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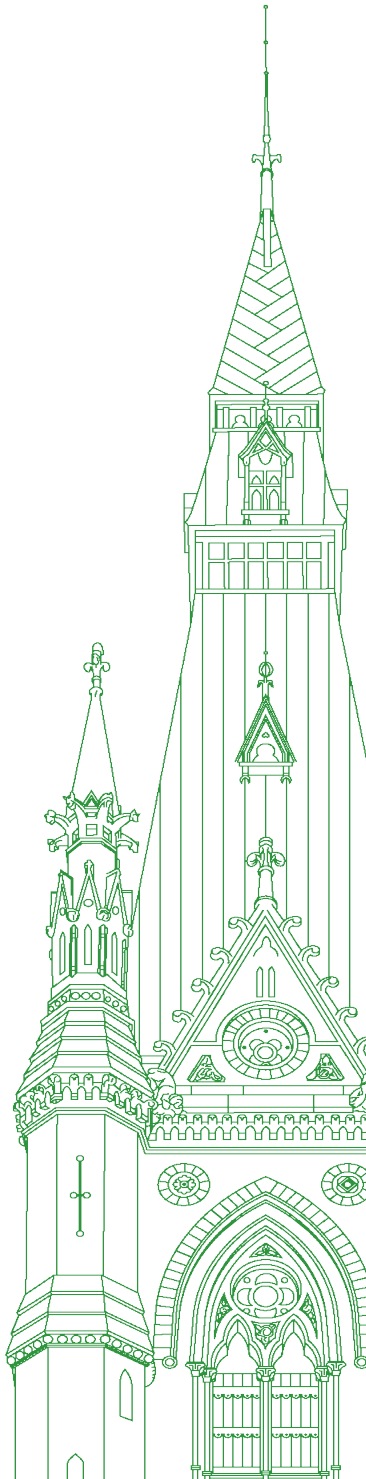

Chair: Terry Sheehan

Standing Committee on Indigenous and Northern Affairs

Thursday, February 26, 2026

● (0820)

[*English*]

The Chair (Terry Sheehan (Sault Ste. Marie—Algoma, Lib.)): I call this meeting to order. Welcome, everyone.

This is meeting number 23 of the House of Commons Standing Committee on Indigenous and Northern Affairs. We recognize that we meet on the unceded territory of the Algonquin Anishinabe people.

Pursuant to the order of the House, the committee is continuing its study of Bill C-10, an act respecting the commissioner for modern treaties implementation.

I would like to welcome our witnesses on the first panel.

From Kitselas First Nation, we have Glenn Bennett, chief councillor, by video conference.

We also have the K'ómoks First Nation, represented by Chief Nicole Rempel, by video conference.

Then we have, from the Naskapi Nation of Kawawachikamach, Chief Louise Nattawappio and Christina Caron, lawyer.

Welcome to all of our panellists.

To the folks on the video conference screen, if you're trying to get our attention, there's a “raise hand” function on your screen. Just click on that, and the clerk and I will see it.

Everyone will have five minutes for their opening comments. I'll give you a reminder when there are 30 seconds remaining, wherever you are in your remarks, so that you will know to wrap it up.

For folks in the room, as well as for those on Zoom, when you're not speaking, turn your microphone off. Usually the audiovisual people will do that as well.

For those in the room, when you're not speaking, keep your earpiece in your ear or put it on the little spot on the desk, because it's very helpful for the interpreters. Also, when you're done, make sure your mics or the mics beside you are off.

Without further ado, we'll start with Chief Councillor Glenn Bennett by video conference, please.

Chief Glenn Bennett (Chief Councillor, Kitselas First Nation): Good morning, Chair, committee members, civil servants and honourable members of Parliament.

My name is Glenn Bennett. I'm currently the elected chief councillor for my community of Kitselas. The Kitselas were known as the people of the canyon. Our history is an oral history, so I hope you will remember what I say, what I share, and share the knowledge.

I feel it's important to acknowledge the team that helped me get here this morning. I have with me our chief administrative officer, Ms. Linda Morven. She hails from the Nisga'a Nation. Alongside her is a young man, Cyril Nabess. He's our director of lands and resources and also an elected council member.

We have people who have worked very closely with my community of Kitselas—Mark Stevenson. The late Mel Bevan was our chief negotiator, who negotiated for well over 30 years and looked for a fair treaty for his people. Before he passed away, he initialled off on the final offer that was presented by both Canada and B.C. In doing that, he was recommending to his people that we accept what has been offered to our community.

Back on April 10, 2025, in my community, we ratified our treaty, with 96% of our people coming out to vote and 85% voting yes. In my mind, that's a clear mandate for our people to look at implementing this treaty, which will take two to three years. We feel, as Canadians, that we can relate to the hard work needed to establish a strong foundation. I feel that is the work we are doing here.

As I said, we negotiated our treaty well over 30 years ago and ratified it on April 10, 2025. We recognize and welcome the positive intent of Bill C-10. Establishing an independent commissioner to review federal treaty implementation is a step towards greater transparency and stronger relationships between Canada and Canadian treaty nations.

We support the bill's foundation, the commissioner's independence, the ability to audit public reporting to Parliament, and access to information. These are important building blocks for accountability. However, oversight alone risks documenting issues without resolving them. Our focus is ensuring that this leads to real collaborative actions.

First, we recommend a joint response mechanism. When findings emerge, we suggest a clear, co-developed action plan within a set time frame. This ensures we move together from insight to implementation.

Second, we encourage clear commitment around information sharing. Let's ensure defined processes at all levels to avoid delays.

Third, we believe direct reporting to Parliament benefits all of us by enhancing transparency and trust.

Fourth, we ask that all Canadian treaty partners be included, reflecting our shared commitment to comprehensive inclusion.

Finally, meaningful participation requires capacity. We encourage Canada to ensure that resources are in place so Canadian treaty nations can fully engage and ensure that treaty agreements are implemented as required.

In closing, we believe BillC-10 can be a robust tool for partnerships. By ensuring action, inclusion and accountability, we can strengthen treaty implementation together, upholding the honour of the Crown.

Thank you, and I look forward to continuing the collaborative work.

● (0825)

The Chair: Thank you, Chief Councillor.

Next we have Chief Nicole Rempel online for five minutes, please.

Chief Nicole Rempel (Chief Councillor, K'ómoks First Nation): Thank you, Chair and members of the committee, for the opportunity to appear before you today in support of Bill C-10, an act respecting the commissioner for modern treaty implementation.

My traditional name is Malidi. My given name is Nicole Rempel, and I'm the elected chief councillor of K'ómoks First Nation on the east coast of Vancouver Island in British Columbia.

K'ómoks ratified our treaty on March 8, 2025, with a strong majority vote in favour. Our members made a clear and informed decision to move forward under the modern treaty framework. We saw a record-breaking 91% voter turnout, with 81% approval of our treaty and 83% approval of our constitution.

For K'ómoks, modern treaty is not simply a constitutionally protected legal agreement; it is the foundation of our governance model, our stewardship responsibilities and our long-term economic future. It represents decades of work by our elders, leadership and community members to establish a stable and predictable relationship with Canada. These agreements create complex government obligations that must be carried out consistently over time. Bill C-10 strengthens that foundation.

A central strength of this legislation is the creation of an independent commissioner for modern treaty implementation. Independence is not incidental; it is a core design feature in this bill. The commissioner is independent from both the federal government and indigenous modern treaty partners, enabling incredible objective oversight that builds trust amongst all parties. This role fills a clear governance gap.

The commissioner complements rather than replaces the important work of the Auditor General by focusing directly on implementation progress, systemic barriers and coordination across federal departments. This distinction matters.

Modern treaty implementation is not a one-time exercise; it is an ongoing operational process. Implementation determines whether governance institutions function effectively and whether economic development can proceed with confidence. From a K'ómoks perspective, predictability is essential. An independent commissioner provides a practical mechanism to provide continuous oversight, improve transparency, identify systemic barriers and address issues early. This proactive approach helps prevent small implementation challenges from becoming entrenched structural problems.

