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• (1535)

[English]

The Chair (Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.)): Colleagues, I call today's meeting to order.

Welcome to meeting number 124 of the House of Commons Standing Committee on Indigenous and Northern Affairs.

As always, I want to start by recognizing that we are gathered on the ancestral and unceded territories of the Algonquin Anishinabe peoples and to express gratitude that we're able to do the important work of this committee on lands that they've stewarded since time immemorial.

Pursuant to the order of reference of Wednesday, June 19, 2024, the committee is commencing consideration of Bill S-16, an act respecting the recognition of the Haida Nation and the Council of the Haida Nation.

Before going any further, I want to deal with a quick part of committee business, and that's approving the budgets both for this study and for the meeting that we're going to have next week with the Minister of Crown-Indigenous Relations. These budgets were circulated in advance.

I just want to confirm that everybody is in favour of approving these budgets.

Some hon. members: Agreed.

The Chair: Okay. Seeing no opposition to that, we'll consider those approved.

With that, let's go right into our first panel.

I'd like to welcome our witness in our first panel today, Jason Alsop, president of the Council of the Haida Nation.

Thank you so much for travelling this far to be here today with us in Ottawa to provide some testimony on this.

We're going to start by giving you the opportunity to give a five-minute opening statement, after which we'll go into some questions from different parties.

At this point, I'll turn the floor over to you to give a five-minute opening statement.

Mr. Jason Alsop (President, Council of the Haida Nation): Thank you, Mr. Chair.

Good people and good members of the indigenous and northern affairs committee, *haawa*—thank you—for making the time for me to join as a witness today. I am grateful to the committee for making room to hear our testimony today. I know you're dealing with a lot of important business, so I'm really grateful for everybody's cooperation on this.

I'm here to speak on behalf of the Council of the Haida Nation, as its elected president, to Bill S-16, the Haida Nation recognition act, and its importance to the Haida Nation. It's hard to cover it all in five minutes, but I hope I can impart to you the historical significance of this legislation in terms of the relationship between the Haida Nation and Canada, which is reflective of the relationship between indigenous people and Canada.

Our people, the Haida Nation, are the inherent title and rights holders of Haida Gwaii and the surrounding waters, which are defined as Haida territories in our constitution. A lot of this legislation is about recognizing the Haida Nation constitution, which is our self-government determined by the Haida people.

Right from the first early contact between the Haida Nation and Canadian officials, which is documented as early as 1913, the royal commission came to Haida Gwaii to speak about the reserves and reserve boundaries. Our people very tactfully avoided a discussion about reserves and were sure to express that all of Haida Gwaii is Haida territory. That's the discussion and the relationship between the Haida Nation and Canada when it comes to discussing our affairs.

As many in this room know, there's been a darker history in that relationship between indigenous people and Canada. In the early 1900s, our people were hiring lawyers and looking to settle and come to a government-to-government relationship among our peoples. There was a period then—the blackout period between 1927 and the 1950s—when we weren't allowed to hire lawyers to represent our interests when it came to our land.

Despite that, our people carried forward, maintaining our hereditary system and our culture, while at the same time adapting to the new ways of the western world. As things changed and there was more room for this discussion, our people came together—50 years ago, in 1974—and formed the Council of the Haida Nation to represent all of the Haida Nation when it comes to government-to-government discussions about the land of Haida Gwaii and the oceans.

The Council of the Haida Nation has evolved to adopt a constitution, which recognizes that the Haida Nation collectively holds aboriginal inherent title to all of Haida Gwaii. It vests the governing power into the Council of the Haida Nation, which is an elected body, so we've adapted to a democratic model that has representation in Skidegate, Old Massett and our populations in Vancouver and Prince Rupert, and it elects a president and a vice-president nationally.

It also determines our citizenship process. Everybody of Haida ancestry is recognized as a Haida citizen. This act formalizes what has already been the relationship between the Haida Nation and Canada for 50 years. We've been speaking with one voice.

As the Haida Nation, we've entered into agreements. The Gwaii Haanas Agreement is held up as an example of how indigenous and Crown governments can work together. There's the Gwaii Haanas Marine Agreement. We work in the ocean, in SGáan Kínghlas-Bowie Seamount, together with the Province of British Columbia through the Kunst'aa guu—Kunst'aayah reconciliation protocol. There is the “Rising Tide” Haida title lands agreement. This work that we're discussing here came out of the “Changing Tide” reconciliation framework agreement, signed in August 2021.

● (1540)

We've been carrying forward through successive ministers—beginning with Minister Bennett and Minister Miller, and now with Minister Anandasangaree—to reach the Nang K'uula-Nang K'uulaas Recognition Agreement, which outlined what's in the legislation before you today.

There's a lot more I could say, and I think it will come out in the questions, but I do want to emphasize the importance of this for the Haida Nation in our continued relationship with B.C. and Canada. B.C. already passed legislation to this effect in May 2023. It's important to have this mirroring legislation for both governments, to have this clarity, to just formally have this legalized through your House.

We continue doing this work of reconciliation that the Haida Nation's Haida language holders have translated as *Gud ad T'alang HIGang.gulxa Tll Yahda*, which is “People working together to make it right”. It's not only important for the Haida Nation. I think it's also important for Canada and others to see an example and a model of how indigenous people have adapted to our present reality and have formed a constitution that identifies our own citizenship and that also weaves together our democratically elected governing body with our village and band council governments—which also appoint members to sit on the council—and a hereditary chiefs council that also guides the work of the council and the nation. It's something to be held up and looked to as a way of, again, trying to navigate our hereditary, inherent title and rights with aboriginal title and to bring clarity for everybody as we navigate working together to continue to make things right in this country.

I'm happy to be here today in person, and again, *haawa* for making the time.

Thank you.

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

With that, we're going to jump into our first round of questioning, starting with the Conservative Party.

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

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): Thank you, Mr. Chair.

Thank you, President Alsop. It's a pleasure to have you here once again.

We have heard from many witnesses at committee about how important economic reconciliation is to reconciliation. I'm just going to reference an article from The Globe and Mail first, and then I'll ask you my question.

The article is titled “B.C. formally recognizes Haida Nation's Aboriginal title to Haida Gwaii”. It says:

The agreement includes a commitment from the Haida to leave privately owned lands unchanged and under B.C. authority. Governance over the existing Crown land tenures and protected areas will now be negotiated in a process that must reconcile Haida and provincial law.

It also says:

The agreement, which has been approved by the Haida Nation and will be enshrined in provincial legislation, says that Aboriginal title will not affect anyone's private property, nor local government jurisdiction and bylaws on Haida Gwaii. It also says public services including highways, airports, ferry terminals, health care and schools will not be affected. Residents will continue to receive municipal services and pay property taxes in the same way they do today.

I have two more paragraphs.

A leading expert in Indigenous law in Canada, Thomas Isaac of Cassels Brock & Blackwell LLP, said the agreement creates more confusion for landowners on Haida Gwaii than the lingering uncertainty of the pending title case.

“The Crown is recognizing Aboriginal title over every square inch of Haida Gwaii. What we know from Supreme Court of Canada case law is that Aboriginal title is the exclusive right to land. At the same time, fee simple, privately owned land is the exclusive right to land. You can't have two exclusive rights to a single part of land”

It's good to have you here again, Mr. President. You brought it up earlier to bring clarity to this agreement, and you can. Can you speak to private property owners' concerns that the Haida agreement has provisions that include a recognition of Haida title over fee simple lands?

● (1545)

Mr. Jason Alsop: *Haawa*, Mr. Zimmer.

Yes, I think it's unique. It is a unique arrangement. In the “Rising Tide” Haida Title Lands Agreement between the Haida Nation and the province, Haida aboriginal title is recognized throughout the land, so it does exist underneath the fee simple interests that are held by individuals.

Actually, Tom Isaac and I went to a law conference. He presented. Many lawyers pressed him, you know, and had this important discussion for everybody around his comments. He backed off, in a sense. He acknowledged that a sovereign nation, the Haida Nation, under our governance and our law-making authority, can consent to provincial jurisdiction. That's what we did when it comes to fee simple lands: They remain under provincial jurisdiction. It is compatible.

Nothing in our agreement as it's outlined derogates or takes away from those fee simple interests. In fact, others have argued it actually enhances it in the British Columbia situation, where there aren't treaties in a lot of British Columbia and there's uncertainty from a legal perspective on interests that were given out in an environment without treaty that are liabilities of the Crown, from a legal perspective.

