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**EVIDENCE**

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**Chair**

**Mr. Colin Mayes**

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# Standing Committee on Aboriginal Affairs and Northern Development

Thursday, December 7, 2006

•(0910)

[English]

**The Chair (Mr. Colin Mayes (Okanagan—Shuswap, CPC)):** I open the Thursday, December 7, 2006, meeting of the Standing Committee on Aboriginal Affairs and Northern Development.

Committee members, you have the orders of the day before you. This morning, in the first hour, we will be dealing with the B.C. treaty process. The witness is Robert Morales, chief negotiator from the Hul'qumi'num Treaty Group. In the second portion of this meeting we'll be continuing discussions around the circumstances faced by the Pikangikum First Nation.

Welcome to the committee, Mr. Morales. Thank you very much for the fact that you were here in Ottawa. It worked out great for us to be able to hear this presentation. What we will do is let you speak for ten minutes or so, and then we'll be asking the committee members to ask you questions.

**Mr. Robert Morales (Chief Negotiator, Hul'qumi'num Treaty Group):** Thank you, Mr. Chair.

Good morning, honourable committee members. It's a pleasure to be able to appear before you this morning to share some information with regard to the British Columbia treaty process. As was mentioned, I am the chief negotiator for six first nations on Vancouver Island, the Hul'qumi'num Treaty Group, in which we have about 6,000 members. I'm also the chair for the summit chief negotiators' forum, which is the forum for all of the first nations chief negotiators in British Columbia.

I want to spend a few minutes this morning talking a bit about the treaty process and the recent Auditor General's report that was just put out by Ms. Sheila Fraser on behalf of Canada. The British Columbia Auditor General has also produced a report, so there are two reports that are quite recent with regard to the treaty negotiations that are currently going on in British Columbia.

I want to start by making a few comments about what I've termed here the history of racism and denial policies. I want to first read a quote from Duncan Campbell Scott, who appeared before a special committee of the House in 1920. He made the following comments:

I want to get rid of the Indian problem. I do not think as a matter of fact, that the country ought to continuously protect a class of people who are able to stand alone....

Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill.

I will read another quote with regard to the definition of genocide. It says:

Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and...personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.

The Auditor General of Canada, in the report that was published, made the following comments with regard to the treaty process in B. C. At paragraph 7.27, she states:

There are fundamental differences in views between many First Nations in the B. C. treaty process and the federal government. For example, the federal government does not recognize Aboriginal rights unless they are proven in court. B.C. First Nations consider that Aboriginal rights and title should be acknowledged before negotiations begin. At some negotiation tables, First Nations believe that they are owed compensation for past denial of their rights. The federal government considers that there is no basis to establish such compensation since negotiations are not based on rights. Another critical difference is the federal government's expectation that a treaty constitutes full and final settlement with respect to the Aboriginal rights and title claimed by a First Nation, while many First Nations see treaties as evolving documents recognizing their rights and title.

At paragraph 7.24, she states:

...there are indications that the failure to deliver treaties, limited interim benefits, and the relatively slow pace of negotiations are actually straining the relations between government and First Nations.

At paragraph 7.52 of the report, she recommends that the government "develop a more expeditious and coordinated process for ongoing policy development and review...."

•(0915)

Then she observes at paragraph 7.60:

...treaty negotiations are one of the most controlled and inflexible processes in the federal government, involving approximately 40 departments and agencies, including central agencies, and a coordination structure to measure different levels of approvals.

And I think this is probably the key sentence from the whole report:

Other officials observed that this process is structured as if the main risk faced by the federal government in treaty negotiations is that of deviating from existing mandates, rather than that of not signing treaties.

I have a written presentation that I'll leave with the clerk to translate, because it's too long to give in ten minutes.

One of the duties that we would say the Crown holds is to negotiate in good faith. To come to the treaty tables with predetermined outcomes and predetermined conditions that are inflexible really puts into question the whole issue of good faith in these negotiations. The experience we're having at our negotiating tables is that at some point all treaty tables will hit a point where they are faced with what seem to be inflexible positions on key aspects of the treaties. As we have met as chief negotiators in British Columbia, we have identified six areas where we see there are considerable gaps between the vision that government brings to the table and the vision that first nations bring to the table. Each table has attempted to negotiate its vision of the treaty at its individual table, and at this point, on those six issues, there has been no significant movement by government.

When we raise them at our individual tables, we are told that they are high-level policy issues. As chair for the chief negotiators' forum, I am also able to sit with the principals, including the Minister of Indian Affairs; the British Columbia Minister of Aboriginal Relations and Reconciliation; the Summit Task Group, which is the political leadership for the first nations; and the British Columbia Treaty Commission. At that table, I've heard it stated by previous ministers that it is not a negotiating table and that these issues therefore have to be dealt with at the individual tables. So we get caught in that cycle. At the individual tables, it's a high-level policy issue, but it's a negotiation issue when you get to that table, so it becomes very difficult to try to find ways to achieve movement on these significant differences of vision and approach or desired outcome within the treaty process.