Importantly, this oversight function also helps reduce reliance on dispute resolution processes or litigation. When implementation concerns can be identified, examined and addressed transparently at an early stage, relationships are strengthened and resources can be directed toward progress rather than conflict.

Bill C-10 ensures that treaty implementation does not erode over time through administrative drift, shifting priorities or inconsistent interpretation across federal institutions. Through reviews, performance assessments and public reporting to Parliament, the commissioner creates sustained accountability that extends beyond election cycles and changes in government.

For K'ómoks, this is directly tied to intergenerational responsibility. Our leadership today is stewarding agreements that must serve our children and grandchildren. Institutionalized oversight helps ensure that commitments endure and that implementation remains faithful to both the letter and spirit of our treaty.

Bill C-10 affirms that modern treaties are living operational frameworks that require sustained attention and accountability. It strengthens the nation-to-nation relationship by embedding transparency directly into implementation. For K'ómoks, this means stronger governance, stability, clearer intergovernmental coordination and greater confidence in long-term planning.

We support Bill C-10 because it advances predictability, partnership and responsible treaty implementation, all of which are essential to building a strong and self-determined future for our nation.

In closing, Bill C-10 is about ensuring that the promises reflected in modern treaties are realized in practice. For K'ómoks, implementation is where reconciliation becomes tangible in governance, in stewardship and in opportunities for future generations. By establishing independent and transparent oversight dedicated to implementation, this legislation helps ensure that commitments are honoured consistently and endure beyond political cycles.

We see Bill C-10 as a practical and necessary step toward a more accountable and enduring treaty relationship and respectfully encourage the committee to support this important work.

On behalf of the K'ómoks First Nation, thank you very much for this opportunity to participate today.

● (0830)

The Chair: Thank you very much.

Now we go to Chief Nattawappio for five minutes, please.

Chief Louise Nattawappio (Naskapi Nation of Kawawachikamach): Thank you.

[*Witness spoke in Naskapi and provided the following text:*]

Waachiyaa, Louise Nattawappio nit-isinihkaasun. Niyuw iyuuchimashkuau Kawawachikamach.

[*Witness provided the following translation:*]

Good morning. My name is Louise Nattawappio. I am chief of the Naskapi Nation of Kawawachikamach.

[*English*]

Thank you for the opportunity to appear before you today as you consider Bill C-10, an act respecting the commissioner for modern treaty implementation. I would like to start by confirming the Naskapi Nation's support for the proposed legislation.

In 1975 and 1978, the James Bay and Northern Quebec Agreement and the Northeastern Quebec Agreement, or NEQA, became the first modern treaties in Canada. The Naskapi Nation was among the first nations to enter this modern treaty framework. These agreements reshaped the relationship between the Naskapi Nation and the Crown. Their provisions are mandatory and binding on Canada and Quebec, and the rights they recognize are constitutionally protected.

We have now lived under this framework for 50 years. While our experience with Canada concerning the implementation of the NEQA has generally been positive, it has not been without its challenges.

On the positive side, our experience with CIRNAC's modern treaty management east implementation branch has been excellent for several decades, continuing up to the present day.

On the challenging side, we have experienced lengthy delays with some federal departments in completing negotiations where there is a clear treaty obligation, and we have often found ourselves in the position of having to educate parts of the federal bureaucracy about the fact that we are and have been a self-governing modern treaty holder for many years.

We have often felt that these challenges exist because we are a small, remote first nation and our voice is not heard. That said, the NEQA has binding obligations that must be met regardless of size, location, policy or program limitations. Insofar as treaty implementation is concerned, I believe that a challenge common to all modern treaty holders across Canada is structural in nature. For example, implementation responsibilities are distributed across numerous federal departments and agencies, but there is no institution specifically mandated to provide consistent, specialized attention to modern treaty implementation.

Despite the constitutional importance of these agreements and the vast lands, resources and communities they encompass, we believe the proposed legislation will address this gap by providing the tools necessary to ensure that the federal system consistently delivers on what Canada has already agreed to in constitutionally protected treaties. More specifically, the commissioner would provide sustained, independent oversight focused on implementation combined with transparent reporting to Parliament and mandatory departmental responses.

Modern treaties today cover approximately 45% of Canada's land and sea mass, 80% of the north's land mass and most of Canada's coastline. They are foundational to Canada's legal and economic landscape, yet there is no dedicated independent oversight mechanism focused specifically on federal implementation. For over two decades, the Land Claims Agreements Coalition has advocated for the creation of an independent office reporting directly to Parliament on Canada's effectiveness in implementing modern treaties.

Bill C-10 meets the objective, and for this reason we support the swift passage of this important proposed legislation.

Chiniskumitin. Thank you.

The Chair: Thank you very much, Chief.

We're going to go to our first round, which is six minutes, starting with the Conservatives and MP Morin.

Please go ahead.

Billy Morin (Edmonton Northwest, CPC): Good morning to all of our chiefs and leaders giving testimony today.

I'll start with Chief Louise, who's in the room here.

Welcome, Chief. You spoke about some of the stats in terms of modern treaties. They're very impressive. I have the map here in front of me. Was it 40% of the land mass that they cover? There are about 27 modern treaties, give or take, depending on how you define it, according to some of the stats and Canada itself.

I certainly agree with the notion that Canada needs to be 100% better in terms of implementing modern treaties, but I do see some challenges with this bill. I think some people would say it's not perfect, but let's not let perfect get in the way of progress. I would like to see maybe a little bit more teeth to it, quite frankly.

Looking at this map, it covers 40%. You have communities in here from the west coast to Inuit communities and your community on the Quebec-Labrador side. I've heard that this budget might have maybe a $2-million operating cost to start. Right now, you're having trouble, as a small first nation, getting into many government departments. Do you have faith that a $2-million start-up government arm will do right by implementing modern treaties? Is that enough to actually do the work that it's supposed to do?

● (0835)

Chief Louise Nattawappio: I believe at this time that whatever help we can get will do. We need all the help we can get.

Do you want to add more?

Billy Morin: That's okay. Thanks, Chief.

Maybe I'll ask the same question of Chief Rempel.

Chief Nicole Rempel: While I don't believe $2 million is enough to address all of the issues with the federal government implementation, I think it's a start. Across Canada, with modern treaties, the strength of our leadership can advocate for more funding. Saying that it's not enough funding so let's not do it doesn't sit well with me as a leader. I would welcome it being under way.

Billy Morin: Thank you, Chief Rempel.

Chief Bennett, how do you project that this office is going to prioritize what it studies? Again, it's 40% of the land mass here covering Canada. It's a very diverse group of Inuit, west coast, northern Quebec and Cree. There are a lot of other tribes and diversity.

How do you project that Kitselas will get on the priority of what needs to be studied and have that in balance with, say, Chief Rempel's community or out east or an Inuit community? How do you think that's going to be determined?

Chief Glenn Bennett: On behalf of my community of Kitselas, this is a process that we started well over 30 years ago. I find that we, as indigenous people, are extremely patient, and we're willing to work with all levels of government within our province here in B.C. If you look at the majority of first nations, a third of them come from here in B.C.

I feel that if we can look at establishing a positive relationship.... In my mind, it's all about relationship building. I think my community has demonstrated that with the federal government and through the various programs that are currently delivered by what is now referred to as ISC, or Indigenous Services Canada.

We are very fortunate in where we live. We're remote. We live in northern B.C. By plane, it's an hour and a half. In my mind, that's very remote. I feel that what we can bring to the table is the experience of our people. Our people live a harsh life. Look at the climate we live in—winter. Our people wintered on the coast. I think what we can share with the federal government will be positive and demonstrate our willingness to look at sharing our story and sharing how we got to this process in what is now referred to as a modern-day treaty.

We're waiting now for the federal government to do its part and look at how we go forward, Mr. Morin. I feel it's positive. We're very pleased to be here today to provide our testimony, to listen to all the parties that are around the table and do the best job we can in answering the questions that you have for us as indigenous leaders of our communities.

Thank you.

● (0840)

Jaime Battiste (Cape Breton—Canso—Antigonish, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for your testimony today.

