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**EVIDENCE**

**Tuesday, May 12, 2009**

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**Chair**

**Mr. Bruce Stanton**

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## Standing Committee on Aboriginal Affairs and Northern Development

Tuesday, May 12, 2009

• (0905)

[Translation]

**The Chair (Mr. Bruce Stanton (Simcoe North, CPC)):** Good morning, my dear colleagues and invited guests.

This is the 19<sup>th</sup> meeting of the Standing Committee on Aboriginal Affairs and Northern Development. On our agenda today, we have the Land Claims Agreements Coalition, on the subject of land claims agreements.

[English]

This morning we welcome two representatives of the Land Claims Agreements Coalition. They are Mr. Kevin McKay, chairperson, Nisga'a Lisims Government; and Paul Kaludjak, president, Nunavut Tunngavik Inc.

Gentlemen, we provide essentially ten minutes for your opening presentation. We are going to be meeting today until about 10:30 a. m., so after your opening presentation we'll go to questions from members. We'll try to get through two rounds of questioning from each of the members. If there are some things that you don't cover off in your opening presentation, I'm sure there will be opportunities to get those comments on the record in the course of questioning from members.

Mr. Kaludjak, go ahead, for ten minutes.

**Mr. Paul Kaludjak (President, Nunavut Tunngavik Inc., Land Claims Agreements Coalition):** Thank you.

[Witness speaks in his native language]

Do you have interpretation with that?

**The Chair:** *Pas encore.*

**Mr. Paul Kaludjak:** I'm not surprised, for some reason.

Good morning. I'm glad to be here in the wonderful summer out here, because we're deeply frozen still in Nunavut, in Iqaluit. So it's great to be here, along with my colleagues from Nunavut.

We have staff over here, as you said, Mr. Chairman.

My name is Paul Kaludjak. I'm from Nunavut, Iqaluit, representing Nunavut Tunngavik, and I have staff here along with me. They are Alastair Campbell, our senior policy adviser; Udluriak Hanson, our senior policy liaison officer here in Ottawa; and Joanasie Akumalik, who is my EA.

Also, we brought the heavyweights. We have our legal counsel, Art Yuan. That's the guy you have to watch out for.

Regardless, thank you. I'm very pleased to be here this morning. As I said, I'm from Nunavut Tunngavik. For those needing this information, "Nunavut" means our land, and "Tunngavik" means foundation. We're an Inuit organization. Our land claim was signed in 1993 in Nunavut.

As you know, I'm here with our co-chair from the Land Claims Agreements Coalition. With me is Kevin McKay, from the Nisga'a Nation.

We are pleased to have the opportunity to make our views known to you. We have submitted a brief, and I trust that you've had an opportunity to read it.

It was in 1973, as a result of the Supreme Court decision in the Calder case, the famous Nisga'a aboriginal title case, that the Government of Canada started to negotiate the modern treaties with aboriginal people. Many saw this new era of treaty-making as the basis of a new relationship between the crown and the aboriginal people. In Nunavut, we certainly saw it that way.

We signed our claim agreement with the Government of Canada in 1993, as I said. It's the largest land claim agreement in the history of Canada, and we spent two decades establishing our claim and negotiating it. At present, with the coming into force of the Tursani agreement—if I say that wrong, [Witness speaks in his native language], I apologize—in British Columbia, there are 22 modern treaties in Canada.

The Land Claims Agreements Coalition is an association of aboriginal people who have signed modern treaties. It is treaty signatories working together for a common goal and end. The coalition was formed in 2003. When we held our first national conference here in Ottawa to discuss the implementation of our agreements, we called it Refining Relationships: Learning from a Decade of Land Claims Implementation. We found, as signatories to modern treaties, that we shared many implementation problems. Upon its conclusion, we urged the Government of Canada to develop a land claims agreement implementation policy in association with aboriginal treaty signatories to get all the agencies of the Government of Canada to play their part in implementing modern treaties.

We worked with the Government of Canada to develop such a policy. We began working with DIAND officials, and in 2005 with the aboriginal secretariat in the Privy Council Office, PCO. The process was slow, but there was some receptiveness to our proposals. However, in 2006 the aboriginal affairs secretariat in PCO was disbanded and there were no further meetings to jointly develop an implementation policy.

• (0910)

Minister Strahl was reported on CBC on March 31, 2009, as saying that he is not certain that an implementation policy is needed. Before the minister's statement, DIAND officials had made similar statements of policy that they have pointed out do not ensure effective implementation, and in any event, the government wants practical solutions. We are all for that. We all want practical solutions.

We want timely, coordinated, political, and practical solutions. That is what we need. It is the lack of them that led us to get into a coalition and NTI launched its lawsuit against the Government of Canada, which details 16 instances in which our agreement had been breached, in 2006. We tried many other avenues over many years to resolve it and we have come to this head.

First, towards the end of 2007 the Senate Standing Committee on Aboriginal Peoples, acting on a non-partisan basis, agreed to look at problems of treaty implementation. We would like to thank Senator St. Germain and Senator Sibbeston, the chair and deputy chair of the committee, for their support on that review. The Senate committee heard from coalition members, the Department of Indian Affairs and Northern Development, the Office of the Auditor General, and a number of independent witnesses. We were informed that the Privy Council declined to appear.

The Senate committee considered the evidence it heard and in May of last year tabled a report called "Honouring the Spirit of Modern Treaties: Closing the Loopholes". It is a forthright and well-argued report, and the coalition agrees with its key recommendations. We await the government response, which is due at the end of July.

Second, in the apparent absence of any interest in developing a policy jointly, the coalition developed its own model implementation policy. It is entitled "Honour, Spirit and Intent: A Model Canadian Policy on the Full Implementation of Modern Treaties Between Aboriginal Peoples and the Crown". We met with Minister Strahl to discuss this proposed policy with him and released it publicly on March 3. It is attached as appendix B to your brief.

We are approaching you as a committee to ask for your support. Implementation initiatives need to be politically driven. Officials operate in separate compartments within the limits of existing regulations, policies, and funding levels. Their focus is on parts of the whole, not on the overall implementation of the treaties. We need political commitment to make these meanings of the land claims objectives and obligations a priority. Policies, regulations, decision-making processes, and funding allocations must fit that priority.

• (0915)

We need your help to make the implementation of the modern day treaties a political priority and we ask you to work with us to bring this about. Economic times are tough; we know that too well. It makes this especially important for us, for our treaties are critical to economic development in our communities. We must ensure that our treaties are not swept under the carpet yet again.

Mr. Chairman, I will now pass it on to Kevin McKay, chairperson of the Nisga'a Lisims Government. As part of his presentation, Kevin

will outline more specifically how we think this committee might help.

*Matna, thank you, merci beaucoup.*

**The Chair:** Thank you, Mr. Kaludjak.

Mr. McKay, in fact we're over our 10 minutes there. By all means, make an opening presentation, but if you can somewhat summarize it in a shortened—

**Mr. Kevin McKay (Chairperson, Nisga'a Lisims Government, Land Claims Agreements Coalition):** Concise, succinct, and to the point.

