nations, have treaty numbers, and have treaty rights?

So that is why we're here—to speak on behalf of those kids who are unborn, those children who require attention and special rights in the future, so we don't lose that. When we speak, we speak for our communities. We speak about those real issues, those real impacts—the lack of housing, the results of Bill C-31 again on our children and our families, child and family services where kids were adopted out. I am facing those same issues. There are kids who are 30 years old now and don't know who they are. They don't have a treaty right. They were put in foster care. Their culture and their language have been taken away from them, and we're trying to restore it, re-evaluate, and try to bring them back into our communities. There are never enough resources to sustain and help our people.

We need recognition. We need the government to allow first nations communities to design and to deliberate and to enact their own legislation within their communities, within their treaty territories. It's not for government to decide for me how I'm going to live. It's me, my community, and my council to decide and design how it is that we're going to work with Canada and maybe use their laws. But the decision has to come from my community and nobody else.

I think it is very important that somehow we have to find a way to work together.

Thank you.

The Chair: Thank you.

On the government side, Mr. Bruinooge.

Mr. Rod Bruinooge: Thank you, Mr. Chair.

I thank the witnesses for coming today.

Perhaps I will start with Rose. We've had a chance to meet a few times in the past.

Perhaps I'll start by indicating that you mentioned you wanted the truth put on the table. I agree that is the essential part of any conversation. So I'll have to let you know that I think there are people who were being untruthful to you when they said that you weren't going to be able to meet today. That was never going to occur. In fact, it was the exact opposite. There would have been a great extension of this meeting had the Speaker not ruled the way he did this morning. But I'll put that aside. It was just for the sake of truth.

Anyway, going forward from there, we also met this summer in August in Grande Prairie, I believe it was, and I indicated to you that I was very interested in moving forward on systemic reform. This is an area that we're currently talking about today, where individuals will be able to bring forward complaints, for instance, as Mr. Merasty indicated, on the government or anybody in Canada who they feel is infringing on their human rights. By extending that

forum to first nations people, it's my opinion that we'll be doing something that will benefit first nations people.

I guess that's my perspective. What's your position on the way I've laid it out?

• (1200)

Chief Rose Laboucan: I had a hard time hearing the first part of your comments.

I recommend that we create a task force to address the concerns around collective versus individual rights, and to look at dealing with the outcomes. We don't want to be stuck again in the realm of Bill C-31, the consequences of that, and how it played out. We need to examine this and look at the outcomes. I think that would be a good starting point.

Mr. Rod Bruinooge: To go further on that, the challenge of human rights in the Canadian context is that they come down to the opinion of the individual, as to whether or not they feel they are being violated. So in the future, it will be challenging for any of us to say what some individual, 15 to 20 years from now, living in a city, on reserve, or anywhere, might consider to be an infringement of their human rights. If they truly feel violated, it's difficult for us to say that they don't feel that way.

That's the biggest challenge in trying to ascertain a scope to the definition of human rights. It makes it challenging also to have any one group able to identify that.

Perhaps you could give me your thoughts on what a human right is.

Chief Rose Laboucan: What was the last part of your question?

Mr. Rod Bruinooge: If you had the opportunity to define a human right, would you be able to give it some definition?

Chief Rose Laboucan: Given the time and the opportunity to really examine and analyze all of this, yes, I probably could.

But at the same time, I remember you very clearly when we met in Grand Prairie. Do you know why? Because you were very proud of who you were. I made a comment to you at that time about this being all that I want for my children, my grandchildren, first nation children, and those yet unborn: to be as proud as you were that day about who you were.

In the context of individual versus the collective, when I look at the occurrences that are going to happen on an individual scale and the amount of time it's going to take to have the tribunal or whoever will listen to all of these, it's going to be next to impossible. We really need to evaluate and strategize how we're going to do this at the end of the day.

As I said earlier, I don't have a problem with the principle behind it. But please, don't force this on us. At the end of the day, I'm not taking the responsibility for someone else. I'm not taking the responsibility for the two percent cap, for example, and rent going sky high.

I'm not able to send any new students to university this year. The budget just doesn't allow it. But I have to live with it. I have to live in that community, where these human rights accusations may occur.

