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Chair: Mr. John Aldag





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• (1530)

[English]

**The Chair (Mr. John Aldag (Cloverdale—Langley City, Lib.)):** Good afternoon, colleagues. I call this meeting to order.

Welcome to the 77th meeting of the Standing Committee on Indigenous and Northern Affairs. We acknowledge that we're meeting on the unceded territory of the Algonquin Anishinabe people.

Pursuant to the Standing Orders, our meeting today is in a hybrid fashion. We have both witnesses and members joining us online for the first hour. After the first hour, we're going in camera, so there's a new log-in link for our members who will be joining us for the second hour.

Mr. Augustine, you have on your screen the choice of language—floor, which is the language being used, English or French—if you want to select that now. For everybody else, there is interpretation on the headsets here if you need it.

When speaking—again, Mr. Augustine, this applies to you—you'll have to mute and unmute yourself. For anybody in the room, we'll look after that for you, so you don't have to worry about pushing any buttons if you are here in the room with us.

When speaking, please speak slowly and clearly. When you are not speaking, please make sure you mute yourself.

Now that we're in session, there are no photos or screenshots allowed.

With us today, we have three representatives. In the room with us, we have Adam Munnings, legal counsel of the Semiahmoo First Nation. He's from my home area. I live and work on the traditional territories of the Semiahmoo, Katzie, Kwantlen and Matsqui first nations. We have Chief Stephen Augustine of the Mi'kmaq Grand Council. Also in the room, we have Graham Marshall, Membertou councillor of the Membertou First Nation.

Welcome to the three of you.

We're going to give you each five minutes for opening statements. I have a handy card system here. When I give the yellow card, there are 30 seconds left. When you get the red card, the time is up, but don't stop mid-sentence; just finish your thoughts and then we'll move on.

When you're ready, Chief Augustine, I'll start the clock. The floor is yours for five minutes.

**Chief Stephen Augustine (Mi'kmaq Grand Council):** My name is Stephen Augustine, and I'm a hereditary chief on the

Mi'kmaq Grand Council. The reason why they call me a hereditary chief is that I come from a long line of hereditary chiefs. My father's name was Patrick. His father was Thomas Theophile. Thomas's father was Thomas, and that Thomas's father was Noël. Noël's father was Peter, and then Michael Augustine. Michael Augustine signed the Treaty of Peace and Friendship, in Halifax, on March 10, 1760. This is the reason for my involvement in the Mi'kmaq Grand Council. I'm a descendent of the treaty signer. Before that time—the same person, Alguimou—is a long line of hereditary chiefs. *Gwimu* is the name for the loon.

When Champlain arrived in Nova Scotia at Port-Royal, in the early 1600s, they baptized Grand Chief Membertou on June 24, 1610. His daughter married a hereditary chief, Alguimou. His name comes up. It is recorded by Champlain, Marc Lescarbot, Pierre Biard and a few others who were in Port-Royal at the time.

That gives you a context of the connection that I have with our land, our treaties and our peace and friendship. I wanted to give a perspective of the land. The idea is that our creation story, the Mi'kmaq creation story, explains that we were created on this land and that we peeled ourselves from the land as human beings. We belong to the land, not the other way around. The land doesn't belong to us.

We moved around quite freely. Every chief looked after their family. They had fires, what we call *mawiom*. *Mawiom* is the idea of coming together under one roof. The chief's responsibility was to take care that everybody had food, medicine, clothing, shelter, tools of survival, the ability to travel around and the ability to negotiate their survival from mother earth with the birds, plants, animals and fish, using ceremonies.

This is our connection to the land, which is very sacred. We belong to the land. There is a different kind of ideology around the notion of land in the mainstream context, because when you talk about land, you're talking about boundaries. You own a lot of land or acres of land. It belongs to an individual. It's registered at the local registry office. It has boundaries. Similarly, the laws of the land have boundaries as well. Our own job descriptions for the jobs that we hold are bound by the job description. We cannot go beyond or away from that.

In essence, when Europeans arrived, the early French, we allowed them to come and settle on the land as our fellow brothers and sisters. There were a lot of them. Almost 100 French people intermarried with Mi'kmaq women for the first 30 years of the 1600s. There were a lot of interrelationships. That was our way of making peace with the new arrivals. There was no question about us giving up our land. Marc Lescarbot wrote to Henry IV, King of France, and told him that the indigenous people here had no notion of private property or real estate, and they were not going to tell them that by planting their flag, they claimed sovereignty over our territory.

The fallacy continues. When the British arrived and declared war on the French and defeated the French, they assumed that they took control of the sovereignty that belonged to the French, which was at the time determined to be called Acadia or *l'Acadie*.

• (1535)

In Mi'kmaq, *akadie* is the term we refer to as “the land”, and *A'kadi Kewak*, or *les Acadiens*, are “people living in the land”, because they made their houses out of mud, straw and wood. Our terminology for Acadian people was *A'kadi Kewak*. They were related to us because they intermarried with our women from about 1605 to 1632, when De Razilly arrived with French women and children. In that instance, we were attached to the land spiritually and physically.

In terms of restitution of lands in a modern context, I would look at obtaining lands that are unoccupied; that are owned by the Crown, federally and provincially; and that nobody's living on and paying taxes on. Those are the kinds of lands...because we have to be able to obtain our livelihood from the land. We need to have access to fish, animals, birds and plants, because those are the necessary elements we relied on for our food, medicine, clothing, shelter and tools of survival. It's how we travelled around. Everything that came from those elements was our identity. That was our connection to the land. It describes us culturally and distinctively because of what we wear—the animals we wear, the feathers we decorate our clothing and headdresses with, and the shells and beads we use.