That work, though, didn't come overnight. It's the culmination of working with our friends and neighbours on Haida Gwaii through protocol agreements we've had with each of the municipal governments. Our intention in pursuing our aboriginal title interest is not to remove people from their homes or disrupt their communities. In fact, it's to bring greater clarity in how we're going to continue to evolve our relationships. The agreement reflects that work. I think for us it's a creative path forward.

I also have to recognize that this discussion about fee simple interests isn't just between the Haida and British Columbians and Canadians and settlers. There are a lot of Haida people who own fee simple lands as well. A lot of people, through the Indian Act, were not allowed to live on the reservations and, over time, purchased homes in municipal communities and rural areas.

It was a creative way to provide certainty for everybody in this complex landscape that we're all operating in.

Mr. Bob Zimmer: Thank you.

I know that my time is about 30 seconds.

The Chair: You have 40 seconds.

Mr. Bob Zimmer: The concerns around that from the residents of Haida Gwaii who are not Haida people are the concerns around private ownership. Can you reassure them that it will be respected, as it seems like the premier has done and as you have said? For clarity purposes, as a final statement, can you say that their private ownership is going to be maintained?

• (1550)

Mr. Jason Alsop: Yes, the Haida Nation has already come to an agreement with the province around that, consenting to provincial jurisdiction. I should clarify that those concerns did not come from Haida Gwaii. People of Haida Gwaii were not raising concerns in the media or vocally. Those came from outside of Haida Gwaii.

In fact, interestingly enough, when the legislation went through and the press releases came out, there was even support from the forest tenure holders and fishing lodge owners who operate on Haida Gwaii for this work going forward, and they were congratulating both governments on the achievement.

I think a lot of the fears were projected from outside of Haida Gwaii, but it does provide something for others to look to in how

we wrestle with this challenge of how aboriginal titles and fee simple interests coexist.

Mr. Bob Zimmer: Thank you, President Alsop.

Thank you, Chair.

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

Moving on, our next six-minute round will go to Mr. Hanley.

The floor is yours.

Mr. Brendan Hanley (Yukon, Lib.): Thank you very much.

Thanks for appearing here, and congratulations, because this is a significant step. You really eloquently described some of the long history in getting to this point.

I'm interested in the impact of negotiating an agreement when there was no pre-existing territory. Coming from the Yukon, I represent a territory where we have 11 modern treaty first nations—11 out of 14—but this is really a different process of reaching an agreement. I wonder if you could talk about the importance or the impact of an agreement and how it differs from a modern treaty.

Mr. Jason Alsop: For the Haida Nation, over the history of the different processes, we have examined our options in working together with B.C. and Canada on land and aboriginal titles. The Haida Nation found that the modern treaty process, as it had been designed, didn't meet our interests, because we live on an island. We're isolated. We have no overlapping territory, and it's just the Haida Nation on the island. There's a long history, going back well over 14,000 years, of occupying and using all of the island. Much of the process before us, when it came to treaty, was designed around the extinguishment of part of our land in exchange for cash, and giving up some of our land in that process. That extinguishment component was unacceptable to our people.

We've moved forward on *Gud ad T'alang HIGang.gulxa Tll Yah-da*, our reconciliation process, working government to government in a way we believe is more flexible and capable of evolving to meet the needs as the environment and political landscapes change.

We rejected the treaty process. A lot of it was around the need to spell out every single detail and word, work out everything, and look to ratify it. You've seen in many places that a lot of work goes into it, but you get to the end and things have changed a lot. The extinguishment and the process as designed just didn't fit our position and our needs. We've moved on this other path here of working government to government through reconciliation.

Mr. Brendan Hanley: Thank you. That's very helpful.

One of the areas that piqued my interest was the Fisheries Resources Reconciliation Agreement. That's an agreement among you and seven other B.C. first nations, the Government of Canada and, I believe, the Great Bear Initiative Society. This is one of the components of the larger agreement. Could you comment on this resource agreement and what it means for community fisheries or for self-determination over fisheries?

• (1555)

Mr. Jason Alsop: The Fisheries Resources Reconciliation Agreement is a little different from this direct government-to-government, nation-to-nation work. It's the Haida Nation working with our allies in the Coastal First Nations on a regional scale.

The fisheries agreement provides three main things.

First, and very important to the nation, is a commitment from Canada, through the Department of Fisheries and Oceans, for collaborative governance when it comes to fisheries. It's something that is quite important, as we see the decline in many of the stocks over the years and we see practices we've disagreed with—including, currently, destructive bottom trawl fisheries that occur in Haida territories. The agreement has very strong language committing to transformative change when it comes to fisheries management and collaborative governance. We've set up a structure where we strive to work together with technical information, bringing in cultural and local knowledge and trying to come to consensus decisions, but still operating under each of our respective authorities. We may have disagreements, but we have dispute settlement mechanisms to work through those.

Second, it provides some commercial fishing opportunities through a trust to purchase access back from the market and bring it into the nations collectively through a commercial fishing company.

Third, it's to acquire access and bring it back to a community level to redistribute at smaller scales for community-based fisheries in order to stimulate local economies and access, somewhat as an interim measure. It's not based on fishing within our rights. It's a way to provide some economic opportunities on the ground in the short term, while we also build up a bigger, coast-wide commercial fishery that would be indigenous-owned by the seven nations.

Mr. Brendan Hanley: Thank you.

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

[*Translation*]

Mr. Lemire for six minutes.

Mr. Sébastien Lemire (Abitibi—Témiscamingue, BQ): Thank you, Mr. Chair.

Mr. Alsop, thank you for being here and congratulations. It's a great moment for your nation.

You spoke about reconciliation. What tools will Bill S-16 give you? What are the next steps for your nation? Do you feel that the bill is the product of a process in which the free, prior and informed consent of your nation was respected?

[*English*]

Mr. Jason Alsop: This bill is important. There is the recognition of the Haida Nation as the title and rights holders legally and formally through this. It signals that shift from the imposed Canadian governance through the Indian Act as the only means to represent your people to recognizing our constitution and our governance as self-determined by the Haida people from a grassroots level built up. It recognizes that in a strong way and clarifies again the relationship going forward.

On a more technical or practical level, it also provides the Council of the Haida Nation with the tools to properly interface with the western system as a government—like any other government—with the powers to enter into contracts, go to court, handle money and deal with the same taxation exemptions and abilities as other governments.

There's an important function there for the Council of the Haida Nation that up until now had to be fulfilled through operating under British Columbia's Societies Act. We had to arm as a British Columbia society to operate our government. It's been a conflict to have to come under a provincial, non-profit model while you're running your sovereign government.

It will help us move to operating solely under the Council of the Haida Nation and streamline our administration and financial affairs.

• (1600)

[*Translation*]

Mr. Sébastien Lemire: Do you also feel that the bill sets a precedent that will give other indigenous nations the opportunity to obtain greater independence and the recognition of their right to self-determination?

[*English*]

Mr. Jason Alsop: Each nation is on its own journey and has its own path. I hope it could be an example to look toward.

I think you see under the current system that there's support for tribal societies or amalgamations of a number of communities coming together, recognizing their true historical connections and family relations that were severed by the Indian Act when several different bands were created. There are large nations that once operated together more through their cultural system. I think it provides an example and something to look at.

I wouldn't prescribe to anybody how they should run their own affairs as a nation, but we're open to sharing our experience. Anything that helps bring strength to our inherent title and our collective interests and brings nations closer together is a positive thing. Again, we're happy to share our experience.

[*Translation*]

Mr. Sébastien Lemire: Do you feel that the federal government has always acted in good faith toward you?

[English]

Mr. Jason Alsop: I do, yes. We've worked closely with Minister Anandasangaree and Minister Miller on coming to the Nang K'uu-la-Nang K'úulaas Recognition Agreement. We've collaboratively developed the language of the agreement and been abreast of the legislative process as well. We've worked carefully together on the language to make sure that it meets the needs of both parties throughout this process.

[Translation]

Mr. Sébastien Lemire: What was the magic or winning formula for you? For the Haida people, what was it that led to a bill that is now close to being passed, and why might that not be happening as fast for other nations? What was the formula? How is it that the Haida people have the opportunity to be first and be recognized faster than other nations?

[English]

Mr. Jason Alsop: I'll talk about the bill in a second, but first, it's the work that was done before this. As I mentioned, the Council of the Haida Nation has been entering into agreements with Canada for over 30 years already. There's the nation-to-nation Gwaii Haanas Marine Agreement and the SGáan Kínghlas-Bowie Seamount agreement. We've been entering into nation-to-nation agreements already for many years. There's a whole track record showing how we work together, government to government, committing to the processes that both parties have agreed to.

