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Chair

Mrs. Deborah Schulte

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• (1535)

[English]

The Chair (Mrs. Deborah Schulte (King—Vaughan, Lib.)): Our first order of business is to elect a new vice-chair. As Mr. Cullen is no longer a member of the committee, we need to give the floor to our clerk so we can elect a new vice-chair.

The Clerk of the Committee (Ms. Cynara Corbin): Pursuant to Standing Order 106(2), the second vice-chair must be a member of an opposition party other than the official opposition.

I am now prepared to receive motions for the second vice-chair.

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): I'll nominate Linda Duncan.

The Clerk: It has been moved by Mr. Bossio that Ms. Duncan be elected as second vice-chair of the committee. Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

The Clerk: I declare the motion carried and Ms. Duncan duly elected second vice-chair of the committee.

The Chair: Welcome. Do you want a moment?

Ms. Linda Duncan (Edmonton Strathcona, NDP): I have a point of order.

My colleague, Wayne Stetski, has been dealing with all matters to do with the parks and protected areas. If you were in the course of doing the business on that and it comes down to the second vice-chair having to handle it, I'm presuming that it would be Wayne and not me, so I don't know how you'd manage that.

The Chair: It's just a process. You can sub Wayne in and officially he'll be your substitute for subcommittee and—

Ms. Linda Duncan: He would take over. Okay.

The Chair: Yes, he would take up that position.

Ms. Linda Duncan: Okay, thanks.

The Chair: He won't be the vice-chair, but he will stand in for you.

What would happen if we came down to votes?

The Clerk: The substitute member has the vote.

Hon. Ed Fast (Abbotsford, CPC): I don't believe that's the point. The point is, who would be sitting in your chair if neither you nor Jim are available? Right?

Ms. Linda Duncan: Wouldn't it be the person acting for me? Does that make sense? I don't know. We've never had that issue.

Anyway, I don't mean to belabour it but it's possible.

The Chair: According to the clerk, he wouldn't be able to assume the vice-chair role. That's your role. We would have to appoint an acting vice-chair, if that was an issue. All right?

Hopefully, that won't be an issue because we'll be here.

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): You never miss meetings.

The Chair: I try not to, but it can happen. It could happen, but we haven't seen that happen yet. We'll see how it goes.

Welcome to our witness. You're welcome to stay and listen to what we're up to, because I think you're going to be at the latter part of the meeting when we're talking about future business.

Just to do some business that we have to do before we go in camera, this coming Thursday we have the Arctic panel for our protected-area study. Ms. Mary Simon will be observing the meeting. In fact we have just been notified that one of the witnesses is now no longer able to join us. If the committee is willing and interested, we can sub her in as the witness, if she's willing. We haven't asked her yet, but I wanted to just check with you if that's okay, because we lost....

• (1540)

The Clerk: It's Natan Obed, who is the president of ITK. I forget the longer name. It's Inuit....

Mr. William Amos (Pontiac, Lib.): The formal name is Inuit Tapiriit Kanatami.

The Chair: Thank you very much. I appreciate that.

Wow, I'm impressed.

Mr. William Amos: I score 200 points.

The Chair: The crux of the matter is that we've lost one of our witnesses and we're wondering if the committee would be interested in having Mary Simon be a witness, if she is willing.

Do you want to give that slot to her?

Mr. William Amos: Sure, that would be amazing.

The Chair: She has a lot of knowledge to share with us, and we might as well take the opportunity to have that information if we can.

Some hon. members: Agreed.

The Chair: Okay, that's excellent. Thank you very much.

Next Tuesday is the commissioner's fall reports. All members and senators have received the invitation to a lock-up taking place next Tuesday, in room 237-C of the Centre Block. The doors open at 7:30. Ms. Gelfand will be providing a briefing at 9 a.m. and will then moderate a Q and A until 10 a.m. Then they go to the House.

Last time, very few came. It would be great, if you have the opportunity, to come and participate. This is on Tuesday, October 4. Please, if you can, pop that into your calendars. It would be nice to see you there. I'll be the chair and I'll be moderating it.

Also, you will have received today an invitation from indigenous leadership initiative for a reception next Tuesday, 4:30 to 6:30, in the Commonwealth Room at Centre Block. For those of us who are travelling, this is with Miles Richardson, who is the emcee for the reception. It would be great to have you there if you're interested in coming back and having a few words with him or being part of it.