**The Chair:** That would be wonderful, and then we'll go to questions. Thank you.

**Mr. Kevin McKay:** From one chair to another, I appreciate what you're up against.

Good morning, Mr. Chair. Thank you very much. And good morning, honourable committee members. I'm very pleased to finally have an opportunity to speak directly to each of you. You are probably all aware that the Land Claims Agreements Coalition has had a standing request to appear before this committee for quite some time, so we really appreciate this opportunity.

As my colleague Mr. Kaludjak has indicated, my name is Kevin McKay. I am the chairperson of the Nisga'a Lisims Government. This morning I am speaking on behalf of our president, Mr. Nelson Leeson, who sends his regrets. He could not be here due to other commitments. I trust you will be satisfied with the sample of weather we brought with us from northwestern British Columbia. It sets the tone for a positive morning.

I am pleased, obviously, to appear before you today with my colleague Mr. Paul Kaludjak. Today we speak to you on behalf of the Land Claims Agreements Coalition with respect to the implementation of land claims agreements. That is really what we're here about, first and foremost. The Land Claims Agreements Coalition is a coalition of aboriginal organizations in Canada that have entered into modern treaties. We are all treaty organizations in pursuit of an improved quality of life for our people, achievable only through proper implementation of our treaties.

Through modern treaties, the first nations, Inuit, and the crown agreed on aboriginal title to lands and resources and recognized a range of government responsibilities. This provided certainty within these territories. The coalition's member organizations and governments have experienced much frustration and disappointment with the way in which their land claims agreements are being implemented by the Government of Canada. Simply put, Mr. Chairperson, the experiences of our members indicate that these agreements are not being properly implemented, period, full stop.

The Government of Canada has not been sufficiently concerned, in our opinion, with working to achieve the overall broad objectives of the entire agreements. By and large, the Government of Canada's approach to treaty implementation has unfortunately been to fulfill the narrow legal obligations that are set out in the treaties. Mr. Chairperson, if you will, in our opinion, they are much too concerned with operating within the letter of the law as opposed to the spirit of the law. Even then, the government has often failed to sufficiently implement these specific obligations.

Speaking on behalf of the Nisga'a Nation, I will say that a primary example of the frustrations that we have experienced in the implementation of our treaty obligations has been in respect to the renewal of our fiscal financing agreement. Under the Nisga'a treaty, there is a treaty obligation on the part of all parties to negotiate and seek to reach agreement every five years on a fiscal financing agreement. We are now in year nine of our five-year fiscal financing agreement. It was only last month that we finally received a response to our detailed five-year funding proposal, which we provided to Canada in December 2005. Moreover, the response we have received from the federal government has not been favourable. We were informed last week that Canada is not willing to provide us with any increases in funding for fundamental programs and services. This really concerns us, Mr. Chair.

As a result, our government remains undercapitalized, and it has been since day one. We remain in a position of lacking sufficient funds to provide the ever-evolving array of programs and services that our citizens require and that we fought so hard to be able to provide under our agreement.

We are not alone in these particular frustrations. Mr. Kaludjak has commented on the experience of NTI. We are also aware that seven of the Yukon first nations continue to be delayed in their attempts to negotiate new financial transfer agreements. They have entered into year ten of what were to be five-year agreements—a concerning trend indeed, Mr. Chair. As well, our friends in the Yukon were recently informed by Canada that they would not be receiving any increases in funding for their important programs and services.

• (0920)

Our treaty relationships are not with any single federal department or agency, but they are with the crown, represented by the Government of Canada. In practical terms, this requires all federal departments and agencies whose mandates and activities intersect with modern treaties to do their part to implement them. Every department and agency of the Government of Canada has an equal responsibility to ensure that their duties and activities are carried out in a manner consistent with the obligations of modern treaties and to contribute to the achievement of the objectives of the agreements. Unfortunately, to date, our efforts to engage the Government of Canada in a meaningful policy development process have not been successful.

As the crown has often refused to engage meaningfully with the coalition and/or the leaders of aboriginal treaty organizations, we believe that the relationship between Canada and aboriginal treaty organizations will continue to deteriorate as long as the Government of Canada refuses to fully implement modern treaties according to their spirit and intent and according to the fundamental objectives

they embody. We believe that a new national policy on treaty implementation is urgently required to ensure that all agencies of the federal government participate in the implementation of modern treaties.

In conclusion, I want to re-emphasize, Mr. Chair, that we are all governments in pursuit of an improved quality of life for our people through results-oriented government. We believe this is achievable only through the proper implementation of our treaties.

In conclusion, on behalf of the coalition, we respectfully call on this committee to recommend to the Government of Canada the adoption of a new land claims implementation policy.

Thank you, Mr. Chair.

[*Translation*]

**The Chair:** Thank you, Mr. McKay.

Now we move to questions from members. Let us start with Mr. Bagnell.

Mr. Bagnell, you have seven minutes.

[*English*]

**Hon. Larry Bagnell (Yukon, Lib.):** Thank you, Mr. Chair, and thank you to both of you for coming. We're delighted to have you here.

I'm not sure if a new policy is going to help when we actually have laws that aren't even being followed. If you want to give any more details about this, both Kevin and Paul, forget about what the Auditor General said about the spirit of the claims; they're not even following the letter of the claims, but are actually breaking the agreements we have.

Before you do that, though, I want to welcome three Yukon chiefs—Ruth Massie, Peter Johnston, and Mark Wedge—to the room. They're half of this big conference you're having. Thank you for mentioning that, Kevin.

The problems are the same there, as you said. The review of their land claims has been going on for years now. The Carcross/Tagish First Nation the Teslin Tlingits have been working for 10 years on a justice agreement. We signed these agreements, and these are laws. They're stronger than normal laws, as they're constitutionally protected, and we should follow them.

And what's most embarrassing is that the deputy minister wrote recently to Carcross/Tagish, not following the agreement to let them take down a law that we've already signed in law; they're offering concerns regarding financial efficiencies and sustainability of small stand-alone service agencies. Well, maybe there are concerns, but we signed an agreement, we signed a law, so why would we have the deputy minister writing and basically saying that he's going to break the law and not follow these constitutionally protected land claim agreements we've signed? We should get on with them, whether or not we agree with them. This is the law of the land; let's be efficient and let's support the honour of the crown and deal with them.

Maybe each of you could provide us with examples of the federal government not following the letter of the law.

Paul, you might also comment on the recommendations in the Berger report as well.

● (0925)

**Mr. Paul Kaludjak:** Thank you, Mr. Bagnell. I think we're on the same level of latitude in the north. Larry might be closest to us in terms of our backyards. It's good to see you this morning.

As to the implementation difficulties, that's why we're challenging in court, because nothing was fulfilled. We already knew that when we signed the claim in 1993 in Nunavut. We have a policy before us. It became a policy. It is the rule of the land. Halfway through the process—it has been 16 years now—somebody forgot to undertake the responsibility to implement it appropriately. Somebody forgot that along the line. Many times we come to Ottawa and are forced to make a wake-up call. You signed the agreement in 1993. We're supposed to be working at it and not falling asleep on it along the way.