But until you know the whole story behind it, it's going to be next to impossible to justify the decisions that will mean being at a different end. Then I'm going to have to accommodate it, or do what I need to do. This will probably take some kind of resourcing that I don't have.

So I need to let this table know that if a decision is made, and this goes forward, I am not taking the financial responsibility or burden of the outcomes. I need to state that here.

•(1205)

The Chair: You have less than a minute.

Mr. Rod Bruinooge: Just as some further background, and this doesn't necessarily apply to the future, the amount of human rights cases that might come after Bill C-44 is put in place is somewhat unpredictable.

There are about 18 first nations communities that have negotiated self-government agreements, where their communities live under the Canadian Human Rights Act. According to the Canadian Human Rights Commission, they have not seen a disproportionate amount of violations coming forward.

Over time, as the opportunity becomes known to first nations people, they will know that there is this vehicle for them to consider.

As background, this is the evidence that was brought forward in this committee.

Chief Rose Laboucan: The modern-day self-government agreements are totally in a different context from the treaties that are there and solid.

Mr. Rod Bruinooge: I don't disagree; I'm using it as an example.

The Chair: We're finished with the first round and we're going to move into our five-minute round.

Before we start, I wanted to announce that we do have lunch. We invite our witnesses, if they wish to have some lunch with us, to go ahead. It's at the back there, and you can take the time to do that.

Mr. Merasty is next.

Mr. Gary Merasty: Thank you, Mr. Chair.

I have some short and sweet questions. One of the things I'm concerned with is the messaging and how this is being played out, because I do truly believe there is an assignment of blame to first nations leadership on many of these issues.

Chief Laboucan, is it your fault that no services for children with disabilities are provided on your reserve?

Chief Rose Laboucan: No.

Mr. Gary Merasty: Is it your fault that no services for children with disabilities are provided on your reserve, Chief?

Chief Marie-Anne Day Walker-Pelletier: No.

Mr. Gary Merasty: Is it your fault that mothers who do not disclose the father of their child lose their status?

Chief Rose Laboucan: No.

Chief Marie-Anne Day Walker-Pelletier: No.

Mr. Gary Merasty: Is it your fault that black mould is rampant in the homes of many of our reserves, perhaps even in yours? Is that your fault?

Chief Rose Laboucan: No.

Mr. Gary Merasty: Is it your fault that you cannot pass laws on child welfare? You can pass laws on weed control, but not on child welfare. Is that your fault?

Chief Rose Laboucan: No.

Mr. Gary Merasty: Do you support human rights applying on reserve—respecting first nations rights, of course, as I've heard you say?

Chief Rose Laboucan: Yes.

Mr. Gary Merasty: Do you feel that you'd like to provide these necessary services, which are human rights violations today, such as those for people who have children with disabilities and for the inequity in treatment of women? Would you like to be able to address those as chiefs, as communities?

•(1210)

Chief Rose Laboucan: Yes.

Mr. Gary Merasty: Do you feel that fair and reasonable consultation has occurred in unrolling Bill C-44 forward?

Chief Rose Laboucan: No, definitely not.

Mr. Gary Merasty: I'm trying to make sense to Canadians, to many out there, because I've heard the government do interviews with media, and media will say, "This is a good thing you're trying to do, Mr. Minister, but it's these Indian chiefs who are blocking it, these bad Indian chiefs." Mike Duffy, in an interview approximately two weeks ago, said, "Is it the chiefs who are blocking this?"

This is the concern that I have with media and how the spin is occurring. It is difficult for me to hear that, because I know they want to address these as much as I do. I think where we disagree is on the process.

They want me to go and sit over there. Let me think about that for a bit.

The Chair: Think about a question.

Mr. Gary Merasty: I just had seven questions, Mr. Chair. I just had seven or eight questions, Mr. Chair.

The Chair: They were concise, and I really appreciate that.

Mr. Gary Merasty: That's right; they were the most clear and concise that have come.

It is very disconcerting to me that this fairness is being twisted, that the truth is being twisted. I'm going to finish with this, and maybe you can elaborate on it for the rest of the time. How do you feel about having this twisting of the truth—the spinning, and the attacks on you?