You know, my prior job before being a member of Parliament was treaty education lead for Nova Scotia. During the presentations that I gave all across the province, I would say that treaties are the foundation of Canada. Whether it's the pre-Confederation treaties, the numbered treaties or the modern-day treaties, they all ensure that we, as a country, are able to flourish, create partnerships and ensure that those partnerships continue.

With the modern-day treaty commissioner, I think one of the things that this committee would benefit from greatly is really getting a sense of how your community would utilize the modern-day treaty commissioner to further your treaty's implementation if such a commissioner were in place.

I'd like to start off with Chief Rempel, because you talked a lot about predictability, partnership and sustainability. I'm wondering if you could elaborate.

How would you use this treaty commissioner? Suppose this legislation is successful and there is a treaty commissioner today. How would that treaty commissioner, in your eyes, be seen to advance treaty implementation in your region?

I'll go to Chief Louise next, on that.

Chief Nicole Rempel: Thank you. That's a great question.

For me, it's about holding the federal government accountable for the responsibilities of the treaty on their part.

Recently, K'ómoks First Nation was doing a public forum with B.C. and Canada. Canada unilaterally made a decision in that presentation, without conversation with the province or K'ómoks First Nation, to extend the effective date of our treaty by one year. If we had had a treaty commissioner overseeing that process, we wouldn't have been blindsided in a public forum.

We need to be able to hold our treaty partners accountable in a responsible way that is also independent of the federal government and the nation. I think that is the responsible way to move forward. It provides a level of comfort to all parties within the treaty to have that independent body.

I don't know if that answers your question.

Jaime Battiste: If I heard you correctly, instead of having to go to a bureaucrat, a member of Parliament or a minister to complain about what had just happened, you would have an independent ally that you could rely on to start and facilitate those conversations with the federal and provincial governments. Is that correct?

Chief Nicole Rempel: The first part of your question cut out, but I got the gist of it. I think that's correct.

Jaime Battiste: Okay.

Chief Louise, how would you utilize a modern-day treaty commissioner if you had one in place right now?

Chief Louise Nattawappio: Can you repeat your question?

Jaime Battiste: This legislation contemplates a further modern-day treaty commissioner. If that modern-day treaty commissioner were in place right now, how would he or she be able to help advance treaty implementation for your community?

Chief Louise Nattawappio: I wish we'd had one years ago, so that we could understand the modern treaty.

As you said, you were teaching it. We were never taught. Even in school, we were not taught. Maybe the council members knew about it. I think it's time that we knew about it and that our community members knew about it.

Jaime Battiste: I have only about two minutes.

I think one of the great things that I've seen from treaty commissioners in various provinces, like Manitoba and Saskatchewan, is that they have a specific mandate, not just to educate indigenous community members but also to educate members all across the province.

Why is education so crucial for the treaty relationship moving forward for your community and nation?

● (0845)

Chief Louise Nattawappio: Education is very important, not only for us, but for all of Canada, so that they understand where we come from. The history is very important so that they understand why we are the way we are.

Jaime Battiste: In your province or in your region, do you think that enough Canadians understand the current obligations under the treaties, whether they're historical or modern-day treaties?

Do you think there's enough of an understanding of the partnerships and the obligations created by those treaties?

Chief Louise Nattawappio: There's no understanding. If there were understanding, there would be less systemic racism, so education is crucial.

Jaime Battiste: Chief Bennett, on that point, do you think enough people in your region, your province, understand the obligations of treaties, and do you think that a modern-day treaty commissioner would help that?

Chief Glenn Bennett: I often say that I need to do a better job, and that would be in demonstrating, not only to my community but to our neighbouring first nations and to the province and to our local municipalities.... The City of Terrace and the Regional District of Kitimat–Stikine supported our treaty process. I think that's because we did a really great job in trying to not only educate our people but also educate those who live in and around us. With this position, I think they can look at supporting first nations all across Canada that are either treaty first nations or those first nations that have made the decision to enter into treaty negotiations.

I feel that this position will bring great benefits, not only to indigenous people but to Canadians.

The Chair: Thank you very much, Chief.

[*Translation*]

Welcome, Mr. Lemire. You have the floor for six minutes.

Sébastien Lemire (Abitibi—Témiscamingue, BQ): Thank you, Mr. Chair. It's a pleasure to be back here at committee.

Chief Nattawappio, thank you for being here.

First, I would like to extend cordial greetings from my colleague, Marilène Gill, who is the Bloc Québécois' new critic for indigenous relations, as well as your member of Parliament. As you know, she wants to go see you in your home, in Kawawachikamach, as soon as possible, and she has pledged to do so. For those who follow our work and are a little more used to settler names, that's near Schefferville. I do envy my colleague's opportunity to visit you.

I'd like to start by learning more about your story. In the 1970s, in Quebec, there was a lot of activity around hydroelectricity development. There's a reason why the Cree and Naskapi were the first—the only—indigenous groups in Quebec to be involved in modern treaties.

Do you feel that governments were eager to implement modern treaties initially, but neither Quebec nor Canada felt the same sense of urgency once hydroelectricity infrastructure was in place? Why was there such a rush to sign modern treaties in the 1970s and now, more than 50 years later, you're still waiting?

● (0850)

[*English*]

Chief Louise Nattawappio: Waiting for what?

Sébastien Lemire: The results of the modern treaty about...

[*Translation*]

You're still waiting for all the promises that were made to you to be implemented, particularly those having to do with self-government.

[*English*]

Chief Louise Nattawappio: Is that in regard to the agreements?

[*Translation*]

Sébastien Lemire: Yes.

[*English*]

Chief Louise Nattawappio: We're still waiting.

[*Translation*]

Christina Caron (Lawyer, Naskapi Nation of Kawawachikamach): The Naskapi situation is unique. The agreement has been and is being implemented. However, the tragedy for the Naskapi is that so-called modern treaties are becoming less and less modern despite the label. When the Naskapi signed the treaty in 1978, government policy was very different from the one under which treaties are being signed today. The Naskapi had to give up their land and all their rights to it in exchange for a 20-chapter agreement. So one of the major issues for the Naskapi is the evolution of the treaty, which we can ensure by regularly reviewing the implementation and producing reports.

At the time of the Northeastern Quebec Agreement, land claim treaties didn't include chapters on evolution. The approach was a bit more prescriptive. Our treaty is from 1978, and it sometimes seems as though governments feel it's a done deal and there's no need for it to evolve.

So, yes, it was implemented properly, but we might have to review that implementation now and revisit the spirit of the treaty, as well as the context in which it was signed, since you asked me a question about the context. It was rushed, after all, and the Naskapi signed their treaty within the context of the James Bay and Northern Quebec Agreement, which was signed three years earlier and extinguished all the rights of all the nations on the territory.

When the Naskapi negotiated their own treaty, they had no leverage, and I think it is important to emphasize the notion of leverage this morning. The first nations that signed the treaties, including the Naskapi, have no leverage to reopen chapters of their treaties and modernize them. The report might seem like one report among many, but, for the Naskapi, it is more than just a report. It's the only leverage they have to demand an application of the treaty that is modern and aligned with current policies.

Sébastien Lemire: Could the commissioner be given the mandate to make recommendations on the evolution of modern treaties?

Christina Caron: Absolutely.

Sébastien Lemire: Do you have any other amendments to propose that you would like to see made to the bill?

Christina Caron: I don't have any amendments to propose. The commissioner will have fairly broad powers to make recommendations, which may contain elements on the evolution of the treaty.

Sébastien Lemire: Chief Nattawappio, do you feel that you could have used an ally like this commissioner in the past, and that it could have made a difference in terms of your nation's growth and development?

[*English*]

Chief Louise Nattawappio: Yes, of course it will help.

[*Translation*]

Sébastien Lemire: *Meegwetch*.

[*English*]

The Chair: Now we will go to Vice-Chair Schmale for five minutes, please.

Jamie Schmale (Haliburton—Kawartha Lakes, CPC): Thank you to our witnesses for being here for this very important study.

To reiterate what I've said before in previous appearances, we agree with the diagnosis. We have some issues with the prescription in terms of how this bill is worded and how it's going forward.

