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Chair

The Honourable MaryAnn Mihychuk

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•(1105)

[English]

The Chair (Hon. MaryAnn Mihychuk (Kildonan—St. Paul, Lib.)): Good morning. I'd like to call to order the Standing Committee on Indigenous and Northern Affairs.

We recognize during this important period of Canadian history that we're on the unceded territory of the Algonquin people, an example of many of the treaties and commitments that we as settlers made with indigenous people and never fulfilled. This process led many of us to look at investigating and understanding treaties, but more specifically land claims—specific land claims, comprehensive land claims—as well as self-government and modern treaties as things are evolving. We're at a time of history when Canada is finally willing to look at these things, understand the truth, and move towards a process of reconciliation.

Pursuant to Standing Order 108(2), we are undertaking a study on specific claims and comprehensive land claims agreements. Today we're very pleased to host two panels. Our first panel is here, with representatives from Kitigan Zibi and the Naskapi Nation.

The way it works is that you will have 10 minutes each to present, but you don't need to use the whole time. If you come close to the 10 minutes, I'll try to give you signals for three minutes, one minute, wrap up, and cut to give you an idea of how the time is going, so just look up once in a while. After that we'll have rounds of questioning from the MPs on the committee.

We're anxious to hear what you have to tell us, especially on how we can fix the system.

Over to you, Chief Whiteduck.

Chief Jean-Guy Whiteduck (Chief, Kitigan Zibi Anishinabeg First Nation): *Kwey gakina.* Good morning.

Again, welcome to unceded Algonquin territory. As you're all aware, we launched a court action dealing with some of the territory, including the Parliament buildings, about a year ago.

Basically, we're not very happy with the whole structure of comprehensive claims or specific claims. Our community is one of 10 Algonquin communities, basically nine in Quebec and one in Ontario, who make up the Algonquin nation. The Algonquin nation never surrendered its territory in the Ottawa Valley. There's no clear evidence that there was an outright surrender. Our reserve was a pre-Confederation reserve, established by special legislation in 1851, and then it came into place in 1853.

We have approximately 50,000 acres of land presently and about 3,200 members, of whom 50% live on reserve and 50% live off reserve. Many Algonquin communities, though, have much smaller areas of land that they occupy presently.

The problem we have with the whole process of claims is the restrictions these policies impose. For example, in the specific claims, there are limitations. Basically the whole game is decided by federal employees, because the game plan is well established. Here's the policy, here are the rules. Is there really a negotiation? Often there isn't, because there is a format that everybody follows, and you have to follow in line.

One of the biggest areas of concern is the famous 80-20 rule, 80% simple, 20% compound, on lost revenue. Our community has many claims. In the early days of the formation of our community, the lumber barons, with Indian agents, were able to wheel and deal and take our land, and with much research we found that these lands were taken illegally. We have a number of claims in the negotiation process and a number of claims still in the process awaiting some answers.

We had a large claim dealing with about 20 or so parcels of land within the town of Maniwaki. These claims were negotiated. There was an offer on the table. We delayed...because it was a tribunal making the decisions. The Specific Claims Tribunal made a decision on the formula issue, the 80-20, coming out and saying, no, you should be considering compound. So we went back to the drawing board with the specific claim, saying, look, based on the tribunal decision and the recent court decision, you need to relook at this whole calculation formula that you have, which is really not favourable to us.

It is in the process right now. We are negotiating that and really looking at our band fund expenditures, but it's a long, slow process. Some of these claims have been in the system since the 1980s and 1990s. It's a very, very slow process. In my view, the process could be accelerated. We could have a better system in place. Get that formula issue straightened away, and allow a little bit more room for negotiation rather than have a system that applies to everyone when it comes to a specific claim.

When it comes to the area of comprehensive claims, we've never agreed with the comprehensive claim policy. We don't agree with extinguishment. We don't agree with the principle of certainty. We do agree that there has to be an arrangement where all parties are going to live on the territory and we all have our place. Many of our Algonquin communities are living in extreme poverty on land that's extremely wealthy, gold mines behind their homes, and they're living in poverty with 80% to 90% on social assistance. There is no reason for that. I feel that the Algonquin people should be able to have their rightful place, be able to enjoy employment, and be able to enjoy the same standard of living as other Canadians, something we do not presently.

The policy as it stands would never be accepted by my community. Extinguishment is a no-no. We say let's set up a process where we have our place. Yes, in our case, we overlap with Ontario, and we overlap with Quebec, because the heart of our valley is the Ottawa River watershed, which is north and south of here. We feel strongly that, with the level of governments in place, the federal and provincial governments, we can find our way. We don't agree either with the recent agreements made with Pikwakanagan in Ontario. We have an offer on the table. We were not consulted, and we don't agree. We think the offer that's on the table is ridiculous. It's equivalent to what was happening in the days when trinkets were thrown on the table: "Here are the trinkets. Take it or leave it."

•(1110)

First nations shouldn't have to prove anything. The Government of Canada should prove that they're occupying a territory legally. We shouldn't have to prove anything. Why should we have to do more and more research to prove who we are and that it's our territory? We know it's our territory. You know it's our territory also. The government is well aware. All levels of government have studied this to death.

The Royal Proclamation of 1763 laid out a process for the taking of our land, that the land would be surrendered to the crown before it could be sold. We argued that...up until the 1800s, when the British regime at the time committed themselves to that process. They quickly forgot it as time went by. If it had not been for the native people in 1812, 9,000 warriors who helped defend this country and push back the Americans, we'd all be Americans today. That was quickly forgotten also after the War of 1812, when we became less important because our group had been diminished by disease and other problems.

We think there should be some clear recognition that the Algonquin people are there; it's their territory, and we need to figure out how we can coexist. It's not to push anybody around. It's not to get rid of third parties. Let's set up a proper process where the first nations—the Algonquin people—have their place in this country. They don't have it right now. They live in squalid conditions in many communities.

My community is more fortunate. We're closer to the city. Our education levels are increasing. But it's a long, slow process. We have not benefited from the economic development around here. We should be party to the development. There's a lot of federal land still available here. We say we should be parties in the development of that land, and benefits should flow to all the Algonquin nations. It

shouldn't be contribution agreements that are subject to many regulations. It should be, "Here is your share of resource revenues. This is your share. You decide how you want to govern yourself, and you decide how you want to spend this money to better your communities." That's the way it should take place.

Definitely the two policies are outdated. There are court rulings for the specific claims policy. That needs to be amended and modernized. The comprehensive claim, as far as I'm concerned, should be thrown in the garbage. It's useless. There has to be a recognition of our people, and we need to find our place. Yes, there will be a negotiation process, but we can find our place. We don't have to displace anyone. For the Algonquins to get their place is getting urgent. A lot of young people in some of our Algonquin communities are having a hard time. We have a large youth population. It's a time bomb. We need to deal with that and the sooner, the better.

Meegwetch.

The Chair: *Meegwetch.* Thank you for those powerful words. Throwing out the agreement is an interesting concept. During the question period, you'll have to tell us what to replace it with.

Chief Swappie, you have 10 minutes.

Chief Noah Swappie (Chief, Naskapi Nation of Kawawachikamach): Hello, everyone. I'm Chief Swappie. I'm here with Robert Prévost. He works with us on various files with the Naskapi Nation.

We weren't expecting 10 minutes today. We'll skim through the 14-page presentation we were going to give. I'll start with the introduction.

The Naskapi nations have in the past always depended on caribou. Prior to contact, they occupied and lived off a very vast territory spanning from the Lower North Shore area of the province of Quebec in the south, up to Ungava Bay in the north, and including a large portion of what is known today as new Quebec—Nunavik—and the Labrador Peninsula.

Following various unilateral decisions by the Hudson's Bay Company as well as Indian Affairs, which were made without consideration of the Naskapis' interests and concerns, the Naskapis were finally relocated in Kawawachikamach, according to anthropologist Alan Cooke.

Located 10 kilometres northeast of the town of Schefferville, near the Quebec-Labrador border, Kawawachikamach is the only Naskapi community in the province of Quebec, with a population in 2017 of approximately 904 community members out of a total of 1,300 registered members.

In 1978 the Naskapi Nation of Kawawachikamach entered into the Northeastern Quebec Agreement, known as NEQA, with the Province of Quebec and Canada. The NEQA is a modern treaty, protected by section 35 of the Constitution Act, 1982. As such, its provisions are legally binding for Quebec and Canada, and the rights granted therein to the Naskapis attract constitutional protection. The NEQA was signed in the same historical and political context as the James Bay and Northern Quebec Agreement, the JBNQA, and effectively puts the Naskapis on par with the Crees and the Inuit under the JBNQA, as Quebec's and Canada's treaty partners. The JBNQA and the NEQA perform on a vast tract of land corresponding to the area previously known as Rupert's Land—the territory.