We Inuit of Nunavut committed to the claim 100%. It is the law of the land. That's what we believe. To see that somebody is forgetting to implement it along the way is a breach. It's breaking the rules of the land. I don't know how else you can interpret it in English. In Nunavut we would say *aitaa*—pity. We're really sorry it's come to this.

We made attempts to help INAC to help us implement the claim, but it has never happened during the past five to seven years. That's why we're where we are today, trying to kickstart it. We really hate to do the court process. That was our last resort. We had to take that step because the government was not being fair to us.

Secondly, with respect to the implementation and the process of our work, it has been a long haul. We need people like you. That's why we're here today, and why we're having this conference this week—to engage ourselves on what next steps to take. They'll give us a mandate, once again, for the next one, two, or three years down the road on what we will do. That's where we are today.

Thank you.

**The Chair:** Mr. McKay.

**Mr. Kevin McKay:** More than anything for the Nisga'a Nation, the treaty represents an array of opportunities to become self-reliant and to be able to provide for our citizens without having to come hat in hand to senior governments.

The emphasis that I made in my comments with respect to the undercapitalization of the Nisga'a treaty shows that Canada's approach to implementing this treaty is not very effective. If the Government of Canada can't even recognize that it is necessary to properly and adequately capitalize this venture with respect to the opportunities in our treaty, then we're falling short right from the get-go. That groundswell will eventually overwhelm any attempts by the Nisga'a Nation to meet these very legitimate needs of our citizens.

The treaty represents the reality of the Nisga'a Nation's place in Canada and in British Columbia. What hasn't happened yet is for that to trickle down to all the departments within the Government of Canada. Our call for a new policy on effective implementation means that there's a need for an institutional change. The Indian Act

and the Department of Indian and Northern Affairs did not contemplate implementing modern treaties. That's what it's all about.

● (0930)

[*Translation*]

**The Chair:** Thank you. Unfortunately, your time is up.

Now we will continue with Mr. Lemay, from the Bloc.

Mr. Lemay, you have seven minutes.

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** I listened to you very carefully.

Last week, we had representatives here talking to us about the implementation of Treaty One and Treaty Two. We agreed that they should come back to see us probably once a year. Believe it or not, it was only a week before they appeared before us that they received documentation that they had been asking for since 2005. It is strange. You run into obstacles like that in life sometimes.

It seems that you are in much the same situation. You come before us, but you finally received your information only a short time beforehand. I have read all the documents that you sent to us.

There is something you should know: the federal government is in a conflict of interest. It makes little difference whether the government is liberal or conservative, the same applies.

Let me explain why it has a conflict of interest. It is because the government signs the treaties; the government decides when it is going to sign them, the government decides how the discussions on implementation will be paid for, and the government decides when those discussions on implementation will take place.

We passed the Specific Claims Resolution Act that is going to give the courts an important role in specific claims. Of course, I know that does not apply to you.

I am looking for a practical solution; I heard you clearly, and I would like you to tell us if you have one. I am a very practical man. We have settled with the Naskapi, with the Cree-Naskapi and with the Inuit of Nunavik in Quebec. Now, we are going to settle with you.

I am looking to you to propose a practical solution to us. What do we do to get this out of the government's hands? Otherwise, it will take you 30 years. You will no longer be here, but your grandchildren will be.

That is the question I ask myself: how to get this out of the government's hands so that we can make sure that the treaties are implemented?

[*English*]

**The Chair:** I won't take your time away, Mr. Lemay.

Just so we understand these rounds, we have seven minutes, or five minutes in the second round, for questions and responses. If you could try to keep your responses within that timeline, I'll try to motion to you when we're getting close to the end.

Please proceed.

• (0935)

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman.

Thank you, Mr. Lemay, for your comments. We're used to working with timeframes, so we'll do the best we can.

**The Chair:** I appreciate that.

**Mr. Paul Kaludjak:** I want to go back to Mr. Bagnell's second comment about the Berger report.

We agree wholeheartedly with the arguments he proposed in the report he produced two or three years ago. It was endorsed at that time by the Nunavut government. We never got a firm indicator from the federal side at that time. We were not sure if they would support the report publicly. There was no firm indication from the federal side at the time, but at least it confirmed our argument about lack of implementation. It was heavy on article 23, the training component, employment within the government provisions. It was heavy on the education side, because we've had critical problems with the education system over the last 10 to 15 years in Nunavut. So that's just to respond to that.

Mr. Lemay, thank you. We worked on practical solutions for over seven years. We laid them out to the federal government on implementation difficulties. We laid them out to whoever we could talk to—MPs, senators, committees, and INAC, which was foremost in charge of implementation for us. We put everything on the table. We set out practical solutions and ran out of them. That's why we're in court today, sad to say. That's our practical solution today, because there were no practical solutions.

But we're not going away. We're going to keep pressure on this and take it to whatever level is needed until a commitment is made, implementation happens, and you keep your end of the bargain. That's what it's all about. At the coalition level, we need to discuss taking it out of the government's hands to find out where that can lead us. But before we go there, we need an indication of implementation policy from the government side. We need a commitment; it's simple as that.

Is that so hard to take? We need a direction, a policy, a mandate. You already have a mandate as the federal government, because you signed our claim in Nunavut. That was a mandate and it's been broken.

Thank you.

**The Chair:** We have a short time for comments from Mr. McKay on that point.

**Mr. Kevin McKay:** In the Nisga'a experience, the Nisga'a government provisions were a hard-fought compromise, and they're constitutionally protected. Through that process, we believe the treaty contemplated a government-to-government relationship with Canada, as well as B.C.

I'm going to interpret your question, Mr. Lemay, about Canada not absolving itself of the obligations under our treaty. But maybe in practical terms—at least not having a hands-on kind of situation on a day-to-day basis—we accept that interpretation.

As for a practical solution, we ask that you seriously consider our suggestion that the Government of Canada see the value of working

with the coalition to develop a new national policy for implementing claims.

**The Chair:** Very good. Thank you very much, Mr. McKay.

Thank you, Mr. Lemay.

Ms. Crowder.

• (0940)

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Thank you, Mr. Chair.

Thank you very much for coming before us today. This is an important issue, because as we find more treaties coming forward, there isn't a lot of faith that they will actually be implemented.

I want to touch on a couple of comments in the Senate report. They say they were troubled by the narrow approach to treaty implementation adopted by the federal government. They also say there are deep structural reasons for the government's failure to make measurable and meaningful progress on issues affecting aboriginal Canadians. They talked about the Department of Indian and Northern Affairs being steeped in the legacy of colonialism and paternalism, and they make a recommendation about replacing INAC with a direct institutional role between the federal crown and the aboriginal people.

In a letter the Auditor General sent to the committee on March 4, 2009, she outlined all the various reports she had made that touch on issues affecting first nations, Métis, and Inuit. Specifically, she talks about settling claims, implementing agreements, and resolving outstanding legal matters, and she cites numerous reports. It's not just one. Then she also talks about meeting treaty land entitlements. She talks about the B.C. treaty process. She talks about the Inuvialuit Final Agreement.