We agree that the government, over hundreds of years, has failed indigenous people. We agree that with treaties—modern, numbered, traditional or otherwise—there have been too many examples where the government has failed to live up to its word. Despite signing on the dotted line and despite all the pomp and ceremony that goes with it, the government then fails indigenous people.

Having said that, we want to help make this legislation as strong as possible so that there are consequences and, if there's a change in government, a change in deputy ministers or a change in whoever, the departments will be held to a standard of continuing to uphold the word.

I'll start with Chief Rempel, because she did mention that.

On that note, if we're talking about holding government or treaty partners to account, other than a report or naming and shaming—which this bill basically does—what other mechanisms are there to ensure that there is some accountability on the government side?

● (0855)

Chief Nicole Rempel: I'm sorry. Are you asking about mechanisms within the bill?

Jamie Schmale: Yes.

Chief Nicole Rempel: I think there are ample teeth for improving accountability and efficiency and overall improvement in the implementation of modern treaties.

The commissioner will have access to powers that resemble those of the Auditor General and can require information. Parliament will use those reports to hold departments accountable, and the commissioner can follow up at the same level as the Auditor General with audits to ensure that recommendations are implemented. Going beyond the powers contained in Bill C-10 would disrupt the carefully calibrated balance in the bill.

Jamie Schmale: Okay.

The Auditor General, an agent of Parliament, now has the ability to table reports, and at that point, Parliament tries to hold the government to account. We do that in question period, and we do that in committee. There are a whole bunch of different levers at our disposal.

That said, there is only so much that can happen if the government—the executive, the cabinet—decides not to react to those reports. There have been many Auditor General reports that have shown where failures are happening with indigenous communities. We've seen those reports also highlight that substantial increases in funding have not resulted in equally substantial improvements in housing and infrastructure, etc.

How do we then hold government to account?

Chief Nicole Rempel: I think the answer is in the question: It is by not assigning it to the Auditor General.

I think different agents have different purposes. The CMTI was modelled on the Office of the Auditor General and would have similar roles, with a focus on internal Government of Canada accountability.

Jamie Schmale: What I'm trying to highlight is that we—

Chief Nicole Rempel: Rather than the Auditor General having a platform of many things to observe, the sole purpose of this is to ensure that modern treaties are being upheld.

Jamie Schmale: If the Auditor General is highlighting such inadequacies in terms of funding or results for clean drinking water and that kind of thing, it's failed over hundreds of years. It's not a Liberal versus Conservative thing here.

Chief Nicole Rempel: For sure.

Jamie Schmale: It's still failing to this day. We had an evacuation the other day in northern Ontario because of unsafe water. How do we then...? We know this is going on. We know the government's looking after drinking water. We know that the Auditor General has come out with a report saying they're failing, and success for many of these nations would be zero boil water advisories.

Are we moving towards a piece in this legislation where we can say that, if the government does not live up to its word when it signs on the dotted line, what consequences happen?

The Chair: You have about 10 seconds to answer. If you find that you can't, you can always send it in writing as well.

Chief Nicole Rempel: That's where litigation, dispute resolutions and things come in. That's not where modern treaty nations want to go. We'd rather get the commissioner to assist.

Jamie Schmale: Courts would be the next step after that.

Chief Nicole Rempel: I don't want to go there.

Jamie Schmale: Nobody does.

The Chair: Thank you very much.

For the Liberals, we have MP Lavack, please.

[*Translation*]

Ginette Lavack (St. Boniface—St. Vital, Lib.): Thank you very much, Mr. Chair.

Chief Nattawappio, as someone pointed out, the word “modern” may be a bit outdated. Your treaty is 30 years old, after all.

You were involved in the process of drafting Bill C-10. Could you tell us how you were involved in that process and comment on the importance of that active participation?

● (0900)

[*English*]

Chief Louise Nattawappio: Can you repeat that? It's hard for me to listen in French, because English is my second language, and then it's French.

[*Translation*]

Ginette Lavack: Yes.

You were involved in creating this bill and in the task force that recommended establishing a commissioner position. Why was your participation important, and what was that process for you?

[*English*]

Chief Louise Nattawappio: I'll have Christina answer that.

[*Translation*]

Christina Caron: It was many years ago, so I don't know if I'll be able to give you a good answer.

There were a number of productive meetings and there was a common goal. Everyone agreed that Canada needed a commissioner to defend the things we cherish. There were a lot of meetings, and a lot of connections were made with communities that may have actual modern treaties. The first nations made all that happen.

Officially, this is a government bill, but it's based on the needs expressed by the main stakeholders, who felt that what it contained was sufficient. When you need a glass of water, you don't want someone to offer you orange juice. When you need water, you need water. That's essentially the message that everyone rallied around.

Basically, for first nations, not getting behind this bill because it has room for improvement could be seen as bad faith or as a way to shirk their obligation to implement treaties.

Ginette Lavack: Thank you.

Councillor Bennett and Chief Rempel, you mentioned the importance of active participation that enables people to make choices, but you said that may require resources. Do you think first nations may need additional resources to do the work they'll have to do with the commissioner?

[*English*]

Chief Rempel, could you answer the question?

The Chair: Chief Rempel, the same question goes to you, please.

Chief Nicole Rempel: I'm sorry. Was the question around resources?

Ginette Lavack: Yes. Do you believe there's a need for additional resources or tools for your communities or modern treaty communities to work with the commissioner?

Chief Nicole Rempel: I think there are always resources needed, no matter what level of government we're looking at. Budgets are always over budget.

At K'ómoks First Nation, we do what we can within our realm of capabilities, always looking for resources and putting in resources, when we have to, from own-sourced revenue.

I think the $2-million budget assigned to this, potentially, isn't enough, but it is a start. K'ómoks First Nation is always looking for constructive ways to collaborate and come to solutions, in an open and transparent manner that addresses the needs of everyone.

[*Translation*]

Ginette Lavack: Thank you.

[*English*]

The Chair: Thank you.

We now have MP Lemire for two and a half minutes, please.

[*Translation*]

Sébastien Lemire: Thank you, Mr. Chair.

Chief Nattawappio or Ms. Caron, on an annual basis, how much do you think the Naskapi Nation has incurred in legal fees to assert legitimate rights? How much would it not have had to spend if the government respected its agreements?

● (0905)

Christina Caron: It's much too hard to put a dollar value on it. It's really more about time. A small nation like the Naskapi Nation can't afford to task employees, consultants and lawyers with looking into the implementation of the treaty instead of working on urgent local issues. We shouldn't spend time dealing with that.

So, yes, it's about money, but it's also about resources and time that could certainly be invested elsewhere. The time that the commissioner will devote to producing the report is time that will be given back to the nation. It will be less of a burden on the nation.

Sébastien Lemire: Unfortunately, in too many cases, legal threats are the only way for first nations to be taken seriously and to compel the federal government to act. When it has an obligation to the courts, that's when it acts. Do you think this way of doing business can be changed?

Is the commissioner likely to have enough of an impact to allow first nations to focus their resources on more important things, such as their children?

Christina Caron: Yes, absolutely. We live in a world in which the written word is what counts, but we Naskapi are a nation with an oral tradition. So not only are we being put in the position of having to sue the government of the day, but we're also being asked to document what's not working, to put it into words. That is what it has come to.

You can't have a top-down attitude toward the report, because for first nations, someone taking charge of producing the report is a culturally sensitive issue. It's also important to keep in mind that we produce plenty of reports, so it's the government's turn, or rather the future commissioner's, to conduct this investigation.

Producing a report that puts the things that aren't working down on paper will engage the honour of the Crown, and that's usually enough to start negotiations and move forward.

Sébastien Lemire: *Meegwetch*.

[*English*]

The Chair: Thank you.

We now have MP Schmale for five minutes, please.

Jamie Schmale: Chief Rempel, I don't mean to keep coming back to you. It's just that the testimony and questions that you had previously sparked a lot of questions on my end.

Again, for everyone here, we're just trying to point out where we think the bill falls a little short and where, in our opinion, it could be stronger to ensure that everyone here and those across the country get the results they're hoping for and wanting. Please understand where we're coming from on this side as we ask what can seem like difficult questions. Please understand our goal on this for what we want to see achieved.