It all comes from the land. Everything comes from the land.

• (1540)

**The Chair:** Chief Augustine, I'm going to have to jump in here.

We're up to five minutes now, but thank you so much for the opening statement. I want to save time to have a discussion with the members, as well.

If there's a quick concluding sentence, I'll get you to do that. Otherwise, we'll move to our next witness for an opening statement.

**Chief Stephen Augustine:** All of that is to say that we have a very sacred relationship to the land, and it wasn't given up by us in the Peace and Friendship Treaties that were signed in eastern Canada, pre-Confederation in the 1700s.

**The Chair:** Thank you so much for that. I look forward to the conversation with you.

I think we'll go next to Mr. Marshall, if he's ready to go.

The floor is yours for five minutes whenever you're ready to start.

**Mr. Graham Marshall (Councillor, Membertou First Nation):** *Wela'liog. Ni'n teluisi* Graham Marshall, *naspi* Membertou chief and council.

I want to thank each and every one of you for inviting me here today.

My name is Graham Marshall. I'm part of Membertou chief and council. Membertou Mi'kmaq nation is one of the top indigenous communities in the country of Canada because of what we have done. The work ethic that our ancestors instilled in us has always reminded us to always remain at the top, to always fight, and to always honour our ancestors.

I come from Membertou, which was located first on Sydney Harbour, which we call Kun'tewiktuk. *Kun'tewiktuk* means “the place at the rock”, which is located in Sydney Harbour. During that time, in the early 1900s, we were forcibly removed. Until the present day, Membertou was on top of the hill where it was all swampland and land that wasn't really fertile for growing anything. Because we come from Membertou and because of the amazing work ethic that our grandparents and great-grandparents instilled in us, we became one of the top indigenous communities in the country of Canada.

When we talk about ATRs and when we talk about how we have to do those, that speaks to why they are important, because when we became successful in this country of Canada, we tried to acquire back the land of our old territory of Kun'tewiktuk located in Sydney Harbour. It took a long process and it ended up lost. As Membertou, we initially just bought that land and gave that land back to our community. Right now, there are present-day commercial buildings located in Kun'tewiktuk representing who we are and representing honour and our ancestors and where we come from.

When we look at getting land back, there are so many different things that happened in Mi'kma'ki. This country was created through Confederation in Charlottetown, Prince Edward Island. Prince Edward Island is located in Mi'kmaq territory. As Mi'kmaq people, we are one of the indigenous tribes that have the longest relationship with settlers, more than the other indigenous tribes throughout the country of Canada. With that being said, we know the pros and cons of working on relationships with settlers through so many who have come through here and from understanding the people of the dawn, understanding Mi'kma'ki. When we talk about land, you heard from Saqamaw Augustine about the importance of the land to us as well.

When you look at the country of Canada, there are so many amazing monuments and so many landmarks throughout this country. Canadians tend to forget that they are on indigenous lands. They are on the lands of the Algonquin, the Anishinabe, the Haida, the Mi'kmaq, so when we understand that, Canada realizes that this is all indigenous territory.

*N'in tleyawi Membertou.* I am Mi'kmaq. I am from Membertou, so as an indigenous people we have had experience with settlers of our people. Every Mi'kmaq today is really a walking miracle of the trials and tribulations of a thousand years of a common relationship with travellers. Every Mi'kmaq today is really a walking miracle of why we are here today.

You heard from Saqamaw Augustine about the land and the importance of it to us. It runs with us. Every river and every rock on the land is part of us. We come from the land. The creation story of who we are and where we come from, of Mi'kma'ki, is so important and dear to us. The land is part of us, so as Membertou, one of the top indigenous communities of Canada, we understand that. We understand that, working nation to nation to understand that every country realizes the importance of who we are and where we come from. Indigenous peoples throughout this country are so important and they are so dear to their territories. Therefore, when we change the narrative on understanding who we are and what territory we come from.... We have to go and change the narrative of that.

When we come from Mi'kmaq territory—and I'm in the district of Unama'ki, which is Cape Breton Island—it's so important to understanding who we are. When we are forcibly removed, with the dispossession of so many indigenous peoples throughout this country, that land is so important to us, because land is also included with our language, our culture and our way of life.

• (1545)

I come from a Mi'kmaq community that is located in a town. In this town, we were forcibly removed. There were only two times in this country's history when that was accessible. One of those was my community. We had to make that work. We had to adapt to that, to understand how we understand from the land. The land is so endeared to us, of who we are and where we come from.

When we are in a community where we don't have access to water, as we are located in a swamp, it determines our way of life and who we are. It's embedded in our DNA as L'nu people. That way of life is taken from us. The land holds our language. The land holds our culture.

When we are in dispossession of so many territories and communities, that life is taken from us. That's why land is so important for each and every one of us as indigenous people in Canada, as Mi'kmaq people coming from the "People of the Dawn" in this country of Canada. We are the ones who greet the sun first. We are the ones who have an understanding of settlers. Everyone who resides in this great country, from Toronto to Vancouver, from coast to coast to coast.... We are greeting the sun first and have the longest relationship. We are still here. We still have an understanding of who we are.

