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Chair: Mrs. Jenica Atwin



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• (1625)

[English]

The Chair (Mrs. Jenica Atwin (Fredericton, Lib.)): I call this meeting to order.

I'd like to begin by asking for unanimous consent to continue through 20 minutes of the bells.

Do I have unanimous consent?

Some hon. members: Agreed.

The Chair: Without further ado, I will continue.

[Translation]

Welcome to meeting number 72 of the Standing Committee on Indigenous and Northern Affairs.

Today's meeting is taking place in a hybrid format, pursuant to the House order of Thursday, June 23, 2022. Members may participate in person or remotely using the Zoom application. Proceedings will be made available on the House of Commons website. For your information, the webcast will always show the person speaking, rather than the entirety of the committee.

[English]

I would like to acknowledge that our meeting today is taking place on the unceded, unsundered Algonquin Anishinabe territory.

For those participating virtually, I'll outline a few rules to follow. You may speak in the official language of your choice. Interpretation services are available for this meeting in French, English and Inuktitut. You have the choice, at the bottom of your screen, of floor, English or French. Please select your language now. If interpretation is lost, please inform me immediately, and we will ensure interpretation is properly restored before resuming the proceedings.

For members participating in person, please proceed as you usually would when the whole committee is meeting in person in a committee room.

Please wait until I recognize you to speak.

Although this room is equipped with a powerful audio system, feedback events can occur. These can be extremely harmful to interpreters and cause serious injuries. The most common cause of sound feedback is an earpiece worn too close to a microphone. We therefore ask all participants to exercise a high degree of caution when handling the earpieces, especially when their microphone or their neighbour's microphone is turned on. To prevent incidents and

safeguard the hearing health of the interpreters, I invite participants to ensure that they use the microphone to which their headset is plugged in and avoid manipulating the earbuds, by placing them on the table, away from the microphone, when they are not in use.

[Translation]

Please address your comments through the chair.

[English]

When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute. Regarding a speaking order, the committee clerk and I will work together to ensure a consolidated order of speaking for all members.

Pursuant to the order of reference of Friday, June 16, 2023, the committee will now commence consideration of Bill C-51, an act to give effect to the self-government treaty recognizing the Whitecap Dakota Nation / Wapaha Ska Dakota Oyate and to make consequential amendments to other acts.

I will now welcome our panellists.

Chief Darcy Bear is absent due to illness. We're thinking of him, for sure.

We have Murray Long, director, self-government; Dwayne Eagle, councillor; Frank Royal, councillor; and Maxime Faille, legal counsel. We have Minister Marc Miller, Minister of Crown-Indigenous Relations, and an official joining us as well.

We're doing things a little bit differently today. We're combining our panellists in the interest of time.

[Translation]

Ms. Sylvie Bérubé (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Madam Chair, I have a point of order.

There is no interpretation at the moment.

[English]

The Chair: We're going to pause in order to make sure we have interpretation.

Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.): It's not just no translation, but there's no sound. In the original, there's no sound.

The Chair: We'll make sure we have sound.

Everything is working now, so without further ado, we will proceed to the opening statements.

You will have five minutes.

Councillor Royal, please proceed.

Mr. Frank Royal (Councillor, Whitecap Dakota First Nation): [*Witness spoke in Dakota and provided the following text:*]

Anpetu wašte. Frank Royal emakiyapi do.

Iyuškiŋyan wačhiyakapi do. Čhaŋte wašteya nape čheyuzapi do.

[*Witness provided the following translation:*]

Good day. My name is Frank Royal.

It's good to see you all. I shake all your hands with a good heart.

[*English*]

Madam Chair and committee members, thank you for having us here today to present.

I'd like to introduce the Whitecap team here: director of self-government, Murray Long; councillor Dwayne Eagle; and legal counsel, Max, on Zoom.

We're glad to be here.

One of the things I will touch on is our history, the Dakota peoples in Canada.

As part of self-government, we wanted to seek proper recognition of Whitecap Dakota, based on our contribution as allies of the British Crown. The case was made to Minister Miller, and he made the case to cabinet to correct this historical oversight.

We have now negotiated a self-government treaty that affirms the Dakota as aboriginal peoples of Canada. Bill C-51 will affirm our place and protect our agreement as a section 35 treaty within Canada. The self-government treaty also has provisions for future negotiations to address other aboriginal rights, such as a small land base and parity with other numbered treaties.

Thank you for listening. I'll turn it over to Councillor Eagle.

• (1630)

Mr. Dwayne Eagle (Councillor, Whitecap Dakota First Nation): Thank you, Councillor.

Good afternoon, Madam Chair.

I'd like to thank everybody for this opportunity to speak.

I'll give just a brief history of the processes with our community. We got a community mandate in 2009. In 2012, we got the framework agreement. In 2017, we got the approval in principle. We worked with a number of ministers, including Chuck Strahl, John Duncan, Carolyn Bennett and of course Minister Marc Miller. I want to thank them for their support throughout.

Negotiations were complete in the summer of 2022 with a self-government agreement. We had a community vote and they were very excited. Our mandate was to sign a self-government agreement. We were part of the First Nations Land Management Act, so we've been self-governing for about 20 years already. This was just the next step into self-governing. We had an approval rate of 92% when we had the vote on the constitution and self-government

agreement, and more negotiations with Mr. Miller with a self-government treaty.