Next Thursday, October 6, we have Health Canada and Environment Canada coming back for a CEPA meeting. The goal in having them back is to provide a high-level overview of the different parts of the act to serve as a reminder for members and to give us a better understanding of those layers. It's kind of like a CEPA 101. We've talked about that before. From there, we can then determine how many more meetings and which way we're going to go with the rest of our witnesses, and which themes and parts of the act we have yet to consider or want to consider.

They have asked us if they can have additional time. I need unanimous consent to have 10 extra minutes, total, for Health Canada and Environment Canada to speak on Thursday. Does anybody have a problem with that?

I don't see anyone opposed, so we're okay with that. We're just going to give them a bit more time.

I will be doing that again today for Steven Nitah because we would like to have additional time for him, if everyone is in agreement. I'll be asking for that officially in the meeting because we need to do that to go beyond—

Hon. Ed Fast: Is that to go beyond 5:30?

The Chair: No, it's to go beyond the standing orders.

The standing orders are 10 minutes, and if we go beyond 10 minutes I have to have unanimous consent.

• (1545)

Hon. Ed Fast: That's fine.

The Chair: We are going to take a few seconds to go in camera.

[Proceedings continue in camera]

• (1545)

_____ (Pause) _____

• (1645)

[Public proceedings resume]

The Chair: I would like to welcome Steven Nitah back to the committee. We very much appreciate your coming back to share

your experiences with us and to help us with the work we're doing on protected spaces.

We will open the floor to you. The standing orders give you 10 minutes, but quite frankly, I would like to double that if you need it. Does anybody have a problem with going beyond the 10 minutes?

• (1650)

Mr. Darren Fisher: I think the testimony is more valuable than the questions right now.

The Chair: I think the testimony is extremely valuable.

The floor is yours.

Chief Steven Nitah (Lead Negotiator of Thaidene Nene, Lutsel K'e Dene First Nation): *Mahsi cho.*

[Witness speaks in Dene]

I'm happy today to be here with you again. On behalf of Lutsel K'e Dene First Nation, I'd like to say how grateful we are for the opportunity to share the knowledge base that we've accumulated and the work that we've been doing in the last number of years in getting Thaidene Nene to the point it's at today.

Unfortunately, we weren't able to see you in Lutsel K'e this summer, but hopefully we will see you next summer, when we celebrate the creation of Thaidene Nene for Canada's 150th birthday. That's the goal shared by Lutsel K'e and Parks Canada, and according to the Government of the Northwest Territories, it shares that same goal as well.

The last time I was here I made a presentation. The committee asked me to elaborate on that presentation, so I'll present the elaboration that we've put together for you.

On May 5, 2016, Lutsel K'e Dene First Nation outlined our vision for Thaidene Nene as our initiative to foster ecological integrity, cultural continuity, and economic sustainability in the core of our homeland at the east arm of Great Slave Lake, NWT. As caretakers of Thaidene Nene, we believe that we have the responsibility to protect this land for our future generations, and to celebrate and share Thaidene Nene with all Canadians. We noted that our vision for Thaidene Nene is informed by our understanding of our peace and friendship relationship with the crown.

We approach the protection and management of Thaidene Nene as an opportunity to build a nation-to-nation relationship between our governments, with Canada and Lutsel K'e each bringing to the table their respective expertise and responsibilities. We seek to share our world-class culture and landscape, and a heritage that is critical to our way of life as indigenous people and indeed to all Canadians.

We contrasted this approach with the way that protected areas in Canada have historically been established—only under the auspices of crown legislation and authority. We noted that past crown actions to establish parks or undertake on-the-land conservation programs have resulted in, at worst, the alienation of indigenous peoples from their traditional territories, and at best, limited opportunities for jobs working for another government.

In this presentation I would like to further outline the best practices for protected area establishment and management, which I believe are represented in the Thaidene Nene model. I would also like to make recommendations to the standing committee on how Canada can build on this precedent and others, such as the Gwaii Haanas National Park Reserve in Haida Gwaii.

First, recognize and respect the rights of indigenous peoples to designate and manage their own protected areas and conservation plans—broadly, indigenous protected areas within our traditional territories.

Second, include indigenous protected areas within a national conservation network. This network would recognize the contributions that indigenous people are making to the long-term protection and stewardship of national and international ecological and cultural values, and to the realization of national and international conservation targets, including the Aichi targets.

Third, acknowledge indigenous peoples' responsibility for ecological and cultural values by implementing co-governance arrangements for the management of federally protected areas.

Fourth, support sustainable livelihoods and protected area operations by fostering indigenous guardians programs, such as the coastal guardian watchmen network or our own Ni Hat'ni rangers, through funding and other partnerships.

