

Celebration and Reconciliation: Canada 150

From: Department of Justice Canada

Speech

Notes for an address by

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Gilakas'la. Thank you very much for inviting me to be here today. It is a great honour to be among so many distinguished members of the House of Lords, House of Commons, judiciary, Foreign Service, and others dedicated to public service within our two countries. I would like to express my gratitude for the hospitality and generosity that has been extended to me during my visit.

In particular, I thank the Lord Speaker for the honour he has conferred on me and the Right Honourable Kim Campbell to speak with you in this, Canada's 150th year.

On behalf of the Government of Canada, I am very pleased to bring greetings from our Prime Minister, the Right Honourable Justin Trudeau. It goes without saying that Canada and the UK share a long-standing relationship, anchored in shared values, shared histories, and strong personal and familial ties.

I also want to take a moment at the outset to acknowledge the recent attacks in Manchester and London, and the strength and resilience displayed by the British people. Canada stands united with Britain. We know that you mourned the loss of a Canadian in the London attacks, just as all Canadians mourned the loss of British lives.

As a former British colony, Canada's history as a nation is intimately intertwined with yours. Our country is celebrating two historical milestones this year, both of which the UK played an important role in. The first is Confederation – the birth of "Canada" as a country – which happened in 1867, 150 years ago, with your Parliament's passing of the British North America Act.

The second is Repatriation – which happened only 35 years ago, when our Constitution, through the leadership of the first Prime Minister Trudeau, was brought home from the UK. With repatriation came our adoption of the Canadian Charter of Rights and Freedoms – a rights-protecting constitutional document that underpins Canada's modern legal system – as well as an express affirmation within our Constitution of the rights of Indigenous peoples.

This evening, I wish to speak to these moments in our shared history, in the spirit of celebrating of Canada's 150th birthday. I will also share with you some reflections about our country's work of reconciliation with Indigenous peoples – the First Nations, Inuit, and Métis peoples who were the

original inhabitants of Canada. This work is critical to the future of our Indigenous peoples and to the future of Canada as a country as we complete the unfinished business of confederation.

As no doubt you are aware, not all Canadians have been celebrating Canada 150 so passionately. There are voices that question the celebration. The experience of Indigenous peoples has not always been characterized by the same positive values and realities that the world rightfully associates with Canada.

However, first, and as is the custom in my culture, I must introduce myself properly and say something about my own journey here today.

I was introduced to you as Jody Wilson-Raybould, but my traditional name is Puglaas.

My Nation is the Kwakwaka'wakw of the Kwak'wala-speaking peoples of northern Vancouver Island, in the province of British Columbia, on the west coast of Canada. Within my Nation I come from the Musgamagw Tsawataineuk and Laich-Kwil-Tach tribes. I am from the Eagle clan.

I come from a matrilineal society with hereditary Chiefs. Being matrilineal means that descent is traced through the mother and our maternal ancestors. Power and inheritance flows through the mother's line.

My father is the hereditary Chief of our Clan. His name is Hemas Kla-Lee-Lee-Kla which means "number one amongst the Eagles, the Chief that is always there to help." He was given that name in a potlatch, a ceremony that is our traditional institution of government. We still practice our potlatch – even though for some generations Canada's laws forbade us to do so. It is where our names are passed down. It is where laws are made; disputes settled; people married; and where possessions are redistributed.

My grandmother's name was Pugladee, the highest-ranking name in our clan. Her name means "a good host" – a name that was also given to my older sister, Kory. My name, Puglaas, means "a woman born to noble people." The names were given in a naming potlatch when I was five and my sister six.

Both my grandmother and my father advocated for and pursued Indigenous rights and for full inclusion of Indigenous peoples within Canada. It was in that context that I was raised.

My upbringing, my education, my professional and personal experiences have all shaped my worldview and strengthened my determination to achieve reconciliation between all nations within Canada.

For many years, I, and many others, have worked to change the laws and policies of Canada's federal government, which have been used throughout Canada's history in a misguided attempt to assimilate and oppress Indigenous peoples. I performed much of this work in my previous role as elected Regional Chief representing British Columbia at the Assembly of First Nations – an organization representing the nearly one million First Nations people – across Canada.

Having been appointed Minister of Justice and Attorney General of Canada in November 2015, I am now responsible for the very laws and policies that so many of us have worked so hard to change.

I see my appointment to Cabinet not so much as a personal accomplishment but rather as a symbol of how far Canada has come. Not so long ago, Indigenous women like me would not have been allowed to

practise law or to vote, let alone run for office. Today, an Indigenous woman is the chief law officer of the Crown.

That symbolism becomes even more apparent when you consider the history of Canada, and the role of Indigenous peoples within it, which I will turn to now.

The country we now call Canada has been on a remarkable journey in the 150 years since three colonies confederated to form the Canada we now know – one of, if not the, most diverse, peaceful, democratic, respectful, and cohesive nations on earth.

A critical point in that evolution was the passage – 150 years ago – of the Constitution Act, 1867. Originally called the British North America Act, this foundational document was enacted by the British Parliament and sets out the essential constitutional framework of Canada. That moment marks, in many ways, the passing of the torch from the British to the Canadian Parliament. Initially comprised of four provinces, Canada would quickly expand to welcome additional British colonies, stretching from the Atlantic, to the Arctic, to the Pacific.