We had to amend and get a ratification vote on that. There was 100% approval in our community, so they are pretty excited. They can't wait to get this done.

I want to thank you all for your time.

The Chair: Thank you very much.

We'll move to Minister Miller, unless there are further comments.

Mr. Murray Long (Director, Self-Government, Whitecap Dakota First Nation): I just want to say very briefly that the history of the Dakota people in Canada is a unique history. I'm sure Minister Miller will speak to some of that as well.

At the end of the day, this treaty gives proper recognition to the Whitecap Dakota people in Canada. It's something that's very important to our members and to our elders. As a result of this treaty, Bill C-51 will affirm that the Whitecap Dakota are aboriginal peoples of Canada. It will also protect our self-governance treaty through section 35 protection.

It also gives us the opportunity, as the agreement says, to work forward from there and build on more work and reconciliation and so forth. There's lots of information. During questions and answers we can get into law-making, jurisdictional powers, fiscal arrangements and whatever.

We are truly grateful, speaking on behalf of the chief, for all the support that all the parties have given us. We've been working with all the parties over the last few weeks. We look forward to having this bill passed so that our self-government agreement can take effect on September 1.

Thanks.

The Chair: Excellent. Thank you so much.

Minister Miller, the floor is yours for five minutes.

Hon. Marc Miller (Minister of Crown-Indigenous Relations): Thank you, Madam Chair.

I think the committee will appreciate that Murray and the councillors have not learned the technique of running down the clock.

I'll walk you guys through that later.

Voices: Oh, oh!

Hon. Marc Miller: Thank you, Madam Chair, for the territorial acknowledgement.

I think as they alluded to, and this is not from my prepared notes, the piece of legislation we're considering today really is part of a larger discussion in and around the presence of the Dakota and the Lakota peoples in Canada and the indignities they have suffered by being treated as second-class first nations throughout the history of their presence in Canada, which predates the arrival of my people. Most people my age in Canada are well aware of the Sitting Bull vignette by the National Film Board. That is only a very limited part, but a very important part, of that history. The history obviously predates that and goes back to the War of 1812, when these people and their predecessors stood as allies to us against a common foe as well as the traditional grounds that were theirs well before our people were here.

That resulted in the non-recognition of their section 35 rights. That is an indignity that we are correcting here today as part of that, but also as a greater process of recognizing the eight other communities that exist in Canada as well as their rights. That is something that we will continue to work on as an unfinished project of the country.

I thank them for their patience, and I thank them for their willingness to trust us when we have not accorded them that level of trust in the past, with the effects that has had today on them and their people. This is first and foremost an element of dignity that we are working to restore. I thank them for their co-operation in that.

I will speak specifically here today about Bill C-51, an act to give effect to the self-government treaty recognizing the Whitecap Dakota Nation / Wapaha Ska Dakota Oyate. My prepared remarks will focus on the potential impact this self-government treaty has for Whitecap and why it matters to Canada, as well as how it will deliver on our broader commitment under the United Nations Declaration on the Rights of Indigenous Peoples.

• (1635)

[Translation]

Madam Chair, as you know, the Truth and Reconciliation Commission calls to action call on federal, provincial, territorial and municipal governments to fully adopt and implement the declaration as the framework for reconciliation.

The United Nations Declaration on the Rights of Indigenous Peoples Act has come into force. This act provides us with a road map to work with first nations, Inuit and Métis on the implementation of the declaration. That is the objective that guides all of our work.

[English]

I'll read briefly from article 4 of the declaration, which states:

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

As members of this committee know, the Indian Act is a colonial and racist piece of legislation that stripped away the rights of self-determination and self-government from first nations. The Indian Act took away Whitecap Dakota's and so many other nations' inherent right to govern themselves, to build on their own economy and to have a say in the programs and services delivered on their lands.

[Translation]

For the past 40 years, the Whitecap Dakota Nation has worked to move out from under the Indian Act. For example, it implemented a custom election code in 1989. In 2003, the community became one of the first signatories to the Framework Agreement on First Nation Land Management. This enabled it to exercise control over its lands and resources without ministerial oversight and approval, replacing 25% of the Indian Act. The Whitecap Dakota Nation developed business laws and policies that enable it to operate efficiently.

Similarly, under the First Nations Fiscal Management Act, the Whitecap Dakota Nation levies a real property tax on reserve, which funds community development and social programs and businesses. Underpinning all of these initiatives is a desire to respond nimbly to economic and development opportunities.

[English]

When I visited Whitecap Dakota this spring, I had the opportunity to see the impacts of their vision and determination and their efforts through the impressive infrastructure that they've built in their community due to the leadership of Chief Darcy Bear and council. From the golf course to the Dakota Dunes Resort, which was supported by Indigenous Services Canada's community opportunity readiness program, to their casino, Whitecap has shown their success over and over in the last few decades and is really an excellent example of the importance of self-determination of indigenous communities across Canada.

For over a decade, guided by their membership's vision, Chief Bear and council have been in negotiations with the Government of Canada on a self-government agreement to remove the remaining pieces of the Indian Act that are impeding their full vision of self-government. That is the bill we're talking about today.