I would like to build on my statement about how indigenous and local land use strengthens and supports conservation objectives. In our tradition, Dene are expected to be self-sufficient on the land, and we believe that others should be able to support themselves in the same way.

• (1655)

There is a long history of newcomers to our territories adopting our ways of living and travelling on the land. From the snowshoe to the canoe to the dog team and beyond, these traditional skills are becoming part of the Canadian identity.

In our view, these activities are what create and sustain the fundamental relationship between people and the land and create the basis for reciprocity and respect. Rather than thinking of protected areas as fortresses that separate nature from people, we think of them as places where people can once again be at home. Places like Thaidene Nene are conservation landscapes in which our deep cultural knowledge can be given contemporary relevance in informing Canadians and connecting them to our north. Our community will provide Canadians with human connections, local context, and historical depth for visitor experiences.

I was previously asked by the standing committee about the idea of a national conservation body that would bring together federal, municipal, and indigenous peoples to work together on a whole-of-

Canada approach to conservation. I am broadly supportive of such an idea, but I believe that it must be built from the ground up, using a nation-to-nation approach in which the crown and indigenous governments recognize the contributions that each has made to conservation.

I will say that indigenous contributions have largely gone unrecognized in Canada, in a system that still recognizes only federally, provincially, and territorially legislated protected areas as valid and ignores the fact that for tens of thousands of years our peoples managed the land so well that you thought it was empty. We need to move past those misconceptions and embrace the fact that long before Canadians even knew what a national park was, our peoples were successfully protecting and managing our special places under our own laws and using our own knowledge.

This needs to change. Thaidene Nene will recognize the responsibility and capacity of both governments and both peoples, but we need to bring that to a national level and integrate that kind of thinking into a national network. We view this as a critical contribution on the path toward reconciliation between indigenous peoples and Canada.

In terms of new models for establishment, the standing committee also asked my views on how the federal government should work with indigenous people to negotiate the establishment of new protected areas, especially in light of the 2014 Supreme Court decision of *Tsilhqot'in Nation v. British Columbia*.

I believe that it is most important to understand that decision as a guide to renewing Canada's sense of itself as a federation based on the recognition of indigenous peoples, our lands, and our laws. Fundamentally, it is not about consultation or accommodation, but about recognition of the historical and contemporary fact that indigenous peoples retain aboriginal title to a significant portion of our traditional territories, and with such title, the rights to govern how our lands are used and to the benefits that flow from them.

Fundamentally, the division of the powers of the crown within federal, provincial, and territorial governments must now be reconciled with the constitutional recognition of indigenous jurisdictions over lands and resources. When it comes to the establishment of new protected areas, this means recognizing that indigenous jurisdictions exist, and that the model of negotiating agreements is no longer consultation about something that Canada is proposing to do under its authority, but rather nation-to-nation, government-to-government discussion about collaborating to achieve a common conservation objective, using the powers and authorities of both indigenous and crown governments.

This shared model of jurisdiction and intergovernmental co-operation is commonplace in Canada between the federal, provincial, and territorial governments, so should pose few conceptual challenges.

What will be required are new approaches to implementation. Here again, the idea of federal recognition of indigenous protected areas, or IPAs, is the foundation for a new approach. Fundamentally, the starting place for an IPA must be self-determination by the indigenous peoples themselves, but once declared, IPAs become the basis for building effective partnerships between indigenous and public governments and other entities, including NGOs, research institutions, and the philanthropic community.

● (1700)

While these ideas are new in Canada, they are being applied around the world. There are now hundreds of internationally recognized IPAs, with Australia having the most advanced system with over 70 dedicated indigenous protected areas across 65 million hectares and accounting for more than 40% of Australia's protected areas.

The indigenous leadership initiative has noted that Canada could adapt key features of the Australian system to our context. Canada must recognize that IPAs are designated and managed by indigenous governments or organizations but can be advanced collaboratively through management plans developed in partnership with, or with input from, public governments and other organizations. Integrating IPAs as part of a federally coordinated, national conservation network of protected areas protects ecological and cultural diversity, and contributes to the realization of national and international commitments, including the 2020 Aichi targets under the Convention on Biological Diversity. Canada can also support IPAs through multi-year funding agreements by the federal government, supplemented by fee for service and other income-generating activities, as well as by private and philanthropic donors.

Lutsel K'e Dene First Nation supports these recommendations and calls for a national program to support indigenous guardians in our communities. Such a program should take a whole-of-government approach by integrating current departmental initiatives such as the DFO fisheries guardians and the Canadian Rangers ocean watch, CROW, program with a coherent federal program directed at building capacity within indigenous communities, supporting guardian operations, and building external partnerships.