Indigenous peoples are created and have a duty to protect Mother Earth. It is our duty to protect every single person in our territory. We have rights, with water and lands, that are taken away. That is why it's so dear to indigenous people, because as indigenous people it's our duty to protect Mother Earth. We are connected to Mother Earth.

**The Chair:** We are at the end of the five minutes. If you could conclude with whatever closing statement you'd like to give, then we'll move to our next guest and get into the questions.

**Mr. Graham Marshall:** Thank you. I was waiting for your red card and yellow card.

**The Chair:** I was waiting for you to finish. It's a very interesting and useful statement.

If you want to just conclude, then we'll carry on.

**Mr. Graham Marshall:** As Canadians, I want to thank each and every one of you for giving me this opportunity to...how we have changed the narrative. When we look at truth and reconciliation, we have to understand the truth first.

*Msit no'kmaq, wela'liq.* Thank you all so much.

**The Chair:** Thank you. We really appreciate that.

Now we'll go to Mr. Munnings with the Semiahmoo First Nation.

Mr. Munnings, it's over to you for five minutes whenever you're ready.

**Mr. Adam Munnings (Legal Counsel, Semiahmoo First Nation):** Thank you, Mr. Chair.

My name is Adam Munnings. I'm Anishinabe from Curve Lake First Nation and legal counsel for Semiahmoo First Nation.

I sent around two maps, one of their traditional territory and one of the reserve where Canada placed them. The Semiahmoo First Nation is on the furthest west coast of the mainland, on the border. They were displaced with the border, with the signing of the Oregon Treaty. They were displaced from their other village sites. If you're not familiar with the border in that area, Point Roberts is on the U.S. side. They had a village site there. They had fishing sites in the United States' waters. Now they can't access those. They can't access their village site.

They had village sites near Tsawwassen, where there's now the Tsawwassen treaty. They weren't fully consulted on that treaty, so some of their rights are being infringed by that treaty. They also lost village sites to the south, near the city of Blaine. Semiahmoo Resort is on one of their village sites down in the States. They lost that through the Oregon Treaty. They also have a couple of village sites at Crescent Beach, as well as their current reserve.

They've lost a lot of those lands that are important to them, similar to the other nations.

In addition to land and the importance of land, which the other two speakers spoke about, is the ocean. For Semiahmoo, there's a huge foreshore there that they're no longer able to access for cultural purposes such as getting cultural foods, shellfish, and other fisheries in that area. It's been closed by DFO arbitrarily, and DFO hasn't been doing any studies to look at how that is.

They look at the ocean, their fishing on the ocean, and their shellfish fisheries on the foreshore as land, too. It has significance and importance to them. Right now, there's no real resolution in how they can get that land back, when we're looking at the foreshore and when we're looking at the ocean.

The Semiahmoo is working through addition to reserve and specific claims to get land back. If you look at the map of their reserve land, you can see that it's almost wholly encompassed by takings by the federal government, takings for railways, for highways, for Canadian border services, for a park, and for sawmills and stuff, historically. The Semiahmoo has never received revenue sharing from this, never received any economic compensation for that, other than minimal payments, so they're working through specific claims on those to get some of those back or get compensation for those lands.

When you look at the map of the larger territory, you can barely notice where the Semiahmoo reserve is. It's small, in a little corner at the edge of the thing. Their territory is quite huge. They don't really have a footprint there. The main areas where they live are the Surrey and Langley areas. In those areas, the nation is trying to do some addition to reserve to get some economic development happening, because their reserve is quite limited. It was originally 390 acres, and I think now the usable space is around 150-180 acres that they can use for development and for their members living there. They need something else. They need lands to come back. They need to look at that.

Some of the problems we have with the addition to reserve and specific claims are around staffing. There's not adequate staffing at Indigenous Services Canada and there's not adequate staffing at the Department of Justice to address these issues and do things in a timely manner. The nation has frequently lost opportunities because of delays in processes at Indigenous Services Canada and the Department of Justice on some of these things. Over the last six years, the nation has been coming to Ottawa to lobby the government to try to help change these things for themselves and other first nations, and they have had some good results on that.

Again, for them, economic development is needed in order to build housing on reserve to bring members back, to protect the oceans, protect the rivers and their traditional territory, and bring back something. Right now, they don't have any of their traditional food sources. They're not able to fish, and they're not able to harvest shellfish in their territory. They're looking at ways to have economic reconciliation, to have land back so they can help protect and bring back those resources.

Thank you for your time.

• (1550)

**The Chair:** Thank you so much.

We're going to get right into our rounds of questions.

Our first round is for six minutes each, and I have Mr. Viersen up first.

• (1555)

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

I want to thank the witnesses for being here today. I'm going to depart a little bit from questioning the witnesses.

I put a motion on notice the other day around Bill C-69. I would note that the Supreme Court has deemed Bill C-69 to be unconstitutional. This bill affected many communities in northern Alberta.

I was wondering if we could take a moment to pass my motion. The motion doesn't call for a study or anything like that. It just asks for this committee to state an opinion and that the opinion be reported back to the House of Commons. My motion notes the Supreme Court's decision and that Parliament should work quickly to ensure we abide by that decision.

I would note that at the time of the passage of Bill C-69, Chief Isaac Laboucan-Avirom from Woodland Cree First Nation was quite upset about the passage of this bill, as it ended a number of pipeline projects that were anticipated in northern Alberta, the Eagle Spirit pipeline being one of them and the northern gateway pipeline being another one. At that time, he was concerned about this, and it seems as if his concerns have been upheld by the Supreme Court of Canada.