During your last round of questioning, or maybe it was two rounds ago, we heard the word “independent” agent of Parliament a lot. Although Parliament gets to vote on this—I do agree that reporting to Parliament is better than reporting to the government—the issue that we've seen is that the government makes the recommendation for the most part, and then Parliament votes on that person. Again, it happens all the time. If there is a majority Parliament, then the government will select the person of their choosing. It will or could—you hope it doesn't, but it could potentially—find an individual who might be a little more sympathetic to the government. Do you know where I'm going with this?

How do we ensure that the person going in is approved by the nations themselves? Is there a mechanism where the rights holders have input on who they would like to see in that position?

● (0910)

Chief Nicole Rempel: I'm not sure what the construct would be in that appointment. Because the modern treaties are a tripartite agreement, at least in British Columbia, I would hope that it would be a tripartite process for appointing, but I'm not sure that works across provinces. Maybe it's the AFN and Parliament talking together about appointees. I'm not sure.

Jamie Schmale: I don't know how you'd go about this. That's the other problem. If the rights holders then had an individual they would like to see and then the government just basically approved it all...but you can't bind the legislature. I get that. It's too bad there wasn't a process. Unless anyone else has a process here that would be an idea....

We mentioned that the reports come out and name and shame. If the government doesn't come to the negotiating table, then unfortunately court is the place we go. Nobody seems to want that.

If there are consequences within a department itself, whether politically with the minister or with the department in its leadership, so that if they're not living up to the word.... The reports have come out and they continue to ignore them, or they continue to say that it's not that big of a deal, there have to be some consequences. I think that's how we're going to have real change in this.

Look at how many education or boil water reports we've had come out. “Well, we haven't met our targets this year, so we'll push them on to next year and then maybe the next year if we don't meet....” Do you know what I'm saying? There are no consequences other than a story in the media for a day or two, shaming them. Then the story disappears, something else happens, and we're still left with issues in the education system or issues with water quality. It seems that there aren't any consequences.

I don't know if anyone online....

Chief Rempel, I know I've been kind of picking on you a lot. That's just because, as I said, you had previous testimony that got my brain working here.

If anyone else online or in person wants to comment or help us along, I'm willing to open it up.

The Chair: You have 20 seconds. Perhaps you could put something into writing to put forward, then.

Chief Nicole Rempel: For me, it's not a bulletproof solution, but I think it does improve accountability and efficiency, and that's a start. I would certainly like to see things with more teeth to hold all parties accountable.

Jamie Schmale: Thank you very much.

The Chair: Thank you very much.

For the next five minutes and the last slot, we have MP Hanley.

Brendan Hanley (Yukon, Lib.): Thank you.

Mr. Chair, I'll share my time with the member from Nunavut, Ms. Idlout.

Chief Nattawappio, I'd like to direct a question to you.

I was interested in the aspect that you brought up about the importance of knowledge, education, what modern treaties mean for your nation and how this bill and the establishment of the modern treaty commissioner could help with that.

I wonder if you could flesh that out a bit. How would you tangibly see that as helping your members to be well apprised of what the risks are, what the benefits are and what you need to know about being a modern treaty nation?

Chief Louise Nattawappio: I think it would help my members understand what happened in the past. As I said, it's important to learn about the history, and then we could move forward with the knowledge, knowing that we have allies and partners. It's to better our community, too. It's to better our community.

Brendan Hanley: Thank you.

Briefly, Ms. Caron, given your legal expertise, I wonder if you could comment on the scope of the Auditor General perhaps doing this work, periodically examining implementation, reporting and performance versus a dedicated modern treaty commissioner. Apart from the time and the focus aspects, is there a scope difference that you think is important to point out?

● (0915)

Christina Caron: Unfortunately, I'm not an expert in the mandate of the Auditor General. I would say that, legally, it would have a more direct impact on documenting treaty violations or treaty breaches, but the main difference is certainly the importance that the issue would have in the hands of a commissioner instead of being between the expenses of officers from the transport ministries and all other kinds of examinations. Legally it can be useful to document breaches and relieve the community from that work of investigation.

Brendan Hanley: Thank you very much.

The Chair: Lori, you have two minutes, please, for questions and answers.

Lori Idlout (Nunavut, NDP): *Qujannamiik*.

Qujannamiik to my colleague for sharing his time with me.

I'll be asking chiefs Bennett and Rempel to respond to my question in that order.

I think we need to think of an analogy between public safety and reconciliation. When we think about public safety, there are different players, like the RCMP, bylaws, security in buildings and CSIS. CSIS has oversight for national security.

Reconciliation also has different players, like laws, policies, funding, land claim agreements, modern treaties and numbered treaties, but I think the commissioner plays such an important role that they should also do oversight. What they would do is make sure that reconciliation is being implemented.

I wonder if you could share your thoughts on that comparison, considering reconciliation, public safety and the analogy of what that oversight looks like for you, Chief Bennett.

Chief Glenn Bennett: I can reflect on my community and the agreements that we have in place when it comes to community policing.

We have a tripartite agreement with the RCMP and the provincial government. I feel it is a stepping stone in moving towards implementing our treaty.

Policing for my community is so important, because we're a small nation. The total population may be a little over 750. Maybe 450 people live on our two main Indian reserves, and to have that agreement in place with the RCMP is so important. It gives us the ability to look at ensuring....

We say that we want our community to be a safe community, so that our families can raise their children and grandchildren in safety. We can do that only with the tools that we currently have, because ultimately, under our treaty, the RCMP will have jurisdiction in enforcing the laws of Canada. It can be done only if we come to the table and share our concerns and what we feel is important to the nation.

We live very close to Terrace and Thornhill. Ultimately, those are the areas that our people live in and around. To have a safe community—

Lori Idlout: Thank you so much, Chief Bennett.

I do hope that Chief Rempel can also respond—

The Chair: Excuse me. I have to intervene. We're just over time now. I'm going to have Chief Rempel respond to Lori's question via the clerk, so that we have it, because it's an important question and we don't have the proper amount of time to do it justice.

Thank you very much. *Chi-meegwetch*.

That concludes our questioning for this round. I'd like to thank all of the witnesses for their very important testimony today.

We're going to suspend. Our next panel will begin momentarily.

Thank you.

● (0920)

_____(Pause)_____

● (0925)

The Chair: Welcome back for our second panel.

Online we have, from the Champagne and Aishihik First Nations, Chief Barb Joe, and Ian Robinson, adviser. Both are here by video conference.

From the Huu-ay-aht First Nations, we have John Jack, chief councillor, and Brent Lehmann, general counsel. We will proceed with the folks online first.

Go ahead with your presentation, Chief.

Chief Barb Joe (Champagne and Aishihik First Nations): Good morning.

My name is Chief Barb Joe of the Champagne and Aishihik First Nations. My first nation is located in the southwest corner of the Yukon Territory. Our final and self-government land claim agreements have been effective since 1995.

We haven't been able to fully implement our land claims agreement. The spirit and intent of the agreements haven't been met. There are many treaty commitments that have yet to be realized. Focus needs to be put on the achievement of the treaty objectives, not just the obligations. We want to see a whole-of-government approach. Treaty commitments need to be fulfilled with proper resourcing.

Our staff focus on the work of my first nation government, particularly working with our citizens, not spending time and resources struggling with treaty implementation issues.

We are a modern treaty holder and a member of the Land Claims Agreements Coalition. We fully support the passage of Bill C-10 on the commissioner for modern treaty implementation. Members of the Land Claims Agreement Coalition co-drafted the bill with the federal government. We are happy with the bill, and it needs to be passed without amendments as quickly as possible.

It has taken us over 23 years to get here. At this moment, the fate of Bill C-10 hangs in the balance. We need you to listen to us and respect our words. We are so close to achieving one of our most important priorities.

We require a commissioner of modern treaty implementation who will independently assess whether Canada is meeting the obligations contained in our land claims agreements and report any findings directly to Parliament. The commissioner will be an important oversight mechanism to help us implement our modern treaties. The commissioner will be able to give their undivided attention to Canada's implementation of our treaties.