**In here she says:** Failure to settle comprehensive land claims and modern-day treaties or to implement agreements increases the legal costs for settling issues in court and results in lost opportunities. These lost opportunities include the sustainable development of land, resources, and capacity; potential investors; and meaningful socio-economic partnerships between First Nations and governments, the private sector, and other Canadian citizens. Several of our audits address problems we found in the government's management of land claims.

I know that in your presentation you talk about the fact that once these treaties are signed, the Canadian government has some certainty in terms of its access to land and resources, but first nations and Inuit still are left with a great deal of uncertainty because of the failure of government to actually work with the nations to implement.

In your presentation you actually laid out four recommendations, and I'm going to paraphrase these: adopt and promptly implement the new policy; establish a land claims agreement implementation commission; establish a cabinet committee on aboriginal affairs because of the lack of coordination among departments; and appoint a chief federal negotiator jointly with the coalition. In your view, are these the four key critical items that need to be in place in order to meaningfully implement the agreements?

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman and Madam Crowder.

I must say that over the years, Jean, you've helped us out a lot on the Nunavut side to put forward our arguments in terms of implementation, and we thank you for that initiative you've taken over the years.

In terms of the four specific recommendations that we made, the last time we met here as the coalition—Kevin and I and the minister—it was to point out these four specific recommendations. This was to guide, I suppose, the federal government on what appropriate steps to take, to take a focus on certain issues, because we knew they were not sure of how they could approach and develop the policy itself if it was supposed to become a reality. So we put forward those recommendations, just trying to help the federal government, to guide them on what process would work, what possible solutions and recommendations would work, because as we said, there was no specific department that we knew of that was directly mandated to implement any of the treaties specifically, directed or otherwise.

We felt the federal departments were all over the place on this. There had to be a coordinated effort somewhere. That's why we put those four recommendations forward, so that they could work on something and maybe develop one of them—the commission, for example. We were throwing out those kinds of avenues so we could help guide the government to develop some sort of workable tool, so that they could start implementing the respective treaties that were outstanding across the country, not just for us.

●(0945)

**The Chair:** Thank you.

Mr. McKay.

**Mr. Kevin McKay:** Thank you, Mr. Chair.

In direct answer to Ms. Crowder's question, the coalition has long called for a new land claims implementation policy. In 2006, the coalition adopted what we called the Four-Ten Declaration, four main principles that are the foundation. These four principles would assist all parties to modern land claims agreements to more effectively implement those agreements. In our view, the four principles formed the basis for the development of our new model land claims implementation policy, and those are very crucial.

I assume, Mr. Chair, that everybody has those supporting documents in their information kits, but I'd like to point out to committee members that those four principles are the very foundation of what we're advocating for in the new land claims policy.

**The Chair:** You still have over a minutes, Ms. Crowder.

**Ms. Jean Crowder:** I need to back up a bit.

I think we must be an embarrassment on the international stage when what we do is acknowledge that there is a government-to-government relationship by signing treaties...because we were reminded last week, with the treaty land entitlement, that a number of these treaties date back to the late 1800s and they were based on the fact that it was unceded territory, that the government needed something from the first nations so they signed these treaties, apparently in good faith. But we find that not only in ancient history but in modern history, that implementation isn't happening. I think Nisga'a is a really good example, because that's a very modern treaty, as is Nunavut.

You've done all of this work. You've laid the framework. What is getting in the way of making this happen?

**The Chair:** You're actually out of time, so we'll take one brief response to that and then we'll go to the next question.

**Mr. Kevin McKay:** A willingness on the part of the Government of Canada to come to the table.

**Mr. Paul Kaludjak:** The other one is, we're not sure.

**The Chair:** Well done.

Thank you, Ms. Crowder.

Mr. Duncan, for seven minutes.

**Mr. John Duncan (Vancouver Island North, CPC):** Thank you very much, Mr. Chair.

Good morning to Mr. Kaludjak and Mr. McKay, a fellow British Columbian, and also somebody from Nunavut.

I was in Nunavut probably in 1998 with the fisheries committee. We were in Iqaluit and in Pond Inlet. We met with some people from your government and we were told about some specific treaty implementation issues at that time, which we tried to address through the committee. So we do know there have been issues for a long time.

I would like to make reference to your comment early on where you talked about practical solutions. I think that's where we want to go.

The Senate has been very good at tackling these kinds of issues. The Senate can be credited with the actions we've taken as a government on moving forward on the specific claims, and all evidence is that this is moving in a very positive direction. As a government, we also, I believe, have done a lot for the north and for Nunavut and we would like to continue to do that.

I would beg to differ with Monsieur Lemay, who suggested that government should have no role to play here. We have to remember that Mr. Lemay wishes there was no federal government

Kevin McKay, you talked about being told last week that there was no increase. You were told there was no increase in the fiscal arrangement, the financing arrangement. That is incorrect information. I don't know where that is coming from, but we're certainly working in a very different direction. We're close to having the authority. We know the tardiness, the lateness of the Nisga'a and Yukon financing renewals. We want to get on with fixing that. If we can't demonstrate with your treaty and with the Yukon treaty, the comprehensive agreements, that we can move forward and address your issues, then there's much less incentive for others to move into treaty arrangements. We're still moving ahead with treaty arrangements with other groups. We've had Tsawwassen and Maa-nulth this year.

So I want to assure you that we are putting those authorities in place and we'll get on with tackling that. There are identified problems. You have identified problems with the treaties. This does not mean it's an international embarrassment. This means you have identified problems. We're going to try to do our very best to resolve those problems, and I would like to suggest that where we are today is a lot further ahead than where we were before you signed your agreements.

I don't know if I have a question out of all that, other than to ask if you have any comments about what I've just said.

Thank you. I direct that to both of you.

• (0950)

**The Chair:** Okay, go ahead, Mr. Kaludjak.

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman.

Thank you, Mr. Duncan, for your comments.

Some of you have been up to Nunavut in your field of work, no doubt. I was telling Kevin this morning that it's nice and summery here, but we still have seven feet of ice in Nunavut. We went fishing over the weekend and he was actually shocked that we had seven feet of ice left on our lake. So there's a big difference between here and where we live.

Regardless, in terms of the work we do in trying to put forward our arguments, it was confirmed by the Auditor General that implementation matters were not being adequately dealt with. That confirmed our arguments, and that was confirmed by many.

I'm glad to hear that the Senate has moved on these kinds of issues. You've said that they've made a difference. That difference should be transferred to the federal people who do the actual work of implementation. It's being missed out on somewhere. It's not getting there.

As you mentioned, there's progress on the issue of implementation, which is being dealt with at the Senate level, but it's not making it to where it's supposed to actually be happening. So I would pose the question to you: where is it going in this whole system? It's not getting to the people it's supposed to be directed to.

**The Chair:** If we want to get a comment from Mr. McKay, we'll have to go there now.

Thank you, Mr. Kaludjak.

Mr. McKay.