They seem to be almost personalized. They say "chiefs" or they say "leadership". It's not specific; they don't say "Chief Day Walker" or "Chief Laboucan". They say "chiefs". How do you think that makes our communities feel?

Chief Marie-Anne Day Walker-Pelletier: As a leader for that many years, I think you come to a point where you pity those people who make those comments. If I were to listen and dwell on their negativity, I would not achieve what I am trying to achieve in my community. They can talk all they want and say all they want—that's what gets them votes—but the important thing is, as a leader of first nations people from my community, I have the desire to assist my community. A lot of times, what's going around me doesn't necessarily impact the decisions I make for my people. So I think on the media...it sells papers.

The one thing about it is that it's off the backs of first nations people. We're the biggest business-oriented society, I guess, in Canada as everyone will use the residential school dollars that are coming out. We have people coming into our communities who are non-first-nation experts trying to help first nations manage their money—selling cars, new furniture. It's not our own first nations people doing it, but again it's non-first-nation people coming into our communities and exploiting us. What do you do? That's a human rights issue. That was happening yesterday when I left.

Those are the things we have to deal with as chiefs. We don't go to the media and talk about it. I don't have time for that. I have time to try to move my community forward and to develop and put governance structures in my community that my community has decided, approved, and that will carry for the future. That's our position.

Thank you.

The Chair: Thank you.

We'll move on to the government. Mr. Albrecht.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Mr. Chair.

Thank you to each of the witnesses for being here.

I want to underline the fact that all of us around this table are here because we do want to see improvements made in how we deal with aboriginal people's concerns. I personally requested to serve on this committee. And I don't question the motivation of my colleagues across the table to try to work at workable solutions, but we will disagree on process. I hope that regardless of where we come out of this meeting, we will not cast innuendo on each other, implying that we don't care, because that simply wouldn't be factual.

The questions that Mr. Merasty asked were rather easy to say no or yes to, depending on the question. I think the harder question, and I don't think we'll be able to answer it, is who then is responsible. If it isn't your fault, whose fault is it? There's enough blame to go around for many centuries.

Ms. Day Walker, you mentioned that you support Bill C-44 in principle. You said that it would decrease the gap between the first nations people and the rest of Canadians. I think, if I'm correct, you said that you would be, as first nations people, in a better position to lobby government because they will have to follow their own laws. So there are a lot of ramifications to any changes to this bill.

I think another statement that one of you made, and I'm not clear on which one, was that no one in your community knew what Bill C-44 was. I can accept that. Is it not true, though, that there have

been a number of attempts over the last 30 years to deal with section 67, which isn't Bill C-44, but it was dealing with the heart of this matter of having first nations people excluded from the ability to file human rights challenges? So can you say that no first nations communities were aware that in the last 30 years there have been attempts to deal with section 67? I think that's the real heart of what we're after here today.

Can you address that, one of you?

• (1215)

Chief Marie-Anne Day Walker-Pelletier: I think over the 30 years we've had that opportunity. I have to say that first nations, in the last 25 or 30 years, have come to the table with their own process on how they wanted to be consulted, but it fell on deaf ears. The process of the Human Rights Act has been around, as you've said, and we support it. At the same time, talking about the overcrowding of housing in our communities, isn't that a human rights violation? Do you allow that in Ottawa here—all those issues?

So to me, we've always worked with it in a way, but it has to be first nations driven, and our inherent rights to our treaties, the collective rights, need to be recognized.

Mr. Harold Albrecht: Thank you.

I think it's clear that there is not unanimity, even among first nations leadership, let alone among all first nations people. In fact, as committee members, we get communication from first nations people, on and off reserve, either face to face or by letter or e-mail. So we do know that there is an appetite in first nations communities to have this bill, either in its current form or amended, and I'm sure there will be some negotiations in that regard. There is a call for this bill to go forward.

In light of that, is it realistic for us to expect that every first nations person would be adequately consulted and feel as if, in the process, they have actually been heard? We try to....

Ms. Laboucan, in response to your question of it being demeaning to be here, with respect, I think it's an honour that you're here. I'm honoured that you're here. I don't certainly, for one second, think of you as a lesser person.