The land regime of the territory falls under the auspices of both the NEQA and the JBNQA. Namely, the NEQA establishes the Naskapi area of primary interest. The NEQA also delineates a portion of the territory shared between the Naskapis and the Inuit, referred to as the “area of common interest”. Together the Naskapi area of primary interest and the area of common interest formed the Naskapi sector, which covers more than 100,000 square kilometres. The Naskapi sector represents approximately 10% of the area covered by Quebec's Plan Nord, and is straddled by the Labrador Trough, a mineral-rich belt where major mining development has taken place since the 1950s.

The NEQA and the JBNQA lay out some rights, structures, processes, and resources necessary, but not always sufficient, to the development of the nation. They allowed the creation of a strong local government in Kawawachikamach and ensured the provision of the services of policing, health care, social services, and education in the community. Since 1978 the community has grown significantly. Investments in infrastructure include a school, a CLSC, a police station, and numerous public facilities. Several business opportunities were also created by the nation, promoting economic development and Naskapi employment.

Since the signature of the NEQA, the Naskapi Nation has developed significantly, and the realities of the Naskapis, including their needs, have dramatically changed. Thirty-nine years after its establishment, a dialogue needs to be opened to revisit the NEQA in a manner so as to improve its enforceability and performance.

•(1115)

We have a non-exhaustive summary of the components of NEQA and the JBNQA that we believe should be improved.

I'll hand this over to Robert.

Mr. Robert Prévost (Advisor, Naskapi Nation of Kawawachikamach): I have a big document I will send you that explains some stuff. Because of the short period here, I will go over it more in summary.

Many will tell you that where the NEQA is providing services, it is going well, but a lot of commitments in the NEQA are not well implemented or we don't have enough funding to implement them. We will give you a summary of where it is going wrong.

In terms of health and social services, it's a good thing that we just got a new CLSC building in Kawawachikamach that will open in the next month. This is really positive; the community has been seeking that for years, and it's happening. However, according to the NEQA,

Quebec “shall” fund a full range of health and social services. But we've realized over the years that the funding is not enough to offer all those services. Compare Kawawachikamach with other Cree communities of the same size that are under the JBNQA. For example, a Cree community of the same size as Kawawachikamach could have funding of about \$4,000 per capita. For the Naskapis we're talking about more like \$2,500. There's a big drop when we compare the Cree with the Naskapis. We have much lower funding than they do for implementing the same kinds of commitments that are in the JBNQA and NEQA.

It's the same thing for non-insured health benefits. According to the NEQA, non-insured health benefits should be covered through the NEQA through Quebec. Again, the Cree get full reimbursement, 100% of those costs. The Naskapi need to take it from our own CLSC budget, so we are limited and we don't have enough funding to cover all those costs. We lack funding in health.

In terms of education, I can say education is going well. We have a good school, JSMS, the Jimmy Sandy Memorial School in Kawawachikamach, offering primary and secondary levels. We just opened an adult education program last year. Even though it was in the NEQA—we were supposed to have funding for that—we have had 12 years of negotiations with Quebec and Canada. We have that education service offer now.

We have about 100 Naskapis studying outside the community in post-secondary and vocational training right now, which is really positive. However, one of the challenges is that when Naskapis go outside the community, sometimes the programs are not adapted to them; sometimes there is culture shock. The nation and the school want to have a vocational training centre in the community to offer that kind of service in the community, as with the Cree and the Inuit. Even though it already exists in the Cree and the Inuit territories, it still doesn't exist still in the Naskapi. We're still in negotiations with Quebec and Canada to implement that service.

Regarding hunting, fishing, and trapping, the hunter support program is a program that the Cree, the Inuit, and the Naskapi have, although they're a little bit different. It provides funding to the Naskapi to keep their traditional activity of hunting and fishing on the ground. The issue on that in the NEQA is that when it was signed, they said they would give \$60,000 per year and that it would be increased by inflation, but they never thought about the increase in population. The population has tripled since 1978, so we have three times more people for the same pot. We don't have enough funding to keep that program going.

When the Inuit and the Cree signed the JBNQA, it took into consideration the increase in population and the increase in participation. So over the years, the difference in funding between the Naskapi and the Cree and the Inuit has become very high. Right now, 40 years later, we are in big trouble.

We also have an issue around environmental consultation of the nation. Under the JBNQA they created different instances that oversee environmental assessment on the territory. One of them is the Kativik Environmental Quality Commission. On that commission we have some people nominated by Quebec and some nominated by KRG, the Kativik Regional Government, where the Naskapi have one of 17 seats. The Naskapi have been requesting to have a part in the Kativik Environmental Quality Commission for quite a while; we don't have a seat there, so the Naskapi are not implicated in those assessments.

Maybe you can jump to the conclusion, Noah.

•(1120)

Chief Noah Swappie: Yes. With our limited time, I'll jump right to the conclusion.

In almost 40 years of hindsight, the disparity has further deepened in terms of the funding allocated to implement the NEQA and JBNQA—on the one hand to the Naskapis, and on the other hand to the Inuit and the Crees.

As detailed in this document, funding per Naskapi beneficiary is lower than per Cree beneficiary in regard to health and social services. The same situation applies to the program to assist hunting, fishing, and trapping when comparing the Naskapi program with the Inuit and the Cree programs. In terms of education, the Inuit and the Crees have set up vocational training centres in their communities, while the Naskapis still strive for one for the education of their youth and adult members. Funding for policing is another problem area for the reasons cited herein. Numerous other instances of funding disparity between the Naskapis and the Crees and Inuit could be added to this list, yet....

Am I done? Okay.

You have the document. You can read it over.

The Chair: Please submit all the documents. They'll be part of the record, and we'll have an opportunity to read your full brief.

I didn't mean to cut you off that abruptly. You can complete your statement, if you wish, if it's just a few seconds. Otherwise, we will go on to the questioning, and you can include it in that portion.

Chief Noah Swappie: Okay. Thank you.

I just sincerely hope that this is not put aside. These are very important files, I think, that have been dragging out for many, many years.

The Chair: We've been across the country, to Vancouver and Winnipeg. We met with the Mohawks of Belleville. We were in Quebec, and just yesterday we came back from Yellowknife. That is just to say that the situation is difficult across the country. Some people have done better, but your expressions hit home with us, I think, in a very eloquent way. When we give the opportunity for our members to begin questioning, you can elaborate on areas.

We'll start with MP Zahid.

•(1125)

Mrs. Salma Zahid (Scarborough Centre, Lib.): Thank you, Chair.

Thank you to both chiefs for coming out today.

My first question is on community engagement, and I'd appreciate it if both chiefs could provide their input. We have heard about these cases, whether for specific or comprehensive claims, which are obviously extremely important to your communities. How are you assisting with community engagement and education on the claims process, and do you have any best practices you would like to share with the committee here today?

Chief Jean-Guy Whiteduck: In our case, we've dealt with a number of specific claims. Our community is well informed. We have to understand that when we accept a claim, we have to go to a referendum. There's a whole slew of information that goes out to the membership, and people are well informed. The dollars are secured in a trust, whenever possible, to ensure that they're there for the future also.

But we have not settled the broader question of our territorial claim. Specific claims are limited. They don't bring in a lot of revenues, except for a few that are now in the negotiation process, and those could help the community to some extent to improve its services. We have the same problems other communities do. When it comes to programs and services, whether for policing or health services, there's never enough money to go around. Obviously, if we are able to get some claim dollars, we will be able to improve the services for all of our membership.

Chief Noah Swappie: I'm going to have Robert answer this question, because he's more involved in education.

Mr. Robert Prévost: The NEQA created the Naskapi school, which is funded 75% by Canada and 25% by Quebec. Every three years we have a negotiation with Quebec and Canada to determine our three-year funding budget. I would say that it is going well at the elementary and secondary levels. As I said, we have a lot of Naskapis outside, 100 doing post-secondary and vocational training. Right now our challenge is to have a facility in Kawawachikamach to do vocational training and post-secondary training here in Kawa.

Mrs. Salma Zahid: Thank you.

My next question is on comprehensive claims. When you are engaging in the comprehensive claims process, a number of support mechanisms are in place to assist. Do you think that new support systems need to be put in place or that adjustments to the current ones need to be made to better support our indigenous communities who are undertaking the comprehensive claims process?

Chief Jean-Guy Whiteduck: As I mentioned earlier on, we don't support the policy as it stands. Any policy that extinguishes our rights is not acceptable. That's why we say the policy must be changed and amended to be more in line such that we have our rightful place and we're allowed to govern our own affairs—but no extinguishment. Clearly, the rules of engagement have to be well established and the benefits flow, but we have to have our place, like the governments have and like the province has.