Recently, 46 nations at 14 treaty tables signed on to a protocol. We represent approximately 22,790 first nations members. The protocol signifies our commitment to working together to find solutions to the significant gaps between government and first nations visions and mandates. The purpose for establishing the protocol is a call to establish a joint policy table, a forum where we can actually begin to address these issues. We have called upon the Prime Minister, the premier, and the two ministers to support us in wanting to have a policy table established, where we can actually get into a dialogue, a discussion, a debate about these key issues, to see if we can find a way to break the impasses and the barriers that currently are there.

● (0920)

I want to quickly go through the six areas. The first one is certainty. The government comes to the table saying that in order to conclude a treaty, first nations must modify their aboriginal rights into treaty rights and agree not to exercise or assert rights not contained within the four corners of the agreement. The question is, why? Why is that the only alternative?

On the issue of the constitutional status of lands, the government comes to the table saying that in order to conclude a treaty, first nations must modify their aboriginal title into fee simple lands. Again the question is, why is that the only option?

On the issue of co-management, the government comes to the table saying that in order to conclude a treaty, first nations must extinguish their jurisdiction over their traditional territory, thereby relinquishing any right to consultation for decisions that do not directly affect their treaty rights. Again the question is, why?

On the issue of governance, the government comes to the table saying that in order to conclude a treaty, first nations must accept what is referred to as the concurrent law model. The question again is, why is that the only option?

In terms of fiscal relations and taxation, the government comes to the table saying that in order to conclude a treaty, first nations must agree to the federal government clawing back transfer dollars for social programs if the first nation generates own-source revenue. The first nations must also agree to relinquish their tax exemption as a pre-condition to entering into a treaty. Why is that?

Lastly, with regard to the fishery, the government comes to the table saying that in order to conclude a treaty, first nations must agree to an allocation of fish for food, social, and ceremonial needs, an allocation that is based on the existing aboriginal fishing strategy numbers, which are generally inadequate. The government also says the minister will be the ultimate decision-making authority, which leaves little room for real first nations participation in decision-making. The government says it will not negotiate a right to a moderate livelihood or a recognition of the right to sell within the treaty. Again, why is that?

We are calling for an opportunity, and we hope we are able to engage in a process, in which we can begin to really examine the legal and the social policy underpinnings for the positions that are being brought to the table, particularly by federal negotiators but also by provincial negotiators. We're told that those negotiators do not have a mandate to engage in policy dialogue, to negotiate policy issues, and that those are either driven by cabinet or driven by senior officials in government. We need to find a way to resolve that in order to make progress and in order to address the issues that are raised by the Auditor General in her report.

Again, the first recommendation she makes is that government needs to develop a more expeditious and coordinated process for ongoing policy development and review. That, I believe, is key to making progress in the treaty-making process that's currently under way in British Columbia, recognizing, of course—I'm sure everyone has probably read the news—that there are three first nations that are initialling off on final agreements. Those are generally small nations that have made a decision to accept and move forward with the current mandates, but, as I said, the tables that have signed on to the protocol have all indicated that they are not prepared to proceed on the basis of the existing mandates.

That about takes care of my ten minutes, Mr. Chair. Thank you very much.

● (0925)

**The Chair:** Thank you.

We'll go to Mr. Merasty, please, for seven minutes.

**Mr. Gary Merasty (Desnethé—Missinippi—Churchill River, Lib.):** Well, as a former chief, as a person involved in self-government negotiations, land claim negotiations, and understanding from that perspective the nation-to-nation relationship, the Supreme Court, the battles that first nations and Métis have had to establish nationhood, leading to engaging in these discussions between the government and the nations—the first nations, Métis nations, the Inuit nations—I'm angry to hear about extinguishment; fee-simple; non-respect of aboriginal law; being penalized for own-source revenues; having taxation exemption removed, under all conditions, it sounds like; respecting only ceremonial needs when it comes to harvesting resources for food; and the minister retaining ultimate decision-making. That's not negotiation. This is assimilation.

I don't even know what question to ask Mr. Morales. I cannot believe that this is the mandate that has been handed down. I can see a revolt happening across this country. I'm totally and completely baffled, because this goes against thirty years of Federal Court, provincial court, Supreme Court decisions that outline what courteous negotiations between these groups should entail.

My only question, I guess, is why do you think this is happening? I can't even think of any other question that's nicer than that.