My question is this. Although it's great to have consultation and we want to, when does the consultation end and we move forward, even though we will never have unanimity across first nations people?

Chief Rose Laboucan: I've been a chief now for almost five years. I've been elected for three consecutive terms, not by choice, but people.... That's their expectations, not mine. I'm a teacher by trade and I love teaching.

To me, with regard to this committee hearing that I'm at today—and I was here before with the National Chief Phil Fontaine—this has been, for me, the only consultation, or somewhat of a consultation, in that I'm able to talk about it, discuss it, bring my points of view across. This is the first time for me for any of this. Unless I took it upon myself to read it and read about it.... Nobody called me. Minister Prentice didn't call me and say, "Well, Rose, what do you think of this bill, and how is it? What other ramifications do you think this bill's going to have in your community?" No one talked to me about it.

So if this is the only process of consultation that's going to occur for me, I at least expect that the recommendations we make here—and everyone else who's a witness—be taken into real consideration.

Mr. Harold Albrecht: Yes, I agree that we take it into consideration, but there comes a point when we need to act.

• (1220)

The Chair: Thank you. You're finished with your questions.

Mr. Lévesque, please.

[Translation]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Thank you, Mr. Chairman.

Welcome, Chiefs.

I read Bill C-44 at second reading. I had spoken against the way it was presented. I looked at other agreements signed by the government and I disagreed with the fact that you had not been consulted.

If I remember correctly, there was a political agreement on May 31, 2005. In 1977, section 67 had been promulgated to protect the Indian Act. In 2005, after various disagreements and a lack of negotiations with First Nations, there was a political agreement aimed at improving the collaboration between First Nations and the Canadian government. There was also a statement indicating that First Nations would be consulted on any piece of legislation applying to them or that could have important consequences for them.

The parliamentary secretary said something very important a few minutes ago. He said that 18 communities had negotiated government rights. They had negotiated. Did the government sit down with you, if only for a day, to negotiate anything relating to repealing section 67?

According to the Canadian Human Rights Act, you have to provide drinking water, water systems, as well as minimum levels of adequate housing, education and healthcare. Would you be able in six months to provide all those services as you would be required to under the Bill? What would be the financial consequences for your communities if some of their members were to sue you because you did not provide such services?

Chief Day Walker-Pelletier, let us take the example of the First Nations University of Canada in Saskatchewan. Could you have received the type of education that you hoped for since it has been established and been operational? I will let you answer.

[English]

Chief Rose Laboucan: There is no way, in this beautiful country called Canada, that I would ever be able to meet the financial needs of my community, even if I was sued. Right now, we are in dire straits. We stretch the dollar as much as we can.

An elder, my husband's brother, passed away three months ago. He was on the list for mould remediation. When we got to his home, you could literally put your hand through the wall. That's how bad the mould was in his home. But this man lived in that house. He never asked for anything; he never asked for help. We have band members like that, who genuinely care about the next person and what they could get, instead of themselves.

When I look at the situation that I have to live with right now in my community, it's a hard task to try to comprehend the other things that I know will impact us in the future, and Bill C-44 is one of them.

The last time I met with Minister Prentice, I gave him a package. We were talking about other things, so my personal issues from my first nation couldn't be discussed at that table. So I had to put my issues into a package and give it to him. God knows if he has read it yet.

On top of that, when we got the money for the mould remediation, we had to hide it, lie, and say that it was renovation, because there is no money for mould remediation. God forbid you should get some, and the rest of the Indians will want the same thing, although they have the same issue. It's really sad. I don't think people realize, in that context....

I want to deal with the violence in my community, I want to deal with the drugs and alcohol in my community, I want to educate my people, and I want to be part of the job market. I want a million things, and I can't do it, yet I have to come all the way to Ottawa to try to defend something.

Talk to me. I know how this is going to impact me in my community. You didn't on Bill C-31, and look at the outcomes of that now.

I have a non-status person coming to band meeting saying, what's going to happen? They're not legally married, but she asks, what happens to my husband when he passes on; do I get the house? I don't have any status. I don't have any of this, I don't have any of that, but can you still take care of me?

As a human being I want to, but what do I do with my housing list, which has more than 100 people on it? How do I accommodate them? What about the young people?