The self-government treaty recognizing the Whitecap Dakota Nation / Wapaha Ska Dakota Oyate bill enacts a comprehensive self-government treaty that aligns with the UN declaration in response to Whitecap's specific desire to move out from under the Indian Act. When passed, the bill and, thereby, the treaty, will affirm the Whitecap Dakota government as indigenous peoples of Canada with an inherent right of self-government as a constitutionally protected right under section 35 of the Constitution Act, 1982. It would recognize Whitecap Dakota as a self-governing entity with jurisdiction and authority over a broad range of authorities related to the community's administration, reserve lands, membership programs and services. It will further establish a new nation-to-nation relationship between the Government of Canada and Whitecap Dakota with practical mechanisms for intergovernmental operations.

In closing, I would encourage the members of this committee to come together to act and swiftly pass this bill in order to meet the September 1 coming into force date of this agreement and to take this step towards implementing the United Nations Declaration on the Rights of Indigenous Peoples and support Whitecap Dakota Nation's vision of self-determination and, at the same time, remove a stain on Canada's history.

I look forward to your questions.

Thank you.

● (1640)

The Chair: To let everyone know, we're watching the clock. We have about 12 and a half minutes until the vote, but we are going to proceed with the first six minutes of this round.

Mr. Tolmie, you have six minutes.

Mr. Fraser Tolmie (Moose Jaw—Lake Centre—Lanigan, CPC): Thank you, Chair.

I appreciate your being here. This is very important to the Moose Jaw—Lake Centre—Lanigan riding because this is.... Yes, we have a great association here, so it's been a great opportunity for me to review quite a bit.

If I can express this in a positive way, one of the frustrating things for me, when I go through this history and this recent history, is that it seems so simple. This should have been done such a long time ago, and we're finally getting to this in 2023.

I'd like to hear your perspective on the recent journey to get to this point and what your thoughts are, other than being positive and saying, yes, we agree.

Mr. Dwayne Eagle: It's leadership with Chief Bear, his vision of our community and how we want to build a better quality of life in our community and take the steps. We look at other successful first nations. We go to visit with them and see what they've done, so we don't have to reinvent the wheel.

We look at municipalities as well. We look at their tax base and we try to incorporate some of that, so we can have own-source revenue in our communities. There are some programs that aren't funded, so we want to make sure that we can maybe offer that to our membership.

As far as the journey, it's been pretty exciting. We started with the First Nations Land Management Act, and we eliminated 25% of the Indian Act. We're able to do business at the speed of business. We started with the golf course, then the casino, now the hotel and hopefully there will be a spa in a couple of years. We have to build an economy, so we started building that with tourism. It's been successful.

We give our membership opportunities at any level they want to start at. They can start at the ground level and work their way up. We have over 700 jobs in our community. We have about 500 people commuting to Whitecap every day. The next step would be self-governing and having a government-to-government relationship.

Thank you.

Mr. Fraser Tolmie: Thank you for that answer.

During the presentation, the minister stated the facts. He said that the Whitecap Dakota people have been treated like "second-class first nations". I want to say, from my perspective, you've acted first class—from what I've seen and from my interactions. That's not a shot at the minister.

Minister, you stated a fact, but I wanted to let you know about the people who are at this table and the class that they brought to this.

You mentioned the economic growth. One thing that's on my priority list that's been brought to my attention is access to the golf course. I know there's the military base. There's a road going through Dundurn. Could you please expand on that?

The lack of access is maybe the keyword. How can we open that up to help you, once we pass this?

● (1645)

Mr. Murray Long: I appreciate the question. It's an important part of continuing to build our community. With the community around us, we have a good relationship with the local rural municipality.

The issue with Whitecap is that on one side there's a river and on the other side there's a base—CFD Dundurn. It's very difficult to access going east to highway 11, notwithstanding the fact that there were agreements and so forth with DND back in the day. Frankly, those haven't been kept. DND recognizes it. We are having some discussions with DND, but the army doesn't like to give up land. That's what they're there for.

We will continue to push for that going forward, working with Minister Miller and the other departments, like Minister Anand's and so forth. We have an interest in getting access and finding a solution that everybody can work with. It will open up access for us. It will open up access for other people from other parts of the community to come and work at Whitecap. As we build more things, we'll have more jobs as well.

The Chair: There's just under 30 seconds, if you want.

Mr. Fraser Tolmie: I don't think I need to filibuster, but I will say thank you very much for coming. I look forward to coming up to visit you, maybe getting a round of golf in and staying at that nice hotel of yours.

Thank you very much. I appreciate it.

The Chair: I'm going to proceed to our second speaker, Mr. Battiste, but we'll briefly pause after that. The votes will have begun, but we'll continue after that.

Mr. Battiste, you have six minutes.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Welcome, Councillor Eagle and Councillor Royal.

I know that this wasn't the plan. We had hoped that the chief would be here. I thank you for stepping up and being able to answer questions for the chief.

As someone who's been in a chief and council meeting and is now a member of Parliament here, it's not much different. It's just a bunch of elected officials trying to get to the right decision.

I'm going to ask you guys some very short questions, just for the record, and then I'm going to give you guys a bit of time.

Councillor Royal and Councillor Eagle, are you currently satisfied with the legislation as is?

Mr. Frank Royal: Yes, we are.

Mr. Jaime Battiste: Would you like to see this legislation passed and fast-tracked in any way we can as different parties representing Canada? Would you like to see this go, in what we have the ability to do with unanimous consent, to say that we're satisfied, that the community is happy and the nation is happy, as well as our government and the parties? Would you like to see us fast-track this?

Mr. Frank Royal: Yes, we would like everybody's support to fast-track it. We have plans to implement it on September 1. We do have the support of the community going forward. We've had numerous consultations with them over the last couple of years, so we're waiting to hear some good news.