Mr. Chair, I would seek that we pass this motion.

**The Chair:** I have a speaking list, and Mr. Schmale is next on it.

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

Thank you to our witnesses for their great testimony.

I won't take up too much time, because I know we have some good questions for them and I know they have some even better answers, so we look forward to that conversation.

What I would like to focus on is—

**The Chair:** Sorry, we have to deal with the motion. Are you speaking to the motion?

**Mr. Jamie Schmale:** Yes. I was just thanking them for their time.

**The Chair:** I thought we were still on the motion, but I wanted to clarify that.

**Mr. Jamie Schmale:** I know I can be all over the place sometimes.

**The Chair:** Carry on, please, Mr. Schmale.

**Mr. Jamie Schmale:** I lost my train of thought.

Yes, it was on Bill C-69. I think my colleague's motion is something the committee should consider very seriously. Of course, as you know, I am voting in favour of it.

Prior to the bill's implementation, we had a number of indigenous leaders at this committee talk about the damage Bill C-69 was going to do, and we saw, almost immediately, the amount of investment that left Canada following its introduction, among others. I'm including the anti-tanker bill that came after that, as well. We got warnings from indigenous leaders before, during and after the debate. We saw oil and gas investment take a severe hit.

It's in turn also hurting first nations communities themselves. I point to an article written by Stephen Buffalo, who was at our committee just last week. The date is June 14, 2019. It's talking about the damage it will do to the prosperity of first nations communities that would have benefited from resource projects like oil and gas, mining, and the list goes on. It talks about how there is a way to capitalize on the investment coming into the country for natural resource projects and turning it into jobs, investments, revenue generation, wealth and opportunity, on and off reserve. That would be a benefit for everybody—indigenous people and non-indigenous people. That could be a win-win.

At the same time, it could supply the world with energy—some of the cleanest energy taken out of the ground—and displace the bad actors in the world. We saw the German Chancellor come to Canada. We saw the Japanese Prime Minister asking for Canadian energy. The Prime Minister told them there wasn't a business case for it. I don't know which industry people he spoke with, but clearly not the same ones who are advocating for the growth of the industry.

Then, we saw disruption in the world. We saw Germany sign on to Russia, which is basically financing the war against Ukraine, despite warnings against that. The conflict happened. We've seen pipelines disrupted; therefore, supply starts to get disrupted. Of course, demand was ramping back up after the pandemic and other things. Therefore, we have a shortage of supply, not to mention that some other countries are cutting their production. Canada could have played a leadership role had we been promoting this industry and the extraction of this resource. There would be tremendous wealth earned and generated from some of these projects.

When we talk about the cost of gas, we mentioned the carbon tax as a major point, but another way to bring down the price—which would bring down the price of almost everything, including food and fuel, things that Canadians are having a tough time affording—is to add supply. The law of supply and demand is almost absolute. By adding supply to an already stretched system, doing it the best way we can, and providing jobs, wealth and opportunity in all communities, we could have a win-win situation here. At the same time, we'd help our residents and citizens—the people of this country who would like to have lower prices at the supermarket and who would love to have lower energy prices when filling up their cars and the tanks in their trucks, which they use to transport the goods. It is all combined.

When you have an industry that is handcuffed—basically shut down because of bad government policy, with no way to increase it when the world is itching for it—you have an increase in price.

● (1600)

I find it very frustrating that these indigenous leaders.... I'm going to quote Stephen Buffalo very shortly, and I will wrap up my comments, because, again, we do have witnesses and we want to ask them some questions.

The warnings were there, all the warnings, that this was going to cause problems. All of the warnings were there in terms of the investment that was going to leave the country, and we saw billions of dollars leave. Even when the government bought Trans Mountain, what did the company that sold the government Trans Mountain

do? They took that money and invested it in infrastructure in Texas, so Texans and the Americans get to use Canadian dollars, Canadian taxpayer dollars, to invest in their infrastructure and create job opportunities and wealth in their country while we lag behind.

I'll quickly quote Stephen Buffalo, and then I'll wrap up, because I do want to get to the witnesses.

For some of our communities, oil and gas projects, pipelines and related infrastructure, and a vast service sector have produced jobs, supported new Indigenous-owned companies and produced large returns for Indigenous governments. We used the money to build houses, support cultural programs, and pay for our administrative operations. The revenue also gave us more financial autonomy and created a real sense of optimism in some of our communities.

Again, Stephen Buffalo just appeared at the committee last week. He was advocating for this. There are lots more opportunities here if the government would reconsider some of its anti-energy policies, especially at a time when the world is asking for it to do so.

Thank you, Chair.

**The Chair:** Thank you, Mr. Schmale.

Next on my list I have Ms. Idlout, Mr. Zimmer and Mr. Carr.

Just for our witnesses' sake, to let you know what's happening, we had a motion that was put on notice. It met the threshold, the time that's needed. It's a legitimate motion that has been brought forward, so we need to dispense with that before we can get back to rounds of questioning.

That's where we're at right now in the proceedings. I need to go through my speakers list.

Ms. Idlout, we'll go to you next.

**Ms. Lori Idlout (Nunavut, NDP):** Thank you, Chair.

I think it is absolutely shameful that we're even discussing this motion during this study. Not only have indigenous people's lands been stolen, hence why we're talking about land back, but now study time is being stolen by the Conservatives' filibustering and taking away time from witnesses, who I'm sure are very busy themselves.