That's why I say the policy, as it stands, is not acceptable to our nation, clearly because of the extinguishment requirement to have a treaty. We don't think we should have to extinguish anything to have a workable arrangement.

Mrs. Salma Zahid: Would you like to provide some recommendations that could be put in place?

Chief Jean-Guy Whiteduck: The recommendation is basically to redo the comprehensive claim, remove the extinguishment requirements, and move more toward a process whereby our governments are recognized and we can benefit from the resources on our traditional territories. Those resources belong to our people too. We were there first, and we feel that's a process that really helps us rebuild our governments and our communities, deliver all the essential services, and ensure employment for all our people. As I said, it is sad; many, many of our people live on social assistance, and that shouldn't be the case.

•(1130)

Mrs. Salma Zahid: Thank you.

Perhaps you would like to add to this, Chief Swappie. When engaging in the comprehensive claims process, a number of support mechanisms are in place to assist. Do you think new support systems or adjustments need to be done at present, or do you have any recommendations to support our indigenous communities?

Chief Noah Swappie: We do have in place the Northeastern Quebec Agreement, a modern treaty, and it doesn't really apply to us.

One thing I wanted to mention was that we don't really have control over our territory, because we fall under the Kativik Regional Government. We've been having issues with the Kativik Regional Government that we've brought forth. We are still in discussions regarding a few issues with land, with the KEAC, which is the Kativik Environmental Advisory Committee, and the KEQC. Both tables have the KRG reps, but nobody from the Naskapi Nation. This doesn't sit well with the Naskapis.

Mrs. Salma Zahid: Thank you.

The Chair: We'll move to the next round of questioning. That's with MP Waugh.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Thank you.

Thank you for being here. A year ago, an agreement in principle was signed by the governments of Canada and Ontario, as you know, along with the Algonquins of Ontario for this land that we're on right now—the House of Commons, Lebreton Flats, the Supreme Court.

Two months later, your group, Chief Whiteduck, came forward with a title claim. There are lots of complexities when we talk about overlapping situations like we have here today. You've been very strong in your statement about starting all over, but maybe you could just talk about the complexities, when you're dealing with several groups here, on a land claim that includes the House of Commons, the Supreme Court, and Lebreton Flats—which would be yours, you claim.

Chief Jean-Guy Whiteduck: I really believe the government was remiss in dealing with one community. Some years ago, our community tried to launch a process under the comprehensive land claims process, because it was the only game in town since before the Tsilhqot'in decision where title was recognized. We tried to get the communities together, and we had six or seven communities. What we got back from Indian Affairs was, no, we're not moving with you unless all the communities are on board. But then they turned around and negotiated with one community initially, with

Pikwakanagan. They negotiated with them, and other communities sprang out of nowhere, self-declared Algonquins that the government recognized somehow; they don't even fit in within the Indian Act as status Indians.

The government should have said to the nation then what they told us: you guys get your act together and we're willing to negotiate with the nation as a whole. Right now that's not the case. The government chose to deal with one community only, while with us they kept refusing it.

We don't understand the game here. We still have issues with a community just north of us, where the Government of Canada went into a trilateral discussion over resource management and all the other communities were left out. The divide and conquer principle is taking place here.

It's an Algonquin territory, it belongs to the nation, and the benefit should flow to the whole nation. The government should have taken this position: We're willing to sit down with you, the nation. If we do meet with one community and agree to enter into an administrative agreement, that's okay. It's without prejudice to the rights of other people.

Right now, we don't agree that Ontario could negotiate our rights away. They could negotiate their own; our rights will remain on the territory in question. But really, the Government of Canada was remiss in allowing that when they refused us in Quebec.

Mr. Kevin Waugh: Two months later, you filed a claim. Where's it at? Two months later, from October when it was filed by Canada, along with Ontario and the Algonquins, to December last year, when you filed your claim: have you been heard at all since that time?

•(1135)

Chief Jean-Guy Whiteduck: Well, clearly we had to do something. We don't agree with the process, and we let them know.

The Department of Indian Affairs has agreed recently to engage in discussions through a memorandum of understanding. We're laying out the principles and the subject matters to be discussed. We've agreed possibly in the interim to put our case in abeyance while the discussion goes on.

Mr. Kevin Waugh: It could take a while. You originally were left out of the so-called agreement back in October of 2016.

Chief Jean-Guy Whiteduck: What do you mean we were "left out"?

Mr. Kevin Waugh: Well, it was signed on October 18 of 2016 and then you found out you weren't involved in it.

Do you reach out to other first nation groups when we're trying to do these complex and overlapping...when we're dealing with not only the federal government but provincial governments?

Chief Jean-Guy Whiteduck: I don't think we were left out. I think we have rights and we can launch.... If the Government of Canada doesn't want to take its position to make sure our people are treated fairly, we have no choice but to go to the other courts. We're saying, look, we have no other choice; other communities have done it. We will go to the other courts for all our territory when it comes to the title issue, but we would much prefer to negotiate and have an acceptable process. That's our preferred route any time.

When that doesn't take place and the conditions are so harsh against us, what choice do first nations have? They go to court.

Mr. Kevin Waugh: I think you have 54 specific claims. I was just looking at that here. That's a big number.

Chief Jean-Guy Whiteduck: Yes, but there are a lot of small claims. A lot of these claims are money claims. They're fairly simple.

With a specific claims process, the problem is the formula: the 80-20. The 80% simple and 20% compound is problematic for us. There have been two or three decisions recently. That has to be modified. Maybe it doesn't have to be 100%, but it has to be something fairer, in my view.

Mr. Kevin Waugh: Well said.

We'll move now to you, Chief Swappie. Thanks to you and Mr. Prévost for being here.

With "40 years of hindsight" in funding, are you proposing, then, that all agreements should be treated the same? We've heard your story: you feel the Naskapi are not getting treated the same as Cree or Inuit programs are. Where are we coming from on this?

You obviously signed earlier, and you didn't get the cost of living brought into your agreements. I can see that, and now you're paying for it. Are we looking at "one agreement fits all", or...?

We have done some tours. I'm probably the sharpest one here today, because the rest got in late from Yellowknife; I didn't accompany them. What we've heard as we've gone on is "we want specific claims for us", but now on the funding situation I'm hearing, "Well, they got this and they got that, and we were left out and we want what they got."

Can you clarify that a little? You've spent a lot of time talking about what you don't have and what they have, and you want what they have. I'm wondering, then, is it one cookie cutter for all? I didn't hear that when I went on the trip about a month ago. People want their own funding agreements.

You've fallen behind and now you want to catch up, and you've looked at other jurisdictions to catch up.

The Chair: A short answer, please. You have about 20 seconds.

Chief Noah Swappie: I believe it's safe to say that part of it is our fault. Leadership hasn't been very progressive in following up with the agreements, so this is what's happening right now: we're just following up and playing catch-up.

Mr. Kevin Waugh: Yes.

Chief Noah Swappie: We'd like to have the agreements revisited because we think a lot of things were left out, like the day care facility. There is nothing in the agreement that they had for day care facilities.

Mr. Kevin Waugh: I think that's a fair statement.

We'll move on, because I'm out of time. Thank you.

The Chair: Thank you.

The questioning now moves to MP Saganash.

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Thank you, Madam Chair.

I welcome our guests this morning.

Chief Whiteduck, I want to start with you. There was a lot in what you said to us this morning. You're not happy with the current structure of land claims; everything is decided by the public servants, and the name of the game belongs to public servants. As well, there is total disagreement with extinguishment and certainty. These are all my notes from what you've said. Also, you should be party to economic development over your traditional territory. As well, you've said that this comprehensive land claims policy should be thrown into the garbage.

These are all things you said, but yet at the end you said that the policy must be changed. Are you suggesting that we should continue with the policy?

• (1140)

Chief Jean-Guy Whiteduck: No, I'm not. I don't think the policy in its present form works for us, at least not for our nation. I think you have to redo the policy completely. We want our rightful place. We have a governing body; you have the province and you have the federal government. We need to have our place.

I hear the committee is negotiating having a cookie-cutter system, where everybody gets the same thing. I really don't think it should be a question of programs and services. There are revenues that flow from resources. Those revenues should flow to us.

We have dams in our territories. We have forestry operations, mining operations. We get nothing from that. It belongs to us also. We should be part of economic development. We should benefit from that today, tomorrow, and in the future. It shouldn't be one deal, one time, here's your cheque and get lost.

Mr. Romeo Saganash: Are you suggesting that your grievances should be guided by federal government policy? That's my question.

Chief Jean-Guy Whiteduck: Well, if there is a policy, it should be in consultation with the first nations, I think, the Algonquins. We think there is a better route. We think there is a possibility to work out an agreement with all parties where we have our place. We think that is possible.