Thank you.

Mr. Dwayne Eagle: It's the same thing—ditto, I guess.

Yes, our community is pretty excited. We've negotiated for 13 years. For 10 years or so, maybe, there was very little to take back to the community to tell them about what was going on. Everything just took some time. Now it is moving quickly. We do want the support of everybody here to move it forward.

Thank you.

Mr. Jaime Battiste: During the starting point of this discussion, councillors, you talked about how many different ministers you've asked for this, and how many different times you've gone in front of ministers and asked for your section 35 right to be recognized. There's a big difference between being recognized as an Indian under the Indian Act and being recognized as a section 35 rights holder.

I'm wondering if you could talk to me a bit about what your community sees as the value and importance of finally being recognized as section 35 aboriginal rights holders in Canada and what that means for your community.

Mr. Dwayne Eagle: I guess maybe I'll get a little personal. Sometimes when there's a dispute with other first nations, they say something like, "Go back to where you came from." We're from Canada. That's our land and our territory. Once they recognize us as aboriginal peoples of Canada.... That's one of the things that we talked about with our community. They want that. They want to make sure that's included in the agreement. It's pretty important for us.

Thank you.

• (1650)

Mr. Frank Royal: I agree with Councillor Eagle.

Also, the section 35 recognition gives us the land base we talked about, parity with other first nations and sustainable funding for our community for programs for language, culture, education, housing and infrastructure—a lot of our programs.

Thank you.

Hon. Marc Miller: I'll just say, as their community members and elders have stressed to me time and time again, it's important to remind ourselves that they know exactly who they are, and Canada has never recognized that. I think that's the important constitutional element. As a matter of respect and dignity from their ally, that recognition is a strict minimum.

It shouldn't be seen, I think, by the outside world, that this is Canada magically creating a class of indigenous peoples. These people know precisely who they are, and they've known it since time immemorial. That's the reality of it: There is a constitutional implication of Canada's recognition, and that's the least that Canada should be doing at this stage.

Mr. Jaime Battiste: Thank you, Minister.

As you know, within Canada, there are certain borders that we recognize in this country, but a lot of these borders didn't exist with treaty nations and first nations across the world, who were displaced by borders. I'm wondering if you could speak a bit about the importance of what the law has recognized in terms of the importance of indigenous peoples, especially first nations in Canada, being able to be dual citizens of countries and their ability to practise rights on both sides of the border.

Hon. Marc Miller: It's again another important reminder to the rest of us that the border crossed them, and they don't cross the border. That's the reality of their history, their lived experience and the desecration of their ways the imposition of the border had on them.

There is an ancillary discussion that we need to have on perfecting mobility rights. As of today, vis-à-vis its American partner, Canada is a laggard because it doesn't recognize specific provisions of the Jay Treaty. More importantly, it doesn't recognize inherent mobility rights of indigenous peoples, which has all the pernicious effects it can have, particularly on those most vulnerable populations—indigenous women and girls. That's more work that we need to do.

However, that mobility right is an important part of the discussion we have on perfecting section 35 rights, especially as they pertain to the border and especially when it deals with peoples who have been on both sides of what was called the Medicine Line when we established it.

Mr. Jaime Battiste: I have one short question for the legal counsel—

The Chair: I'm sorry, Mr. Battiste, but I have to suspend. We are out of time.

I can resume within 30 seconds when we come back. We have to suspend briefly to vote, and then we'll be back. I'm sorry.

• (1650)

(Pause)

• (1705)

The Chair: We will resume proceedings.

I'll just remind our witnesses now to make sure you are on the proper interpretation channel.

We will resume with Madame Bérubé.

[Translation]

Ms. Bérubé, you have the floor for six minutes.

Ms. Sylvie Bérubé: Thank you, Madam Chair.

First of all, I have to thank the Whitecap Dakota Nation for being with us today.

If I'm not mistaken, Chief Bear has been leading the negotiation process with the federal government since 2009, in your case.

On the one hand, do you have any recommendations for the federal government to improve the process?

On the other hand, do you think that the time between the start of negotiations on a treaty, such as the one for your community, and its implementation should be shortened?

[English]

Mr. Murray Long: Thank you for the question.

I will start and will make a few comments. I'm also going to ask our legal counsel Max Faille to reply in French as well.

As far as accelerating the process, yes, there are ways. When we have consistency in representation on the federal side, that helps move things along. We've had changes in legal counsel that have slowed things down, and that sort of thing, because people have to get onto the file. No offence to the lawyers in the room, but every lawyer likes to put their stamp on these things. That's one thing.

When there are changes in ministers and so forth, that takes some time as well. Those are some of the things that I think would speed it up.

On one hand, you don't want to go too fast because you have to bring the community along as well. We worked with the community throughout and developed our constitution and so forth. That takes some time, so I don't want to.... It shouldn't be the process of developing within the community that's rushed.

Maybe I could ask Max to speak.

[Translation]

Mr. Maxime Faille (Legal Counsel, Whitecap Dakota First Nation): I'd be happy to.

I completely agree with you that the negotiations are indeed taking much longer than they should. Consider, for example, the James Bay and Northern Quebec Agreement, which includes not only a treaty, but also a number of self-government components. If I am not mistaken, it took two or three years to negotiate it. It was the first modern treaty. Since then, it seems that the negotiation processes have been taking longer.