I think we should move to discussing going back to the study, vote now and stop our conversations, because it is absolutely embarrassing that we're studying a motion mid-study. I'm sure there should have been a process to make sure we discuss motions afterwards, not mid-study.

*Qujannamiik.*

● (1605)

**The Chair:** Ms. Idlout, I just want to clarify. I didn't hear you state it explicitly, but were you asking for a vote on the motion now?

**A voice:** To adjourn debate.

**The Chair:** Just to clarify, were you asking to adjourn debate?

If I continue moving through my list, Mr. Zimmer is next.

**Ms. Lori Idlout:** I prefer to vote right now so we can get back to the study. We are currently stealing time from our witnesses and from this study.

**The Chair:** With the motion to adjourn debate—

**Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC):** I have a point of order, Mr. Chair.

**The Chair:** Go ahead on a point of order, Mr. Zimmer.

**Mr. Bob Zimmer:** Just to be clear, I didn't hear Ms. Idlout ask to adjourn the debate; I heard that from the clerk. That's putting words into Ms. Idlout's mouth. I had a question still to ask and some points to make about the motion that is on the table right now. To presuppose there was no longer any discussion necessary for this motion is incorrect.

**The Chair:** I would say that Ms. Idlout, in the clarification I asked for, did say that she was asking for the debate to be adjourned. I am ready to call the question. That is a motion that requires to be dispensed with.

If the debate is adjourned, it will be able to be brought forward again, and the debate can then carry on. We'll keep the list with you next on the list, but for right now, the motion I have before me is that the debate be adjourned, so I'm going to call it.

**Mr. Arnold Viersen:** I have a point of order, Mr. Chair.

**The Chair:** Go ahead on a point of order, Mr. Viersen.

**Mr. Arnold Viersen:** I think the motion to adjourn debate and the motion to call the question are two different motions. I need to be clear. Are we calling the question? I would be okay with that. I would happily have a vote on this right now—which is what I heard from Lori, that she would like to have the vote right now. Although it deprives Ben and Mr. Zimmer of their speaking opportunities, I would happily take a vote on this motion right now.

**The Chair:** Okay. I'll go back for clarification to Ms. Idlout about her comments.

Were you looking at the debate being adjourned or calling the question on the motion?

**Ms. Lori Idlout:** I think the debate should be adjourned. We can discuss the motion later, after this study is over.

**The Chair:** We'll keep the list alive.

The vote is on the motion to adjourn the debate.

(Motion agreed to: yeas 7; nays 4)

**The Chair:** The debate is adjourned for now. It will be able to be brought forward again. I have noted that we have Mr. Zimmer and Mr. Carr next on the list when it does come back. I will get our clerk to keep track of that.

We're going back to our questions. I have Mr. Battiste up for six minutes.

The floor is yours.

**Mr. Jaime Battiste (Sydney—Victoria, Lib.):** Thank you for your patience with those administrative duties.

My question is for Stephen Augustine—

**Mr. Bob Zimmer:** I have a point of order, Mr. Chair.

**An hon. member:** Bob, what the hell...?

**Mr. Bob Zimmer:** Excuse me, Jaime...?

**The Chair:** Mr. Zimmer, what's your point of order?

**Mr. Bob Zimmer:** Mr. Battiste made some comments. I'm just not sure I was clear on what he actually said there.

• (1610)

**Mr. Jaime Battiste:** I was trying to talk to the witnesses.

**Mr. Bob Zimmer:** Well, anyway, it's an interesting choice of words.

Mr. Chair, Mr. Viersen still had a question, and I wonder what happened to that question time.

**The Chair:** Well, in any other committee I've been with, when the clock starts, they take the floor. The clock runs. We reach the end of the six minutes, and then we move to the next questioner. If this committee deals with it differently... I've generally had the clock run through and then we move to the next person in the sequence of questioning.

The reality is that we have an hour. We have 20 minutes left for questioning. We've spent 15 or 20 minutes on this piece. I have 18 minutes of questions where parties haven't yet had the floor.

**Mr. Jamie Schmale:** We're pretty sure he still gets his time, but...

**The Chair:** Our clerk has indicated that this would be allowed. I'm going to follow up. Don't take this as a precedent for my future rulings, but we'll go through the four rounds of questions at six minutes each, and we'll get clarification for the next time this comes up.

Mr. Viersen, by the time you moved the motion, about 10 seconds were gone, so I'll give you just under six minutes.

**Mr. Arnold Viersen:** Okay. That sounds good. Thank you, Mr. Chair.

Thank you to our witnesses for being here.

Mr. Marshall, do you have any specific recommendations on how we can improve some of these land back operations? You said, I think, that addition to reserve was one of the mechanisms that your community was using. I wonder if there is any specific thing that you could say, such as, "Hey, if this piece wasn't part of that" or "We did this because back in the past we used the fax machine and today we don't use the fax machine anymore." Some of these notices that have to go out and things like that, putting notices in the newspaper, for example, aren't necessarily the most effective way to get it out.

Is there something like this that we need to change so that we can make some of these things work more quickly?

**Mr. Graham Marshall:** Absolutely, and thank you for that question.



The ATR process throughout the country of Canada has always been long. The ATR process took approximately 12 years for that parcel of land to be acquired. ATRs require 12 years and this is going on.