The Standing Committee expressed interest in our views on how negotiations toward protected area establishments should proceed in contexts where there are overlapping land claims.

I want to say at the outset that the idea of overlapping land claims is an artifact of Canada's policies, and is not an idea that fits indigenous context. Historically, every indigenous nation understood itself in relation to its own lands and territories, and to those of its neighbours. It is only as a consequence of colonization that these understandings have been undermined as our institutions were systematically dismantled and replaced with lines on other people's maps.

This does not mean that each nation lived in a watertight compartment. We shared certain lands and resources with our neighbours in accordance with our laws and in many cases under treaties that we concluded between ourselves and neighbouring nations. There were protocols that were followed and consequences that would ensue if they were not. These arrangements are reflected in the doctrines of aboriginal title as articulated by the Supreme

Court, which speaks to exclusivity but recognizes that in some cases some lands were shared.

In the present context many of these understandings have been undermined. Much of the undermining has been done by Canada through policies that have encouraged competition rather than collaboration between our peoples by picking winners for its own purposes, including parks establishment. This needs to change. Canada can promote solutions to these problems by resourcing discussions between indigenous nations, and where necessary, enabling reference to dispute resolution tribunals or ultimately to the courts in cases where such matters cannot be resolved between the nations themselves.

In conclusion, ladies and gentlemen, Lutsel K'e Dene First Nation believes, based on our experience with Thaidene Nene, that Canada can make important advances toward reconciliation and conservation by working with indigenous governments that intend to implement indigenous protected areas and indigenous guardians programs.

● (1705)

We believe that these models must unfold on a nation-to-nation basis and in accordance with the principles of free, prior, and informed consent. Canada has an opportunity to advance conservation in a manner that respects and maintains the knowledge, innovations, and practices of indigenous and local communities and accords with the United Nations Declaration on the Rights of Indigenous Peoples, the Convention on Biological Diversity, and our own treaties and Constitution, to recognize and affirm the rights of indigenous peoples as the basis for a meaningful and enduring partnership.

With that, I thank the committee for its time.

The Chair: Thank you very much.

As you said, you focused on trying to address the questions we put out to you, and you have done that well.

Before I get started with the questions, I want to welcome Stéphane Lauzon, who is standing in for John Aldag. Thank you very much for joining us today.

Mr. Stéphane Lauzon (Argenteuil—La Petite-Nation, Lib.): Thank you.

The Chair: We'll get started with Mr. Amos.

Mr. William Amos: Mr. Nitah, thank you for joining us again. I really appreciate your focus on those questions. It really helps us direct our line of questioning.

In relation to the Tsilhqot'in decision and your assertion that a new approach toward indigenous protected areas has to reflect a nation-to-nation approach, not a "federal government knows best" approach pursuant to federal legislation and an offer to consult, but rather a negotiation between equals, what would you recommend under circumstances where the indigenous group in question is under-capacitated, has other priorities, and is not really looking at conservation at that particular time? What would you suggest is necessary?

Second, what would you recommend in circumstances—again, given the Tsilhqot'in situation—where title claims are outstanding or where there are overlapping title claims? How can the federal government best encourage a conservation-first approach while respecting overlapping claims and also respecting the realities of certain indigenous communities that are not in a position where that's a priority for them?

Chief Steven Nitah: Again, overlapping claims is a construct of colonization. Having said that, if the indigenous communities are not there yet, or not interested, then it's pretty hard to.... You can bring a horse to the trough, but you can't force it to drink.

If they are under-capacitated but interested in moving forward in a dialogue, I would encourage the committee to encourage the government to resource those communities so that they could have internal discussions, and let them decide among themselves whether conservation is something they want to do.

I know, based on my experience, that not every indigenous community wants to get into conservation. They see industrial development as a way forward. Then again, the concept of conservation economies is a new concept that indigenous communities are only now learning, so they still haven't put their heads around it. Not all indigenous communities have got their heads around the possibilities of using their traditional territories and creating economies of scale for themselves that are not dependent on industrial development.

Mr. William Amos: Thank you.

Could you please describe the manner in which the conservation discussion between Lutsel K'e Dene and territorial and federal governments proceeded, in a context where there was a broader land claim settlement negotiation being undertaken? How did those two processes connect or overlap? Was there one that came first? Was there one that was leading the others, or was it all done in lockstep? Was one aspect delaying the others? How did it work?

Chief Steven Nitah: It's still a process. It's ongoing. Within the Akaitcho territory, which Thaidene lies within, there's a land claim that's going on between the Akaitcho Dene first nations and Canada and the Government of the Northwest Territories. There's an overlap in land claimants. NWT Métis Nation land claim is advancing, which Canada is negotiating, and Parks Canada, because of the land claim, is negotiating an impact benefit agreement with the Métis Nation.