As Mr. Long mentioned, it is extremely important that the agreements negotiated with the federal government have some continuity. In my opinion, the fact that the federal government's policies and requirements allow much more flexibility, as we currently have, to negotiate such agreements helps us a great deal.

In the past, there were a lot of restrictions on what the government was prepared to grant or not. The lack of flexibility really

tends to limit negotiations. In my opinion, the government has nevertheless made significant improvements in this area.

• (1710)

Ms. Sylvie Bérubé: Thank you.

Following up on my previous question, if you had any advice for other first nations that would like to enter into a self-government treaty such as yours with the federal government, what would it be?

[English]

Mr. Maxime Faille: Murray, do you want to take that, or do you want me to pick that one up as well? I'm in your hands.

Mr. Murray Long: I'll start, as far as advice around the first nations, but I'm going to ask the councillors to maybe speak after.

Generally, patience, strong community support—there's been community support from the beginning with our community—and understanding, I think, are very important. As I say, I think you need some patience as well over time.

The last point I'll make is that I think Whitecap is a very good example of how it's built over time. It started with the election code and taking that over. It began to take away little parts of the Indian Act over time, and then of course the land code was 25% of the Indian Act. The people understood, and we were making laws under the land code. That created the foundation. People understood, and it provided support for our people and our elders. Our elders are always very worried about taking the wrong path, but through those experiences, that certainly helped pave the way for self-governance.

Do you want to add anything?

Mr. Frank Royal: Yes, I'll just add to Murray's comments. Yes, good communication with the community.... I know when we had consultations with our membership, we had them on Zoom, and any voting we did was electronic voting. Everybody was involved, and we knew what we were voting on and what we were going towards: self-government.

Thank you.

Mr. Dwayne Eagle: I think, with our negotiations and dealing with our membership, when we had the ratification vote, we wanted a 100% yes vote and 100% participation. We wanted everybody to understand what we were doing and how good this is for our community.

I know that, within the Saskatoon Tribal Council, there are two other first nations that are going to declare. I think one did the other day, last week, the Muskeg Lake Cree Nation. I think it declared that it's going to go for an agreement as well.

I know it's a long process, but we started 13 years ago and it's here now, so it was really quick. Murray's kind of hoping it won't go 20 years because he wants to retire.

Voices: Oh, oh!

Mr. Dwayne Eagle: Anyway, I think it's just communication with the community.

Thank you.

Mr. Murray Long: One last point on that question is that—and we said this especially as we got to the end and wanted people to participate and understand and vote—there are some people who always participate in those things, but it's not those people in the community who are.... Well, they're important, but we also wanted to make sure that it was the younger generation and people who, in 20 years when I'm gone, and council is, our elders and so forth.... We wanted to make sure that the people who are running the self-government at that point and the people who are voting for their chief know what the constitution is and know, “Hey, we voted for this, and this is ours.” I think it's very important that they take that ownership.

• (1715)

[*Translation*]

The Chair: Thank you, Ms. Bérubé.

[*English*]

Ms. Idlout, you have six minutes.

Ms. Lori Idlout (Nunavut, NDP): [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you. I will be speaking in Inuktitut to pose my questions.

First, I want to welcome you. It is wonderful to hear the report you have. It's very clear and understandable.

Frank, I am proud that you used your first language in your opening remarks. It's good to hear indigenous people use their mother tongue in opening remarks.

I also want to remind other indigenous people that, if you want to ask your questions in your mother tongue, feel free to do so because we have interpretation here.

I just want to ask this: Since you said it took 13 years to come to this point, can you tell us why it took so long for this agreement to come about? This is a very important agreement. Many discussions have taken place because there were many concerns. We all want to be seen as a people who can self-govern. Why did it take this long to reach this point?

Mr. Murray Long: I'll answer first of all. Because I started with Whitecap 13 years ago, it sounds like it might be my fault.

Minister, you may want to speak to the question from the government's point of view.

It does take time, and it is very frustrating. You have to be very patient. In our case, part of it was that Whitecap in many cases wanted to push the envelope and wanted to change some things. We pushed the envelope on property tax jurisdiction. We're a government, so we wanted to say that we have the power to impose property taxes. At the outset, the government's position was that we had to do that through arrangements with the province, because it's provincial jurisdiction. We said that is not the way it ought to be. We've worked through that. We have an agreement to go along with

our agreement on real property tax that still maintains some principles for representation and so forth.

There are other examples like that where we've pushed back on the fiscal side. Some of them took a lot of arguing, and some of them are a work in progress. Then, of course, the other big issue that we worked on alongside self-government was this idea of our recognition as an aboriginal people. That was a challenge.

For many years, it was talking to a brick wall with the federal government, because the position was so entrenched. Thankfully, that's changed, but all of those things slow a process down. When we open those up and we pave the way for some of these things, I think it can speed it up for other first nations in the future.

Hon. Marc Miller: I think that fear, lack of trust and pernicious financial interest in preserving the status quo at times exist across Canada. I think that, when you reflect on what these communities are doing, they're taking themselves out of the Indian Act, but on whose conditions and on whose framework?

I think too often Canada has come into these negotiations in a position of power and not in a position of equals. That usually comes with terms, conditions and legal clauses that basically ask communities to take a leap of faith and impose on their people, at times, a framework they wouldn't have if they had had the choice. With communities that want to get out of the Indian Act, there are at times unacceptable conditions not obvious to the political leadership. Choosing the devil you don't know has political consequences on communities once they decide to do that, no matter what the condition.

