

**Notes for an address by**  
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**Greater Vancouver Board of Trade**  
**Beyond Engagement:**  
**Opportunities and Challenges for Indigenous Peoples**

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**Check against delivery**

Gilakas'la. Thank you so much for that very generous introduction. It is a pleasure to be here today on Coast Salish Territory – the ancestral lands of the Musqueam, Squamish and Tsleil-Waututh peoples.

Thank you to the Vancouver Board of Trade for inviting me to speak at this important Forum. It is an honour to be able to be with you today as the Member of Parliament for Vancouver-Granville and Minister of Justice and the Attorney General of Canada...and I am pleased to bring greetings on behalf of our Prime Minister, the Right Honourable Justin Trudeau.

It is nice to see a number of familiar faces here today. I want to acknowledge all the Indigenous leaders, entrepreneurs, and experts in the room, as well, of course, all of the leaders and members of the business community – my father... . I would also like to give a big shout out to the grade 12 students in the room – who you heard from a few

minutes ago – including my thoughtful and intelligent niece, Kaija, who is graduating today.

The theme of this year's forum is *Beyond Engagement*. As we close in on the 150<sup>th</sup> anniversary of confederation, it is particularly timely – as we look to the future and the need to complete the unfinished business of confederation and move concertedly to a place where all Indigenous peoples are full partners – to, as the theme says, move beyond engagement and the quest for answers to decades old challenges to finding the solutions and actually implementing them.

It is an important theme. Because what truly lies 'beyond engagement' is a fundamentally new pattern of relations between Indigenous and non-Indigenous Canadians.

And it is vitally important that we have a clear vision of what the future looks like, and the goals and objectives we are seeking to achieve. To be clear, 'Engagement' itself – whether between governments, with industry, or amongst the general public is not and has never been that future goal or objective.

'Engagement' and the action we take to support it, is a means to an end not the end in itself.

It is by engaging, and working together in ever-deeper patterns of co-operation and partnership that the future, characterized by increasingly strong nation-to-nation relations, and patterns of reconciliation, that equality and justice will emerge.

I say this not to minimize 'engagement'. Indeed, historically in Canada, 'engagement' between governments and Indigenous peoples was the exception, not the norm. Laws, policies, and social structures were designed on the assumption that engagement with Indigenous peoples in any real, substantive, and positive sense of the term – need not occur.

Of course, governments of the day were a major reason for this. Through colonial and paternalistic patterns of relations, Indigenous peoples were told what they could do and where they could be – whether this was where you could live and work, or where your children could go school, or whether you could gather together, hire a lawyer, or even vote.

For individuals and businesses, this norm of non-engagement was also expressed in many ways. We have all heard the stories, and perhaps

have our own experiences – of growing up knowing very little about the true history of Canada and the Indigenous peoples that lived nearby or even next door. For industry, until very recently, building effective relations with Indigenous peoples regarding operations in their territories was not even contemplated, let alone a common practice.

As a politician, there is, of course, a civic role for governments to play in advancing reconciliation and determining public policy with respect to engagement and moving beyond it. But there is also an individual and corporate responsibility as well. I am often asked by people what they can do personally to advance reconciliation – to engage and move beyond it if you like.

When asked my response it always the same. Get involved. Become aware of the issues. For a start, read the report of Truth and Reconciliation Commission. Or maybe get a copy of the City of

Vancouver's Guide for new immigrants – there are many resources.

The TRC recommendations speak to the ongoing need for education...

And then get to know those around you. Reach out and when reached out to, respond. To know one another as everyone is here to stay.

For business leaders, it can be about changing the culture of an organization – perhaps providing cultural awareness. Or to develop corporate policies or charters that support reconciliation including efforts to increase Indigenous participation in your workforce. And I know many of you are already doing this and have been for some time.

So engagement is essential and important. We can never take it for granted and it must be emphasized. And we need to always be clear that not all engagement is equal. Engagement for engagement's sake is never right and, to be blunt, there has been a lot of that in the more recent history of Crown-Indigenous relations. When the court cases

were decided that required consultation and accommodation – in the early days of what let us call “legal” engagement from the late ‘90s on, consultation was often little more than attempt to mitigate risk with someone checking off a box on a consultation form – that our company or the government has talked to ‘x’ number Indigenous peoples.