Those discussions are ongoing. They started before the discussions between Lutsel K'e and Parks Canada for Thaidene Nene. We have a good working relationship with the main table that consists of the Government of Canada, the Government of the Northwest Territories, and the Akaitcho first nations, and the Thaidene Nene establishment agreement will eventually be a part of the Akaitcho agreement as a chapter within the broader lands and resources governance agreement.

There could potentially be a conflict if there is a lack of communications, but we have good communications between the Thaidene Nene negotiating team, the community that's leading those discussions, and with both the other indigenous communities under the Akaitcho banner, the Government of the Northwest Territories, and the Government of Canada.

We anticipate the conclusion of Thaidene Nene before the finalization of the Akaitcho final lands and resources agreements. At the end of the day, the larger land resource agreement supersedes the establishment agreement between Parks Canada and Lutsel K'e Dene First Nation, and changes can be made to the establishment agreement in accordance with the final land claim agreement. I hate the term land claim—lands and resources agreement.

Does that answer your question?

• (1710)

The Chair: Thank you.

Mr. Fast.

Hon. Ed Fast: I'd like to go back to the IPAs, which I think you suggested, for Canada, is a new approach to addressing protecting areas. You mentioned three ways in which this approach would be structured. Can you fill in some of the gaps as to why IPAs are the preferred approach to protecting significant areas of Canada? The Aichi targets of course set 17% by 2020 as our goal, but we have heard witnesses already who have said, "Listen, we should actually be aiming at 50% over a longer time frame".

Even the 17%, I think, for government is a challenge, but to move beyond that is going to require significant additional protection. No matter what our future holds, it's going to require significant collaboration between our first nations and all levels of government.

The IPAs are driven by our indigenous communities. Correct?

Chief Steven Nitah: Yes.

Hon. Ed Fast: So the initiation of a proposal to protect a park would come from our first nations? Is that correct?

Chief Steven Nitah: Yes.

Hon. Ed Fast: I think that may be a step forward because this is really empowering the first nations who occupy those lands to be in a position to govern and manage resources that have been entrusted to them by the creator. However, there will be times when governments at different levels, whether provincial or federal, will have a public policy purpose for setting aside lands as well, where they might want to initiate the purpose.

Are you suggesting that IPAs would be the exclusive way we deal with protected lands in our ambitions to see more and more of Canada protected for future generations?

Chief Steven Nitah: No, I'm not suggesting that only indigenous people will be allowed to protect lands in Canada henceforth. I understand that under the National Parks Act, Canada has pretty much reached its limit with Thaidene Nene and on all the national parks that are going to be created in Canada. Any kind of protected area that's been advanced by any public governments will have to deal with indigenous peoples. There is 110% of this country that has been claimed by indigenous people who own land and sea. There's significant overlap in interest, so you can't really develop any new protected areas without discussion with indigenous people.

Having said that, the IPAs, I believe are the quickest way that Canada can reach its 17% threshold and 10% marine. In fact, the United Nations gathering in Hawaii just recently, the World Conservation Congress, passed some resolutions asking participants who work in government and industry to protect indigenous protected areas from industrial development. I think that goes a long way in recognizing IPAs internationally.

I have some contacts in Australia with some indigenous people who run and manage their own IPAs. That's going a long way in reversing some of the negative impacts of colonization for the Australian government and the taxpayers of Australia. They're seeing a return on the social investment at a rate of 3:1. Instead of money being spent on social programs—health and welfare, judicial systems, correctional systems—they're seeing a big return on their investment in the aboriginal communities who are managing these IPAs.

We've done studies in the Northwest Territories, in Canada, which suggest if similar programs are developed through the introduction of IPAs and the guardians program, we could be looking at a greater return.

• (1715)

Hon. Ed Fast: If I can just follow up on that, the guardians program itself is not... You mentioned IPAs and the guardians program in the same breath. I'm assuming you're incorporating the guardians program into the IPAs that would be established going forward.

Chief Steven Nitah: Yes, I think that's proven to be successful in Australia.

It would be creating indigenous protected areas where they want to create some capacity to manage those protected areas. I would suggest that those guardians programs don't have to be just for the IPAs. It could be for national parks, provincial parks, those that are created today, those that are in existence, and those that were created 100 years ago.

Hon. Ed Fast: I have one last question.

We do not yet have IPAs within Canada. Is that correct?

Chief Steven Nitah: No.