In the process of this bill, the success has been twofold. I have to acknowledge that we have an active Haida title litigation case that's been on the books now for over 20 years. We put forward our position that the Haida Nation is a title and rights holder and the CHN, the Council of the Haida Nation, is the government, and we're building on that work of getting to a framework agreement.

With this bill, it hasn't felt like a quick process for us. We started in the Senate in February 2023. It's felt like a long time for us, so we're excited to hopefully see it get through here and get through the House. I think there's been a lot of open communication between us and the government, and there's been support from all of the parties in this process.

I want to recognize Jamie Schmale for coming out to Haida Gwaii to take a look and meet us, as well as you, Sébastien, and everybody for making the time to hear us and understand this bill.

• (1605)

[Translation]

The Chair: Thank you, Mr. Lemire.

[English]

Next, we'll go over to a visiting member of the committee.

Mr. Bachrach, you have six minutes.

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you very much, Mr. Chair.

Welcome back to Ottawa, Gaagwiis. It's good to have you here before the committee and to be addressing this very important piece of legislation.

I want to start by recognizing members for passing this bill rapidly through second reading and getting it to committee, where we can discuss its contents. It originated in the Senate, and I think its passage through the Senate was quite efficient. It's good to see it here at last, and hopefully we can deal with it in good order.

I want to take a moment—I hope you don't mind—while we're talking about the Haida and Haida Gwaii to just briefly offer my heartfelt congratulations to Laanas Tamara Davidson, who on Saturday became the very first MLA of Haida descent in British Columbia's history for the riding of North Coast-Haida Gwaii. I know she's going to be a tremendous representative for all people on the North Coast. The fact that she's from Haida Gwaii and she represents this historic first is a really special thing that I thought was worth mentioning. She was previously an elected member of the Council of the Haida Nation.

I'll start with the timing of this and the sense of urgency. Gaagwiis, why is it important that the committee do its work in an efficient way and that the House consider this bill as quickly as possible?

Mr. Jason Alsop: *Haawa*, Taylor.

As I think I've iterated here, it was 50 years in the making, since we formed our Council of the Haida Nation to represent the Haida Nation when it comes to title and rights to the land and the sea and all of Haida Gwaii. This agreement is important, not only to catch up to B.C. and have mirroring legislation and recognition from both governments as we move forward. I think also at the forefront, and most pressing for the Haida Nation, is the recognition that this has all been about trying to continue to seek recognition of title to our lands. We've gotten there with the province. This work stems not only from litigation but also from our framework agreement where Canada is committed to negotiate based on the recognition of title and rights throughout the land. It is our pursuit to continue to seek that recognition of title from Canada as well that mirrors what we've been able to do with British Columbia.

Again, it's continuing to build on our foundation of success in working together and moving forward from this chapter of denial when it comes to title and rights. Particularly in the example of Haida Gwaii, again, there are no overlapping interests of other nations. It's a clear example of our self-governance and self-determination. It's a very strong case that we're continuing to move through the courts and negotiate at the same time. For all our people's interests, we're all trying to work in good faith, to settle what we can government to government, to not leave the courts to decide things that we should be able to sort out as people, and to save taxpayer dollars—to save all of us dollars—in that process.

Getting this legislation completed and through the House is an important milestone to complete part of the work that we've committed to together, the Haida and Canada, and to continue to build on it.

• (1610)

Mr. Taylor Bachrach: I think it's fair to say that the Haida are really leading the way in terms of some of these agreements and recognition of title outside of litigation. My understanding is that the B.C. agreement was the first time in Canadian history that aboriginal title was affirmed without going to court.

What is it about the Haida Gwaii context that has made it unique or has allowed it to move forward in the way that it has?

Mr. Jason Alsop: Haida Gwaii, as I mentioned, is one nation and one voice. We've come together to represent our interests with the government, and we have 50 years of experience with the self-government process already.

There's a level of maturity there in how we work together among our own different jurisdictions—between our hereditary system at the village council level and the Council of the Haida Nation across the territory—in stewarding the lands and waters. We also have been building good relationships with the people who've come to call Haida Gwaii home and who've settled on Haida Gwaii. We cooperate in matters of emergencies and public service and have recognition as an islands community that we're all better off working together. The interests of the Haida Nation align a lot with the interests of islanders when it comes to wanting to see....

Our experience has seen vast amounts of resources and wealth leave Haida Gwaii through the forest industry and the fishing industry, with very little ever coming back to be reinvested in communities and infrastructure. We don't have any swimming pools, recreation centres or anything to show for the billions of dollars that have been taken off our islands.

Everybody who lives on Haida Gwaii recognizes that, working together, we can do better for Haida Gwaii and make lives better for everybody. That's the commitment we've made in our framework agreement. It's to improve the lives of the islands community, which is the Haida, our municipal communities and everybody who lives on Haida Gwaii. There's that recognition when you're out there.

It takes all of us to keep society going—volunteering and keeping all the recreational opportunities. We all go to school together. We're quite integrated. We have protocol agreements with all of the municipal communities. We meet monthly—myself, the elected leaders from Skidegate and Old Massett, and the mayors in regional districts.

It's to recognize the economy of scale that we need over time to provide better services. We all need to work together and use all of the public money in a better, more efficient way. There's a lot of willingness in relationships built over time, and also for a lot of new, younger people who are moving to Haida Gwaii because they've seen the progressive approaches that we've taken. They're interested in being there to raise their families in this environment, where we all work together and want to figure these things out.

The Chair: Thank you so much, Mr. Bachrach.

That's going to wrap up our first round. We're going to do an abridged second round here. Each party will have an opportunity to ask questions.

We'll start with Mr. Schmale for five minutes.

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

Thank you, Mr. President, for coming. It's great to see you again. I do appreciate the shout-outs in regard to your hospitality. I did enjoy meeting some of the members of the island and your citizens. We had a great time and a great conversation. You did clear up a lot of questions I had once that bill was tabled. I did appreciate your taking the time to go through it.

What I'm going to ask you is stuff we already covered when we met and in subsequent conversations. It's also just to basically pick up where you left off. Even looking at your website for the Council of the Haida Nation, your website outlines “self-sufficiency”. You're talking about economic development. You're talking about taxation. You're talking about charting and moving forward on that path. As I told you in person, that's something this side supports.

I want to go on to the natural resources part, because that's one thing.... We did talk about the lumber industry being very important to that area. How do you see that playing out? How do you see that relationship moving forward in terms of economic reconciliation as a whole?

• (1615)

Mr. Jason Alsop: Thanks, Jamie.

Bringing up the constitution, in the Haida Nation constitution, our mandate is to steward the lands and waters but also to continue to strive for sovereignty and self-sufficiency for the nation and the island.

I'll reel it back a little bit, and then get more into your direct question. The self-sufficiency part is maybe threefold. One part is that, as a government and as a nation, we need to get to the place where all of those revenues aren't leaving Haida Gwaii and going to Victoria or Ottawa. We need to figure out that equation of what's needed to run government on the island, the nation and local governments and continue to build towards that self-sufficiency, but also recognize that part of this process is coming to terms with the fact that we are part of Canada and British Columbia and this Confederation, and how does all this work?

You know, we've been in this period without agreements and without formalizing it. Sometimes it's been like we're acknowledging each other but not acknowledging each other, and we have still found ways to navigate it. It starts to get more formal as we continue down this path. Also, at an individual, household, community and clan level, our benchmark is our ancestors. The Haida Nation, before the coming of outsiders and the imposition of Crown governments, was self-sufficient and sovereign. We had vast cedars and an ability to build all our own housing, make our own canoes for transportation and add value. Haida art is known around the world. Totem poles come from Haida Gwaii and are known globally.

Our people were using the resources in a respectful and sustainable way, adding value, bringing them to the mainland for trade for things that we didn't have on the island that could come from across Canada to the coast, and we traded beyond the coast down into California and part of that extensive trade network. We have a history of being self-sufficient and knowing how to use Haida Gwaii to sustain ourselves. That was disrupted with the Indian Act system. We became dependent on government for services, and they restricted our use of the territory to meet our needs. A lot of this is about continuing to heal and unpack those learned behaviours to get back to that self-sufficiency that we had at clan and village levels and on a national level.

With that said, a lot of the value has been extracted, so the environment we're working in now is in a big deficit. There are a lot of environmental and ecosystem damages and challenges that need to be repaired.