Just in observing the standing committee today and the colleagues around the table throughout the point of order, this is a prime example of how systems and policies cannot follow through. Just as we have points of order and everything is delayed, this is what happens with the ATR. In these great buildings in our capital city of the country of Canada, when we have points of order and have delays and so on, when it comes down to indigenous lands and communities, we feel that point of order. We feel that delay. When we have delays like that of ATR processes that take 12 years, it's because of systems and policies that are exercised, which I see with my own eyes today with these points of order and these delays.

When you look at the word “community”, you have to observe and to remember there's another word in that word: That word is “unity”. We all have to work together. We all have to “co-succeed”. If we are one of the greatest countries in the world, then we have to show the world why that is. When we look at land back and look at indigenous peoples, when observing and talking about oil and gas, a lot of my brothers and sisters from coast to coast to coast do not have clean drinking water in this great country. There are Canadians today who don't have clean drinking water.

I find it really disrespectful to talk about oil and gas when we don't even have clean drinking water for my indigenous brothers and sisters throughout this great country.

Thank you for your question.

**Mr. Arnold Viersen:** Going back to the ATR, you said it took 12 years. Was there anything specific? I've heard complaints about the fact that the individuals your community ends up dealing with—I don't know if you were intimately involved in the ATR or not—who come from the government aren't empowered to make decisions. Has that been your experience?

**Mr. Graham Marshall:** There are just different institutions and different policies that create these ATR policies when we look at 12 years. In order to own that parcel of land that we were dispossessed of, because the ATR process took so long, we took matters into our own hands and acquired and bought that land back for our own community. We just disregarded the ATR process and bought that land back.

• (1615)

**Mr. Arnold Viersen:** That land you bought back is not part of the reserve, then.

**Mr. Graham Marshall:** It is now. With the ATR process...that we've acquired, now it is part of the additions to reserve as part of Membertou First Nation.

**Mr. Arnold Viersen:** How did you fund the purchase of that land back?

**Mr. Graham Marshall:** It's through own-source revenue. We are becoming one of the top indigenous communities in Canada. When we acquire and look for places... We weren't always like that. We were always in a deficit, and we always heard the word

“can't”: “We can't do this as an indigenous people, and we can't do that.” That's one word that's really not in our vocabulary.

Coming from a proud people, we always find a way we can help our people and help our nations and help our land. Becoming successful like that, we were able and were blessed to create that opportunity out of our own place.

**Mr. Arnold Viersen:** I'll cede my time. Thank you, Mr. Chair.

**The Chair:** We'll now go to Mr. Battiste, who will have his six minutes.

**Mr. Jaime Battiste:** Thank you.

My question is for Keptin Augustine.

Stephen, you said that the Mi'kmaq treaties never ceded any land. There's a common misconception in Canada that all the first nations treaties signed land away. Can you tell us if that's true within the Mi'kmaq treaties?

Also, within three minutes, can you state for us how the Mi'kmaq were displaced from their land if they never ceded it?

**Chief Stephen Augustine:** The treaties of peace and friendship were more about peace and friendship, not about the land. When we made agreements with the British, we hadn't really agreed to give up the land. The British only assumed that they defeated us, and they defeated the French and took over sovereignty of the land.

It was only after 1867, with the creation of Canada with the British North America Act, that the federal statute laws and the provincial statute laws divided responsibilities for Indians and we became a federal responsibility. The federal government took over colonizing the indigenous people, taking control over our lands and putting us on Indian reserves.

We have our own traditional government that signed the treaties with the British. We call it the Mi'kmaq Grand Council. It's our traditional governance structure. Our own people have recognized since 1888, when the federal government instituted federal statute law, that this was the way we're supposed to elect our chiefs, through a democratic system.

I am a hereditary chief and I come from a long line of chiefs. As a hereditary chief, I welcomed Queen Elizabeth in Halifax when she visited Canada—welcoming another hereditary leader. It was her family and my family that signed the treaty in 1760. There was no land surrendered back then.

It's a given notion, which is really a false notion, that the federal government took over the responsibility for the Indians at Confederation.

**Mr. Jaime Battiste:** Thank you, Mr. Augustine.

I heard both you and Mr. Marshall talk about the importance of land. We heard a lot of testimony on land back that talked about land differently than as property, but more or less as an equal partner, because we have a connection to it. I think you said that we belong to the land; the land does not belong to us.

Mr. Marshall, can you talk a little bit about *netukulimk*, the Mi'kmaq concept of the responsibility to that land and what that means to the Mi'kmaq?

**Mr. Graham Marshall:** Yes. *Netukulimk* is the meaning of the balance of life, to understand taking what we need and therefore always making sure that we protect it for the generations to come.

As Mi'kmaq people, we signed one of the strongest treaties in the country of Canada, of no surrender of land, but also of peace and friendship. When we look at peace and friendship and the importance of land and the importance of who we are, *netukulimk* is so important to understand the balance of where we come from and where we are.

When we look at those treaties that were signed by our ancestors, our ancestors weren't acknowledging the Mi'kmaq of the 1700s in those treaties; they were protecting the legacy they were leaving behind for the generations to come.

When we look at Mi'kmaq today, in 2023, we ask fellow Mi'kmaq and non-Mi'kmaq what legacy we are going to leave behind for this country and what legacy we are going to leave behind in the next hundred years or two hundred years. It is that there is no surrender of the land, which we continue to do today.

We have to protect our ways of *netukulimk* and protect our way of life throughout our territory of the Mi'kmaq.