Hon. Ed Fast: They haven't been formally recognized by the Government of Canada.

Chief Steven Nitah: Not yet.

Hon. Ed Fast: Okay.

Have you been having conversations with the Government of Canada about moving in that direction?

Chief Steven Nitah: Others have. I've been talking about Thaidene Nene only.

Hon. Ed Fast: Thank you.

The Chair: Thank you very much. You have perfect timing.

Mr. Stetski.

Mr. Wayne Stetski (Kootenay—Columbia, NDP): Thank you for coming back and speaking with us again. I really appreciate the relationship between indigenous protected areas protecting land, and reconciliation.

A number of scientists and stakeholders have been suggesting that we need to go beyond the 10% and 17% protected targets to potentially protecting about half of land and inland water in Canada. I'm interested in what you think of that objective, that sort of conservation target. How do we get to those targets moving into the future?

Chief Steven Nitah: I would agree with those targets, and I would again go back to the IPAs and indigenous communities right across the country. Every indigenous community has a traditional territory. Every indigenous community has special places within their traditional territories that they would like to protect and manage in a way that's going to sustain them for their generation and future generations. Every indigenous community wants to see that happen. If that happens, then I would suggest also that industrial development within the traditional territories outside of these IPAs will become much more attractive.

In your role as a committee that is responsible for the environment and sustainable development, I think there are some synergies that can be created through the creation of IPAs and other land use plans within traditional territories of indigenous people right across the country.

• (1720)

Mr. Wayne Stetski: You said there were 70 IPAs in place in Australia, but I missed what percentage of the land is covered by IPAs.

Chief Steven Nitah: Well, 40%-plus of Australia's protected areas are IPAs.

Mr. Wayne Stetski: That was the context.

Chief Steven Nitah: Yes.

The Chair: You have more time.

Mr. Wayne Stetski: No, I'm okay.

The Chair: Mr. Bossio.

Mr. Mike Bossio: As everyone else has said, thank you so much, Steven, for coming back in. Just as our trip was, today here in Ottawa is extremely informative on how we can try to move forward to meet these Aichi targets and on the pivotal role that indigenous communities play in getting us there.

Ed and Will—everybody, actually—have asked a lot of the same questions that I was looking at.

We saw that the recipe for success for the Haida people was the unifying factor of the Haida people coming together as one voice. You've said that even with the overlapping land claims you have come together as a people, as one voice, in this agreement.

What do you feel is the underlying factor? This is one of the biggest conundrums. You spoke about it yourself. There are some people who have no interest in conservation. There are some people who have no interest in working together. What is the underlying factor that you see and that will bring different peoples together in common cause, with indigenous communities in particular, to try to get to this Aichi target, to get to those IPA types of agreements?

Chief Steven Nitah: There's a great deal of fear in indigenous communities right across the country in terms of working with crown governments because of the historical relationship. That fear is stunting any kind of ambition that indigenous communities may have in managing their lands using federal or provincial legislation.

Recognition of the nation-to-nation relationship based on Supreme Court decisions and just based on human decency—whatever you want to call it—I think will go a long way in creating a relationship that will identify values.

For example, even within Thaidene Nene, in terms of how we're moving ahead on lands and resources discussions, there are overlapping claims there. But through discussion and collaboration, Canada, the Government of Northwest Territories, the Akaitcho and Lutsel K'e first nations, along with the NWT Métis Nation, feel that the area in question is significant and is important enough that we could put that in the forefront and work towards the protection of that area, putting the jurisdictional arguments and positions aside to achieve the protection of Thaidene Nene through the National Parks Act, and eventually, the NWT Territorial Parks Act.

Mr. Mike Bossio: What came first? The unity of the people or the concept of Thaidene Nene?

Chief Steven Nitah: It was the concept of Thaidene Nene.

Mr. Mike Bossio: Okay. That's a little different from the Haida example, where the people came together first and Gwaii Haanas came out of that.

On the concept of Thaidene Nene, did it come from the Lutsel K'e people first or did it come from the government? Who approached who first?

Chief Steven Nitah: The proposed park was presented by Canada back in the late 1960s. That's when the 1969 land withdrawal was done. That was over 7,000 square kilometres. At that time, our chief of the day, Pierre Catholique, refused to sign any documents to create a national park, because of the historical relationship where indigenous people were alienated from their traditional territories when these things happened. That's been sitting there.

The invitation by Parks Canada and Canada to Lutsel K'e has always been there. Lutsel K'e sat on it for the longest time, but industrial development pressures and threats to traditional territories were what triggered the elders of the community and those of us in the younger generations to pursue a protected area.