We are also in this reconciliation process with the province and taking them to court over a tree farm licence transfer. We came to acquire the largest tree farm licence on Haida Gwaii, so we're one of the largest employers in the forest industry currently. We've encouraged many of our members to become contractors and small business owners. We are right in the middle of this web of trying to find a balance between creating meaningful careers and the restoration of Haida Gwaii through the stewardship economy. We have a number of different trusts that provide resources for stewardship work and work at the nation, as well as carbon credits. We're part of the largest—

• (1620)

The Chair: Mr. Alsop, I'm afraid we are running late, so I'm going to have to ask you to wrap up here.

Mr. Jason Alsop: I was just getting to the punchline.

Haawa, Jamie. We're committed to the economic component of this by working with islanders and just looking at what's here, what we need, what's leaving, what the leakage is and how we really just work together with our people who live on the island to sort out the best use of the land to balance out all the interests.

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

Next, we will be going to Mr. Battiste for five minutes.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Thank you, President Alsop. I want to congratulate you for getting this done and for this progress to where we are today.

You mentioned in your comments that when we hear from people in this committee, we often hear from Indian Act chiefs, councils and sometimes grand chiefs, but you come here on behalf of the Haida Nation. It's such a tremendous feat in itself to get ratification and buy-in from an entire nation to get to a point where you've been able to have them look at Canada as a partner and say that we can take this journey together.

Would you be able to tell us a little bit about how you've come to this journey of being able to work as a nation, on behalf of the nation, as opposed to individual Indian Act bands?

Mr. Jason Alsop: I've been fortunate to inherit the hard work of many who've come before me. I'll be the first to acknowledge that.

It was the chief councillors and the band councillors of the early days who recognized that the work of running the community in town and trying to pursue the land title was too much. It was a lot of work. They brought some funds and initiated a council dedicated specifically to this. It started out with that early co-operation.

What really underpins this unity and collective approach is the hereditary system. The surviving members of our nation, early in the contact period.... I have to share this. Estimates of our population pre-contact range from 20,000 to 50,000 people at different times. With the coming of smallpox and other introduced diseases, there was a point in the early 1900s when our population was reduced to about 600 people or just under 600 people on Haida Gwaii.

The surviving hereditary chiefs, title holders and all of the people came together collectively to ensure that we would move forward with one voice and that together we would all manage the territory. We still all recognize each other's traditional territories, but we move as a nation. We're in a survival mode. That's been reaffirmed in the constitution through a Haida Accord document that everyone has committed to collectively work through. There have been patience, persistence and discipline along the way.

According to our constitution, in our law-making authority through our House of Assembly, our votes are by a three-quarter majority. Anything that moves through has the strong support of three quarters of the people in the process, which reflects the nation. Some things that come down to that very close margin can sometimes create greater division, but this three-quarter majority approach, I think, has also been quite strong. It's the commitment of everybody to continue to participate and support each other in this journey.

• (1625)

Mr. Jaime Battiste: Thank you, President.

President, are you satisfied with the current legislation as written, and would you like to see it passed expediently?

Mr. Jason Alsop: I am satisfied, and we would like to see it passed expediently, yes.

Mr. Jaime Battiste: I have no more questions.

Mr. Jamie Schmale: Can I just ask something?

Mr. Jaime Battiste: Absolutely not.

Voices: Oh, oh!

Mr. Jamie Schmale: It will be for two seconds. It will be good.

The Chair: Okay, go ahead, Mr. Schmale.

Mr. Jamie Schmale: Thank you.

I did appreciate the president's time. He introduced me to the manager of the co-op on the island, who grew up about 15 minutes from where I did. I grew up in Bobcaygeon, and they grew up in Dunsford. I also want to say that you gave me a lot of stories about him as well, about his contribution. He is basically one of many on the island who have found a great space to call home.

Do you want to add anything else about how everyone seems to be working together? You put it earlier in your words that it didn't matter if it was Haida Gwaii members or non-indigenous people. There seems to be a real cohesion on the island.

Mr. Jason Alsop: Thanks, Jamie.

I didn't realize that Tom from the co-op was going to get a shout-out today.

Mr. Jamie Schmale: I told him I would.

Mr. Jason Alsop: It's a good example. Tom, who grew up near where Jamie's from, runs our co-op. Even our grocery store is a co-operative. He also hustles as a custodian in the evenings. He married into the Haida Nation. He's a *chanii*, or a grandfather, to Haida children. It's a good example of this integration between our people and our communities over this history. We're quite interwoven. Again, we've all gone to school together. People have intermarried between the nation and our neighbours among the nation. It's very hard to separate everything. It actually upholds one of our Haida values of interconnectedness. As we get deeper into this work, and being an island nation, we appreciate and recognize the interconnectedness of everything.

I think this bill is important in ratifying this government-to-government relationship. Also, all of this work helps to bring greater clarity and stability to the people who live on the island and call it home, as we're trying to plan out what our future is together. In this in-between situation when recognition of the government isn't complete and title to the land isn't fully complete, people are trying to plan out their future and make investments, and there's a hesitancy to do that when things feel like they're uncertain to us and the people of the island.

All of this brings forward greater clarity and certainty in the relationship between us as governments and as people, as we continue to plan and carve out our future together.

The Chair: Thank you very much, Mr. Schmale and Mr. Battiste.

[*Translation*]

We will now move to the next speaker, Mr. Lemire, for two and a half minutes.

Mr. Sébastien Lemire: Thank you, Mr. Chair.

President Alsop, thank you very much for accepting our invitation and sharing the history of the Haida nation with us.

I'd like you to tell us about the pressure your nation faced from the oil and gas companies, among others. It's my understanding that you're strongly in favour of more eco-friendly development.

In 2018, you stated that your main concerns had to do with LNG, fracked gas, tanker traffic and shipping through your territory, and the potential dangers of explosions and the impact on your commu-

nity. I also learned that several members of your community were jailed for having defended one of the oldest forests in Canada in the 1980s.

What additional powers would a document such as Bill S-16 give you to allow you to defend your territory?

• (1630)

[*English*]

Mr. Jason Alsop: Sébastien, there's one good, simple question at the end, but a big buildup.

I think that what I want to share is what I've already touched on. Our land and our people have been exploited in this experience to date, with Crown governments looting and plundering the land, the seas and the resources for the wealth of others—for corporations and the government.

What we're working to do is turn that around so things are more equitable when it comes to how that equation works, but also how decisions are made by the people who live on the island—by the rightful title and rights owners—when it comes to things that are going to impact us in the short term and the long term.

We don't want to be seen as a people who are against everything, but we've been in this environment where there have been constant threats to our land and our seas, and processes that don't properly recognize the title and rights holders and the impacts that happen in our territories—whether it's the threat of oil tankers or increased LNG traffic. We're dealing with an introduced invasive green crab species, which is having a big impact on the ecosystem, and that's just one example. There are countless examples.

I would say to your question that this recognition doesn't give us any more powers than we already have. We operate under our inherent title and rights. We operate on the strength of the people, the nation and our ancestors. This bill doesn't give us any more power. That's up to us. That's our inherent title, our inherent rights, as the original people of Haida Gwaii.

However, what the bill does is help us interface with Canadian and western systems more clearly.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Mr. Alsop.

The Chair: Thank you, Mr. Lemire.

[*English*]

For our last round of questioning, I will turn the floor over to Mr. Bachrach for two and a half minutes.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

I appreciate Mr. Lemire's question. I was going to ask something about the north coast oil tanker moratorium, which is a piece of legislation that the Haida were really instrumental in seeing passed and something that the Conservative Party has promised to rescind as soon as possible if it's elected as government.

However, I won't ask about that. Instead, noting that Minister Anandasangaree is in the room and that we're going to be hearing from him next, I thought that perhaps, Gaagwiis, you could set the stage a little bit.

This is largely a bill that is recognizing something that's been taking place for 50 years, which is the self-government of the Haida people. It's an important step, but it's a simple piece of legislation that hopefully will provide the springboard for future work. I wonder if you could share with the committee what you hope we can get done as a Parliament. What's next? If this bill passes swiftly and we're given the opportunity to continue in this partnership with the Haida Nation, what's the next piece of work that you hope we can accomplish?

Mr. Jason Alsop: *Haawa*, Taylor.

There are two main pieces to follow from this. One is an internal piece of work. The nation does need to work together and look internally at how we would like to evolve from the status quo when it comes to the Indian Act and everything that's rolled up within that. There is a fundamental difference between status band members recognized under the Indian Act in our communities versus Haida citizens recognized under our constitution. How do we close that gap to make sure that all Haida citizens are being supported with the programs and services that they deserve under our system, and how do we work together with governments to achieve that?

Second, you've seen that our framework agreement, again, is a historic step by Canada to agree to negotiate and litigate at the same time as we try to resolve issues efficiently and responsibly in an orderly way together. You've seen that we've made progress with British Columbia with the "Rising Tide" Haida Title Lands Agreement. Originally, we started that process together as a tripartite negotiation, and we moved bilaterally with the province and completed that agreement.