Too often, with our rigid frameworks, our negotiation style and the power dynamics, we're forcing communities to choose the devil they know, which is the racist document, the Indian Act. That's not right.

We're still far too slow. It's true that the James Bay convention, which is called a modern treaty, does have some very old colonialist terms in it. If you were to do it today, you would probably want to change some of those terms, including some of the cede, surrender and release language, yet it did take only a few years to negotiate, because you had the goodwill of the Government of Quebec and the Government of Canada. I wish they had that same goodwill today with respect to a negotiation with three Innu communities in Quebec, the Petapan treaty, which has taken 40 years to negotiate.

In the last couple years there have been structural changes to the way we're negotiating. We're still not there, but I think there is a lot of flexibility within the teams in getting that muscle memory within the public service as well as the financial instruments and the range of tools available to negotiate, not simply within the structures silo, which is Crown-Indigenous Relations Canada, but across departments and with other provinces.

I think, across Canada, the province doing it best is British Columbia, because we have a protocol that ingrained in the muscle memory of the people at the negotiation table a process and a protocol to get to modern treaties. These folks are blazing the trail for that particular neck of the woods. It's to their credit. I wouldn't say we're there yet, and we're not going to brag about it, but this has been a real change in attitude in the government.

• (1720)

Ms. Lori Idlout: Do I have time for another question?

The Chair: We're going to go to another round. Your time is up for this one.

We'll proceed to a condensed second round starting with Mr. Tochor for five minutes.

Mr. Corey Tochor (Saskatoon—University, CPC): Thank you so much, Chair.

Thank you to our witnesses for being here today. It's been a wonderful journey for me with the Dakota people. I remember heading out there on maybe a little bit better than a goat trail from Saskatoon, and we were there checking out your ball diamonds. The tourist extent that was out there was a community ground for rodeos and maybe a little bit of sports grounds. To see where it has grown to is impressive. If anyone is watching who is planning a trip to Saskatchewan you need to stop in there for a round of golf, or stay at the hotel and see the exciting things that are going on with that first nation.

The second question I have is going to be more about what this agreement does for you. For the first question either Councillor Eagle or Councillor Royal, could you describe a little bit if someone was going to visit this summer what all of the things are they could consider to do on Dakota?

Mr. Frank Royal: We are getting into tourism and we are building a trail along the golf course for walking and biking. They do have bikes at the hotel for people to rent. Last weekend they had star tours at the hotel. There are wagon rides that you can book through a local entrepreneur. There's a casino to try your luck. Actually I'm involved with the planning of the Dakota Days coming up in August, and there's a ball tournament, and chuckwagon and chariot races. The casino had been putting on an annual powwow, but we shut that down when COVID hit. They're going to bring it back, so we're looking forward to that.

Mr. Corey Tochor: It's a great facility to learn from each other. I'm so encouraged by that. One of the very impactful things that you have done is with the 99-year leases on property so that people can get mortgages. That's a little bit around the land development side of things. Can you explain a little bit more of that program for people who don't know how that is managed?

• (1725)

Mr. Dwayne Eagle: Yes, we do have lease agreements in Whitecap. They're 99-year renewable leases. If you wanted to build, say, a home in Whitecap and you wanted to sell it after 10 years you can pay for the 10 years that used and take it up to full value. The housing market would be open to anybody. Right now we're looking at housing for employees. We did a survey with the businesses in Whitecap and about 200 of the employees want to move to Whitecap and purchase a home there as well. We are in negotiations right now, in the planning stages, with a company out of Vancouver, and we're looking at a resort and some condos. I'm not sure when that's going to start, and then there are some higher-end homes around the golf course. They're open to the general public.

Mr. Corey Tochor: That's a wonderful development if you think of the importance of intergenerational wealth transfer within families to maybe everyone at this table who may have benefited from their forefathers or the generation before them passing down real estate, and what that possibly could bring to people's lives. It has been happening now on this reserve, which is I think a very beneficial thing for everybody for the pride of ownership and putting down roots, and all of the good things that come with it. As much as no one likes paying that mortgage payment, it's a good thing when you are putting away money for your future and future generations, which is wonderful. I just want to congratulate everyone who has made this happen. I am so pleased to be able to be here at committee to play a very small role in getting this across the line.

Thank you again.

The Chair: Thank you, Mr. Tochor. It's great to have you with us today.

We will now turn to Mr. Weiler for five minutes.

Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Thank you, Madam Chair.

I want to thank our witnesses for being here today and also congratulate the nation. It's been a very long journey, negotiating for 13 years and getting 100% of the nation to support the ratification is incredible. It's hard to get 100% of people to agree on anything, much less something as transformative as this.

The first question I have is this. With this new self-government agreement, what is the role of the provincial government in the administration of it?

Mr. Murray Long: The agreement and the arrangements are bilateral between Whitecap and the federal government. I can say that when we started, I, as lead negotiator, and Canada did pursue engaging the provincial government. In hindsight, I was wrong. I think this bilateral arrangement works better in terms of getting the arrangements done at the same time we've been working on these self-government arrangements.

We continue to have a good relationship with the province, and we have a number of partnerships with the province. We've set up a bilateral table and we have arrangements in environmental protection whereby we've adopted their laws through our land code. We're working with them now on the enforcement of our own laws, including what we want to enforce in the future under self-government, because enforcing our own laws within the current system is a challenge. We're working through ways and using the province to do that. They've supported us and written letters to various governments regarding issues around recognition and so forth, so we have a very good working relationship.