Mr. Romeo Saganash: Again, I think that's perfectly in keeping with article 27 of the UN declaration, where there is a question of establishing a process "in conjunction with indigenous peoples...a fair, independent, impartial, open and transparent process". Is that what you're suggesting to this committee?

Chief Jean-Guy Whiteduck: For sure. That's the basis.

Mr. Romeo Saganash: Thank you.

I'll now turn to you, Chief Swappie and Mr. Prévost.

[Member speaks in Cree]

I was going to ask about some of the challenges with the Northeastern Quebec Agreement. You suggested in your testimony that your NEQA should be revisited—that was the term you used—and that the enforceability should be seriously looked at. Would the present policies that we have in place be helpful in achieving what you're talking about?

Chief Noah Swappie: I'm not too familiar with the present policies, but I think Quebec has an obligation with these agreements. I think Quebec has to step up. This is why we are here now, because Canada has its role to make sure that these policies are implemented by the Quebec government.

Robert can maybe add to that.

Mr. Robert Prévost: One thing is that with all those public services provided through the NEQA, for each of our services, we are in contact with a different department—education department, health department, you name it. The Naskapis Nation is a small nation. Its population is around 1,300. We don't have the capacity that we're talking about with the Inuit or the Cree or other big groups. When we go to those departments, we need to negotiate with them and demonstrate that the funding is not enough. You have a negotiation dynamic. It takes a lot of time and creates a lot of frustration, on the Naskapis side, to get the budget that is committed to NEQA. We're not saying that we want the same thing as they get, but we want to show, look, as a benchmark, those communities get the funding they need to implement it.

The JBNQA and the NEQA are similar. Why don't we get the same funding when we request it and show that we need it? Why? The only reason is that maybe we are too small and do not have enough political leverage to push the different departments to provide funding. It should not be like that. In terms of the NEQA, it has commitments that should be implemented for each community that has signed these modern treaties.

•(1145)

Mr. Romeo Saganash: I was going to ask about that. Is that the only reason to explain the disparity between the Cree and the Naskapi, and the Inuit and the Naskapi? You threw out a couple of figures, and the difference is pretty major. Is that the only reason, according to you, to explain the disparity and discrepancy between your people and the other two groups that have signed a similar agreement?

Mr. Robert Prévost: It's one of the big reasons we can think of. But we're not in the heads of the different deputy ministers and people in the departments who are making those decisions. Maybe over time we have not been aggressive enough.

Mr. Romeo Saganash: Is there a difference in the wording of the two agreements? Are provisions in the James Bay and Northern Quebec Agreement different from those in the Northeastern Quebec Agreement?

Chief Noah Swappie: I think the wording is pretty much the same, or perhaps similar, but there are some things that were overlooked in our agreement in comparison with the JBNQA, such as the hunter support program. As the population increases, the funding increases, but with the Naskapis, there's nothing in the

agreement that specifies that. It's only the regular indexation that happens.

We've opened a strong dialogue with the Crees and Inuit, because we want similar treatment—if not the same, at least on par with what they have today.

The Chair: Thank you.

Questioning now moves to MP Amos.

Mr. William Amos (Pontiac, Lib.): *Meegwetch* to all three of our presenters. It's very appreciated. The knowledge and the experience you're bringing to this table is significant.

Chief Swappie, you can be assured that the members here will be reading your written submission, so some of the detail that you might not have had time to present orally will most certainly be considered.

I'd like to direct the majority of my questions to Chief Whiteduck, on whose territory my riding sits. I've had the privilege of interacting with Chief Whiteduck on many occasions, as recently as this past Saturday.

I do appreciate that this is the first time we've had an opportunity to interact in a parliamentary setting. I know that it will be recorded for posterity's sake, so I want to be judicious in what I ask you.

Chief Whiteduck, you have been a leader in your community since the 1970s, which distinguishes you in this crowd. Indeed, among all parliamentary leaders, there are very few who have your experience in leading a nation. Can you tell me a bit about how you have seen the federal government's policy towards comprehensive claims evolve over that time, specifically as regards the Algonquin experience? Where has it come from? We've heard where you see it is now. We understand your position with regard to extinguishment and so on.

Where has it come from, in your estimation, and where would you like to see it specifically go?

Chief Jean-Guy Whiteduck: We've seen some changes as time has gone along—cosmetic changes, as far as I'm concerned. The key areas of concern to us, the extinguishment and certainty, are difficult for us to accept and digest. As I mentioned a while ago, we would much prefer that it be set aside and a whole new arrangement taken to address some of the issues touching our nation. It's the whole issue of resource management and having our say in that and ensuring a return to our first nation communities, not only our community but all the Algonquin communities. The existing system and policy do not fit well into what we're seeking in trying to find our rightful place.

I hear now the Naskapi chief bringing the issues up and the limited elements.... If you don't negotiate carefully, you end up having to pay the price, saying, well, that's the deal made. We're saying that we want our rightful place. We want to be co-managers in the resources. We want to make sure of a continual return from our land use, without pushing anybody out of their territory. That's what we're looking for.

The policy doesn't even go near that. We know there are court rulings. There is the Tsilhqot'in decision where title was recognized. We'll see where that evolves too, but we definitely want that rightful place and we really don't believe the policy, with cosmetic changes, will meet what we want.

•(1150)

Mr. William Amos: When you consider the 80-20 rule, and you indicate that perhaps not 100% compound interest is necessary to get to "yes" on a better approach, obviously the difference between 20% compounded interest over a series of years on a specific amount offered by the government is going to have a massive impact when a greater percentage of interest is added, compounded over many years in the case of the Algonquin. What do you think is a more fair approach, and how does one do that without bankrupting the country? I say that because I think we have to get to "yes" on these issues. This is important for us to do.

Chief Jean-Guy Whiteduck: But your own courts, your own judges whom you appointed to the Specific Claims Tribunal, have recently said, look, your formula doesn't work; we don't agree; it should be compound. You had a judicial review and you withdrew from the process, and you've accepted that particular case. Clearly, 100% compound may be problematic, but that would be the rightful thing to do.

I understand that there might be a huge cost, no doubt, for some claims. In our case, the claim we're talking about—the 20 or so claims involved in that global approach—would probably mean \$400 million if we used full compound interest. We're saying at least develop a formula that's more fair. We were suggesting....

Now they're reviewing our band funds to say, okay, if you had that money, what would you have spent? We're proving to them, from 1873 when these claims took place, that we've spent on average about 30%. That means there was 70% retained. The formula, then, should be 70-30. It really means that the offer on the table would triple at least. That may be problematic, but that's where it stands.

We are doing a study right now with an auditing firm, jointly arranged between us and Indian Affairs, to look at our band funds. The review is completed, and it looks like 70-30. A 70% compound is a hell of a lot more than 20%, that's for sure. But what is fair? Well, it's part of negotiation, I guess. It could be something less, or it could be something close to it, but I don't think it should be any less than 50-50 at minimum. We're still saying that right now if the process is 70-30, well, we're going with 70-30.

Mr. William Amos: How can the federal government work with all components of the Algonquin nation, moving forward, to get to a final agreement in which there is a recognition of rights and in which extinguishment is set aside?

Chief Jean-Guy Whiteduck: Right now, we've been approached by senior bureaucrats saying, okay, we're willing to enter into an

memorandum of understanding with you to look at all these issues without extinguishment. Well, that's cracking the door open a little bit, hopefully, and we're hoping to explore that possibility over the next 12 months. If that process works for us, then the other Algonquin communities, if they wish, can get on board. Hopefully, this can evolve into something that's more respectful and balanced so that our people who are here today and future generations will be able to benefit from the same things we benefit from.

Mr. William Amos: Thank you. *Meegwetch.*

The Chair: The questioning now moves to MP Viersen.

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

Thank you to our guests for being here today.

A number of our prior guests in this study have talked a little bit about timelines. As I think the fellow from the tribunal said, there's nothing that motivates people more than a court date, essentially. Can I get your take on timelines? If you can, give us a sense of how long some of these things have taken, from your experience, and whether or not you think a hard date on some of these things would be helpful.

We can start with you, Chief Whiteduck.

•(1155)

Chief Jean-Guy Whiteduck: Clearly in the specific claims process we could accelerate. If we clarified the game plan, especially the calculation of the value of a claim, given the loss of revenue and whatnot, surely these things could be done within a three-year period. I don't think they should drag on for 10 or 15 years. When you have a lot of small claims, they could be resolved very quickly—in my view, within a year's time from the time they're accepted to negotiate. One year later you should be there. In most claims you could go quite quickly, I think.

The territorial claim, for the territory occupied by the Algonquins, will take more time, in my view—five to ten years, I think. You can't negotiate and set down all the rules and regulations that will govern the process in one year, that's for sure. At minimum, I think, as I mentioned, in five years, or 10 years maximum, you should be able to do it.