We do not believe this critical oversight can be carried out effectively from within the federal government itself.

The implementation of our modern treaties will benefit not just my first nation but all of Canada. We see this as a shared goal for all of us. By working together to create the commissioner for modern treaty implementation, we will improve treaty implementation in the coming years and decades for the benefit of future generations. We will move toward a better, stronger and wealthier Canada. I'm sure that is something we can all support.

Gunalichish. *Shäw níthän*. *Mahsi cho*. Thank you.

● (0930)

The Chair: Thank you very much.

Chief Jack, you have five minutes, please.

Chief John Jack (Chief Councillor, Huu-ay-aht First Nations): Thank you, chair and committee members, for the opportunity to speak to Bill C-10.

[*Witness spoke in Nuu-chah-nulth*]

[*English*]

My name is John Jack. I am the elected chief councillor of the Huu-ay-aht First Nations. We're located on the west coast of Vancouver Island in British Columbia. We're a proud signatory of the Maa-nulth final agreement, one of five nations that have signed. We're very close to celebrating 15 years of self-government, going back to April Fool's Day, 2011.

I want to acknowledge that this bill is the culmination of over 20 years of work and that we appreciate the time and attention afforded to it by this committee here and now. We support Bill C-10 as presented and without substantive amendment. It is a deliberate and non-partisan product of co-development between the federal government and modern treaty partners. This is across multiple government mandates and with multiple parties to address challenges within federal structures.

Constitutionally protected modern treaties establish a comprehensive and enduring framework for reconciliation. They are complex, whole-of-government agreements that create thousands of tasks and obligations that touch many departments and agencies. While we have advanced reconciliation generally together, federal implementation efforts have too often been uneven, inconsistent and poorly coordinated. It is not for the lack of goodwill, however. Rather, the levels of awareness, understanding and sustained follow-through can vary widely across the many institutions and across the many months and years it takes to do the work.

When issues arise, it's not always clear how to resolve them, save through the courts, but we believe that should be the last resort and not the first option. All that takes time and money. It takes it away, and it erodes confidence. The opportunity costs of such are just too high. Treaty implementation isn't just the responsibility of one department; it is for the whole of government.

With many obligations and decisions spread across that vast whole, problems can persist without clarity, context and understanding. A dedicated and specialized commissioner would provide continuous and impartial oversight that could help resolve or avoid problems before they become inflamed, regardless of who is in power.

Such a role is too specific and too intensive for a general approach. We respect the Office of the Auditor General, but its mandate is too broad to achieve the focused and sustained attention needed to oversee and evaluate modern treaty implementation across the whole of government. Success here requires credible and reliable reporting that can assess not just the spending but the consequences of policy decisions, administrative work, and the maintenance and upkeep of the relationships involved. Importantly, the bill does contemplate and require coordination with the OAG to avoid overlap, and we would welcome the engagement of the Auditor General when they have the time to do so.

Bill C-10 provides accountability tools appropriate for the work of modern treaty implementation. Rather than make decisions or carry them out, the core role of this officer of Parliament would be to provide impartial and independent information and evaluation through program reviews, performance audits and other reports. Federal bodies must respond in writing to preliminary findings of the commissioner, and those responses must be included in the final report. This means that Parliament, treaty partners and Canadians everywhere can see the findings, the recommendations and the government's response all in one place.

From our perspective, the work of a commissioner for modern treaty implementation would contribute significantly to the ability of every party to our treaties to spend time on the real work of making our peoples' lives better now and into the future. If we can spend less time concerned about the efficacy of our government-to-government relationships, then we can spend more time working together to address the very real social and economic challenges that our peoples face. Together we can deliver the results that modern treaties were meant to enable and ennoble.

In closing, we ask that Bill C-10 be passed swiftly and without major amendment.

On behalf of my nation and my fellow Maa-nulth treaty nations, thank you for this opportunity. I'd be happy to take any questions.

● (0935)

The Chair: Thank you very much.

We are going to proceed to our first round of questions.

We had a couple of other people scheduled. They had technical difficulties on their end. The Internet connections were not working, but they'll be rescheduled to a future date.

We're going to begin with the Conservatives for six minutes.

MP Morin, please, you have six minutes.

Billy Morin: Thank you to our leaders for giving us testimony today.

Chief Barb Joe, I'll respectfully start with you for a question.

Certainly, I hear you. How many years has it taken to get here? Is it 20?

Chief Barb Joe: It's been over 20 years.

Billy Morin: A large group of nations, from Inuit to east coast, west coast, north, south, had to come together to do this good work.

As my colleague Jamie Schmale, CIRNAC shadow minister, mentioned, we agree with the principle of what's trying to be done here. You mentioned that the government needs to implement modern treaties. Simplistically, I come from a number of treaties, and my position is, why don't you just do it? Why do we need a commissioner to kick you in the butt to do it? I guess this is the structure of democracy sometimes in Canada.

Here is my question for you. Manitoba and Saskatchewan have commissioners' offices. Looking at the modern treaty maps in Yukon, I see that more than half of the territory is covered in modern treaties. Have you given some thought to just Yukon having its own treaty for the specific unique circumstances that people in that territory face, as opposed to having it jumbled up, for lack of better words, with what's happening in Quebec, on the west coast or in the Prairies at Whitecap Dakota? Those are vastly different communities. Would not a better solution be that Yukon have its own treaty commissioner?

Chief Barb Joe: I'll answer the question.

Champagne and Aishihik has been self-governing for over 31 years now. Our treaty is with both Canada and Yukon. We see the obligations from both governments playing a key role in reconciliation. We have to respect that it's the honour of the Crown. There are responsibilities on both sides to implement our final self-government agreements. Those agreements include many things, many responsibilities. I'll give an example.

In the Yukon, we have responsibilities under our chapter 22 that include our representative public service plan. Those obligations have never been met. Those obligations are in the economic development chapter. That chapter speaks specifically to the representative public service plan. We have been working with the Yukon government somewhat to reach potentially a percentage of population in Yukon that's indigenous. It's 23%. The numbers are very low. Canada has not met that. Canada's numbers are very minimal. We don't even have a policy on representative public service.

There are responsibilities across all of government to implement these treaties, and it's our responsibility to make sure the federal government and Yukon are involved, but it has to come from the national level and the federal government. From my understanding, the commissioner for a modern treaty will be an independent agent of Parliament and will report to Parliament to do these reports, the audits, the analysis and whatnot. It's up to Parliament and the elected officials to ensure that these things are done.

There are many things, including our land use planning chapter. We're stuck at this point in time, because we have only two land use plans in the Yukon. We have nine more self-governing nations to do land use plans for. The problem here is that—

● (0940)

Billy Morin: Chief, just a second. I have two minutes left. I really appreciate your answer, but before my time is up, I want to quickly get a question to Chief Jack as well. It was a very good answer. Thank you very much. You helped to explain it for me.

Chief Jack, a common theme of this legislation is that it will mitigate against litigation. You're in B.C. How will this office have the power to help overcome things like Cowichan?

Chief John Jack: I think one thing that the commissioner will be able to do is provide information and context in a way that presents a situation that begs action from the federal government, and specifically the executive branch of the federal government.

In a lot of ways, the courts are a last resort for many of us, because the approach here is that we need to get into a room and have a conversation, and we need the leverage to do so. Often, court cases result in the requirement for us to get into a room and negotiate. Well, let's just skip that part and actually go to the negotiation.

The other part about Cowichan is that the Cowichan tribes are not necessarily governed by modern treaties. Modern treaties do establish a high degree of certainty and understanding about what it is we possess as modern treaty nations in terms of our sovereignty and our lands and resources, so it's not really up for debate in the same way as Cowichan may be.

A good example of this is that when I conduct meetings in our neighbouring village of Bamfield, sometimes I joke that we are in the ceded territory, the traditional territory, of the Huu-ay-aht First Nations, because when we selected our exclusive treaty lands, that's what we're doing.

Billy Morin: Thank you very much.