We're working with them now on how they're going to recognize Whitecap, not as an Indian band but as a self-governing first nation. We continue to work with them on that.

• (1730)

Mr. Patrick Weiler: Thank you very much.

I understand that, the way this agreement has been negotiated, it's to go into effect on September 1 of this year. I was hoping you could explain to the committee what it would mean if this legislation was not passed before the summer recess.

Mr. Murray Long: It would be very disappointing. It would mean we would have to delay the implementation, including some of the financial arrangements and so forth. We've been working hard on our constitution, our supporting governance code, our financial administration code—and rolling our land code into that—and our membership code and so forth. I think it's incredibly important and I'm quite confident we can get it over the finish line for September 1.

As I said, it's taken 13 years, so we might as well get it done now.

Mr. Patrick Weiler: I completely agree.

Given that it's been such a long process for this—I have a nation in my riding that's gone through a similarly long process—I am wondering if you could share perhaps any feedback on how this type of process could be improved going forward for other nations that are looking to follow a similar path.

Mr. Murray Long: I'll start on that.

I may have spoken to this a little bit before. I think it's very important that the membership understand what's going on and that there be a mandate from the membership beforehand. I've been involved previously in other processes that were somewhat similar, in which there was no connection with the membership, and, at the end of the day, that hurt us in terms of trying to maintain things, so the connection is incredibly important.

The other thing that is a challenge—Whitecap's in a pretty good place—is building capacity within the community. You don't want guys like me running government. You want community members running the government over time, and we're working on that. I think it's really important to get people involved, the youth and so forth, because there are huge opportunities in terms of governing the community and so forth and learning the business of government at the younger level. I think it's really important to do that

from the outset to show that there are those opportunities as well for the membership.

Mr. Patrick Weiler: Thank you.

The Chair: Thank you, Mr. Weiler.

[*Translation*]

Ms. Bérubé, you have the floor for two and a half minutes.

Ms. Sylvie Bérubé: I'll give my speaking time to the Conservatives, Madam Chair.

[*English*]

The Chair: Go ahead, Mr. Schmale.

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): Thank you very much, Madam Chair.

Thank you to the Bloc.

I appreciate hearing the witnesses today. There's some amazing stuff going on. I know all of the Saskatchewan caucus raves about what you are doing on your land and the opportunities you're providing, not only for your people but for people living off reserve as well. It's truly amazing, and it's a model, I think, that can be used and replicated.

Where I want to focus my attention is on some of the comments we have been hearing in committee from the other side.

Probably to you, Mr. Miller, if I could, Minister, we're being told here today.... We understand how important this legislation is and we support it, but this legislation, like the Métis legislation, comes down in the dying days of Parliament. You promised the Métis legislation on April 28. Now we're getting it in the last week of Parliament.

We're dealing with this piece of legislation, which is extremely important, in the dying days of Parliament. Why?

Hon. Marc Miller: Let me preface this by saying I'm not going to joke around and say you may have to change your golf plans this summer if this doesn't go through. The reality is that, if you truly believe in inherent rights, we should all be asking ourselves why this has to go through Parliament in the first place.

Mr. Jamie Schmale: No, I'm not asking that. I'm asking why it is not that important. The agreement was signed months ago. The Métis were promised on April 28. We're now in the last couple of weeks of June. Now, all of a sudden, there is this rush to get it done.

What happened to the few months in between?

Hon. Marc Miller: Just to clarify, do you want to talk about Métis recognition legislation or—

Mr. Jamie Schmale: The point's still the same. We are told how important this legislation is. We agree with both pieces of legislation. We know how important this is, yet we're being told we must deal with it in the last couple of weeks.

There was a whole lot of runway before we got to this point.

• (1735)

Hon. Marc Miller: To preserve the dignity of the folks who are here today, talking about this very important piece of legislation, I don't want to rehash the back-and-forth of what could have been, or any tactics and shenanigans that have been going through the House in the last little while. A lot of people have been cleaning their dirty laundry in the Houses of Parliament. I don't want to give that any airtime at this committee meeting.

The reality is that this is a very important piece of legislation, like the Métis recognition legislation is, which is also before you. If you truly believe in the words you are speaking today, you will support unanimous consent to pass this through at all stages.

Mr. Jamie Schmale: It should be noted that we have agreed to support it as soon as we're done with this committee meeting.

Hon. Marc Miller: That's great. We will then have plenty of time to talk about Métis self-recognition legislation.

Mr. Jamie Schmale: The point is still the same, though. We're in the dying days.

The Chair: That's your time, Mr. Schmale.

We'll go to Ms. Idlout for two and a half minutes.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you.

Minister Miller, you stated earlier about the United Nations Declaration on the Rights of Indigenous Peoples implementation. Can you elaborate some more and help us to understand how this declaration will support the rights of indigenous people?

Can you explain that a little more clearly? Thank you.

Hon. Marc Miller: Absolutely.

Thank you for the opportunity to speak about that, because this does fall within a greater and equally important discussion around the country about the rights of your peoples and their inherent right to do the very basic thing—the trapping of nationhood—which is to govern themselves.