Mr. Arnold Viersen: Chief Swappie, how has your experience been with how long timelines are, and what would you say about hard timelines saying that a settlement should be reached by a particular date?

Chief Noah Swappie: Could you repeat the question?

Mr. Arnold Viersen: We had the director of the tribunal here, and he said that nothing motivates people to come to an agreement more than a court date. He basically said that if you're negotiating anything, there should be a definite date negotiated at the beginning to say we'll have this agreement concluded by such and such a date. It forces both parties to get the work done on time.

Would you agree with that statement, or would you say that we don't necessarily want a hard date because we want to get the right deal? Those are the two ditches to fall in: you want the right deal, but it might take a very long time, so in order to force a deal to come to pass, you put a hard date on it. Could you give us your thoughts on that scenario?

Chief Noah Swappie: To me, we shouldn't have to come up with hard dates or court dates if it were implemented properly. We have a classic example of how long we've been waiting. Our agreement was signed in 1978, and it took at least 40 years for one file to be realized.

A partnership agreement with Quebec was signed in 2009 to get this process advancing, and last month, was it...?

Mr. Robert Prévost: Yes, it's starting to be implemented.

In the NEQA it said that Naskapis shall be trained and hired as wildlife protection officers. This was 1978. It was implemented with the Crees and the Inuit, and we've been requesting that for years and years. In 2005-06 we started to request it more. In the partnership Quebec agreement it stated that it would be implemented, and we just got funding this year. A Naskapi wildlife protection officer assistant will be hired on April 1, 2018.

It took 40 years for Quebec to implement one commitment in the NQA, when it was already implemented with the Inuit and the Cree. For 40 years or something, it was in black and white.

The Chair: We have one minute left.

Vance, do you want to take it?

Mr. Vance Badaway (Niagara Centre, Lib.): That's a nice welcome to the committee.

Voices: Oh, oh!

Mr. Vance Badaway: Thank you, Madam Chair.

I will take the time to ask one question, and I'll give you time to actually answer it.

I recognize that within your communities you do establish strategic plans and visions that are, in fact, solidified and put in place by the entire community, not just one or two individuals. With that, it includes identifying objectives, attaching action plans to those objectives, and with that, of course, trying to execute those plans with respect to the resources you have available to you.

With respect to moving forward in an economic, social, and environmental resurgence, how do you find your future within this dialogue maturing, and what can this actually add to ultimately becoming more of an enabler so that you folks can satisfy the recommendations contained within your strategic plans?

• (1200)

Chief Jean-Guy Whiteduck: We've been hearing a lot of fine speeches and comments made by the Prime Minister and this government, but we need to see some action. We think if there's a will, there's a way, but sometimes the political will is not there. Really, we have a strategic plan for the bulk of our community. When we're looking at the development of the nation, each community that makes up our nation are at different levels of development, and there's a slow process sometimes to bring it up to speed on some of the key issues.

Clearly, things should change. If the political will is there, hopefully in the next 10 years, we could make a lot of improvements.

The Chair: That is the goal.

That ends this portion of our work today. I want to thank you for taking the time, travelling to the standing committee, and sharing your thoughts and briefs. *Meegwetch.*

We'll suspend so that the next panel can convene.

• (1200)

_____ (Pause) _____

• (1205)

The Chair: I'd like to call the meeting back to order. Thank you, everyone, for quickly reorganizing.

We are dealing with a very complex issue—compensation for historic wrongs, for addressing things that were shorted, that we look to in a process of reconciliation—so we want to hear from you. We will be able to create a report, as members of Parliament, that will go to the House. The minister and the department will be responding, so it will be on the public record. This will help to raise these issues and move these files forward. At least it's the goal of this committee to be part of that solution.

We welcome both groups to our committee. As you know, the process is 10 minutes to present. I'll give you a heads-up. You'll notice that I'll give you the number of minutes left as we get very close. I'll give you a signal to wrap up. After that, we'll go through a period of questions and answers from the MPs.

We will begin with the president of ITK.

Mr. President, welcome. It's nice to see you again.

Mr. Natan Obed (President, Inuit Tapiriit Kanatami): *Qujannamiik.*

Thank you so much, members of the committee and my colleagues from the Government of Nunavut. We welcome the opportunity to make remarks here today.

I want to start by saying that land claims affect each and every Inuit across Inuit Nunangat, across our country. We grew up with these ideas of our organizations negotiating with the federal government and with provinces and territories about our rights and about our future. We grew up in a really unsettled time, and so my generation thinks of land claims in a very specific and personal way that immediately brings to mind the fact that our organizations weren't funded at all and we were basically borrowing money to negotiate land claims for, in many cases, 20 years, 25 years, or 30 years.

If we move forward to today, we have Inuit Nunangat settled land claims across our four regions. Nunatsiavut is a self-government in Newfoundland and Labrador. It's the third order of government. Then there is Nunavik in northern Quebec; Nunavut, of course, and the territories created out of the land claim agreement; and the Inuvialuit Regional Corporation in the Northwest Territories. Together they make up the sum total of Inuit Nunangat, our Inuit homeland. It's about 33% of Canada's land mass and over 50% of its coastline. It is a massive space co-managed by Inuit with governments, and it is a homogeneous policy space.

In thinking about not only the effect of land claims on Canada and on Canada's map, we also want to start thinking about land claims as changing the policy map, the way in which you think about how funding flows from the federal government to Canadians and, in this sense, to Inuit within Canada. We've been working very hard in the last couple of years to reimagine not only the way in which funding for essential services like housing or health care flows from the government to our Inuit jurisdictions but also the way in which Canadians think about the relationship between Inuit and the crown.

We still have tremendous challenges in implementing our land claim agreements. We still struggle with going from the provisions within our agreements into the reality that was imagined within them. Just like any piece of legislation that is passed, our land claim agreements have constitutional status in that they have a force of law, if you will, but there is also the 95% or 98% of the work that has to happen once the Canadian government has signed onto new legislation or a new land claim agreement to breathe life into it.

We have had challenges trying to work with the federal government and with the provinces and territories to just imagine what, let's say, co-management means with regard to decision-making in relation to wildlife or lands or waters; what procurement policies mean in the face of land claim agreements; the way in which economic development opportunities happen; the way in which education happens in the face of jurisdictional control; and the spirit and intent of the agreements, especially in relation to how to build Inuit workforces to take advantage of not only natural resource extraction but also opportunities within government.

We're still a long way away from creating the implementation scenario that we all imagined when we went on this nation-building exercise of settling comprehensive land claim agreements with Inuit. We still live in some of the worst socio-economic conditions in this country. We still have a life expectancy that is 10 years less than that for all other Canadians. There is a \$60,000 median income gap between Inuit and non-Inuit who live in Inuit Nunangat, and we have very low levels of secondary and post-secondary attainment.

I'm not here to talk about the deficits of our population, but we have to recognize that there are those so as to galvanize our approach to create social equity in this country. Outside of the land claim implementation structures, there are these pieces of social equity that were never able to be negotiated within land claim agreements but that need to sit alongside of them in order for land claim agreements to be fully implemented. It's the idea of infrastructure and the fact that we still don't have broadband in Inuit Nunangat; we have insufficient ports, runways; we have insufficient subsidies for airline travel or other ways in which goods and services flow between southern Canada and Inuit Nunangat. Those are still essential pieces of the puzzle to ensure that land claim agreements and the honour of the crown are implemented within this country.

• (1210)

Our agreements are more than just a number of obligations. The idea that we have one provision, that you have to uphold the letter of the law to one provision or another, and that you spread them out across the federal government or across departments within provinces or territories, isn't really the way in which we as Inuit have imagined land claim agreements. This new relationship and this path towards shared success, the certainty that Canada gains from settling comprehensive land claim agreements with Inuit, especially in relation to sovereignty and economic development, is something that is very powerful. It attracts opportunity and investment in Inuit Nunangat. It creates the certainty that Canada has around sovereignty in the Arctic and the discussions that will happen in the next generation around the Northwest Passage and about shipping.

All of these can be seen through the lens of the relationship that Inuit have with the federal government, so more should be done to implement our agreements. More should be done to recognize the existing obligations and the relationship we already have with one another. The fact that there have been court cases or major concerns with the honour of the crown and the intent to implement our agreements not only frustrates us as Inuit but also, I think, at the Canadian level isn't what Canadians expect.

In this time of reconciliation, on this path forward that we want to share together, we all have to imagine that we have obligations that pre-exist this new space, which is only a few years old. We imagine that we want to honour the relationships we already have and the modern treaties that have the force of law. In this space we also are working with the government of today, and the Inuit-crown partnership declaration that was signed in Iqaluit by the Prime Minister and me in February has a number of joint party areas attached to it. The first is the implementation of land claim agreements. It is a priority, not only for Inuit but also for the crown, to implement modern treaties and land claim agreements and to create a renewed sense of partnership with the indigenous peoples—in this case, with Inuit. We do hope that in the coming budgets we will see a path towards that new relationship and the implementation of our land claim agreements.