When I talk about engagement – I am thinking about purposefully, intentionally, and substantively working together in partnership and co-operation to build understanding, address real issues, and build a common path forward.

But as the title of this forum reflects, the real focus and challenge is on what lies ‘beyond engagement’. The real focus has to be on developing shared and clear answers to key questions like: Why is it that we engage? What are the goals and objectives we are seeking to achieve? And how do we work together with those goals in mind?



Let me share with you my answer to these questions:

*Our collective goal is to build a Canada where colonial laws and structures have been fully removed and replaced by nation-to-nation relationships based on the recognition and implementation of Indigenous rights, including treaty rights and title.*

*These relationships would be characterized by nations reflecting their historic identities, cultures, and connections as a people – exercising their inherent right of self-government, including their laws and jurisdiction over their lands and resources.*

*In this pattern of relations, the socio-economic gap has been closed and Indigenous peoples are living lives characterized by opportunity, hope, and equality alongside all Canadians, while being deeply connected to their cultures. Further, Indigenous governments are exercising*

*jurisdiction over the well being of their own people, especially children and families.*

*Our collective economy is stable, predictable and growing in new ways because Indigenous governments are partners in deciding how the lands and resources throughout their territory will be used, and business and industry know who they should be dealing with, and have clarity on the expectations and requirements to be met. Our shared environment is healthier because Indigenous knowledge, stewardship on the land, and traditional laws, based on an understanding of the interconnection of all things, are increasingly informing how we are planning and caring for our planet.*

*Finally, the use of the courts – and adversarial processes – as a central forum for addressing issues between Indigenous peoples and the Crown have become increasingly obsolete.*

In other words, what lies 'beyond engagement' is a transformation in how Indigenous and non-Indigenous peoples and governments relate and interact at all levels.

This is the work of completing the unfinished business of Confederation. It is also the necessary outcome of generations of resilience and action by Indigenous peoples on the ground, in their families and communities, and through the courts, to see their rights recognized and protected. It is also the outcome of the leadership of many other Canadians – non-Indigenous Canadians – whose vision and leadership advanced the building of what is now our modern nation state. This is the work of building a future where the full history of this country is well-known and understood, remembered and addressed, and serves to guide us to ensure that we never repeat the patterns that

led to such wrongs and harms – as we continue to move forward with respect for diversity that increasingly defines who we are as Canadians.

Now – I imagine that perhaps this sounds big, daunting, and may even instil some trepidation or fear. But it is truly exciting – yes ambitious, but I hope encouraging. We are in a period of transition. I expect some of you also may be thinking to yourselves it sounds a little utopian or perhaps that she is naïve – doesn't she realize that for decades we have been trying to make progress and that the challenges are just too great...?

I fully understand all of these responses, thoughts, and emotions. Indeed, on any given day, I might experience some of them myself. But at the same time, I think achieving this vision of what lies beyond engagement, is both required and possible.

Let me explain why I say this.

For the longest time – in various forms and expressions – relations between Indigenous peoples and governments have been characterized by the denial that Indigenous rights exist. This, of course, is obvious when we look at Canada's history of colonialism, such as the imposition of the *Indian Act* and the creation of bands and the establishment of the reserve system that broke up the Nations, the concept of "status" in defining who is an Indian, the banning of cultural practices, and the establishment of the residential schools. All of these actions rested on a foundation of denying that Indigenous peoples owned and governed the lands that now make up Canada. Of course, until 1951, this denial extended to legally prohibiting Indigenous peoples from hiring a lawyer to raise issues of Indigenous rights and lands claims in the courts.

Many of these overt colonial forms of denial, and certainly the attitudes and beliefs that support them, have been rejected today. But the unfortunate reality is that the denial remains at the foundation of much of how we still interact. For example, despite the adoption of section 35 of the Constitution, the pattern of governments has been to continue to insist that Indigenous peoples prove in court that their constitutional rights exist before acting to recognize and implement them. This has meant that massive amounts of time, attention, and resources have been spent on hundreds of court cases – in adversarial positions and processes. This has been the pattern across the country, whether historic treaties had been formed or not.