My son is getting married this October. His outcome has to be to buy a house outside of the community so he can have a place to live, because he doesn't want to take it from someone else. That's a young man who worked all his life and never depended on social assistance; not once did he ever receive it.

We have good-quality human beings who want to make a difference. Just give us that opportunity. When you come down to this, and you want to consult, let's do it right. We're not asking for much here. We're asking for an opportunity to make that difference and address those impacts that are going to be down the road. There are going to be impacts.

Don't turn a blind eye to the real issue here, because in this process you're already violating my human rights as a human being. It's a double whammy, because this human being has treaty rights that have never been honoured by this country.

• (1225)

That's where I come from, and that's why I chose to come here. I'm not here for me; I'm here for the future of those young people who are going to have to live with this at the end of the day.

I'm not saying let's stop it either. But let's get together, let's talk about it and create that task force. There is no need to push this tomorrow. If we take the next 135 years, so be it. Let's take it.

I just feel it's wrong that this whole thing has gone this way.

I'm sorry if I strayed away from your question, or if I didn't answer your question. I apologize.

The Chair: Thank you.

Mr. Storseth, please.

Mr. Brian Storseth: Thank you very much, Mr. Chair.

Thank you all very much for coming today.

Chief Laboucan, it's a real honour to be here with you today. I doubt you'll remember me, but I grew up in the community just south of you, in Swan Hills. I have many friends throughout—

• (1230)

Chief Rose Laboucan: Oh, toxic waste.

Mr. Brian Storseth: We are known for toxic waste. That is true.

But throughout Driftpile and Kinuso and Slave Lake and High Prairie, I have many friends, and many friends who live in your community, and they are actually part of the inspiration I have to be on this committee.

I have to share with you the frustration that I've had, as a new member of Parliament, and I'm not used to the double-talk that happens consistently—on both sides of the House, I guess you could somewhat argue. When you hear of opposition members standing up and saying that they're willing to get the job done and be here until it's done, and then it's their own Speaker of their own party who stands up and acts very undemocratically.

In fact, coming here today, I was looking forward to having lengthy discussions with you because that's what was proposed.

I want to talk to you a little bit and ask you this. And I do take this as somewhat of a consultation. This may not be the consultation that's required, but there is no doubt that in sitting with you and discussing with you, we are taking what you tell us as something that we need to bring back and look at. That's part of the parliamentary process.

The next step is supposed to be bringing the legislation and going clause-by-clause through a committee, which Mr. Lemay and the other members are stalling very much at this point, and one can only wonder why. Whether it's because they don't want to walk the talk and actually put some of these amendments forward and vote on these things....

At the end of the day, what we have to do is get some movement on this. We have to move this file forward. Whether the process we need to follow.... But we need to move this forward.

Chief Laboucan, I want to ask you a simple question to start out. Are you in favour of the basic principles of repealing section 67 of the Canadian Human Rights Act? And I'll move on from there.

Chief Rose Laboucan: I support the repeal in principle, but that doesn't mean that I accept it.

I have a question for you. Maybe you can help me a little too. When do individual rights supersede our collective rights—aboriginal and treaty rights—for first nations? Under section 35 of the Constitution, those treaty rights are supposed to be protected. Have you looked at the ramifications of how that's going to work itself out?

Mr. Brian Storseth: The point that you bring up is very valid, and it's a point that's been brought up on this side of the table ad nauseam by my colleague Mr. Albrecht time and time again.

You mentioned in your opening statements how in 1977 you were never consulted on this issue, and I agree with you that you weren't. And you also mentioned how you need to have the ability for consultations throughout the process. The other issue that I really got out of you is a financial issue that you feel is going to be brought up. And you also called for an inquiry or an individual panel to be brought up to do this.

I believe it's five years now that you've been chief. Is that correct? Do you recall in 2002-03 the former government consulting when they brought forward their repeal of section 67, and was it adequate consultation at that time from them?

Chief Rose Laboucan: No.

Mr. Brian Storseth: No. Was there any consultation at that time from them at the local level?

Chief Rose Laboucan: No.

Mr. Brian Storseth: No. Are you aware of it at the national level?