For example, a robust portion of the upcoming Arctic policy should speak to land claim implementation or infrastructure development in this renewed relationship. It should address housing and overcoming our 40% overcrowding rate, because housing could not only help stabilize our economy but also improve the health of our people. It should show that Canada is a place of equity where, no matter where you live, there are basic levels of foundational services that you are entitled to as a Canadian. Throughout all of this, we remain proud Canadians. We remain patriotic, but also understanding that we have rights as indigenous peoples, whether through the United Nations, the Constitution, or our land claim agreements.

We want to create this shared country and shared space with you and with the federal government, provinces, and territories, but we want to do it as part of an evolving Inuit democracy. There is a space in Confederation for Inuit, and land claim agreements are part of the framework of that relationship. I do hope that we can find a way to make Canada recognize this relationship in the space that we already have.

•(1215)

Nakurmiik.

The Chair: Thank you.

We are now moving to our second guest on this panel, the Government of Nunavut, with William MacKay and Susan Woodley.

I'll hand it over to you. You have up to 10 minutes, and then we'll have questions.

•(1220)

Mr. William MacKay (Deputy Minister, Department of Justice, Government of Nunavut): Thank you, Madam Chair.

Thank you, President Obed, for your remarks.

To begin my presentation, I would like to acknowledge that we are on unceded Algonquin lands.

I'd like to thank you for inviting the Government of Nunavut to speak to the standing committee today. As you mentioned, my name is Bill MacKay. I'm the deputy minister of justice for the Government of Nunavut. Susan Woodley is also with me. She's an aboriginal affairs adviser with the Department of Executive and Intergovernmental Affairs.

Both Ms. Woodley and I have been closely involved for several years in the negotiation and implantation of land claims in Nunavut. As this committee is aware, and as President Obed also mentioned, modern comprehensive land claim agreements are a well-established part of governance in Canada's north. The first modern land claim, as the committee knows, was concluded in northern Quebec, and then six years later the Inuvialuit agreement was concluded in the Northwest Territories. Since then there have been 11 land claim agreements concluded in the Yukon, five in the Northwest Territories, and three in Nunavut. There have also been several self-government agreements concluded in Yukon and Northwest Territories.

Nunavut is governed by a territorial government that, although closely modelled on the public territorial governments in the Yukon and Northwest Territories, is linked closely to a modern land claim

agreement and, indeed, arose out of the Nunavut land claim agreement. As President Obed mentioned, this NLCA established the Nunavut settlement area, which is a massive area. It covers most of the territory of Nunavut. Like other comprehensive claims, it gives Inuit fee simple title to large portions of crown land. It also establishes a regulatory regime over development in the Nunavut settlement area and guarantees Inuit harvesting rights in the NSA.

The NLCA also requires governments, both federal and territorial, to ensure Inuit participation in social and cultural policies and to assist Inuit in obtaining government employment and in bidding for government contracts. The specific obligations falling to the Government of Nunavut under the NLCA, as well as the Nunavik Inuit Land Claims Agreement and the Eeyou Marine Region Land Claim Agreement, are outlined more specifically in a written brief that we've submitted to the committee.

Land claim agreements in the north are implemented by both the federal and territorial governments. The implementation is governed by implementation agreements that are not constitutionally protected. They detail outlines of implementation activities over specific time periods, and they're tripartite agreements, being the territorial government, the federal government, and the indigenous party.

The key point that we would like to raise here is that, at least initially, land claims in the north did not include the territorial government as a separate party to the agreements. The rationale for this was that the federal government was constitutionally responsible for treaty-making with indigenous people. Nevertheless, today most land claims in the north are three-party agreements. Some are also self-government agreements and therefore require full territorial participation. Others, such as land claim agreements in the Yukon, are three-party agreements simply because the territorial government is recognized as an equal partner in the land claim process, and the legitimacy of the agreement is dependent upon full recognition of the territorial government as a party to the agreement.

We would submit today, Madam Chair, that this is consistent with the evolving role of territorial governments as equal governing partners with the federal government in the territorial north.

In sum, territorial governments are democratically elected, legitimate governments. Although established through federal legislation, they are separate actors from the federal government. They participate fully in the federation on an equal basis to provincial governments. Northern residents elect these governments to represent their interests and pass legislation in areas of legislative competence that are more or less co-extensive with the jurisdiction conferred on provincial legislatures under the Constitution Act. Because of this reality, the territorial governments are responsible for implementing large portions of land claim agreements in the north. It is this reality that makes it proper and just that the territorial governments be equal partners and parties to land claim agreements.

This issue is the central focus of the written brief that we submitted, and we gave specific commentary on the territorial role in future land claim agreements in Nunavut involving groups with asserted rights within Nunavut's boundaries. Some of these groups have appeared before this committee. We would be happy to discuss further the matters raised by these groups as well as any matters outlined in our written brief.

I would also note as an aside that there is a territorial election period on now, and a new government may not have the same views as I'm espousing here, but I would say the position that territorial governments have equal standing to other governments in the federation is one that is long-standing and shared by all three territorial governments.

•(1225)

Madam Chair, I'd like to thank you again for the opportunity to address this committee. We would welcome any questions from the committee.

Thank you.

The Chair: Very nice. Thank you for that.

Please remember to submit your briefs, which will be part of the official record, and we'll have an opportunity to review them.

We will open our question period. There are two rounds. The first round is seven minutes each and then we'll move into a five-minute round.

We will start with MP Bossio.

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): Thank you, Chair.

Thank you to the witnesses for being here today.

President Obed, it's always a pleasure to have you here and to hear your testimony. The position of your people is always exceptionally well communicated, and I deeply respect that.

We've heard so much testimony across the country, but this is actually much more unique testimony in that you're one of the early groups to actually form self-government in Canada. I know that with regard to the Cree situation in northern Quebec, when I talked to MP Saganash about this, he said that it was 20 years of further negotiations after the original land claim was established.

You've now had a generation of this land claim. Has your experience been similar? Is it a constantly evolving agreement, or is

that some of the difficulty with it, that it's not evolving as it really needs to be, as a living document rather than a static one?

Mr. Natan Obed: In very, very general terms, the challenge is that when provisions in the land claim agreement are put to a test and they perhaps are put into action, it seems as though there are more restrictive interpretations on the federal government side and more expansive interpretations on the indigenous proponents' side. I would imagine that is simply the way in which we have thought about land claim implementation, which still is adversarial in many ways and one of a business negotiation rather than a shared path towards a better future.

I've always thought about land claims unlocking the potential of Inuit in a way that all parties of the agreements could buy into. However, in many cases with implementation and the discussions around how to implement a particular provision of a particular land claim agreement, you instead get into a lowest common denominator approach, where legal precedence and the inability to think past the next budget often limits the way in which the provision is implemented. I can think of a few examples that I've worked on personally or that I've worked on in relation to the organizations that I've worked for. Time and time again, I think that we're missing the mark on intent and on what we're trying to achieve together.

I know that's a really large, ambiguous, well-intentioned statement in relation to the hard, cold facts of the way in which you make decisions, but that, I think, is where we're falling down more often than not. From day one on negotiations, we're just not in the same realm about what we're trying to achieve.

Mr. Mike Bossio: Instead of it being about the spirit of the agreement, it's about the letter of the law.

Mr. Natan Obed: Yes.

Mr. Mike Bossio: As well, you mentioned the discrepancy, the \$60,000 wage gap, between Inuit and non-Inuit in the territory. You and I were speaking about this actually just before the meeting, that this seems to be an ongoing theme: here we are, a generation later. Have you seen any kind of difference at all in indigenous people finally delivering on the services in government and economic development as was originally envisioned, I'm sure, when this was initially signed?

•(1230)

Mr. Natan Obed: We are a long way away from achieving the type of Inuit-specific workforce that we had all imagined would be ushered in by the land claim era. We do have a new level of pride about our identity, about our rights, and about who we are as indigenous peoples within Canada or the world. We do have great hopes that this next generation is the generation that we will provide for and get right—that we'll provide the early childhood development services, that we will get a better education, that we'll be able to educate our children in our language, Inuktitut, and that we will close the socio-economic gaps.

It is still a place where we have hope, but there are a lot of people who feel betrayed, in many ways, by the things they imagined would happen in the era of settled land claims versus the lack of action that's happened today.

Mr. Mike Bossio: You're hopeful, and I'm glad to see that. I can feel it in your words and in your presence when we meet. But how do we get there? The biggest dilemma, to me, is the lack of human resources to fulfill the long-term goals of Inuit and indigenous people across the country. How do we get there?