The Chair: Now we have MP Hanley, please, for six minutes.

Brendan Hanley: Thank you very much to everyone who's here.

Before I get to my questions—I have discussed this with some of the members around the table—I would like to get consent to add an additional witness to this study. I hope that's okay with everyone. There's an important name from the Yukon, someone who can speak very well to this bill, that I would like to add.

Some hon. members: Agreed.

Brendan Hanley: Thank you.

The clerk will receive the information.

Chief Joe, it's good to see you. You were recently in Ottawa with the Land Claims Agreements Coalition and had several meetings. I know this is one of the topics you discussed.

As a modern treaty nation—as you know, the Yukon is very well represented—can you elaborate on how important this position of a modern treaty commissioner would be in introducing accountability into implementation? Specifically, you might want to address the collaborative fiscal policy process. I know there's been long-standing and slow but important progress toward three chapters in particular that are very important for the self-governing first nations: languages, infrastructure, and lands and resources.

How do you see the relationship between accountability for implementation and the establishment of the modern treaty commissioner?

● (0945)

Chief Barb Joe: That's a really good question. I will answer this question by stating that the first nations have been involved with the federal government in creating a collaborative fiscal policy. It's called the green book. It allows the federal government to work with first nations to develop an expenditure base for their departments on how we work.

Most recently, we have lands and resources, infrastructure and language. Those three envelopes have allowed us to figure out what we need internally to run our departments and to run them effectively. Through the effective implementation, there are back-and-forth negotiations.

When things are taken off the table that are important to us, for example, under lands and resources or under our languages, we start to have to fill in the gaps by looking at external funding. We have to look to funding from other agencies, other foundations and other things to meet that goal. For example, on languages, we have a language immersion program that has some federal funding, but we've had to implement the rest of the program with external funding sources. That funding isn't from the federal government or the Yukon government, but from other sources. We've also had to look internally to fill the gap. That's the problem with a lack of implementation or a lack of direction in how we work in implementation.

If we get the commissioner for modern treaties, it's key that they help break down some silos within the departments. There won't be fast-tracking, but there will be better tracking and reporting so that things will be more consistent across the board and we'll be able to work together to figure out what's necessary. First nations know there are too many departments involved in things. When the language and heritage departments were involved, there was CIRNAC and several different departments.

I don't know if I did that justice. I'm keeping in mind that there is timing. It's a longer question.

Brendan Hanley: You captured it very well. Obviously, it is a lengthy question.

In the remaining time that we have.... In the Yukon, we just had a special summit on Arctic security, and the link to industry and investment. If we look at your role and the role of other Yukon modern treaty nations, and the capacity to participate in ownership, whether it's of energy infrastructure or important resource development, how do you see the link between a fully implemented modern treaty and the ability to be partners in the direction Canada is going in right now?

Chief Barb Joe: Currently what's happening is that in the Yukon, we don't have fully implemented land use plans. Under chapter 11 of our final agreement, we have land use planning. For nine of us in the Yukon, including mostly in the southern part of Yukon, those plans haven't been implemented. By creating these land use plans, we'll have certainty around what happens within the area.

The issue we see is that there's a lack of funding. There are many things. There's uncertainty about the whole land use planning commission. As nations, we're looking at developing and being involved with energy and the energy equity topic about ownership of energy in the Yukon, but how can we start developing these power lines across to the territories with no land use plans? That's just one part of it.

● (0950)

The Chair: Thank you very much.

[*Translation*]

Mr. Lemire, you have the floor for six minutes.

Sébastien Lemire: Thank you, Mr. Chair.

Chief Jack, first of all, thank you for reminding us in your opening remarks, which included very pedagogical and historical elements, that we're talking about a bill that was drafted and developed in a collaborative and non-partisan manner, and that it reflects two decades of work which address structural problems that modern treaty first nations were often left out of. We're bringing clarity to this process.

We met in my office several weeks ago. At the time, I was still the Bloc Québécois critic for indigenous relations, and I had the opportunity to give a speech at second reading of the bill. It was important for me, as well as for my assistant at the time, to whom I tip my hat, to pay tribute to Jim Aldridge in this speech, and I'll explain why.

During the last Parliament, when the bill was known as Bill C-77, I had the opportunity to meet with representatives of the Land Claims Agreements Coalition. Jim was in that group, and he had the aura of a spiritual leader. He was a very important person, and he made major contributions, not only to the Land Claims Agreements Coalition, but also to a number of other indigenous and social issues, as well as to a number of individuals and first nations.

I wanted to pay tribute to him in the House, and it left a mark on you. You wanted to meet with me, and we had a very cordial exchange. So I'd like you to tell me more about how Jim left his mark on your life and why it's important to pay tribute to him.

[*English*]

Chief John Jack: Jim was the main experience I had when I first came to the Land Claims Agreements Coalition, back when I had less grey hair. Jim was someone who was a titan of treaties and such agreements across Canada. He touched the north. He touched British Columbia. His wife even translated the Maa-nulth treaty into French.

Jim is important to me and to our nations, because he was very central in this specific initiative. Unfortunately, he passed away a couple of years ago. Thank you to those of you who attended his memorial service a couple of years ago. He was central in making sure that all of us in leadership understood just how much work had happened since 2003. When we talk about over 20 years ago, that's how long it goes to. Jim passed away and was not able to see Bill C-10—or, as he knew it, Bill C-77—come this far. His memory should be honoured as a result of that.

I thank you very much for speaking his name in Parliament. His contributions were so major that they bear mentioning. Thank you very much for that.

[*Translation*]

Sébastien Lemire: It's sad for me that I wasn't able to get to know him better. I also had good discussions with his wife, Guylaine.

Would this bill have been possible without Jim Aldridge's historic contribution?

[*English*]

Chief John Jack: I don't know the answer to that, but it is very likely no, given how important his contributions were so early on, when we were meeting about various aspects of this bill. I think his contributions were major, and they are continually seen in the wording of the bill and in the spirit of the bill.

● (0955)

[*Translation*]

Sébastien Lemire: I would like to make a proposal to the committee when the time comes to consider amendments. I've always been a little surprised that committees have the power to change the title of a bill. That said, I think it would be entirely appropriate to suggest that the bill be called the "Jim Aldridge Bill" because he is more than just a symbolic figure. He was someone who had a particularly significant impact on the Land Claims Agreements Coalition, which pushed for the co-creation of this bill and for all the negotiations over 20 years.

Would you welcome this change to honour someone who left us far too soon?

[*English*]

Chief John Jack: I think anything that can honour Jim's memory, without.... I don't know how that works. I'm trying not to cry. I think that would be significant. That would be very powerful. I don't know how complicated that is, and I wouldn't want to have a monkey wrench thrown into what you're doing here today, but I think that would be worth considering.

The Chair: Thank you very much.

[*Translation*]

Sébastien Lemire: I sincerely thank you.

[*English*]

The Chair: I didn't know him, but listening to that exchange, I wish I did. Thank you very much for that.

Now we have MP Morin for five minutes, please.

Billy Morin: Thank you, Chair. I'll go back to Chief Barb Joe for my next question.

Twenty years is a long time. No bill is ever perfect, but we can't let perfect get in the way of progress. We must always try to make things better and never be satisfied, in a good way, and try to find the balance in all of that.

Out of curiosity, in your opinion, can you name the best commissioner's office or accountability office in any government structure—there's obviously the Auditor General for comparison as a similar type of role—that you saw as completely effective and that this commissioner's office should be modelled after?

Chief Barb Joe: That's a good question.

I think there are probably a few. In the federal government, there's a Commissioner of Official Languages. I don't know what the structure is or what the responsibilities are. It was set up to assist with things regarding languages.

The office would be totally brand new, so there would be completely different responsibilities. I don't know any others that could be similar.

Billy Morin: Okay.

The Chair: Chief Jack would like to answer too. Is that okay?

Billy Morin: Absolutely.

Chief John Jack: If I were to name an individual who I think was extremely effective, and forgive me, but I think Sheila Fraser is her name. She was the Auditor General in the 1990s, following the sovereignty referendum. Her effectiveness was such that it led to the Gomery inquiry and a lot of changes in the early 2000s.