Similarly, when we have tried to sort things out at negotiation tables – something the Courts have constantly encouraged – positions have often been taken by governments that were not about the recognition and implementation of rights, but rather asking Indigenous peoples to

limit, change, or even give up their rights. The result is seemingly endless negotiations that have created an industry of activity – often sapping limited resources and taking away from the efforts needed on the ground to actually change the reality in communities and of implementing rights.

This pattern of denial – while entrenching and prolonging conflict and colonial patterns that has harmed Indigenous peoples – has also been negative for Canada as whole. It has contributed to the perpetuation of misunderstandings and prejudices that has contributed to social and economic inequalities, and set artificial limits on the depth of cohesion and harmony we can build as a country. It has also resulted in confusion, uncertainty, risk, and conflict around how decisions should be made regarding lands and resources, who will make those decisions, roles and responsibilities, and the standards to be met.

Denial has always been wrong, and has never been sustainable.

Thankfully it has been a status quo that has been eroding in strength and cannot be maintained if reconciliation is to be meaningfully advanced.

Rather, what is required is a shift from denial to recognition: of Indigenous peoples, governments, rights and territories. Recognition is the doorway to reconciliation. Without it, true reconciliation cannot emerge and take root in our relationships. Without recognition of Indigenous rights – and building a relationship for the purpose of protecting and implementing those rights – there is the real risk that reconciliation becomes an empty term that is used to describe the maintaining of old patterns.

Consider for a moment your own individual and collective relationships. Is it possible to be in a positive, constructive, creative, and collaborative



relationship while denying the basic rights and reality of the others in that relationship? No – it is impossible. To be in co-operation and partnership with one another means recognizing, acknowledging, and accepting the distinctiveness of each other and respective roles, rights, responsibilities.

This is all to say that the vision of what lies beyond engagement that I laid out earlier has, at its core, one fundamental shift – from denial to recognition. That shift lays a new foundation for how we talk, act, and interact with one another. It creates the space and opportunity to learn and move forward on a new path toward new patterns of governing, making decisions, using lands and resources, and creating strong and healthy individuals, families and communities. This can, and I know will, be transformative.

And it cuts both ways. Recognition requires government to act in good faith to empower, but moreover it supports and necessitates Indigenous Nations to rebuild.

This is why I am so pleased that our government has placed recognition of Indigenous rights, governments, peoples, and territories at the core of the path forward, while also focusing on making the underlying systemic shifts that are needed to entrench a new foundation for the future.

In February, as many of you will be aware, the Prime Minister announced the formation of a Working Group of Ministers – which I am honoured to Chair – charged with the task of reviewing our governments laws, policies, and operational practices with respect to Indigenous peoples. This includes reviewing these laws, policies, and practices – in partnership with Indigenous peoples – for alignment with

the *United Nations Declaration on the Rights of Indigenous Peoples*, section 35 of the *Constitution*, and the Calls to Action of the Truth and Reconciliation Commission.

The Working Group has been in an early stage of its work – organizing internally for the task ahead, beginning outreach with Indigenous peoples, and learning about the current activity taking place across government to advance relations with Indigenous peoples.

What has emerged already most strongly from this early internal work is how recognition must be – and is – the core basis for reviewing laws, policies, and practices. The UNDRIP, in stating the minimum standards for the survival and dignity of Indigenous rights, is grounded in recognition of Indigenous rights. Similarly, our own *Constitution*, as the Courts have constantly reminded us, is about recognizing and

implementing Indigenous rights, not minimizing, denying, or avoiding them.

So, as a Working Group, and as a Government, the Review of Laws and Policies is meant to effect and entrench the federal governments shift to recognition as the basis for all relations with Indigenous peoples.

To make this real, we have been working to develop initial guidance for the federal system as a whole that directs them to immediately start the work of aligning their activity with recognition and so that they can engage appropriately with Indigenous partners to develop solutions.