Our hope is to continue to resolve title to the land, as it is a matter before the courts, and come to some resolution when it comes to title recognition throughout the land, similar to what we've done with B.C., but also to resolve it in the litigation. We want to show Canadians and everybody that we can achieve this outside of court and create more of an orderly process of transition and more certainty. As we've seen in the courts, we have a very strong case. We're submitting evidence. A title declaration, though, doesn't... We're still sent back to the table to negotiate and figure out the terms of what this is going to look like and how it is going to impact everybody. We would like to just continue working on that now and not wait for the courts to dictate that.

● (1635)

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

That will conclude our first panel.

Again, I want to thank President Alsop for being here in person and for his testimony. Congratulations on all the hard work to get to this point.

At this point, I'm going to briefly suspend while we get ready for our second panel.

● (1635)

(Pause)

● (1640)

The Chair: Colleagues, I'm calling this meeting back to order.

We are going to move right into our second panel.

I'd like to welcome the witnesses we have here today, including the Honourable Gary Anandasangaree, Canada's Minister of Crown-Indigenous Relations. We also have, from the Department of Crown-Indigenous Relations and Northern Affairs, Danielle White, senior ADM, treaties and aboriginal government; and Paul Dyck, federal negotiations manager. From the Department of Justice, we have Bruce Hamilton, general counsel.

Minister, welcome. I will turn the floor over to you to give your five-minute opening remarks.

Hon. Gary Anandasangaree (Minister of Crown-Indigenous Relations): Thank you, Mr. Chair.

Let me begin by congratulating you as the new chair of this committee. It's my first time back here since your chairship began.

I also want to welcome Danielle White, who, as you indicated, is our new senior ADM, as well as Paul Dyck and Bruce Hamilton, who is with the Department of Justice.

I want to express how pleased I am to be back here at this committee. I've spent many years here. I really appreciate the work that all of you do and the collaborative approach that you've undertaken.

Hello. *Bonjour. Sángaay 'láa.* I'm pleased to be joining you here today on the unceded traditional territory of the Anishinabe Algonquin people to speak about the Nang K'uula-Nang K'úulaas Recognition Agreement and the legislation that has been developed to implement this agreement.

I would like to thank everyone who has worked to get us to this point. I want to start by acknowledging the work of the Council of the Haida Nation and the entire Haida Nation, along with Gaagwiis Jason Alsop, for their determination and leadership in advocating for their vision of governance and self-determination for decades.

I want to thank the members of the other place, the Senate, for their hard work. I want to particularly acknowledge the work of Senator Greenwood as sponsor of this bill in the Senate.

I want to acknowledge the work of the Government of British Columbia, including retiring minister Murray Rankin.

I want to acknowledge the work of Taylor Bachrach, the MP for Skeena—Bulkley Valley, and his support during this process.

This summer, I had the privilege to be in Haida Gwaii for the first time. I came to know many of their leaders, who have trail-blazed and championed self-determination and stewardship. Getting to this step is a result of years of collaboration between the Haida Nation, British Columbia and Canada and is part of our ongoing work to undo colonial policies and approaches.

We're here, in large part, because of the relentless advocacy of the Haida people. Together, we are guided by landmark documents, including the Truth and Reconciliation Commission's calls to action and the United Nations Declaration on the Rights of Indigenous Peoples, particularly article 4.

The former approach of making decisions on behalf of indigenous peoples has shifted dramatically and irrevocably to an approach centred on supporting the aspirations of indigenous peoples and communities, or indigenous self-determination. The legislation we are discussing, Bill S-16, recognizes Haida governance and governing structures.

[Translation]

When this bill is passed, it will accomplish two very important things.

[English]

One, it will ratify that both Canada and British Columbia legally recognize that the Haida Nation holds inherent rights to governance and self-determination, and, two, it will affirm that the Council of the Haida Nation is authorized to make decisions on these rights. They will be able to act as a distinct legal entity with the capabilities of a natural person.

Haida have never ceded their right to self-determination, and our government recognizes that reality. This legislation will have Canada see the Haida Nation as they see themselves.

The federal government will continue to be a partner in the full implementation of Haida rights.

• (1645)

[Translation]

It hasn't been an easy journey. If I may, I'd like to explain how we got here. Indeed, the Council for the Haida Nation was created 50 years ago and began steps to reclaim its territory.

[English]

The 2021 “Changing Tide” framework for reconciliation came to fruition and has served as the foundation for a renewed process of incremental reconciliation negotiations.

In April 2023, Haida and British Columbia were able to sign an agreement and pass the Haida Nation Recognition Act.

[Translation]

Several months later, the federal government signed that agreement and formalized recognition, by British Columbia, of the Council of the Haida Nation and its director.

[English]

These agreements laid the groundwork for Bill S-16, which was co-developed in collaboration with the Haida Nation.

I'm asking you to join me in supporting this bill. It is through forward-looking legislation such as this that historic change is made, and our country becomes stronger as colonial structures are torn down and power is more equitably shared. We're moving towards a true nation-to-nation relationship, and that requires supporting self-determination. This is our unwavering path to reconciliation. It is not a matter of politics; it is a matter of inherent rights.

Haawa. Thank you. *Merci.* I look forward to your questions and comments.

[Translation]

The Chair: Thank you very much, Minister.

[English]

With that, we'll go into our first round of questioning, starting with the Conservative Party and Mr. Zimmer for six minutes.

You have the floor.

Mr. Bob Zimmer: Thank you, Mr. Chair, and thank you once again, Minister, for appearing.

As you said, Minister, you're here speaking to Bill S-16, an act respecting the recognition of the Haida Nation and the Council of the Haida Nation. I just have a question based on an article and concerns, I guess, in British Columbia. It's an article titled “B.C. formally recognizes Haida Nation's Aboriginal title to Haida Gwaii”, from April 14, 2024. I'm going to take some excerpts out and then ask you a question.

The agreement includes a commitment from the Haida to leave privately owned lands unchanged and under B.C. authority. Governance over the existing Crown land tenures and protected areas will now be negotiated in a process that must reconcile Haida and provincial law....

The agreement, which has been approved by the Haida Nation and will be enshrined in provincial legislation, says that Aboriginal title will not affect anyone's private property, nor local government jurisdiction and bylaws on Haida Gwaii. It also says public services including highways, airports, ferry terminals, health care and schools will not be affected. Residents will continue to receive municipal services and pay property taxes in the same way they do today....

A leading expert in Indigenous law in Canada, Thomas Isaac of Cassels Brock & Blackwell LLP, said the agreement creates more confusion for landowners on Haida Gwaii than the lingering uncertainty of the pending title case.

“The Crown is recognizing Aboriginal title over every square inch of Haida Gwaii. What we know from Supreme Court of Canada case law is that Aboriginal title is the exclusive right to land. At the same time, fee simple, privately owned land is the exclusive right to land. You can't have two exclusive rights to a single part of land”.....

What the president said previously in this committee, just minutes ago, was that he wanted to bring clarity to this issue. To bring clarity, Minister, can you speak to the concerns of private property owners that the Haida agreement has provisions that include a recognition of Haida title over fee simple lands?

Hon. Gary Anandasangaree: Thank you, Mr. Zimmer, for that important question.

Let me, at the outset, just acknowledge that this particular legislation does not include any discussion on title. This is primarily for the purpose of recognizing the Haida Nation as a government.

Having said that, I was at the provincial legislature when this legislation was introduced by Minister Rankin. The way I interpret this legislation, and the way title could coexist, is very similar to what Crown title is right now. If you look at any jurisdiction in Canada, you see there's an underlying Crown title that has been bestowed to the Crown since Confederation. In the case of provinces, it was transferred to them at some point when the provinces were established. The underlying Crown title is what is in question right now. That Crown title will be replaced at some point by title of the Haida Nation, which essentially means that they can coexist in exclusive purview. It's the underlying title we're talking about, which is Crown title, and on top of it is where private property interest, or fee simple, is bestowed. This is where the right to encumber, the right to put on a mortgage, a right to put liens and so on, or the actual certainty of ownership will be established.

Essentially speaking, this is very much a provincial promise, an undertaking of British Columbia. It is to replace what's called the underlying Crown title with the title of the Haida Nation. Of course, there's a lot more work to do, as the president rightfully said, to ensure there is certainty. However, my legal analysis—and I have a fair bit of understanding of property law—is that it's the underlying title that will be replaced from the Crown to Haida.