Chief Rose Laboucan: I'm aware of it because I take the time to read and go to the Internet and look at stuff.

I'm probably the biggest fan of CPAC in northern Alberta. That's how I update myself, to be familiar with issues at hand. But I can tell you right now that the five first nations of which I'm the grand chief are not familiar with this at all. I let them know at our board meeting last week that I was coming to sit as a witness, and they said, "Well, what's that?"

Mr. Brian Storseth: So you're saying that even though this has been brought forward by the former government, this has never been filtered down to an adequate consultation level at any point in time?

Chief Rose Laboucan: Not an adequate level, no.

Mr. Brian Storseth: I'm somewhat surprised, because you've always been known in your community as a very progressive, forward-thinking chief and a member of the community.

The Chair: Excuse me, I have to cut you off because you're over your five minutes.

Mr. Brian Storseth: Oh, I'm sorry.

The Chair: Madam Crowder, please.

Ms. Jean Crowder: Thanks, Mr. Chair.

There are a couple of points that I want to make sure were clear on, because there has been a mischaracterization around what this piece of legislation actually is.

First nations across this country already have the right around the charter to file charter complaints. They already have the right to file human rights complaints, as long as they are not in the context of the Indian Act. People need to be reminded that first nations already have human rights. This particular repeal will allow them to file complaints under the Indian Act.

That's just a comment for clarification, because this has been put about.

Actually, they can file human rights complaints on reserve as long as they're not filing a human rights complaint against the Indian Act. They can file human rights complaints under the existing human rights legislation under the current criteria.

The Conservatives today attempted to shut down a process that would allow us to continue to call witnesses, because they have refused to do appropriate consultation prior to the implementation of the legislation, prior to the legislation being passed in the House.

I think a lot of the testimony that we've heard before the committee expresses a lot of concern about legislation that may have unintended consequences. You've mentioned a number of times Bill C-31. There's also a general distrust, and it doesn't matter which government it is. You've rightly pointed out that past governments, whether Liberal or Conservative, have failed to consult appropriately. I also think there's a general level of mistrust in saying, just pass the legislation, we'll give you 36 months and we'll figure out how it works.

We had an example this week at the committee when the minister came before the committee and indicated that he had had conversations with organizations like the Union of B.C. Indian Chiefs and that they had said that this is one of the best governments they have ever worked with on the ground getting things done. Well, in fact, the Union of B.C. Indian Chiefs, in a letter dated May 30, have indicated this: "Please be advised that the Union of B.C. Indian Chiefs finds, at this point in time, Minister Prentice's opinion to be completely inaccurate, greatly exaggerated and premature to say the least."

In that context of not always—

●(1235)

The Chair: I'm going to ask that that document be tabled to the rest of the committee.

Ms. Jean Crowder: Sure, absolutely. It was actually addressed to the chair of the committee.

The Chair: The chair has just had that pushed in front of my face here, and I don't think it's fair to the chair to—

Ms. Jean Crowder: I'd be pleased to table it.

The Chair: —be responding to this, a document that I haven't seen prior to the meeting.

Hon. Anita Neville: On a point of order, Mr. Chair, I didn't push it in front of your face. I've sent a note asking you whether you were tabling it or whether I should, and I've just passed that letter up to you.

The Chair: When I receive that, I shall table it.

Ms. Jean Crowder: I'm hoping this doesn't cut into my time.

The Chair: No, it's not taking your time. Ask your question, please.

Ms. Jean Crowder: Thank you, Mr. Chair. I'd like to continue with my question.

In this context, and certainly I can speak for myself, I absolutely support the repeal of section 67. But given the long, long years of mistrust around what the impact will be on the communities, why would we want to go ahead and proceed with a bill when we don't understand what the impact will be, what changes need to be put in place, what resources need to be put in place? Why would I support this bill in this current context?

Chief Rose Laboucan: I guess that not understanding there were ramifications is also where I'm coming from. It's not just passing this bill.

I'm kind of answering his question at the same time.

In 1977, the federal government said that they would engage in consultation prior to the application of the Canadian Human Rights Act to the Indian Act. I did not say that. That was a promise made to the leadership of the day. When I look at not knowing what those ramifications are, then I have to put up my red flag. We haven't even begun to deal with the ramifications of Bill C-31.