I think there's some real power in the work that people dedicated to these kinds of independent offices can do, and it can lead to real change and accountability, as long as the tools are used appropriately.

I'm sorry, but I really liked Sheila Fraser's report and her demeanor. I felt that it was significant and was worth mentioning.

Billy Morin: I appreciate it. Was she the Auditor General?

Chief John Jack: Yes.

Billy Morin: It was a bit before my time. I appreciate the answer, Chief Jack.

Here in Ottawa, the general process for the Office of the Auditor General is that they do audits and put out reports at 7 a.m. MPs have the opportunity to go, but obviously not every MP goes. If it's relevant to ISC, which I do, or to CIRNAC, which Jamie does, or relevant to any other office, then we'll go. However, out of 343 MPs, the vast majority don't go. We handle it as we do in Parliament.

Let's say that this does pass with the commissioner, and they put out a report. Who's going to show up for that? How can we make this office more effective, so that more people show up and more action can be taken? If it's just another Auditor General's type of thing, with a specific mandate, I have a fear that fewer people would show up for that, just maybe the CIRNAC minister and the shadow minister, for example. How can we make this more effective?

● (1000)

Chief John Jack: I think accountability is a set of tools in the federal government that are widely spread throughout, like ministers, senior staff, the Prime Minister's office, committees like this one and Parliament as a whole, but tools are effective only if they're actually used. Unfortunately, we find ourselves in a situation in which it will take all those tools being used, especially those of the opposition at times, to make sure that the government responds to what's going on and that the media pays attention as well.

One thing I've noticed about the media is that they are often so stretched that they accept the messages given to them. I think that's a tool for political parties and anyone who is scrutinizing the inaction of government.

Voices: Oh, oh!

Chief John Jack: Locally, the reporters are asking me what I want them to print. That's a tool that can be used, because it's a reciprocal relationship. Attention and importance often go together, and we have to work on both.

The Chair: Thank you very much.

MP Hanley, go ahead for five minutes, please.

Brendan Hanley: Thank you.

Once again, I'm going to leave two minutes for Ms. Idlout. Can you help me with that, Mr. Chair?

The Chair: I'll let you know.

Brendan Hanley: Thanks.

I really appreciate your testimony, Chief Jack. Forgive me for going back to Chief Joe, a Yukon chief. I want to ask her a couple more questions.

Chief Joe, I think the question of accountability is very important. I want to give you a chance to dig into that a bit as well.

Your nation and other modern treaty nations in the Yukon have been extremely effective advocates here on the Hill, on many occasions, whether as part of LCAC or on independent trips.

How do you see the potential office adding to your ability to advocate and follow through on the accountability piece? How would it add to the accountability of the federal government regarding treaty implementation, in your view?

Chief Barb Joe: I think the office would be set up so that first nations and modern treaty groups would be able to see the reports that come out. I know Parliament is made up of elected officials. Each one of you is also responsible to your constituents. There's a responsibility, as an elected official, to be accountable to Canada and to be transparent. That's part of good governance.

In that process, the commission for modern treaty implementation, being independent, would not just be working for one government. It wouldn't be working for CIRNAC. It would be separate, independent reporting. The modern treaty first nations, and all first nations, would be able to see that and have trust and faith in the process.

Does that make sense?

Brendan Hanley: Absolutely. It does make sense.

Briefly, so I can leave adequate time for Ms. Idlout, if this office had been in place 20 years ago, what difference do you think it would have made to you? Can you imagine where you might be now?

Chief Barb Joe: Coming with the Yukon experience—there are 11 self-governing modern treaty nations in the Yukon—I think it's important to note that several chapters of our final agreement have never been implemented. Our Yukon Dispute Resolution Board, via chapter 26, offers a process for dispute resolution, but mediation is the way to do it. We're trying to improve that process in order to give it more arbitration or more ability, so that anything that comes to it has more teeth, say, and ability, and so that it makes not just recommendations but also actual decisions that have to be followed through. There are many chapters that were never implemented.

I could go on and on. The representative public service plan—

● (1005)

The Chair: Thank you, Chief Joe. You can send that in writing to the clerk, and we'll get those extras.

We have a minute and a half for Lori to ask a question.

Go ahead, Lori.

Lori Idlout: Thank you so much.

My question is for Barb Joe. It's similar to a question I tried to ask in the previous round about how CSIS does national security oversight. I wonder if Barb agrees that the commissioner's role of oversight is just as important in ensuring that modern treaties are being implemented and that it is a tool that could be used to fill a gap.

Qujannamiik.

Chief Barb Joe: Yes, the commissioner for modern treaty implementation will definitely fill the gap, as I mentioned before. The federal government doesn't have this responsibility built into it. You have departments, and right now it's resting on CIRNAC.

We've always gone to meetings where we don't know the role. There are so many different roles within the federal government. The departments operate in silos. CIRNAC shouldn't have the responsibility of implementing these agreements, because it's the whole federal government. It's the honour of the Crown.

We have the oversight mechanism that is independent of, separate from, the whole process. It's important to have that transparency and the ability to get the information, to be able to provide the information to Parliament and for Parliament to be able to bring it back and have the committees and whatnot set up to be able to review those reports.

The Chair: Thank you.

Next we have MP Lemire for two and a half minutes.

[*Translation*]

Sébastien Lemire: Thank you, Mr. Chair.

Chief Jack, I'd like to continue with you. Tell us about the importance of having a commissioner like that. How would it facilitate your relationship with the federal government? We often hear that it takes legal weight to get the government to act and that, without these legal approaches, it's difficult to get follow-up. Have you experienced the same thing? How can having access to criticism from a commissioner have an impact on our daily lives and our work as elected officials?

[*English*]

Chief John Jack: Can you repeat the English translation? Something keeps turning off the....

Sébastien Lemire: Turn off your mic.

[*Translation*]

Basically, first of all, what are the consequences for you of constantly having to go through the courts to be heard by the federal government?

Second, how could the commissioner change things?

Lastly, how do you think the commissioner's recommendations could improve our work as members of Parliament?

[*English*]

Chief John Jack: This goes back to some of our traditional values. When trying to resolve disputes, disagreements and misunderstandings, it's important to go directly to your prospective partners and go through and have those conversations directly. In many instances, that doesn't happen without some form of leverage to make it happen. Unfortunately, it is often the courts that make a decision to do so.

However, if we were to have a modern treaty implementation commissioner really look into these items and produce reports and recommendations to get into a room to have a focused conversation in a certain way, then that provides even more tools that are less costly to everyone involved than having a judge preside over that.

● (1010)

[*Translation*]

Sébastien Lemire: A sum of $10.6 million, spread over four years, doesn't seem like much to me compared to what all first nations pay in legal fees and what the federal government pays to defend itself from the inaction it has shown for several years.

Do you think there would be a significant cost savings for taxpayers and an opportunity for communities to focus on their real missions, that is to say children, education, justice and so on?

[*English*]

Chief John Jack: Absolutely. I believe this is one of those instances where an ounce of prevention is worth just as much as a pound of cure. We save money and time and we preserve goodwill when we're able to go through these kinds of processes. The report of a modern treaty commissioner isn't necessarily seen as negative, whereas a court proceeding is often seen as adversarial by design because of the system we're in, so I think there is quite a lot of value in going through a process like this, as long as everyone is paying attention and participates meaningfully.

[*Translation*]

Sébastien Lemire: Thank you.

[*English*]

The Chair: That brings us to the end of our questions.

Before I ask for adjournment, I've been in contact with the Speaker of Greenland's Parliament, and he has requested to meet with the committee. I'm putting the committee on notice. We're looking at Wednesday, March 11, at 9:30 a.m.

I know caucuses meet, but it would be really great if we could meet with the Speaker of Greenland's Parliament to talk about shared priorities in the Arctic. I think it's very important that we accommodate the request at 9:30, if possible. I'll put you on notice and will inform you as things develop.

Thank you very much.

Thank you to all of our presenters today for some great information as well.

I'm asking for permission to adjourn.

I see nodding heads. Thank you. The meeting is adjourned.