We didn't just jump to Canada. We've done international research on best practices. At the end of the day, the Gwaii Haanas and Haida Gwaii relationship gave us the comfort to approach Canada to see if

there was still interest on Canada's part, with the understanding that we will build on the relationship that was established between Parks Canada and the Haida Nation.

• (1725)

Mr. Mike Bossio: We have talked about this. Was the Haida relationship that was established with Parks Canada the catalyst for your people to say, "Okay, they went inside the box and figured out how to make this work by taking that leap of faith. Maybe we need to have the confidence in ourselves and in the government to do the same thing," now that you had that example?

Chief Steven Nitah: Yes, we certainly had the confidence in ourselves. We had to convince Parks Canada to go there even after they agreed to pursue a negotiation settlement. We threatened to step away from the table if they didn't go down that road with us, and it took them a while to get on that road with us.

Mr. Mike Bossio: What is the—

The Chair: Mike, we're running out of time.

Mr. Mike Bossio: Are we done? May I just ask what the value was?

Can you say what the negotiated value was to reach that agreement?

Chief Steven Nitah: The value is that we would work together, nation to nation, as equals. We would be partners in the management and operations of Thaidene Nene.

Mr. Mike Bossio: Do you have a price on it, the cost?

Sorry, I'm out of time.

The Chair: Okay, Martin.

Mr. Martin Shields (Bow River, CPC): You referred to co-management. Could you explain, now that you have gotten into the co-management process, how it's working?

Chief Steven Nitah: We don't have a protected area. It's in the proposal stage.

Mr. Martin Shields: How do you view it working?

Chief Steven Nitah: One of the unique features that we've introduced into the equation is that we've raised \$15 million and we're asking Canada to match that. With that, we'll create a \$30 million trust, which the first nations will use as a resource to pay for their own staff and the governance of Thaidene Nene, so that we can work as equals with Parks Canada and the Government of Northwest Territories to operate and manage the Thaidene Nene national park reserve together. We'll have our own staff working alongside Parks Canada staff.

Mr. Martin Shields: What's the barrier to get there now? Is it just time?

Chief Steven Nitah: It's a process. We're still in negotiations. I can tell the committee that the negotiation table has reached a table agreement on the establishment agreement. Canada and the Government of Northwest Territories still have to negotiate a land transfer agreement from Northwest Territories to Canada, so that Thaidene Nene can be designated as a national park reserve area. Canada still needs to come to the table with \$15 million so that the trust fund can be created.

I can also say that we're on track, as far as I know, based on our discussions with both levels of government.

Mr. Martin Shields: I know it is like gazing into a crystal ball, but how long do you think this is going to take?

Chief Steven Nitah: We all want to celebrate the creation of Thaidene Nene by July of this coming year.

Mr. Martin Shields: Do you see any barriers that we, as a committee, might explore to facilitate that?

Chief Steven Nitah: Keep Parks Canada and Canada on track, commit to the \$15 million, and make sure that the Government of Northwest Territories follows suit.

Mr. Martin Shields: Those are good answers.

You talked about managing the resources. Do you have any examples of resource management that you could suggest to us that might be something...? You talked about Canadians experiencing the culture. You talked about some ways...and one of the challenges is your location. How do you see managing that or getting to that piece?

Chief Steven Nitah: The land has always been there. The land pretty much takes—

Mr. Martin Shields: But we're not. The majority of the population is along the 49th parallel.

Chief Steven Nitah: Those who visit the Thaidene Nene will be managed. We don't manage the land; we manage the people who have activities on those lands.

Mr. Martin Shields: You have something cultural. You have that piece. You have the land. How can you develop that piece for more people in Canada to access it and for you to manage them there? Have you any thoughts about that?

• (1730)

Chief Steven Nitah: A good idea always finds wings. We think that Thaidene Nene is a good idea, and we think that the guardianship program is a good idea.

I'll give you an example. Right now we have our Ni Hat'ni Dene program, our guardians program. We've been running it for 10 years. We've been working with the Government of the Northwest Territories collecting baseline information and measuring against that baseline information.

We have negotiated impact benefit agreements with the mining companies where we have put our Ni Hat'ni staff to work monitoring the mining activities, the environment, and the downstream effects, by taking baseline information and measuring against that baseline information. We work with the mining industry, so when I talk about the guardians program and indigenous protected areas, I'm not just talking specifically about managing these parks. Guardian programs

were introduced right across the country in indigenous communities. Those will be their eyes and ears on the ground. Those will be the relationships they create with the extractive industries within their territories, not just in the management of protected areas.