This guidance, which I expect will be in the form of principles, is a starting point and will provide the foundation so that our government and officials can start shifting from the status quo while the work of

reviewing laws and policies in partnership with Indigenous peoples begins to substantively advance and move forward. While only a starting point, these principles will demonstrate a readiness and seriousness about moving forward, and a change from the past where governments have tended to resist moving in the direction of fundamental change.

While there is no question that this work is challenging and require all of us to open our minds to new possibilities and realities – I also want to emphasize that I think the vision of the future I outlined earlier, and the shift to recognition it relies upon, is eminently achievable.

In fact, we are much more familiar with trying to move towards relationships based on recognition than we sometimes think, especially, in some respects, here in British Columbia. Over the past few decades there has been frequent dialogue and attempts to shift to recognition-

based relationships. To name just a few, there was the attempt to enact the *Recognition Act* in 2009 through the joint work of the First Nations Leadership Council and the Provincial Government. In 2014, the First Nations leadership, by consensus through an important two-day dialogue, developed Four Principles that articulated a starting point for shifting to relationships based on recognition. Parallel to all of this, the court cases here in British Columbia – whether about fisheries, hunting rights, Title lands, forestry, self-government, and so on – have created an understanding and context for a needed shift of relationships towards recognition.

A lot of the deep thinking and understanding has taken place over many years. Foundations for moving forward through recognition have been experimented with. The challenge has been having the will and focus to see it through or where progress has been made to scale it up. Our government is committed to taking that next step – to endorsing

principles based on recognition, and then seeing laws, policies, and practices align with a vision of the future based on recognition... and ensuring that more Nations can move through what I have called - for many years now – “the post-colonial door” ... when those Nations are ready, willing and able.

It is also very important to acknowledge as well that in some instances, Indigenous Nations and industry, have already been doing the important and necessary work to start establishing patterns based on the recognition of rights. Something some of you in this room have been a part of. This is not just because of agreements that may be formed about economic participation, but also about how Indigenous knowledge, laws, and decision-making are increasingly being used and respected in structuring how some companies and Indigenous nations plan projects and developments into the future.

While certainly much work remains to be done, there is a lot that can be learned from some of the cutting-edge arrangements and ways of working together that Indigenous nations and industry are forming.

This includes everything from examples of how consensus and consent may be operationalized, to how Indigenous jurisdiction and laws will apply through their own environmental assessment processes, to establishing long-term visions of how to grow economic prosperity together in a particular industry and area over the long term. I applaud these ground-breaking efforts. As the federal government does its part to foster a shift towards the recognition and implementation of rights, I hope to see industry and Indigenous Nations further advance and expand their own work together to create a climate of constructive, respectful partnership.

Indigenous Nations, as I have also said, have critical work that they must do internally for recognition-based relationships to fully emerge



and, increasingly, groups are taking important steps in that direction.

While the *Indian Act* sought to divide and break up the Nations, the critical work of Nation building today is for Indigenous peoples to exercise their rights of self-determination, including self-government, to strengthen their systems of governance and organization for the collective of their nation as a whole. Through this vital work, the momentum, space, and opportunity for recognition-based relationships moves forward in tangible ways. It becomes real. At the same time, greater degrees of clarity and predictability are provided for industry who wish to know how decision-making will take place.

So in closing, I think back on the many generations of my family, and the families of Indigenous peoples across the country, who strived and sacrificed so that future generations would see a future of potential and promise – where their cultures, ways of life, societies and nations were thriving once again as they had throughout history. I have said a

lot about what the future can hold, the shifts that can take place to take us there, and ways in which the federal government, Indigenous nations, and the industry are preparing to make those shifts.

I am very hopeful that we are at that moment in history where the foundational changes that are needed can and will finally take place. So that the next 150 years will be better for Indigenous peoples and therefore better for all Canadians, than the past 150. I, for one, will do whatever I can to assist this process. Both as a proud Canadian and the country we have, and are, becoming and as a proud Kwakwaka'wakw woman.

*Gilakas'la*