• (1650)

Mr. Bob Zimmer: Thank you, Minister.

That's all I have. I'll pass it back to my colleague Jamie.

Mr. Jamie Schmale: Thank you, Minister, for appearing here today.

I'm going to basically ask the same question I asked the president earlier. It was in regard to natural resources and their development. Specifically, we were speaking about lumber and the lumber industry, which is very important to British Columbia and to the economy, potentially, of that island, depending on how they choose to develop that. Obviously, this piece of legislation looks after the governance structure, but how do you see those, based on your previous answer, working together?

Hon. Gary Anandasangaree: I think there's still a fair amount of work to do with respect to the other pieces of what is a longer-term conversation and a set of negotiations that will lead us towards full implementation of the aspirations of the Haida people. I spent about three days in Haida Gwaii, and I understand you did as well, Mr. Schmale. I've had many conversations with many who are in leadership and who are in different roles within the Haida Nation.

Their aspirations for their people and for their land are very similar to the aspirations of any people, which are to ensure that there's self-sufficiency and that they have full authority over the development of their region and of their lands. I believe that through negotiations, through discussions, they too will support industries that will benefit not just individual corporations, but also themselves and, collectively, the island. That includes natural resources. However, there are caveats, in the sense that it needs to be sustainable and it needs to have a longer-term view of protecting the environment.

UNDRIP already, in my opinion, addresses this issue in a fundamental way. It enables first nations that don't necessarily have title, in most cases, to assert the notion of free, prior and informed consent, which, interpreted in a real way after almost three years of this being legislation, is that development can take place, but it needs to take place in a manner that is in full informed consent of the impacted nation. I believe that, as title takes shape and as other agreements take shape, the same is true of the Haida Nation.

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

With that, we'll move over to the Liberal Party in the six-minute round.

Mr. Battiste, the floor is yours.

• (1655)

Mr. Jaime Battiste: Thank you, Minister.

It appeared from the previous testimony that this legislation was driven by the Haida. Can you talk to us a little about the process of how it was co-developed, how it was negotiated and how it was ratified to ensure that we are confident that the Haida Nation is behind this?

Hon. Gary Anandasangaree: Thank you, Jaime.

This summer, I had the privilege of initialling three modern treaties in British Columbia, and each and every one of them—Kitsumkalum, Kitselas and K'ómoks—was in discussions for over 30 years, if not 35 years. They were painstakingly negotiated collectively as one agreement that encompasses the range of issues from treaty lands to, in some cases, jurisdiction over a range of issues. One thing I realize is that it took so long and there have been significant changes in the way that government looked at modern treaties and looked at issues such as extinguishment. These treaties covered everything that I think we have advanced in treaty negotiations.

The unique factor with the Haida government recognition is that it's an incremental approach. It's an approach that sets a frame as a starting point of selecting who the government is, which, according to article 4 of UNDRIP, enables the Haida people to establish their governing body. In this case, the Council of the Haida Nation will transform into the government of the Haida Nation. Then, we will be able to layer on additional aspects of what's in other treaties. It doesn't necessarily have to follow a formula. It will be at stages that the Haida people are ready to move towards.

I believe that, over time, this will be an alternative approach to the number of treaties we have, which are comprehensive. Here, there is an initial starting point, followed by what can only be described as a pace that we will need to maintain, as well as the Province of British Columbia, and that will be at the will of the Haida Nation.

I'm quite optimistic that we have really set a path here that is unique but also in line with the notion of self-determination by the Haida Nation, so that we can continue towards full self-determination as the years go.

Mr. Jaime Battiste: Thank you for that, Minister.

The GayGahlda "Changing Tide" framework for reconciliation, signed in 2021, lays out priorities for negotiations, including, for example, transfer of certain forest land, fisheries and marine matters, as well as negotiations around Haida governance. Could you please describe the time frame the Government of Canada anticipates for concluding the negotiations related to these outstanding priorities? How do you see the implementation of a series of government agreements going forward?

Hon. Gary Anandasangaree: I'm unable to speak to an actual timeline or commit to a timeline. What I can say is that we are making significant progress on a range of issues, and those tables continue to be very active.

As we conclude negotiations on an element, sometimes it will require legislative acknowledgement. Sometimes it doesn't. In many cases, it does not. The essential bones of the overall path are the establishment of the government, which is what we're doing today.

In the case of British Columbia, there was a recognition of the title, as well, which in some respects we are also trying to replicate in the unique way that the federal government has a limited role within title that involves federal land.

Ultimately, I am satisfied with the pace we're going at, although not with the pace of the movement of legislation. As you are aware, something quite simple like Bill S-16 can be moved faster. I know it did take some time to get here, but I'm hoping that we will have the support of colleagues around the table to expedite this.

Mr. Jaime Battiste: I'll ask you the same question I asked the president of Haida. Are you satisfied with this legislation as written, and would you like to see it passed expediently?

• (1700)

Hon. Gary Anandasangaree: In the interest of repeating something I said several months ago and not having been able to complete it, I will reiterate that I am very comfortable with this legislation. It is conclusive, and it is co-developed. It does have the backing of its people, of the Haida people, and I am satisfied that it should go through. I do think the urgency was underscored by the president.

Mr. Jaime Battiste: Okay. Thank you.

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

[*Translation*]

We'll move on to our next speaker.

Mr. Lemire for six minutes.

Mr. Sébastien Lemire: Thank you, Mr. Chair.

Good day, Minister. Welcome to our committee.

President Alsop, from the Haida Nation, mentioned that his nation was working to clarify the situation and eliminate obstacles to exercising their right to self-determination within their territory.

When does the Government of Canada expect to conclude negotiations on outstanding priorities, including the transfer of forest lands and certain powers relating to fishing and maritime issues? Of course, there are also questions about the governance of the Haida nation.

According to the answer Mr. Alsop gave us earlier, we now know that Bill S-16, once passed, will not give him more powers to protect the territorial integrity of the Haida Nation.

Hon. Gary Anandasangaree: Thank you for the question.

[*English*]

I want to acknowledge the work that you've done with the Haida Nation.

I note that the federal government has been engaged with the Province of British Columbia over a number of years on advancing a range of issues. Unfortunately, similar to the last question, I can't actually give you a timeline, except to say that we're moving at speeds unseen before, with the expectation that we'll be able to conclude elements of self-determination over the coming years or even months. That will enable us to advance to the next stage of this, which is ultimately about having a comprehensive set of negotiated resolutions to issues that you've outlined, including fisheries, title and other elements of relationships within the region.

It's ongoing work that will take years; it's not going to happen within months, overall. We can get to different stages over a short period of time, but in terms of the overall framework, if you speak to the president, he will tell you that the longer vision will take some years to conclude.

[*Translation*]

Mr. Sébastien Lemire: Can you assure us that you have done your due diligence on all fronts, and that you will respond with concrete and sufficient means to enable the nation to move forward in this desired reconciliation and to peacefully and actively enjoy its territory?

Can you give us some examples of concrete steps you've taken to ensure that due diligence?

[*English*]

Hon. Gary Anandasangaree: This has been in the works for 50 years. The Haida people have been asserting their inherent right to self-determination essentially since contact. In a legal sense, as the president outlined, there was a point at which they couldn't even obtain legal counsel because it was barred by law. I believe that in the last several years, we have moved an incredible amount to ascertain the first element of this, which is governance.

Bill C-15, the United Nations Declaration on the Rights of Indigenous Peoples Act, is a foundational document for Canada. It's a foundational document towards self-determination and recognition of indigenous rights. I believe that it has enabled us and, in many ways, has pushed us along in ensuring that we can move faster and more coherently on these issues.

The fact that we have a willing partner in the Province of British Columbia is a remarkable alignment that I acknowledge. I acknowledge the work of former minister Rankin, who was a former colleague of ours in Parliament. Together, we've been working in tandem towards moving the dial on this issue, with the Province of British Columbia leading the way and with us following, using our own internal mechanisms and accountability processes.

I am very confident about the work that has been done so far. I'm also very confident that we will be able to progress on the work ahead.

• (1705)

[*Translation*]

Mr. Sébastien Lemire: If I may, Minister, I'd like to ask a follow-up question.

What precedent does this set for other nations aspiring to the same autonomy? Are there other similar bills that we can expect to have to examine? Are there any upcoming projects, either in British Columbia and elsewhere in Canada?

[*English*]

Hon. Gary Anandasangaree: I believe I heard the term "independence". I think the term is "self-determination".

I was very deliberate in that clarification.

The path has been set through the Whitecap Dakota self-governance agreement that was put into law in 2023, if I'm not mistaken. That went through this committee. I forget the number of the bill. That was one of the first iterations of this, and this is following a very similar route.