When the fathers of Canadian Confederation came together in 1864 to lay out the foundation for Canada, Indigenous people were not present. Indigenous peoples were not partners to Confederation. That fact has had far-reaching implications for Canada, which I will return to in a moment.

But first, allow me to fast-forward to 1982 and the enactment, by your Parliament, of the Canada Act, 1982. This marked the beginning of affirmative constitutional independence by bringing our constitution home from the UK. Queen Elizabeth II came to Ottawa to signal the patriation of our constitutional order.

For many Canadians, patriation is remembered above all else for the adoption of the Charter of Rights and Freedoms. Enumerating, within a written constitution, the rights and freedoms guaranteed to all Canadians, marked a departure from the then reigning Commonwealth consensus to affirm rights in the common law and in statute, but not in a self-standing bill of rights.

Many of the rights and freedoms guaranteed by the Charter are formulated in language that reflects the wording in the Universal Declaration of Human Rights, including:

the fundamental freedoms of expression, association, religion and conscience, and peaceful assembly;  
the rights to life, liberty, and security of the person;  
criminal justice rights; and  
equality rights.

Other aspects of our Charter of Rights and Freedoms signal the special emphasis that we – as a country – place on the recognition of rights:

our official language rights;  
our minority language educational rights; and  
our commitment to multiculturalism.

Over the past 35 years, the Charter has inspired and instilled a culture of rights within Canada's governing institutions and within our citizens. The reputation of our Charter as a world-renowned human rights instrument is a result of individuals and groups seeking recognition of their rights before our courts and our Parliament.

But moreover, it has now become, as our retiring Chief Justice has said, a part of the Canadian identity. In a 2015 Statistics Canada survey, some 70 per cent of Canadians named the Charter as a very important national symbol — beating out the Maple Leaf flag, the national anthem, the red-coated Mounties, hockey and even the beaver.

As the Minister of Justice and Attorney General, I like to think of myself as an ambassador for the Charter. With a statutory duty to ensure that all laws and policies, and all litigation decisions of the government, uphold the Charter of Rights and Freedoms.

Beyond the adoption of the Charter of Rights and Freedoms, the patriation of our constitution in 1982 marked a significant turning point for the inclusion of Indigenous peoples within Canada’s constitutional framework. Section 35 of our Constitution recognizes and affirms existing aboriginal and treaty rights of Indigenous peoples.

Including these rights in our constitution amounted to a promise to Indigenous peoples that their presence in Canada and their rights would no longer be denied, that assimilation and marginalization were colonial relics of the past, and that Canadians were ready to work together with them to build a better Canada.

Meeting this promise has not come easily and change has not happened overnight. There is still much work to be done. But the explicit inclusion of Indigenous rights in the Constitution has changed the dynamic. Our courts have become active vehicles intervening to advance reconciliation. Injustices have increasingly come out of the shadows, and the Canadian public is more aware of these issues than ever before. And slowly, governments are learning they must change in tangible ways.

This brings me to my final remarks on the subject of Reconciliation.

I met our now Prime Minister, the Right Honourable Justin Trudeau, for the first time about four and a half years ago when he attended a meeting of the Assembly of First Nations.

We talked about the future of Canada and his convictions with respect to Indigenous peoples.

I came to see formal political participation as a chance to be part of a government whose leader made a solemn commitment to fundamental change with a vision for true reconciliation with Indigenous peoples.

Four and a half years later, I am proud to be the Minister of Justice and Attorney General within a Government that is moving forward on this path towards true reconciliation.

Our Government has committed to implementing the report of the Truth and Reconciliation Commission, established to address the dark legacy of “residential schools.” For those of you who unfamiliar with this legacy, Indigenous children were taken away from their families and placed in state-run schools, where they were forbidden from speaking their languages or following their cultural practices. Worse, children suffered unimaginable abuse in the schools, and some never came home. The traumatizing effects of these events have echoed through Indigenous communities over the years.

But beyond the necessary apologies and the emotional work of truth telling and healing, reconciliation requires laws to change and policies to be rewritten.

In this regard, I see my role as the Minister of Justice as ensuring that our country's laws and policies actually do change in accordance with our commitment to a recognition of rights.

To this end, earlier this year, the Prime Minister established a Working Group of Ministers to review all federal laws and policies related to Indigenous peoples, and appointed me as its Chair. Our mandate is nothing short of transformative: to decolonize our federal laws and policies and to ensure that a recognition-of-rights approach is reflected in all aspects of Canada's relationship with Indigenous peoples. No small task, but one that I am honoured to undertake and which has the potential to alter the course of Canadian history.

So in closing, let me leave you with this thought. As we celebrate Canada's 150th birthday, there is much optimism and hope. For many Indigenous people, this anniversary is not so much about celebrating the past, but about what Canada has become and is becoming – about embracing a new optimism for the future within a more inclusive and just Canada – and making the next 150 years better for all. Canada and the UK have a shared history and a deep friendship. Our longstanding traditions of multilateralism, rights protection, diversity and tolerance unite us and will continue to unite us into the future.

In the tragic attack on London Bridge last month, the name of the young Canadian woman lost was Christine Archibald. In a public statement, Christine's family reflected that "she had room in her heart for everyone and believed strongly that every person was to be valued and respected." In believing this, she found a home in the United Kingdom as welcoming as the one she left in Canada.

Thank you, Gilakas'la.