**Mr. Kevin McKay:** Thank you, Mr. Chair.

In response to Mr. Duncan's comments, I would like to distinguish and make it very clear that the example we provide in the area of our frustrations in trying to renegotiate a new fiscal financing agreement is a subset of the overall frustration we feel in implementing our treaty. I can't be any clearer. We need a new national policy in implementing land claims agreements, period, full stop.

**The Chair:** *D'accord. Merci, messieurs McKay et Duncan.*

Now we will proceed to the second round, which is a five-minute round.

We'll begin with Mr. Russell.

**Mr. Todd Russell (Labrador, Lib.):** Thank you, Mr. Chair.

Good morning, Kevin and Paul. It's good to see you here again.

It's very interesting, but strange things are happening at committee, or just before committee. I listen to Kevin talk about the FFA with Nisga'a and then we hear the parliamentary secretary announce that they're seeking a different mandate than what you've been informed about. That's quite interesting. Maybe we should have committee meetings more often where you show up, so the implementation could be a little more hurried.

I would like to make one point, because a lot of times in the Canadian public there is a myth perpetuated, even amongst parliamentarians at times, that somehow you always come to the table asking for something. But land claims were a huge compromise for aboriginal people. They were a huge compromise. They came under a lot of stressful conditions at times and people gave up a lot. Aboriginal people have given up a lot in terms of their lands, certain rights to lands, and in fact, certain ways of living. I think Canadians always have to be aware of this, because there's a myth always being perpetuated out there.

We're dealing with Bill C-28, the Cree-Naskapi act, and problems stemming from a land claim agreement back in 1975 and subsequently in 1984. In Labrador we have the Nunatsiavut land claim agreement that was signed in 2005, and they're already experiencing problems with implementation and with the government living up to the spirit and intent of the treaty itself.

You've made these specific proposals to government, I understand. What has the government response been? What has the minister's response been to what basically are the four pillars, if I can put it that way, of a new treaty implementation policy? What has the minister's response been?

Also, is the minister going to be at the Land Claims Agreements Coalition conference this week? I understood that he was supposed to be there.

• (0955)

**The Chair:** Go ahead. If you want to split your time, there are about three minutes left to handle both those questions.

Mr. Kaludjak.

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman, and thank you, Mr. Russell, for that comment.

In terms of the implementation, we looked at the IRC, the Inuvialuit Regional Council, and their claim. The Auditor General did an audit on their claim, and it was one of the first. They determined there were many outstanding implementation provisions, and you're talking about 20 or 25 years. If that's one of the difficulties, how about the modern ones, like today's claims? You mentioned Nunatsiavut, those kind of things. They're going to keep falling behind each year, and the backlog will build up. That's something somebody has to pay attention to, the backlog that's going to happen. We need to start work now. You can't keep piling it away and expect it to work.

That's why we're in challenge today in Nunavut, because we lost a lot. As you said, when we signed the claim, a lot of people...our own people said we could do more, and some of us said, okay, we have a deal now, so let's at least try to make it work. It wasn't a perfect deal. We knew that. We lost some things we wanted, but we said, let's make it work, and that's why we put our pencil mark on it. With that, we have already lost a lot in terms of employment for our people, economic opportunity benefits. That's why we're in challenge today, because we lost so many benefits because of lack of implementation. We failed our community.

Thank you.

**The Chair:** Mr. McKay.

**Mr. Kevin McKay:** Thank you, Mr. Chair, and thank you, Mr. Russell, for your questions.

We released our model policy in the first week of March in a press release in the Parliamentary Press Gallery, with the assistance of Ms. Crowder. Before that, we had a meeting with Minister Strahl, I think the day before, and we had an opportunity to provide Minister Strahl with the model policy and a brief opportunity to speak in support of it.

At that meeting we reiterated a standing invitation to Minister Strahl to address our conference this week. We thought that would provide a really good opportunity for the Government of Canada to articulate its response to our model policy. We were told Minister Strahl was going to be there, and then as you had indicated, late last week we found out he has cancelled, with no alternative plans. That's all I can say to that.

Other than that, the minister has not, nor has the Government of Canada, formally responded to our model policy.

• (1000)

**The Chair:** Thank you, Mr. McKay, and thank you, Mr. Russell.

We'll go to Mr. Rickford for five minutes.

**Mr. Greg Rickford (Kenora, CPC):** Thank you, Mr. Chair, and welcome to the witnesses.

I have a few questions and I don't think five minutes is going to do justice to them, but I want to address this issue we're speaking about.

I can say that the minister's schedule has changed for personal family reasons. Minister Strahl has a strong reputation for working closely with stakeholders like your coalition, and unlike former governments, we feel strongly that we've been moving ahead under the current structures on land claims at a record pace for the last

couple of years. I think when it comes to self-government agreements, gentlemen, with the greatest of respect, we continue to work hard to strengthen those agreements. We recognize that there are ongoing problems, and we need to work with our partners and federal departments and agencies towards addressing some of those.

I took the opportunity to read through your 49-point submission to the Standing Committee on Aboriginal Affairs and Northern Development. I have a couple of questions. There are some things that I can't reconcile.

I have probably four minutes left here, so I was just wondering, as a general question, has a time and cost analysis of the benefits of a new policy regime and a land claims agreement implementation commission really been looked at?

I see 49 points here. Again, with the greatest of respect, there are some good points; some of them are consistent with the Senate submission. But they're rather vague. They don't have specific implementation modalities, and furthermore, it's my understanding that the agreement itself is to a certain extent a legal document. In context, there are these other activities going on between the governments in areas of socio-economic development and education that are all part of a capacity-building experience, so that when we get to the end of this process, the land claim agreement, in the spirit of it, has actually been occurring synchronously. And the land claim agreement as a substantive document in law simply pulls together all of the elements that the governments have been working on. There are capacity issues, obviously, on both sides of government, both your side and our own, and a certain finite amount of resources.

I have a lot of other questions, but I'll put that general one out there, given my time constraints.

**The Chair:** Thank you.

Mr. Kaludjak, go ahead.

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman, and Mr. Rickford, thank you for that.

Yes, when we go into discussions there's a lot of talk about vagueness. As I said in my presentation, we have 16 breaches of our claim that need to be resolved in terms of implementation.

If you want to go to specifics, you can look at our claim. That gives you a clear direction on what should be done today, where the government needs to go, where they sign the document.

**Mr. Greg Rickford:** The claim is in process right now. How does this document here effectively change that and stay within some reasonable cost objectives and get you to where you want to go? Are we really in the mood to change the system almost in its totality, given the 49 points that are there?

**Mr. Paul Kaludjak:** Yes. People are always scared of change. Sometimes it's good or bad, but in this case there's nothing but good. Because something has to change, and if we don't change it, you're going to see the backlog keep going up. There has to be some move, and there has to be clear direction for the government as to where it needs to focus, instead of being vague. That's why we've tried to step in to say, why don't you create a commission or a directive? Why don't you task a certain department to do the implementation solely by itself, so it's not all over the place? We have to deal with Environment Canada, the Canadian Wildlife Service, all those groups under the government that play a role in our claim, in the Maa-nulth claim, for instance. We have to find a way of coordinating that with them. They have to get together like this and say, okay, we're going to do this respectively; we're going to coordinate this as a big family.