Mr. Natan Obed: Well, first is an Inuit Nunangat fiscal policy space. Time and time again for Inuit, indigenous budgets, indigenous sections of budgets, or comprehensive allocations for all Canadians don't make it to Inuit Nunangat. There are a number of reasons for this that can be closed by creating a specific Inuit Nunangat policy space. Do away with the northern region or Atlantic or Quebec for Inuit. Create a homogeneous Inuit Nunangat policy space in which funds flow. Also, then, we have decision-making authority or participation in the way these funds are spent within Inuit Nunangat. Even without spending another dollar federally, you can change the way Inuit participate and have access to funding that is allocated for Canadians. That would be the first step that I think we would need to take.

Mr. Mike Bossio: What was missing originally that didn't bring this about in the first place? You're saying that lack of participation, or that lack of decision-making capability...because I assume that was part of the intent of self-government in the first place, right?

Mr. Natan Obed: Having something on paper versus believing it: I think that is the main consideration on this point.

The Chair: Thank you.

The questioning now goes to MP Cathy McLeod.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): My thanks to all our guests here today.

I listened to what you had to say here today, and we listened to panels yesterday in Yellowknife. I think in many ways the south needs to learn from the north. You still have your challenges, but I think many, many things have been done very well. I certainly look at the province of British Columbia and say that we have a lot longer way to go to get to where we need to be. I do want to acknowledge the work you've done over many years in getting to that place.

I also want to say that my perception was that once we worked through those difficult issues of specific comprehensive claims.... The degree to which there are challenges with the implementation is something that I know we as a committee have heard loud and clear. We've had some good recommendations on that particular issue.

There are a few areas I want to go here. First of all, there have been some pretty significant commitments by the current government in terms of what they're going to do and where they're going to go. I worry sometimes, because we have a moratorium that was announced on oil and gas. Down in Washington, I think, all of a sudden a lot of your land is being offered out as parks. We have a carbon tax that perhaps will impact the north more than any other place in this country.

My perception is this: given the kind of agreements that are in place, was it not your expectation that there should have been

significant dialogue on all three of those items before they were arbitrarily...? I don't know if you had a few minutes' notice or an hour's notice, but I don't think you had what I would say is consultation.

I'll start with your thoughts, perhaps.

• (1235)

Mr. William MacKay: It was a source of frustration for our government that a moratorium was implemented with about 20 minutes' notice to the territorial governments. That to us revealed, I think, a lack of understanding, or a lack of knowledge, of the role territorial governments play in governing the north. The federal government implemented that moratorium and did the other things you mentioned without, I would say, recognizing the role the territorial governments should have had in making those decisions.

That was disappointing for us. We think there should be more recognition from the federal government of the tripartite nature of governance in the north, including the territorial government.

Mr. Natan Obed: The challenges of renewing a relationship start with not necessarily even knowing what relationship you are in. This is the case with Inuit. Sometimes the well-meaning rhetoric of reconciliation or a renewed relationship extends to the understanding that this government might have of indigenous policy or indigenous legislation or rights, not the full comprehensive scope. With Inuit, we have always been on the margins of the indigenous conversation, sometimes because we're late to the game in many ways—I know comprehensive agreements only started in the 1970s—but also because our population size is relatively small in relation to the indigenous peoples who live in this country.

It's not helpful when governments act in a way that is not in keeping with the promises they have made to indigenous peoples. Over the summer we saw the Government of Canada release 10 principles in relation to its relationship with indigenous peoples that didn't flow through representatives of indigenous peoples before it was put into practice. Those are the types of things that I think are just inconsistent. I do hope we can get beyond those places, but they do have negative outcomes in the relationship.

That being said, we still are optimistic that we can work through these challenges. But like anything else, and like the past 40 or 50 years, we remain at the table, willing to engage, and wanting respect for our rights.

Mrs. Cathy McLeod: Thank you.

The next issue I want to key in on is the transboundary issue. There was something that I think Premier McLeod said yesterday. I know that a lot of the traditional territories were pre the creation of territories, provinces, and these lines that we put on a map. That creates challenges within the resolution of some of these agreements. It sounds like to some degree it has worked well with the Inuit, but as Premier McLeod said, there is this willingness to talk about, let's say, Manitoba and Saskatchewan, and impacting the territories, but there's not a vice-versa relationship in terms of someone who perhaps lives in the territories, and thinking about their traditional areas.

Can you make some comments? I think this is an important issue to hear about. We did hear yesterday from the Gwich'in, I believe, in terms of some good resolution between the NWT and the Yukon. Can we talk about that a little bit?

Mr. William MacKay: I can tell you that, yes, the claims are long standing, and the traditional lands occupied by those indigenous groups have been occupied by them for way longer than there have been territorial governments.

Just to make this short, the territorial government supports the resolution of those claims, and we want to be involved in the resolution of those claims. We think in order for those eventual agreements to be successful, it has to involve both the territorial and federal governments. I understand there's frustration from trans-boundary groups at times, because there is this territorial government that maybe seems to be in their way, but we're not in their way, we're supportive of settling claims. The whole north is made up of land claims. We recognize the role they play in governance in the north, and support settlement of more land claims if it's necessary.

•(1240)

The Chair: Thank you.

The questioning moves to MP Saganash.

Mr. Romeo Saganash: Thank you, Madam Chair.

Thank you to our guests.

Natan, I want to start to with you, because you said something important that I'd like you to elaborate on. You talked about land claims "changing the policy map" in this country. That's an important statement. I'd like you to expand on that. I agree when you say that more should done to implement these land claims agreements in the north, especially given the geopolitical importance that our regions will take in the future—even as we speak, I think. The necessity to recognize our peoples in the north as political actors, or the space that you're talking about, I think is important. The Supreme Court agrees with us on those issues. In the Quebec secession reference, the Supreme Court talks about the indigenous peoples, and presumably the Inuit are included, as political actors in this country, on the same level as provinces and territories, so I think it's important that we understand that now.

Can you please elaborate on what is the influence these land claims have on the policy map, as you call it, in this country?

Mr. Natan Obed: Very practically, the rights that we exercise as indigenous people in this country, or the rights that we have under land claim agreements, logically flow through all arrangements that we have with provinces, territories, and the federal government.

Whether it is procurement policy—ensuring that, on our settlement areas, there are proper, Inuit-specific procurement measures within legislation, whether federal, provincial, or territorial—or whether it is social issues, the requirement for our participation in the development, design, and delivery of particular social programs or services within our communities and within our jurisdictions is that they happen with us instead of to us. This is some of the framework or reasoning behind a renewed policy. Imagination is necessary.

In terms of how money flows to our communities, the Inuit specificity, or the modern land claim policy space, is a very different one from that of first nations on reserve or Métis, yet often the governments are left to figure it out themselves. Often, it is a program officer within a line department who decides, based on their own ignorance or their own knowledge, whether Inuit fall inside or outside of particular programs or can benefit in the best possible way from services that are meant to be for all indigenous peoples in this country.

Those are the windows that we have to close. We have to stop making it something that is either a huge benefit for a community or a missed opportunity based on one individual within the public service who interprets it in a vastly different way. We can do better than that. Our land claim implementation depends upon it.

Mr. Romeo Saganash: Mr. MacKay, I read the brief you sent before you came in here today. On page 9, you talk about the Denesuline negotiation agreements as constitutional documents: "As constitutional documents, these agreements will necessarily restrict the Nunavut Legislative Assembly's legislative jurisdiction."

Can you point to any provisions in those negotiations and agreements that would restrict your legislative jurisdiction?

Mr. William MacKay: The agreements will be modelled somewhat on the agreements that already exist in the north. As we mentioned in the brief, there are several obligations that fall to the territorial government, specifically in the area of wildlife and natural resource development. By the very nature of the agreement as a constitutional document, it will restrict the legislative jurisdiction that the territorial government will have on those lands when the agreement is settled.

I'll give you a specific example. For instance, there will be access provisions for Denesuline-owned land within Nunavut. That would restrict what kind of development the territorial government can approve or regulate on those lands. It would restrict the access that government officials have on those lands, so there are some specific restrictions that will be placed on the territorial government.

•(1245)

Mr. Romeo Saganash: Do you claim that there was no balancing between the jurisdiction of the Nunavut government and the rights that are recognized for the Denesuline? Is that what you are claiming?

Mr. William MacKay: No, I don't think there is a non-balancing. As a territorial government or a federal government, we enter into these agreements knowingly restricting our legislative jurisdiction in order to bring certainty to the indigenous group, to ensure that their rights are officially recognized in a constitutional document.

In exchange for the benefit that the territorial government will get by having specific rights outlined in those agreements that the Denesuline have—we'll have that certainty—we are willing to restrict our legislative jurisdiction in that settlement area.