Ms. Jean Crowder: I want to quickly talk about Bill C-31 and the government's own analysis. They did a cost drivers project, and in their analysis they talked about the potential implication of Bill C-31. They talked about the fact that as more complaints are filed against the injustices of Bill C-31, they could have up to 250,000 complaints.

I would expect that you're looking at that as well, in terms of the potential impact in your own communities about what Bill C-44 could mean for you as chiefs and community members.

●(1240)

Chief Rose Laboucan: I was speaking of the woman who is living with the first nation person on reserve. She could file a human rights complaint and win. She could gain that home. She could gain the lot that it's on. It's not my choice. It's not me who wants to split up my first nations land. That is what I'm trying to protect here.

The Chair: We'll move on to the government side.

Mr. Rod Bruinooge: Can I take a few minutes of Mr. Blaney's time?

I want to go a bit further with the point that Madame Crowder brought up about predicting outcomes of this bill. I think that's the challenge. I talked about that earlier, how it's going to be challenging for us to predict this.

For instance, we can't simulate the people who might feel human rights violations, because they're afraid of coming forward. There are many people across Canada, and we've received communications from some, who are afraid. How can we simulate that? We don't know. In my opinion, there's no bureaucrat who can speculate on that.

We're left in a quandary of trying to ascertain what the outcome is going to be. I have to lean on the side of moving forward and giving the opportunity for these people who are afraid to bring forward their human rights violations. That's the challenge we face.

I just wanted to respond to what she had said.

Go ahead, Mr. Blaney.

[Translation]

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Thank you, parliamentary secretary and Mr. Chairman.

Welcome to all the witnesses.

First of all, Chief Day Walker-Pelletier, I want to congratulate you for your 26 years in political life. Several of my colleagues would love having as long a political career as yours. You can be proud of your success.

I would also like to tell you that we have met with several groups and that the protection of aboriginal rights came up in many of their recommendations, as well as the need to consult.

Chief Day Walker-Pelletier and Ms. Beaudin, you stated that it is extremely important to take account of language and traditions. We are now getting close to clause-by-clause study of the Bill and we were in fact hoping to start that after having heard your testimony. I still hope that we will be able to do so because we want to move forward.

About oral history, I would like to know if there are other issues that you feel should be included in the Bill and in the amendments that might be put forward.

[English]

Chief Marie-Anne Day Walker-Pelletier: As we stated, it's very important that our traditional values, language, and oral history, which connect us back with our elders and our homelands, are respected and recognized, because that's the foundation of who we are and where we want to be in the future.

In my community, and in the communities of Saskatchewan, without the foundation of our language, culture, and values... These describe our identity and who we are, that we have collective rights. I have to emphasize that we have collective rights. Everything that we promote and develop in our communities is done in a collective way, and that needs to be respected.

In order to move forward, government needs to recognize and support first nation communities, as I said, in designing and developing their own systems, structures, and governance models,

which will be inclusive of all these legislative authorities around them. But the leadership needs to decide that for themselves. It would strengthen; it all has to balance and connect. It has to come from there and move up. So I think that's the process you need to recognize.

Thank you.

[Translation]

Mr. Steven Blaney: Making sure that it is equality not only under the law but also in reality between the citizens of your community.

Chief Day Walker-Pelletier, if the Bill is passed, what will be the impact on your community? Do you believe the impact will be major or minimal? What would be the impact of the Bill if it were amended in order to protect collective rights?

Chief Laboucan, you may also want to answer this question. I would like you to tell us what would be the impact of the Bill on your communities.

•(1245)

[English]

Chief Marie-Anne Day Walker-Pelletier: I cannot comment on what the impacts would be. Right now, our communities need to understand what's going to happen with this legislative process. In my community, nobody knows what Bill C-44 is.

What they want to know is, are they going to get proper housing tomorrow? Are we going to have clean water? Are we going to have good sanitation? That's what they want to know. But to connect that to human rights, in our traditional ways of thinking, we've always been keepers of our human rights as first nations people, as community people in our communities. We've always done that through our oral history.