This agreement is not the end of the discussion, nor is it the end of the relationship with Canada. There are many other items to be discussed. I think Councillor Royal alluded to them when he was speaking about some of the historical grievances that will remain after this with respect to their presence in Canada and some of the redress that will need to accrue to them as part of any discussions after the passage of this treaty. This does deal with reserve land and, essentially, its conversion to something that is self-governing outside the Indian Act, but there's an untold and unfinished story that has to be dealt with. That has to be fully fleshed out in the context of the adoption by Canada of the United Nations Declaration on the Rights of Indigenous People, which mentions in article 4 not only the right to self-determination but autonomy in how they comport themselves and in the broader principles that are also fleshed out in UNDRIP.

We are about to introduce an action plan, which we have promised as part of the implementation of the act we adopted two years ago. That's coming up very shortly. I think that will be the op-

portunity to have a much greater discussion on the structure we need to surround these negotiations.

Despite the 13 years of forceful advocacy and negotiation around the negotiating table, these are essentially one-offs. Having a structure around Canada where people can exit the Indian Act in dignity and in a context where they don't have choices imposed on them is extremely important. This is still a structuring, racist document that continues to wield its weight in very predictable and unpredictable ways.

This is one example of compliance and UNDRIP potentially at work, but there will be a lot more work to do with respect to other communities—those under the historical treaties—that, when we work with them on self-government and even discuss modern treaties, are very reticent because they have seen their relationships breached since the signing of those historical treaties. They ask those to be honoured before we start proceeding to the next point, which is the modern treaty.

The overlay of the Indian Act is an extremely heavy weight that weighs on all these discussions. It will be the subject of more discussions and conversations—respectful ones, hopefully, outside the courtroom—on how we essentially do a very basic thing in human nature, which is govern our relationships with each other from positions of equals, which has not been the case in the past.

I see this as an example, but it is an example that has persevered despite everything that's existed in Canada to prevent the success. I think it is a testament to the leadership of this community that they've been able to do so.

• (1740)

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

I have no more questions now. I just want to tell the representatives of the Whitecap Dakota First Nation that I am so proud of you. You have achieved a lot. You strived for this agreement to get to this point. You fought for your rights. I believe that all rights of all indigenous peoples should be declared and recognized.

I thank you because you didn't just agree, agree, agree. You fought. You fought for your people and for your indigenous nation to have the recognition of your rights as a nation.

I want to thank you for the report you've given. That will be available to all people in Canada. Thank you again for your support. You inspire others to keep fighting for their rights.

Thank you.

The Chair: Thank you very much, Ms. Idlout.

That brings our second round to a close.

I know our guests wanted to end with some closing remarks, so the floor is yours.

Mr. Frank Royal: First of all, I'd like to thank Madam Chair and the committee for hosting us today, and I'd like to thank you for your comments on the language. We are bringing our language back in the community and working on language revitalization. I'm a lifelong learner, I guess, in language—I'm still learning.

I'd also like to thank Mr. Battiste for introducing Bill C-51 last week. Thank you from Whitecap Dakota.

Mr. Dwayne Eagle: Thank you, Madam Chair.

I want to thank everybody for listening to us today and bringing forward our story and the direction we'd like to take our community. Maybe I could give a shout-out to everybody watching back home—Chief Bear and all of the band members. Rick Gamola sent me a text and said we're doing really well. I just want to thank everybody for that.

I want to thank everybody who has supported us—Minister Miller and all of the parties here. It's a big step for us. I know we've been talking about it for 13 years, and it seems like a long time, but if the agreement wasn't good for our people, we wouldn't have accepted it. This is a good agreement with Canada. We brought it forward and they agreed to it, so here we are.

I want to thank you all.

Mr. Murray Long: I want to take the opportunity to thank some people who are in the background—literally in the background behind us—the officials within the various departments and so forth. There are lots of dedicated officials there that I've personally worked with over the last number of years—Stephen Peltz, Ross Cameron, Rebecca Blake, Angela Bishop, Geneviève Thériault, and then the current team, who helped put us over the finish line. I should add Catherine Moriarity, Anne-Laure Bouvier and Mary Jean Rolando, who's on the screen there.

There have been many emails at one, two or three in the morning to get this thing done. For anyone who doesn't believe that the peo-

ple in the federal system work, there's lots to do. Despite the frustrations—I yelled at them a few times over the last few years—I do appreciate all of their efforts.

The Chair: Thank you so much.

This is a very fitting way, I think, for our committee to come to a close for the summer session. I had goosebumps many times hearing your testimony today. It's come full circle for so many of the important discussions that we've been having. Canadians have been having those discussions alongside us. I think that's the other piece of this—this is just the beginning. It's really exciting to think about what's on the other side of that horizon.

We are full of gratitude. Thank you so much, Councillor Eagle, Councillor Royal, Mr. Long, Mr. Faille and your other team members—Ms. Rolando. We hope that Chief Bear is feeling better. We'd like to celebrate with him some day as well.

Thank you of course to Minister Miller and the deputy minister as well, Mr. Reiher, and the officials. It's been a pleasure to have you today.

That will bring our discussion to a close.

I just want to note, again, a big thank you to my fellow committee members. This has been an incredibly collaborative committee. We come every day, I think, dedicated to the same goal—wanting to see these key issues really move forward. This is our last meeting for this session. It's been a very productive winter and spring.

I want to wish everybody at home as well and all of our committee members a happy National Indigenous Peoples Day on Wednesday.

Thank you very much. The meeting is adjourned.

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