Somebody has to step in to say what he's talking about, to coordinate it so it's clear, so that we're not all over the place, the way we are right now.

• (1005)

**The Chair:** Thank you, Mr. Kaludjak. We do have to move on.

Thank you, Mr. Rickford.

[*Translation*]

We now go back to Mr. Lemay, for five minutes.

Mr. Lemay.

**Mr. Marc Lemay:** I do not think that the translation was clear.

Let me respond to Mr. Duncan. I never said that I wanted the federal government to be eliminated. What I said, and will say again, is that we have to have a way of managing the federal government's handling of specific claims files. I hope that the translation will be better this time, no reflection on the interpreters' abilities, quite the opposite.

I have a problem with one of your recommendations. You say that we must:

... establish a cabinet committee on aboriginal affairs to oversee and coordinate the full involvement of federal agencies in ongoing treaty implementation activities;...

You are going to have to explain that recommendation to me, because, if things are not working at the moment, the problem is with Indian and Northern Affairs Canada.

What makes you think that a cabinet committee could work any faster? Would it not be better to have a representative from the Prime Minister's Office? I am just asking. I have a slight problem with it. I would like to understand.

I asked myself another question. Could we not establish a super-commission to look at land claims? Could you tell me what you think about that, and especially about the "cabinet committee on aboriginal affairs", which I have a slight problem with.

[*English*]

**The Chair:** Go ahead.

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman, and thank you, Mr. Lemay, for that.

That's why we are here today. There are challenges that we cannot control. On many occasions when we've met with respective government officials or ministers, we have outlined that if somebody is going to be tasked with coordinating an implementation process, we want it tied to the PMO, the Prime Minister's Office, somehow. That's one step we've been delivering for some time now. There has to be a direction from him so that somebody can directly be in charge of implementing the process, and his sole goal and mandate will be to specifically coordinate that effort.

As you know, INAC has been that department, but in their work they have to involve many different departments around the federal government, where the coordination seems to get lost. That's why you need a body of some sort, like the cabinet, to task someone to coordinate the implementation process, to spearhead it via a control office.

We tried to create on the Nunavut side a Nunavut secretariat, and we want them to be that. I'm sorry to say again today that the Nunavut secretariat, which we've so heartily supported, did not materialize as we expected, but we are working on that as well. In terms of the coordination of it, there's a lack of it, I'm sorry to say. That's why there's difficulty. We know that. We understood that. Somebody has to get on the horse and ride it, but there's nobody to ride it right now.

• (1010)

[*Translation*]

**The Chair:** You have a minute left.

**Mr. Marc Lemay:** I will end by saying that I would like you to write to us once a year to update us, or, better yet, you should come back before the committee, if necessary.

I have taken notes. I am certain that the minister is coming here on May 26 and I assure you that I will be asking him these questions.

[*English*]

**The Chair:** You do have time for a brief comment. Is there anything else to add?

**Mr. Paul Kaludjak:** I agree our transportation costs are very inflated up north. If the committee were to pay our monthly visits, we would be obligated....

**Some hon. members:** Oh, oh!

**The Chair:** Very good.

Thank you, Mr. Kaludjak.

[*Translation*]

Thank you, Mr. Lemay.

[*English*]

Now we go to Mr. Clarke for five minutes.

Mr. Clarke.

**Mr. Rob Clarke (Desnethé—Mississippi—Churchill River, CPC):** Thank you, Mr. Chair, and I thank the witnesses for coming here.

A couple of things here bother me, and I speak from my heart. Being first nations, having family still living on-reserve, having lived on-reserve, having worked on-reserve, and having aboriginals on the committee, when I hear opposition telling us we should be embarrassed about our treaties.... I take treaties as a very personal matter, especially internationally. I talk to many aboriginals across the world. As Canada, we as first nations should be proud, because we're sitting at the bargaining table negotiating, trying to make all first nations and aboriginals better overall.

Using the words "being embarrassed"—I take offence to that. I'm not looking for pity. I don't think first nations are looking for pity. We want to progress as first nations people.

We hold treaties as part of our traditions and we're proud of our treaties. As Canadians, we work together, aboriginal and non-aboriginal. So when we use the word "embarrassment", that embarrasses me as a first nations person.

I shouldn't have to say any more. I'm sharing my time here, but I'm sorry; that's my tirade.

In your situation here—and I'm kind of curious—how much have they costed for this policy? What would it cost, and how much would it cost the government to fully implement it, and how much would it cost in its first year?

Thank you.

**The Chair:** Go ahead.

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman.

Mr. Clarke, thank you very much.

As I was listening to the member's comments this morning, I perceived, if I understood it right, the embarrassment was within the government system, not related to our own Nunavut claim or, I understood, with the other treaties that are signed across Canada. I understood it that way, unless it was my oversight. I know we have no embarrassment and there is none to be had in our claims, because they're unlike any other around the world. They're so different and unique. You will never see anything like it around the world. I think these claims are one of the most unique tools one can have, and no one I know of has ever said they're embarrassed about their claim, that I know of, unless somebody other than me has said it.

In terms of working with our claims and the cost of implementing, right now there's no cost, because we're being failed. We're trying to claim our loss right now at the Nunavut side, because we've lost a lot. We've lost millions, and that's what we're all about today. We signed the claim in the hope that those benefits would flow into the 25 communities we represent in Nunavut. But I failed them, because the federal side failed us. That's why we're in a challenge today, because we lost millions because of lack of implementation. The challenge is there. But in the policy right now, there's no money, not one dollar, because nobody is doing anything about it.

Thank you.

•(1015)

**The Chair:** Mr. McKay, you have 30 seconds left.

**Mr. Kevin McKay:** I want to speak on the cost very briefly, Mr. Chair.

It's a legitimate concern that government has with regard to any change and establishment of new resources to deal with implementing treaties. But with respect, I think the irony is that the cost of not doing it would be far greater in the long run for Canada.

They should look at this not as an expense but as an investment in Canada, because we're here to tell you that without an implementation of our treaties in an effective way, it's going to cost Canada in the long run, because we won't realize and maximize those opportunities.

**The Chair:** Thank you, Mr. McKay.

Now we'll go to Madam Crowder, and there are three others after Madam Crowder. That will take us to about twenty to eleven. I think those are all the speakers I have on the list, so let's carry on.

Madam Crowder, you have five minutes.

**Ms. Jean Crowder:** Thank you, Mr. Chair.

I want to be absolutely clear, on the record, that my comment about embarrassment on the international stage was to do with the government's performance, and I want to quote from the UN Special Rapporteur on Human Rights and Indigenous Issues from 2004:

The Land Claims Agreement Coalition...have called upon the federal Government of Canada to pay urgent attention to full and meaningful implementation of the socio-economic and developmental objectives of these agreements, warning that if conditions among signatory peoples continue to fail to improve meaningfully after the signing of such agreements, other Aboriginal peoples may conclude that there is no benefit flowing from such agreements...