I had the opportunity to meet with the Whitecap Dakota last week. There are other elements of self-determination that they're seeking. We're going to be commencing tables on discussions of those elements.

It's not necessarily novel. I think what is perhaps novel in the case of Haida Gwaii is that it is a very unique landscape. It's unmatched. There's nothing similar to that in the country. There are no overlapping communities or nations. In all senses, it was never ceded by any treaty or type of surrender. It's unique in that sense.

In terms of the governance piece, I think it's very similar in scope and action. I'm very confident that this is not a new precedent. It is something that we are very much following from the Whitecap.

[*Translation*]

The Chair: Thank you, Mr. Lemire.

[*English*]

We'll go now to our last questioner in the first round.

I'll turn the floor over to Mr. Bachrach for six minutes.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Thank you, Minister, for being here and for your work on this important file.

I'd like to ask you a question about timing. This is a relatively simple bill. It's a little bit surprising that it's taken this long for Canada to recognize the government of the Haida, given that it just celebrated its 50th year under that model. I digress, but I know you probably share that frustration.

Given that the House of Commons right now is deadlocked in debating a privilege motion with no end in sight, how can we work together as parties? I'm sensing a strong level of support among all parties at this table to pass this bill into law. How can we work together? What opportunity exists to move this bill through third reading, ensure it gets royal assent and becomes Canadian law?

Hon. Gary Anandasangaree: Thank you for that question, Taylor. I think it's a very important question.

I was on this committee for many years, after we were elected in 2015. I've served two different terms here. One thing that I've noted, which is very clear to me, is that, notwithstanding what happens around us, within Parliament and the precinct, this committee acts in the best interest, in most cases, of the people we are here to serve, particularly first nations, Inuit and Métis.

While we may have political differences, I am always looking forward to reaching across the aisle and working with opposition, including Jamie, Sébastien and Lori, in your case. I think the notion of reconciliation is not a partisan issue. It's not one that one party has exclusivity over. It is a collective response that lies with all of us.

This is a moment in time and history when I think we can demonstrate this bipartisan nature. The Whitecap Dakota agreement is a perfect example of where we were able to obtain consent from all the parties. In fact, the legislation passed unanimously through the House. I think we're in a moment here where that same possibility exists, notwithstanding limitations in the House with the debate.

I would implore everyone here to work together and to reach out. I'm always available to discuss things further. I think this is in our collective interest. This is what reconciliation means. This is an uncontroversial piece of legislation and one that I think we can all get behind.

• (1710)

Mr. Taylor Bachrach: Thank you, Minister.

You mentioned how long it has taken to get to this point. Out of pure curiosity, I wonder if you're aware of the Haida Nation expressing, in the past, their desire not to have to be registered as a society under the B.C. Societies Act in order to conduct their business and enter into agreements. How long have they been asking for this kind of recognition?

Hon. Gary Anandasangaree: I have been in this portfolio since July of last year. Ever since that time, I have been aware of this and I've had direct conversations in which they have expressed frustrations.

I think the other side to this, Taylor, is that we have an opportunity. We now have something concrete going through the House. It's concluded at the Senate, and I think we could complete it over the next couple of weeks, once the work of this committee is complete. I appreciate that you have prioritized this, in some respects.

Once it goes back to the House, we should all find time—

Mr. Taylor Bachrach: Chair, as a point of order, can I ask my colleagues to take their conversation out to the hall if they insist on talking during the meeting?

The Chair: Thank you, Mr. Bachrach. I have paused your time for a second.

I want to remind members about that. If you need to have conversations, be mindful of the rest of the members of the committee, and of the minister and witnesses, who are providing testimony on a very important piece of legislation.

Mr. Bachrach, I will turn the microphone back over to you.

Mr. Taylor Bachrach: Minister, I know some of this conversation has strayed from the bill in front of us—which is about recognition—to the larger question of title. Some of it is in regard to the recent agreement between British Columbia and the Haida Nation. I read in the description that the provincial government has put out legislation recognizing that the Haida Nation has aboriginal title throughout all of Haida Gwaii.

I'm wondering why the federal government hasn't made a similar statement, and whether, in your mind—or in the minds of your department's lawyers—there is any doubt that this is true, given the unique context of Haida Gwaii, which you have referenced, yourself.

Hon. Gary Anandasangaree: This is an incremental approach. I think the first phase of this is the recognition of governance, which is what we're doing today.

Other matters, including title, will follow, in my opinion. I believe the federal government will recognize the limited areas in which the federal government has title. We will work with the Haida Nation to ascertain this and ensure it is recognized.

Mr. Taylor Bachrach: You mentioned that the situation, up to this point, has involved the B.C. government leading, with your government following, which is good. We need followers.

Why hasn't the federal government led the conversation? Since the federal government has a unique relationship with indigenous peoples in this country, why hasn't it led that work?

Hon. Gary Anandasangaree: I think the issue today is that we're here and we want to move this forward. We have made an enormous amount of effort to get here with the Province of British Columbia, as well as the president and the Haida Nation.

I think we're very close, and I hope to conclude this over the next few weeks.

Mr. Taylor Bachrach: Okay.

Thank you, Chair.

The Chair: The time is up, I'm afraid, even with the extra time.

Thank you very much, Mr. Bachrach. You will have one more opportunity in the second round.

With that, I will turn the floor over to Mr. Shields for five minutes.

• (1715)

Mr. Martin Shields (Bow River, CPC): Thank you, Mr. Chair.

Thank you, Minister, for being here. When you came in, we briefly had a conversation about the work you were doing in the past few days in western Canada.

I have been to Haida Gwaii. It was a great experience. I wish more people in Canada could go there. I really do, because there is such historical, strong culture there. It is important to see and experience that.

I'm thinking about the model that is developing here. We talk about economic reconciliation. It has been 50 years. Fifty years is a long time. I'm an old guy, so 50 years ago.... I'm still alive and many people in this room...50 years ago. I remember that. What is your view on how you changed the process? We are talking about economic reconciliation. We've seen 50 years. I agree that the federal level is where it's at. The provincial can be a challenge, but the federal level is the one where the leadership has to come from. Fifty years is a long time.

What are your thoughts?

Hon. Gary Anandasangaree: Thank you, Mr. Shields. We served on the heritage committee together, and I recall that for the National Day for Truth and Reconciliation, which is now on September 30, you and I worked very closely, and I always appreciated your insight.

Look, 50 years is a long time, but the work we started with the framework agreement to get here was a three-year process. There is pending litigation, which is aside from this. The recognition of title happened over 20 years ago. Ultimately, we're moving at a much faster pace. I agree that in order to have economic reconciliation, we need an element of certainty and we need an element of self-determination that will enable the Haida people to have assertion over their territory in line with principles such as the UN Declaration on the Rights of Indigenous Peoples.

I believe we are in a moment in time when the movement toward the resolution of claims and past, outstanding discussions is at unprecedented rate. It's still at a frustrating rate, but it's still unprecedented in terms of how governments operate. Just by way of example, roughly 720 claims have gone through the specific claims process since 1972. We have solved half of them in the last nine years alone. Almost 50% of the claims that were resolved in the specific claims process have been resolved in the last nine years. Could it have been 75%? I wish it were. I think we are in very different place from where we started. We are moving at a pace that is much faster.

In some respects, I share your frustration. I would like to see this move a lot faster. Part of the challenge when we talk about treaty negotiations or comprehensive negotiations is that we sometimes get stuck on an issue, and because we can't move that issue, everything else stops. The approach here enables us to have multiple discussions on a range of issues. The ones we can land on and the ones we have agreement on, we conclude, and we move to the next issue and the next issue. I think that's the unique nature of where we are right now.

Mr. Martin Shields: I understand how important it is at the grassroots level that they develop what they need to do, and the strength they bring to those discussions, because that's where it needs to build up from.

On the other side, I find a lot of resistance from bureaucracy in wanting change. Bureaucracy never wants change. I've been in situations where I was involved in listening to conversations and the bureaucracy didn't know, because the indigenous people had me on the line and didn't tell the other people I was there. The bureaucracy didn't want to change to what indigenous people wanted to do to innovate.

That's another challenge, leadership for government. With the bureaucracy we have, change is very difficult. That's the other side of leadership on this issue.

Hon. Gary Anandasangaree: One of the things I've tried to do is get out there in the community and speak to individuals, community members and leadership. Last week, I was in Saskatchewan and Alberta. My Liberal caucus members in Saskatchewan were just elated that I was there. My point is that we were able to really engage on the ground with impacted communities. I saw first-hand some of the challenges, and they had the opportunity to talk directly to me without anyone else.