Mr. Martin Shields: I got that. I'm talking ecotourism and cultural tourism.

Chief Steven Nitah: We've studied the tourism aspect of it. We've hired the people who do this for a living. We know that aboriginal tourism globally is a \$2 billion-a-year industry and growing. You just have to look at the Klemtu and Bella Bella on the central coast of B.C. I believe you guys have been there. They have a very high rate of employment and low dysfunction. Bella Bella hasn't had a suicide in the last 15 to 20 years because of back-to-the-land programs. This is what we're talking about.

Mr. Martin Shields: Good. Thank you.

The Chair: We have run out of time. There's never enough time.

Mr. Darren Fisher: Can he come back again?

The Chair: No, that's a bit much to ask.

Would you be willing to give five minutes for another question? We'll have just one more question period and then we'll call it a night.

Go ahead, Darren.

Mr. Darren Fisher: Thank you very much. I didn't think I was going to get a chance to speak. I thought we were going to run out of time.

I just want to touch on a couple of things you said that really made me think. You said that it's not about consultation; it's about recognition. I thought that was really a powerful statement. Then you said the government encouraged competition over collaboration.

We spoke earlier about issues navigating multiple departments and agencies, like DFO, INAC, and Parks Canada, and you have ongoing negotiations right now for the national park reserve. My first question, if you could give a short answer, is about how far along in the negotiation process you feel you are.

Chief Steven Nitah: Like I said, we've reached a table agreement with negotiators on the establishment, so that's the relationship document that guides the relationship between Lutsel K'e Dene First Nation and Parks Canada.

Mr. Darren Fisher: Can you give us any feedback on those negotiations, based on those issues we talked about, such as navigating different departments, multiple departments. Were there things that went well? Were there things that went poorly? I think you mentioned earlier about a couple of roadblocks that you had. Can you give us a sense of those negotiations and how you feel they went?

Chief Steven Nitah: The negotiation itself went fairly well. We started formal negotiations in October of 2010, with a restructuring of the parks with Parks Canada. We lost about six months of negotiations with illness. With other things, we lost another two months. We reached AIP stage in 2013, so that was an agreement in principle on the establishment agreement. We sat on that AIP until 2015, after the Government of the Northwest Territories assumed administrative control over all of the Northwest Territories.

We then re-engaged those discussions, after the Government of the Northwest Territories settled, and we reached a tripartite agreement between Canada, the Northwest Territories, and Lutsel K'e Dene on divvying up these Thaidene Nene areas of interest. Now it's 14,000 square kilometres as proposed federally protected area, 12,000 as a proposed territorial park, and another 2,000 where it's a wildlife designation area for caribou.

Mr. Darren Fisher: The trust fund of \$15 million, how do you envision that being spent?

Chief Steven Nitah: It'll be a legal instrument that will be owned by the first nation. The first expenditure will be towards the management operations of Thaidene Nene. No trust fund can be created in perpetuity, so every 25 years that'll be folded up, but the value of \$30 million has to go back into another trust fund to go another 25 years. There will always be money there, in perpetuity, for the operations and management of Thaidene Nene.

The taxpayers of this country will have paid off their investment in 27 years, and after that, no taxpayers will be on the hook for the cost of Lutsel K'e's working partnership with Canada on the operations management of Thaidene Nene.

• (1735)

Mr. Darren Fisher: Just to wrap up then, do you have any suggestions about how the federal government might do things differently when negotiating deals like this in the future?

Chief Steven Nitah: One of the biggest challenges we had at the negotiating table was fettering the minister's authority. When we're talking nation-to-nation discussions, the minister has to be able to get into a partnership relationship with indigenous governments and be able to share responsibility and authority over those areas.

I'll leave it at that.

Mr. Darren Fisher: You gave me everything I was looking for. Thank you, sir. I appreciate it.

Thank you, Madam Chair, for that extra time.

The Chair: That's all right.

I see disappointment. Some members didn't get a chance to ask some questions.

Would you be willing, should we send you more questions in the next day or two, at the most, to respond, to keep the dialogue going for just a little bit?

Chief Steven Nitah: I believe that Thaidene Nene is a damn good idea. If it has wings, I'll put wind underneath those wings.

Voices: Hear, hear!

The Chair: Awesome. Thank you very much for coming back. We're not done, clearly.

Chief Steven Nitah: All right.

The Chair: We have more to learn. Thank you.

Chief Steven Nitah: Thank you for having me.

The Chair: I will adjourn the formal meeting, and in just a few minutes, we'll start the subcommittee meeting.

The meeting is adjourned.

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