In the past the Government of Canada has also been cited for its policy on extinguishment, which it has now reversed, and it has been cited on its policies around women and violence—the Convention on the Elimination of All Forms of Discrimination against Women—on violence against aboriginal women, and its lack of action. There are numerous cases where the Government of Canada, both current and past, has been cited on its track record with first nations, Métis, and Inuit. I want to be absolutely clear that this is what I was talking about.

I was pleased to hear Mr. Rickford acknowledge that the government has capacity issues in dealing with land claims implementation, because certainly my experience in working with Nunavut and Yukon first nations is that they've more than ably demonstrated capacity in terms of dealing with justice on education, on economic development. In terms of the government's lack of capacity to deal with these issues, I wonder if you could comment on what you see as being important for the government to put on the table to fulfill its legal and international obligations.

Before you answer that, I also want to say that the government has also failed to sign on to the UN Declaration on the Rights of Indigenous Peoples.

**Mr. Greg Rickford:** I have a point of order, Mr. Chair. I believe the record will show I said "governments", which suggested all the governments that are currently involved. If we want to get into that, that's fine.

**Ms. Jean Crowder:** That's fine. You acknowledged there were governments, but I want to talk about the federal government capacity.

**The Chair:** Okay, it's not point of order, but that's okay.

Let's carry on. Madam Crowder, please.

**Ms. Jean Crowder:** I would like to ask Mr. Kaludjak some questions.

**The Chair:** Please proceed, Mr. Kaludjak.

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman, and Madam Crowder.

I want all of you around the table to understand that you have the same heart. We all do. We misunderstand sometimes, but we make amends to understand. From Kevin's and my side, we don't worry about your party lines up north. We worry about your heart. We worry about your team. We don't care which party you represent, I'm sorry to say, as long as you can help us. Do your party lines among yourselves, but the ultimate goal for us is that we count on you to help us, no matter what. We may disagree, but we go down the line to agree at the end of the day, to be able to talk tomorrow and not walk away from our differences. The differences make us who we are, to make that difference in line with two people, and we count on you as well.

I want you to understand. That's why we're here. We don't see you as different groups. We see you as one, and that's why we're coming forward to you. We need help. If we didn't, we wouldn't be here. If things were kosher, if the implementation was working well, we wouldn't be talking to you. We would say "Good job, guys" if everything was hunky-dory up there. But no, our people need you. As Mr. Clarke said, we cannot turn our backs on the local community. They rely on us to deliver. We rely on things to work; that's why we put forward recommendations to the governments. This is the best vehicle. You might want to explore that. We can't tell them what to do; we can recommend stuff to them, but that's as far we can go.

In terms of capacity, that's our own problem because of the lack of implementation. The Nunavut side lacks capacity due to lack of action. The provisions in the Nunavut claim that were supposed to be acted on and funded did not reach those levels. That's the capacity difficulty for us.

I cannot speak for the government side, I can only say that when they want to make any kind of mandate within the government, there's no excuse of money.

•(1020)

**The Chair:** Okay.

[*Translation*]

Thank you, Mr. Kaludjak and Ms. Crowder.

Let us hear from Mr. Albrecht.

Mr. Albrecht, you have five minutes.

[*English*]

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Thank you, Mr. Chair.

And thank you to our witnesses for being here today.

One of the things you can be sure of, as it relates to this committee and especially this government, is that we do have a heart for the continuing economic development opportunities for aboriginal

people. Specifically today I'd like to speak to Nunavut. One of our major concerns is the economic development opportunities.

Point 6 in your submission was a direct quote that Ms. Crowder made, I believe from a UN document, which was that if socio-economic conditions among signatory aboriginal peoples continue to fail, you could conclude that there is no benefit flowing from such agreements.

Mr. Kaludjak, you made a statement a few minutes ago saying that in Nunavut you have lost major employment opportunities and major economic development opportunities. Are you saying then that currently Nunavut is worse off economically and in terms of employment than it would have been without the signing of the 1993 land claims agreement? Has there been progress in terms of employment and economic opportunities since the agreement has been implemented?

I had the opportunity to visit Nunavut a few times over the last number of years, and I agree with your statement that things are probably not hunky-dory. There are challenges. But my sense, as I spoke to people in Nunavut, was that there had been significant advancement and progress made in the opportunities that they have and in their sense of hope, going forward.

I wonder if you could respond to that.

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman.

It's good to see you again, Mr. Albrecht.

In terms of Nunavut, when the legislation creating it was passed in 1999, we had highest hopes and we had unlimited expectations. Okay, we're going to control our own destiny as Inuit. We're going to have a government that is like the Inuit, that is going to be Inuit-relevant. Along the way, we realized that it was not going to be so glamorous after all. We had challenges, as you said.

I must say yes and no to your question about progress. Economically speaking—and I will pick that one first because it's more of a challenge than ever—opportunities in Nunavut haven't been as forthcoming as expected. They have opportunities—

•(1025)

**Mr. Harold Albrecht:** If I could interrupt, my question was whether or not they're better now since the implementation than they would have been—and I know we have to speculate—had the agreement not been signed.

**Mr. Paul Kaludjak:** Yes, I'm getting to that.

Many people said, "Why change over to Nunavut? We were better off when we had NWT, because we had more opportunity." Some said that. But we have to be patient to have the economic side eventually roll around to Nunavut, and we're still not there. Nunavut is only 10 years old today, and we want it to progress as well as we can and as fast as we can, but we cannot take those steps as quickly as we wanted to because government takes time to grow. It's only 10 years young. We still expect those benefits to be maximized, especially on the economic side.

But I can tell you there has been some progress. There have been many steps taken that were positive. But again, there are difficulties, and they were known to be coming forward.

We understood at the signing of the government's existence through our claim that, for example, 85% of those hired in government were supposed to be Inuit. And we realized the capacity issue we were facing for Nunavut for skilled workers; we realized that. We could not reach those levels at that certain time. But we said, okay, we're going to live with 50% for now with our claim. We knew that the government was new, so okay, let's settle for 50% Inuit employment within the government for now; later we're going to go to 85%, I hope. Now I believe we're at about 55% or so, which is good news to us, and it's growing. We want more Inuit to be employed within the government, and our ultimate goal is 85% or better.

Those are improvements. Those are improvements for the people we represent. Okay, you guys go and get those jobs. We've achieved some of those jobs.

**The Chair:** We'll have to wrap it up with that if we can, Mr. Kaludjak. Thank you very much, and thank you, Mr. Albrecht.

Now we'll go to Mr. Bélanger.

*Vous disposez de cinq minutes, Monsieur Bélanger.*

**Hon. Mauril Bélanger (Ottawa—Vanier, Lib.):** Thank you, Mr. Chairman. I have a few comments and then a suggestion, I guess, to the committee.

Gentlemen, thank you for being here.

I'm going to draw a parallel between the aboriginal communities of this country and the francophone or linguistic minorities, principally the francophone one because it's the one I know best, being a member of it. I share a great deal of the views in the sense that this government, past governments, all governments—federal, provincial, sometimes even municipal, if you look at what's going on in B.C. right now with the Olympics—have fallen down in their responsibilities in terms of respecting the Constitution of the country, the history of our country, the federal structure, the deals that were made when we created the country, the laws of the country, the Official Languages Act, and the Constitution. And for matters of official languages, despite having a quasi-constitutional act, we also have a Commissioner of Official Languages to see to the implementation of that act. It has been in place for forty years and it's still lacking, to a great extent, in its application.