We need to ensure that what's coming from here needs to get to the community, needs to be understood, and needs to be communicated properly. We need to ensure that the understanding from our perspective is also included in how you understand us.

Thank you.

[Translation]

Mr. Steven Blaney: Thank you.

[English]

The Chair: Thank you very much, Mr. Blaney.

Thank you very much.

Committee members, we have finished our second round. Do you want to continue on a third round?

Madam Keeper, do you want to have to comment or ask a question?

Ms. Tina Keeper (Churchill, Lib.): Thank you, Mr. Chair.

I'd like to thank Chief Day Walker-Pelletier, Chief Laboucan, and Ms. Beaudin for their presentations and I would like to go from what Chief Day Walker just said.

You said what comes from here needs to be understood at the grassroots level, at the community level, but also what we're saying, how we understand things, and what our frameworks are also need to be understood in our minds. I think that's really an important point, because one of the things that I feel... I would like to also acknowledge, in terms of the treaty relationship, that I too am a descendant of Treaty 9, a direct descendant, and of Treaty 5, and so I understand that treaty relationship very well.

It seems as if there's a facade almost that this bill could somehow ensure human rights in terms of a process, so that you pass a bill and then the human rights will occur.

Aside from the collective rights and knowledge of how we understand rights collectively as first nations people... That's something that especially people our age or older remember—the time when life was different. We understood it to be for all time almost, that we had a collective right to the land. I know in our community we had one place where we would store the meats, that kind of thing, so that there was a different relationship. Colonization and policy have impacted on our lives in a very detrimental way, and we're trying to rebuild.

In terms of human rights, my sense is that if we're trying to ensure human rights, we need to start to address where those shortfalls are, and you have identified those. You've talked about health issues and the lack of funding for education. You've talked about the elders, the children. I guess what I'm asking is this. Do you think that if what we want to do is ensure human rights, we're going about this in the right way? Do you think there's another place we could start?

Chief Marie-Anne Day Walker-Pelletier: I think by starting through this process it is going to trigger the government. What we've been always saying to the government also confirms that there is lack of funding and support systems within our communities, and this tool then is going to describe to the government where the inequities are. It's also going to help us in that way, and I think as communities move forward, they recognize that there are shortfalls but also that there is a responsibility to be equal and to be better with mainstream society. We need proper housing and child and family services agencies working with our children. We need to be at the same par in how our children are managed through the foster care system. If I was a foster parent for my agency, the benefits I would receive through my own agency would be less than if a non-first-nation person was looking after the same children. Again, that's an inequity.

I think this human rights avenue is really going to describe...and it's going to bring government to task, to ensure that there is proper funding in place. It has to go back to resources.

Thank you.

• (1250)

The Chair: Are there any further questions? Does the government side not have any more questions?

Chief Rose Laboucan: Can I respond?

The Chair: I'll allow a response, certainly.

Chief Rose Laboucan: It's only because I think there could be another avenue. If we're talking about human rights, why could I not fit into the Human Rights Act now? Why should the application to the Human Rights Act be through the Indian Act? There are other things that flow to this that I have to be more than accountable for.

The chaos that is going to be created...close your eyes and think about this, because all of a sudden now, this person who has been put in a corner and not been able to speak up and not been able to be recognized anywhere is all of a sudden going to have this right to say, you don't give me quality water, or you're not giving me enough money and education. Then I have to fight that person now. They're going to appeal to somebody and they have to listen to that now. Then what?

I'm still not going to take that responsibility, because there is just no way I can. We have to look at the realities here. What are the implications of the matrimonial real property rights if they are legislated? What are the implications for the land management act here? Is this an offloading process for the last little piece of land that the Indians have left?

I don't know what this is all about. Let's talk about that. Let's be truthful about that, because you're not doing me any good. You're actually making it worse for me. As a leader of my community, am I to think that the application of this Human Rights Act on the Indian Act is now all of a sudden going to take away the racism and discrimination in this country? The process that was used here, to me, was very discriminatory.

The Chair: Well, I want to thank the witnesses for being here. Systemic changes are built on policy and legislation, but relationship changes are built on respect, and I want to tell you that this committee respects your comments. We appreciate your being here today and we look forward to continuing to move forward in working with you.

Thank you very much.

We are adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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