Our culture is evolving. It's changing. I think we're much more focused on providing an indigenous-centred, self-determined approach to decision-making. That transformation is taking place as we speak.

• (1720)

Mr. Martin Shields: Thank you.

Minister—

The Chair: I'm sorry. I'm going to have to stop you right there, Mr. Shields. We're over the time.

At this point, I will turn the floor over to Mr. McLeod for five minutes.

Mr. Michael McLeod (Northwest Territories, Lib.): Thank you, Mr. Chair.

Thank you to the minister.

I found myself actually nodding my head in agreement with Mr. Shields, and it kind of made me nervous.

Voices: Oh, oh!

Mr. Michael McLeod: I also heard Mr. Shields and you point out that 50 years is a long time. Fifty years ago, we started negotiating a land claim self-government. I belong to Dehcho First Nations.

I was in my teens when our nation started negotiating. I just celebrated my 65th birthday, and we're no closer to settling the claim than we were when we started.

We don't have the option of walking away from the table. We don't have the option of taking the government to court. We've been talking and talking and talking, mostly because we don't have very many options. If we walk, then the interim measures provisions are lifted and our land will start to get developed without us. We have no choice. We're sitting there negotiating with a gun to our head. That's no different from the NWT Métis. They have many issues they want to resolve. It's all because we all operate under the comprehensive claim policy.

I listened with great interest as the previous witness talked about negotiating a claim through a reconciliation process, which seems to be different from what some nations are forced to operate under. I think there's opportunity there.

I would like you to explain the differences between the two and the benefits of what's happening here and what maybe could happen in other areas and why. Maybe tell us why it doesn't happen. Why am I sitting here 50 years later still waiting for our nation to move forward on land tenure and governance?

Ms. Danielle White (Senior Assistant Deputy Minister, Treaties and Aboriginal Government, Department of Crown-Indigenous Relations and Northern Affairs): Thank you for the question.

I think what you're describing is very much the reality that motivated some of the policy shifts we've seen over the last number of years, beginning in 2017 with the recognition of rights and the self-determination process and those tables. This is where the Haida agreement emerged from. This was recognizing that the comprehensive claims policy, which has been in place since 1986 and amended a few times along the way, wasn't meeting the needs of partners. Many groups were not coming to the table in the first place. The Haida entered the treaty process in 1986, I think, and the B.C. treaty process in 1993. They weren't making progress, so their litigation was filed in 2002. At the time, the federal policy was that either you negotiate or you litigate; we didn't do both.

With the rights recognition approach, with the passing of UNDA, federal policy approach has shifted where we are now moving towards incremental approaches and the possibility of being able to negotiate some things—not everything—while litigation can continue. It's something that partners, AFN and others, have called for, the repeal of the comprehensive claims policy. There was an effort in 2017 with the framework, but we're still working on it. It's difficult to get consensus on an issue like that at the national scale, but working with willing partners at the various tables, we are able to make some incremental progress.

What we're seeing here with Bill S-16 is something that's never been done before. It is a novel approach among the approaches we have. I think now we have over 125 recognition of rights tables across the country where we are piloting interest-based approaches to negotiations, which will get away from some of those barriers that communities have faced in the past.

• (1725)

Mr. Michael McLeod: In the Northwest Territories, our nations want to be on par with other governments. We have probably a unique situation. We have the indigenous people holding 50% of the seats on the regulatory process. We have resource royalty sharing. We have a number of things that are probably not available to nations in other parts of Canada. It is probably not as important for us to have UNDRIP, but UNDRIP was a fairly important milestone when it was passed.

I wanted to ask about how Bill S-16 aligns with the commitments the government has made under the United Nations Declaration on the Rights of Indigenous Peoples Act.

The Chair: Sorry, I'm going to have to ask for a short answer, if possible. I know it's hard to give a short answer to that question.

Hon. Gary Anandasangaree: Article 4 of UNDRIP essentially enables indigenous people to recognize and to authorize their own government.

In this case, this legislation essentially recognizes the Council of the Haida Nation as the government of the Haida people in line with UNDRIP.

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

[*Translation*]

We'll now go to Mr. Lemire.

You have two and a half minutes.

Mr. Sébastien Lemire: Thank you, Mr. Chair.

Minister, on the one hand, you say that the bill does not necessarily set a precedent. Nations that aspire to the self-determination set out in Bill S-16 won't, therefore, be able to hope to achieve this. On the other hand, you say that things are speeding up and that there is now a process in place. Will that process be robust enough to withstand a change of government?

I'd like to know whether we'll ever see a bill that finally recognizes the Red River Métis government, and that provides clarity and closure to 154 years of negotiations.

Bill C-53, which affected other Métis, was clearly a strategic error on your part, as we can see that funding is not going to the groups that should be receiving it.

I must remind you that the Government of Canada made a promise to Louis Riel. Will the Red River Métis also get their bill, and more importantly, when?

[*English*]

Hon. Gary Anandasangaree: We are working with a range of different partners to ensure that there's a path to self-determination, and we look forward to concluding the work with the Red River Métis.

[*Translation*]

Mr. Sébastien Lemire: Is a bill in the pipeline? I hear that negotiations are quite advanced. When can we expect a bill recognizing the rights of the Red River Métis to be tabled and debated?

[*English*]

Hon. Gary Anandasangaree: We're in the process of concluding discussions. It would be premature for me to give you a timeline, but I can commit to bringing forward something that is in line with our discussions at the earliest juncture.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Minister.

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

[*English*]

With that, we'll go to our final questioner in the second round for the second panel.

Mr. Bachrach, you have the floor for two and a half minutes.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Minister, there's now a bit of an asymmetry between British Columbia's recognition of Haida title and the federal government's posture on it. Does that asymmetry create any potential legal confusion or challenges when it comes to the interpretation of what British Columbia has done?

• (1730)

Hon. Gary Anandasangaree: No.

Mr. Taylor Bachrach: Okay. I have four and a half more minutes.

In terms of the incremental approach that your government has taken—and you've laid out the advantages of that approach over the all-or-nothing approach from the past—I wonder if the Haida have identified, alongside your government, areas of jurisdiction or issue areas that are priorities for them when it comes to moving forward in a way similar to that of the B.C. government.

Ms. Danielle White: As the previous witness indicated and as we've talked about today, there is a lot of interest in pursuing title recognition as the next step, and discussions are under way. The recognition of government opens up a range of other jurisdictions that can be pursued down the road.

We don't have any specific jurisdictional discussions under way, but it could involve anything from child and family services to talking about moving away from the Indian Act or gaining control over citizenship and membership. I think once this foundational piece is in place, we'll be able to engage in those discussions.

Hon. Gary Anandasangaree: One of the interesting things that I've picked up on in previous testimony is that the two-band council membership is different from the Haida council membership, which essentially talks about the notion of citizenship. This is something that I think we will need to address here as well.

Mr. Taylor Bachrach: It seems to me that this work on reconciliation, this important work, moves at the speed of social trust. You mentioned that it will take years. I think that's probably frustrating to hear for people who have been waiting for over a century.

I want to ask you about the responsibility we have, as lawmakers, to ensure that our constituents understand the legal imperative of this work and that misconceptions are dealt with productively. We had a situation in British Columbia, shortly after the Haida lands act was passed, where lawmakers went out on the lawn of the legislature and made videos for social media telling British Columbians that their private land was threatened. Clearly, as we heard in the testimony today, that was false.

What responsibility do elected representatives have to ensure that the public has accurate information and that the work has the trust of the people of Canada as it moves forward?

The Chair: I'm sorry, Minister. I'm going to have to ask for a short answer, as we are over time here.

Hon. Gary Anandasangaree: I think we all have that collective responsibility. It's important that the information we share with our

constituents or in a public domain is in line with the facts on the ground and not misconstrued.

There are times when people are confused, especially when we talk about property rights. It is something that is core to many, including indigenous people. When we talk about aboriginal title, we're talking about something historical, inherent and recognized by the Canadian courts. It is awfully emotional and something at the core of who we are. I think those conversations need to be responsible and in line with reality.

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

That concludes our second panel. I want to thank Minister Anandasangaree, Ms. White, Mr. Dyck and Mr. Hamilton for joining us and providing testimony today.

I remind members that the deadline for submitting amendments to Bill S-16 is tomorrow at 5 p.m. We will resume clause-by-clause consideration on Thursday at 8:15. I look forward to seeing you all then.

Is it the will of the committee to adjourn?

Some hon. members: Agreed.

The Chair: The meeting is adjourned.

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