So I sense there's a great deal of similarity between the francophone minority communities and the aboriginal communities.

One question that Monsieur Lemay asked was whether or not there would be usefulness to having a special cabinet committee. I believe there would be. When I was in the cabinet and I had responsibilities for official languages, I had access to an ad hoc committee, which I transformed into basically an ongoing monthly committee. We also had a secretariat in the Privy Council. Without those two instruments, there's no way I would have been able to make some policy advancements, some implementation advancements. So I think they're on the right track in terms of those tools. A secretariat in the Privy Council and a cabinet committee, I think those are valid instruments, and if you can get them, all the better.

Mr. Chairman, as a new member of this committee, I would benefit greatly—I don't know about the other members and I can't

speak for them—if we could dedicate at least one meeting, or perhaps we need more, to exploring a concept that I keep hearing referred to by representatives of the aboriginal communities as honour of the crown. It's a concept that I ran into when I was dealing with another local matter dealing with lands, and that's how I saw it first applied in consultation, in how the Government of Canada conducts itself in the consultations with the aboriginal communities. The concept was applied, and basically the government was not doing what it should do. The crown was not doing what it should do.

But I'd love to get a very solid grounding and understanding of this concept of honour of the crown as it applies to treaties, as it applies to land claim agreements, as it applies to ongoing cooperation or consultations, as it applies to implementation of treaties and land claims agreements of all kinds, specific or general, and how it relates to the Indian Act and to the charter. I think we might benefit greatly by understanding that and trying then to impose it on an overarching basis on what it is we're trying to achieve here and perhaps trying to change the culture of those who are implementing these agreements. It's a suggestion I make for certainly my own benefit, but as a member of this committee I dare to think that perhaps others would benefit as well.

Thank you, Mr. Chairman.

• (1030)

**The Chair:** Okay, you have another minute left. I don't know whether witnesses wish to comment or we can—

**Hon. Mauril Bélanger:** As I said when I started, I didn't have a question.

**The Chair:** Okay. Would you wish to comment? There's a brief time left.

**Mr. Paul Kaludjak:** Yes. Thank you, Mr. Chairman and Mr. Bélanger.

I think when we're talking about honour, that's what aboriginal people are all about, because we open up our lands to visitors so much so, for example, in Nunavut, that you take a back stage. I would welcome you, and you can take my fishing hole on the lake. That's no problem; that's hospitality. That's how much we move to invite people and to be welcoming to our lands.

And when we go out here, I cannot find a parking spot in Ottawa sometimes, and that's not very welcoming, but I'll live with that. Those are the differences we have. We cook you a meal, and that's the difference. That's how much fairness we want. When we come here to say you must live up to the claim, we want the same thing as we gave you in our lands—the same thing. It's simple. If somebody cannot figure that out, we can teach you.

**The Chair:** Thank you, Mr. Kaludjak, and thank you, Mr. Bélanger.

We'll go finally to Mr. Payne, for five minutes.

**Mr. LaVar Payne (Medicine Hat, CPC):** Thank you, Mr. Chairman.

I'd like to thank the witnesses for coming here today and for your opening comments and so on.

I have some questions around self-government. I hope you can give me your thoughts about self-government and your capacity to do that. Then I'll follow up with another question.

**The Chair:** Either Mr. McKay or Mr. Kaludjak could answer.

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman and Mr. Payne.

As I said, on the Nunavut side, on our side in the Arctic, when we agreed that the Nunavut side would split from NWT to Nunavut, we saw that as a self-government initiative and we thought, holy smokes, we're going to be able to govern and dictate how the public body, the federal government, can cater to the Inuit population in Nunavut. We perceived that as a kind of self-government vehicle. That's the difference, I guess, on the Nunavut side, where a government was created from a claim. Article 4 in our claim created a government, and there has been no other, as I said before, in a claim. I don't know if it has ever been done before, but our claim built a government. It directed a government to be formed through the claim, which was signed in 1993, and it became a reality in 1999.

That's the uniqueness of some of these claims. They even can create a government like that. That is so different, and it's a way of self-government.

• (1035)

**The Chair:** You still have some time, Mr. Payne. Go ahead.

**Mr. LaVar Payne:** Did you want to comment, Mr. McKay?

**Mr. Kevin McKay:** Very briefly, Mr. Chair, from the Nisga'a perspective, "Nisga'a government" is the term we use for self-government. It was very important in our pursuit of the land question.

The process of re-empowerment for us was as important as any other part of our Nisga'a Final Agreement. For us it was all about re-empowering our citizens to govern themselves. This has been an issue ever since the imposition of the Indian Act into our daily lives 130-plus years ago.

The way I describe it very graphically, Mr. Chair, is that our oral history tells us that we've been on the land since before the beginning of time. In one of our Nisga'a villages we have archeological evidence that places our ancestors there in the tens of thousands of years. Throughout all that time, Mr. Chair, the Nisga'a people were a vibrant, proud, self-reliant people. The Indian Act was imposed on our lives for a little over 130 years, and it did a lot of damage in that 130 years, so much damage that we are still, almost a decade later, implementing our treaty and encountering the hangover effect of what the Indian Act did to our people.

So the process of re-empowerment through Nisga'a government is very important to us, and it has been since the very beginning.

Thank you.

**The Chair:** You have about a minute left, Mr. Payne.

**Mr. LaVar Payne:** Thank you.

In terms of ongoing self-government and the economic viability of self-government, have you any thoughts about how you would manage the ongoing costs of running your government and running programs that you might implement?

**Mr. Kevin McKay:** Well, with the Nisga'a, we have no qualms about at some point in the future being totally self-reliant. The fiscal financing agreements that we seek to negotiate with the Government of Canada right now are a very important building block in that process.

We can't be clearer to Canada. We don't expect to be here, hat in hand, forever, ad infinitum. That's not what the treaty is all about. We are trying to rebuild our nation from the damage done by the Indian Act. That's going to take some time, and we need the help of all levels of government to achieve that.

**The Chair:** Thank you, Mr. McKay.

Do you have a final comment, Mr. Kaludjak?

**Mr. Paul Kaludjak:** Thank you, Mr. Chairman and Mr. Payne.

In response to the economic opportunities, our claim has been a major economic contributor to Nunavut. The Nunavut government relies on the discretion of the federal government to fork over economic funding for its operations. It relies totally on whatever is given to it from the federal side. And I know it always gets crumbs.

Thank you.

• (1040)

**The Chair:** Thank you both.

It has been a very informative session. To you both and the other leaders of the aboriginal communities who have joined us as guests this morning, we appreciate your attendance. On behalf of all of the members, we wish you all the best with your conference here in Ottawa over the next two days.

**Mr. Kevin McKay:** Mr. Chair, thank you very much for the opportunity.

**The Chair:** Thank you.

*[Proceedings continue in camera]*





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