• (1620)

**Mr. Jaime Battiste:** Would you both agree that as part of land back, a big part of that, the focus is the protection of the land for future generations, not necessarily just about property?

**Mr. Graham Marshall:** For protocol, Saqamaw has to answer that first.

**Chief Stephen Augustine:** I would add, in terms of *netukulimk*, that we use our indigenous ceremony to negotiate our survival on the land. That's the reason we don't take everything on the land and stockpile. There is actually a spiritual ceremonial balance in terms of negotiating our survival on the land.

What was your question again, Jaime?

**Mr. Jaime Battiste:** It was about stewardship of the land being an important part of land back. Would you agree with that?

**Chief Stephen Augustine:** Well, in the modern context, we can use the ideology of stewardship. It has its biblical context that man is above the land and the animals, whereas in our culture, we are equal to the plants and the birds and the fish. They are our relatives.

I think it's more of a concept of trying to incorporate the indigenous perspective of land, especially our relationship and how we treat these elements that are part of our culture.

**The Chair:** Thank you.

That's the end of our six minutes.

We're going now to Madame Bérubé.

[*Translation*]

Welcome.

You have the floor for six minutes.

**Ms. Sylvie Bérubé (Abitibi—Baie-James—Nunavik—Eeyou, BQ):** Thank you, Mr. Chair.

I want to thank the witnesses who are with us today.

While you are here, Mr. Munnings, we would like you to elaborate on indigenous rights in relation to our study on the restitution of ancestral lands.

How do you define indigenous rights and how is that related to the restitution of lands?

[*English*]

**Mr. Adam Munnings:** Thank you for your question.

When we look at indigenous rights, we're looking at indigenous laws and at the land from the perspective that Chief Augustine and Councillor Marshall were talking about. We're looking at it through a different lens. That's the place we have to start—looking at it through an indigenous lens. All living creatures are the same. We're cousins. We're related. Non-living is where the separation is. That's the way the lens in some cultures works. Every culture across Canada is a little bit different in that relationship.

We have to start from there and then we have to start digging into indigenous laws and indigenous ways of knowing. Those are different across Canada for each nation.

That takes some digging, but it's also hard to look at because our culture was stolen from us, as indigenous people. Our culture has been taken away. I don't know my culture very much. I'm Anishinabe from Curve Lake. I had it all stolen. I don't speak my language. My mom can understand her language and I know some words.

As we go across Canada, that's a common thread. People are trying to bring back the language. The language is the main piece that tells us our indigenous laws and where those come from. The work has to be done to bring language back, to bring our culture back and to bring back our connection to the land, which we don't have.

In the case of my client, Semiahmoo First Nation, they don't have that connection to their fishing, to their hunting or to any of their land. They need to have that connection brought back. For Semiahmoo, it's different because they're an urban aboriginal band. Their traditional territory is all developed. We have to think about what "land back" means for them. They want to help protect and bring back their fisheries because that's important to their culture.

That's kind of what we're talking about with indigenous rights with regard to land back. It's about changing the way people think of it from a property perspective to a perspective where we're connected to it and part of it.

Thanks.

• (1625)

[*Translation*]

**Ms. Sylvie Bérubé:** At the committee's last meeting, we talked about the excessive federal bureaucracy, which you mentioned before. Communities have been hurt a great deal by federal delays.

Given your expertise, what would you recommend to the federal government from a legal point of view to accelerate the process? What should the next steps be?

[*English*]

**Mr. Adam Munnings:** Thank you.

To speed up the process, I think there needs to be a look at the steps. There are no clear steps for ATR. We kind of get lost in the Canadian government staff or the Department of Justice staff looking at their liabilities and what that is, rather than looking at getting the lands back to the nations as quickly as possible. We get tied up in environmental reviews and we get tied up in what municipalities say.

From a first nations lens, a municipality is a child of the provincial government and its opinions shouldn't overtake the nations getting their land back. A lot of times in the ATR process, for example, municipalities provide comments about municipal services, about access to roads and about all this loss of taxation revenue, but it's the nation's land, so why are we delayed because of a municipality? Why are we delayed because of the liability of Canada? Why are we delayed because of all this bureaucracy and people who have to have a say in things, when it's our land?

As an indigenous person, I'm looking at it as my land and wondering why it's taking you so long to give it back to me. That's some of the bureaucracy that comes up with that.

Then we get tied up in people playing politics, for example. They're bringing up other issues that don't necessarily reflect that it's indigenous land. They want to talk about something else and then they start playing politics with local MPs and other things to raise other issues, when the issue for nations is getting that land back and reconnecting with that land.

[*Translation*]

**Ms. Sylvie Bérubé:** My question is for Chief Augustine.

I see that you served as ethnology curator for the eastern Maritimes at the Canadian Museum of Civilization in Gatineau. You were also named a member of the Order of Canada for advancing Mi'kmaq studies and for sharing your expertise with various public organizations.

Based on your experience, what do you take away from what federal institutions teach about ancestral lands? What should we learn about the culture of Mi'kmaq ancestral lands that we have not yet learned?

[*English*]

**The Chair:** Chief Augustine, we're at the end of the six minutes, so I'll give you a couple of sentences to respond.

Then we'll need to move on to our final round of questions with Ms. Idlout.

**Chief Stephen Augustine:** I think there is a need to educate the public about the reality of indigenous peoples in Canada, about the treaties and the colonization issue, and our own people need to be educated about their own history and their own cultures. We've been colonized for so long that a lot of our cultures and our peoples have lost their connection to the land and the traditional ceremonies and the languages. We need to get back all of that stuff.