Mr. Romeo Saganash: At the end of the same paragraph, you talk about the Nunavut government being “a separate party to the agreements and its consent be sought”. How do you explain, then, that you participated in these negotiations from 2001 to 2011 and then you withdrew, and came back recently? Is it related to what you talked about, the fact that the territorial governments have an evolving role in the territories?

Mr. William MacKay: Yes, I would say that's a big part of it. As you know, the territorial government has entered into a protocol with the federal government to negotiate devolution of lands and resources to the territorial government. That was a key point in time that made us realize that we had to have a little more of a role, a bigger role, in those negotiations, and that was part of the reason we weren't participating.

The Chair: Thank you.

The questioning goes to MP Anandasangaree.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Thank you, Madam Chair. I will be sharing my time with MP Tootoo toward the end.

Thank you to the panel.

Welcome back, President Obed, and thank you for educating us on an ongoing basis on many of the issues since the first meetings. I want to talk to you about the declaration that was signed with respect to the Inuit Nunangat, and what you envision that declaration to be in terms of implementation. I know it's somewhat abstract, whether we're looking at it as a form of self-government or a regional self-governance authority or just the current state of four different jurisdictions that will have, as you mentioned, one common homogeneous policy with respect to the Inuit population.

Mr. Natan Obed: The idea that there is an Inuit democracy and it stands beside the Canadian democracy is still one that we're trying to educate Canadians about, and even to build ourselves. The democracy that we have is founded on land claim agreements and the governance models that we've created to implement those land claim agreements. Our four land claim presidents are elected from all eligible beneficiaries over a certain age in each one of the four jurisdictions. Then those four presidents sit on the board of directors for ITK and give me my mandate and my ongoing direction as to the national interests of Canadian Inuit. They also do the same for our Inuit Circumpolar Council.

From the international level to the community level, we have an unbroken chain of democracy in which we are self-determining our future. The Inuit-crown partnership and the declaration that was signed imagines that we, as Inuit, will have priority areas, as will the federal government. Each year we will create a committee that then

would decide what our shared priorities are within that particular year and then go about achieving those shared priorities through action. We don't see this as a partisan effort, we see this as a permanent mechanism that we expect we will work with the federal government on from this time forward. The idea is that we get down to practical work and that we respect each other's rights within the process and the role that we play within Confederation and within providing services and supports for Inuit within Inuit Nunangat.

• (1250)

Mr. Gary Anandasangaree: Just so I'm clear, now we have two territories, Nunavut and NWT. They're actual governments. For example, your children will be studying in Nunavut under the Nunavut territorial system. How does that interplay with the vision of, say, improving education for children, and does that need to include a third player as part of the declaration?

Mr. Natan Obed: Each jurisdiction has a different relationship with Inuit, as per land claim agreements, and it is up to Inuit to decide how to create those partnerships. The federal government has a very clear role in all of this. Its role, its direct relationship with Inuit, is side by side with the role that the federal government has in providing equity for all Canadians and ensuring service delivery in those essential features of health care, education, and housing—the fundamental pillars of a just society.

We're saying it's more complicated than that, and with service delivery there's a role that Inuit can play. It also does not preclude Inuit from taking over public government responsibilities. It imagines that we have a role to play in our communities and for our lives about how those services are offered and delivered, and the relationships that happen before those services hit the ground.

Mr. Gary Anandasangaree: Thank you to both.

I'd like to yield the rest of my time to MP Tootoo.

The Chair: MP Tootoo, two minutes.

Hon. Hunter Tootoo (Nunavut, Ind.): Thank you, Madam Chair.

I have a few questions, but maybe I'll start off with either Ms. Woodley or Mr. MacKay.

You talked about the overlap agreement with the Denesuline. I vividly recall that a memorandum of understanding was reached between Canada and Nunavut in 2016 that ensured that the jurisdiction of the Government of Nunavut couldn't be altered, and that the Government of Nunavut wouldn't incur any financial obligations through any amendment to those final agreements and implementation plans without its consent.

It seems to me a no-brainer that the Government of Nunavut would be a signatory to those agreements. Can I get your thoughts on that?

Mr. William MacKay: The MOU was signed to secure a role for the territorial government, a role that we think is necessary for the successful conclusion and implementation of those agreements. To us, you can't have a successful agreement in Nunavut unless the territorial government of Nunavut is signatory to the agreement. That's why we wanted to conclude that MOU.

We don't think there's that much question about that, but we did want to appear here just to make the general point that territorial governments need to be part of these agreements.

The Chair: You have 30 seconds left.

Hon. Hunter Tootoo: I'll go quickly to Natan, and then I hope to get another chance to go back to the GN.

You mentioned the Inuit-crown partnership committee.

I think it's about time, but since that's been created, what kind of real progress are we seeing? What do you envision there?

Mr. Natan Obed: It has been a rocky start, but we are getting there. I think the committee process is now more broadly understood than it was in the beginning. I think the Prime Minister has to own this process in the large sense, but then I think we will also see things like the elimination of TB, or housing investments, or specific actions that come out of this Inuit-crown process that will then show the utility for both sides for this new mechanism.

•(1255)

The Chair: Our final round of questioning will go to MP Viersen.

Mr. Arnold Viersen: Thank you, Madam Chair.

Thank you to our guests for being here today.

Natan, you represent five different groups. Is that correct?

Mr. Natan Obed: I represent four land claim regions.

Mr. Arnold Viersen: How did the negotiation between those groups go, as to where the lines between them ended up? We looked at B.C., and 130% of the province's land mass has been claimed, so that means there are significant overlaps. How did it work in your area where they negotiated these specific claims?

Mr. Natan Obed: It's a fascinating question. I think from the first time that the Inuit met together and mobilized in the early 1970s, there wasn't any preconceived notion of what would happen, or even this idea that there were land claims that were going to happen. This was pre the Calder decision.

It happened mostly in relation to economic development and the threat of economic development projects that would need to be at least rebutted by the assertion of rights within a specific area. That's why, in 1975, the James Bay and Northern Quebec Agreement happened. It was pushed along by Hydro-Québec and the developments there. It was the same thing in the west and the idea of oil and gas pipelines in Mackenzie Valley. In many cases, our path toward the four Inuit regions flowed through economic certainty for Canada and the need for jurisdictions to develop resources in Inuit regions.

There are other stories as well. I think there are remarkable, interesting, and fascinating stories behind where the boundaries are and why they're not, but in general, the principle of certainty, and also the threat of economic development without consultation or

agreement with Inuit, drove a lot of the finalization of our land claim agreements.

Mr. Arnold Viersen: Turning to the Government of Nunavut, I have a similar take on the divisions or the lines being negotiated, which seems to have gone fairly amicably. Have there been any discussions since the lines have been...or is there an ongoing discussion on who has jurisdiction in some of these areas?

Mr. William MacKay: I don't think, at least for the Government of Nunavut, there has been any discussion about changing the boundaries of that.

Mr. Arnold Viersen: So that seems to be set and we're going forward with that.

Mr. William MacKay: The Nunavut settlement area, as Natan mentioned, is a constitutionally protected area, and then the territory of Nunavut is somewhat co-extensive with that, but it's defined by the Nunavut Act. If you want a take-away from that, the Nunavut Act is a federal act and can be amended, so I guess the boundaries of Nunavut could probably be changed a little easier than the Nunavut settlement area, which would require an amendment of land claims, but they're pretty set.

Mr. Arnold Viersen: How does land ownership within the territory work? Can I go up there and buy a piece of land?

Mr. William MacKay: No. You get a long-term, 30-year lease in the municipalities and you can renew it every 30 years. It's a lease, though; it's not fee simple. Inuit have fee simple ownership over their lands in the territory.

Mr. Arnold Viersen: Okay. Can I buy land off the Inuit?

Mr. William MacKay: Yes.

Mr. Arnold Viersen: Natan, is that possible?

Mr. Natan Obed: Each land claim has different ways in which they've created rules around land tenure. So in the Nunavut case, the Inuit-owned lands are owned by the collective. Individual Inuit do not own individual parcels of land in fee simple. Inuit development corporations or Inuit representative organizations hold those lands as a collective.

Other jurisdictions have other land regimes. The land regimes in Nunatsiavut go back to the 1700s with the Moravian Church. There is fee simple ownership in communities in Nunatsiavut in ways there that aren't in other Inuit regions.

Just broadly, in the land claims settlement regions, and the 14% to 17% of the settlement areas that are owned in fee simple by Inuit, those lands under comprehensive land claims agreements are owned in a collective, not in an individual sense. What happens in the municipalities often predates the settlement of the modern comprehensive land claims agreements.

Mr. Arnold Viersen: Thank you.

• (1300)

The Chair: Thank you.

That concludes our rounds of questioning. I want to thank you for coming out, for travelling, and for taking time to share your thoughts on these important matters with the standing committee. *Meegwetch.*

The meeting is adjourned.

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