I also think there needs to be a governance structure that can be shared with the federal and provincial governments and the Assembly of First Nations, the Métis National Council and the Inuit. We could all work together and manage our own lands in different ways, and I think it would work positively for everybody all the way around.

• (1630)

**The Chair:** Thank you.

Ms. Idlout, you have six minutes now for our final round of questions for this panel.

**Ms. Lori Idlout:** *Qujannamiik, Iksivautaq.* Thank you, Chair.

Just in this session alone, we were exposed to two very different timelines. We started out our session with such a wonderful testimony provided by Hereditary Chief Augustine, which I very much appreciated, as well as Graham Marshall, and then we had, on the other extreme, realities that indigenous peoples continually face, which are the use of administrative tactics to steal our time.

To me, this is not just about land back. This is about respecting our cultures. It's about reconciliation.

My question is for Hereditary Chief Augustine and for Graham Marshall. Could you each share with us how we could reconcile using indigenous laws, and what "land back" could mean from the indigenous people's perspective?

I'm not asking about colonial laws. I'm not asking about colonial policies. I'm asking you to share, from your indigenous perspective, and speak about land back and reconciliation using your indigenous laws, and how we can make sure we learn from it and use it so that when it comes to writing our report we're able to act on land back in a way that is meaningful to indigenous peoples.

I'll ask Hereditary Chief Augustine to answer first, and then I'll ask that Graham be given time as well.

*Qujannamiik.*

**Chief Stephen Augustine:** *Wela'lin.* Thank you.

I've been teaching for the last 30 years at universities and I've been using a methodology called the talking circle. The talking circle started with a sacred ceremony, a spiritual ceremony. An eagle feather or a talking stick is passed around, and people speak one at a time. That process can take us into a lot of areas. I've focused on law, traditional laws, indigenous philosophies, and education about environment and climate change. We were able to talk about all of these things, one at a time. With the Marshall Institute, we've been focusing on those issues in our first nations communities, and people have been sharing those concepts, one at a time, listening while the others are speaking, and coming up with a final resolution, mostly agreeable to everybody and built on consensus. Some people may not agree, but they'll nod their heads and walk away and say it's okay with them the way it is.

I think it's a meaningful way to get opinions from other people without talking at each other and screaming at one another in an assembly.

**The Chair:** Mr. Marshall, would you like to jump in?

**Mr. Graham Marshall:** When we talk about land back and the acknowledgment, I think that, as Canadians, we also have to look at the dispossession of the land throughout this great country, understand that truth and how we have to walk and understand the truth together.

We are all here because of our passion for our country. I think there are ways we can look at how we can co-succeed with one another, how we can create those relationships again and how we can start off on a better foot with a better understanding through all the stolen land in Canada. It is stolen. We have to understand that and we have to agree on how to co-succeed and how to live with each other. I think that's important. As indigenous people, as Mi'kmaq people, we have to understand and we have to look at that truth first. We can look at the problems, yes, but I think we have to look at the solutions on how we can co-succeed with one another, how we can work together and agree on amazing things, and how we can look at this hard topic. It's a hard topic.

When we look at a hard topic, we have to look at solutions on how we can co-succeed with one another. I think that is the best place. We started off in a good way. I think that's the foremost step on how we can look at this.

• (1635)

**Ms. Lori Idlout:** *Qujannamiik.*

If there's time remaining—

**The Chair:** There are 30 seconds left, Lori.

**Ms. Lori Idlout:** Adam, would you like to answer that question?

**Mr. Adam Munnings:** I think land back is a great way to start looking at indigenous laws and looking at how.... There's no word I can use, but "stewardship" is the closest thing I can think of when we look at land back and look through our indigenous knowledge and our indigenous laws around that. We're probably the best people to be taking care of the lands, to be protecting those lands and respecting the fish, the shellfish and the environment. That would be a place to begin with applying indigenous laws to land back, to own things.

For Semiahmoo, one of their things would be taking back Boundary Bay and putting Semiahmoo into jurisdiction over that so they could apply their indigenous laws in bringing back the fishery, bringing back the shell-fishery and the protection of other waterways. In the U.S., where waters cross reserves, everybody upstream of that reserve on non-indigenous lands has to meet or exceed the water quality requirements on the reserve. There's nothing like that in Canada.

If we were to apply indigenous laws to things like that and to other areas of land, I think we'd be a lot better off. That's where I see a start.

**The Chair:** Thank you. That's the end of our time on that one.

I would like to thank all three of our guests today—Hereditary Chief Augustine, Mr. Marshall and Mr. Munnings—for being here. I apologize for the delay, but we have our procedures we have to follow. We got through it, but I do appreciate your patience as we did that.

I also wanted to quickly raise to our committee members, in case anyone else has heard this, that on Tuesday we had an unfortunate situation where two members of the public came to hear our panel. I'd like to offer a public apology. We had two people who came and were interested in hearing what was happening. Security, for some reason, had a note that we were in camera, and they were turned away. That's unacceptable. I don't know how it happened, but I'm working with the clerk, with security and with the Sergeant-at-Arms to make sure that accurate information is conveyed to visitors who want to be here and listen in on the very important conversations that we have.

Gentlemen, I do apologize on behalf of the House and our committee. Thank you for joining us today.

With that, we're now going to suspend briefly while we go in camera to talk about some committee business.

*[Proceedings continue in camera]*







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