**Mr. Robert Morales:** Thank you for that question.

Ms. Fraser does identify the exact issue you are raising, that in terms of response to case law and the decisions of the Supreme Court of Canada, the Government of Canada is very slow in implementing those cases, and that is an issue that needs to be addressed in terms of the comprehensive claims policy, and I guess the policies of the Government of Canada particularly.

Why? Again, I believe it's based in the denial policies. In British Columbia there has been that history of denial, denial that aboriginal title exists, and there's been a huge need for first nations to litigate that issue, to even establish that aboriginal title continues to exist. I think it is perhaps a product of systemic discrimination. I'm not sure why. I mean, that's a good question.

How can we overcome it? That's really what we're trying to accomplish.

**Mr. Gary Merasty:** To me, it seems it's not a mandate; it's a set of final terms of an agreement.

I know we want to avoid at all costs conflict of laws when we negotiate these issues, whether they're municipal, federal, or provincial laws, or first nation, aboriginal laws. On OSR, own-source revenues, whether it be through natural resource development, taxation authority, or other, I'm just baffled by this mandate, which seems like a final agreement to me.

What has been the feedback from the majority of negotiators—and we're all baffled here—across the country with this mandate? I know we met a few of them at your gathering the other night. Is there a collective, "What's going on here?" Are there brakes being applied? Is there a thought more nationally on this, from across the country?

• (0930)

**Mr. Robert Morales:** I've had some communications with the Mi'kmaq in terms of the negotiations currently ongoing on the east

coast. They're very interested in the unity protocol; they just recently heard about it. I came out to Ottawa and met with some officials from the Department of Fisheries and Oceans I think who indicated they're engaged with the Mi'kmaq in a process that is a response, I understand, to the Marshall decision, and a discussion without prejudice, leading to some recommendations that would go to cabinet. At least, in that kind of a process, first nations are involved even in the development of the mandate policies that are coming down for negotiation.

Perhaps that might be something we would encourage, or a possible way to make some progress as to how to get first nations voices heard as we try to find solutions and a resolution to some very significant issues.

These negotiations are very much based in British Columbia; they have been very much I think a British Columbia approach. We've seen on these particular issues that there have been other approaches taken in other regions of the country. But in British Columbia, the experience we're having is that the tables are being presented with predetermined wording; the clauses are being brought to the tables, and it is said, "This is the position and we cannot deviate from it."

**The Chair:** Mr. Lemay or Mr. Lévesque.

[*Translation*]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** That will be me, Mr. Chairman.

Mr. Morales, I'm so pleased to be meeting with someone who isn't simply handing us a report, or information, or a message from a committee. You are, and have been, truly involved in negotiations and you have experience in negotiating with this extraordinary machine called the federal government. I have one or two comments.

If you think you have problems in British Columbia, then try to imagine what has been happening with the Mohawks in Quebec. There was the Oka crisis in 1990, which resulted in the Erasmus-Dussault report, that celebrated its 10<sup>th</sup> anniversary a few weeks ago and that led nowhere. Try to imagine what has been happening with the Lubicon Lake Crees in northern Alberta. I think the minister knows what I'm talking about. Try to imagine what has been happening with the Six Nations in Caledonia. If you'd like to hear more I can continue until 10:20.

I have a specific question. The Liberals used to be in power; now the Conservatives are, and both parties tell us that our party will never be in power. They can say what they will, but within a minority government, we have the power. My question to you is very specific: What can we do? It seems to me—and I have been involved in these kinds of cases—that the federal government is both judge and jury, that is, that the government is the one deciding when negotiations will take place, how those negotiations will unfold, with whom the negotiations will be carried out, and on what terms. What can we do to help you? Is there something concrete we can do, a decision or a recommendation we can make? That is my first question.

Under this new good government that says it will solve all these problems, has the situation improved or has nothing changed?

I'm not talking about the Quebec nation, which is a step forward, but rather of the first nations. That is quite a different matter.

Do you see, Mr. Morales? I'll give you the rest of my time to answer.

• (0935)

[English]

**Mr. Robert Morales:** Thank you for the question.

What can you do? We had a delegation come to our territory, and I believe they were individuals who were going to be serving as ambassadors or foreign diplomats. I can't recall their exact titles, but there was someone from Quebec in the group who, after we explained what's going on in British Columbia, made the observation that, "Well, we've never heard of this; we didn't even know this existed. We didn't know there was an issue like this." He said these kinds of issues never make the press in Ottawa; no one is aware of what's going on.

So awareness of the issues is one thing that we can try to do, and perhaps establish a better communication system with you, so that you're aware and can make others aware of the current situation. Having a good understanding of each other and making better relationships is one thing.

At this time in the history of Canada, whether or not there's going to be a change to the current minority government situation—it's hard to tell—I certainly think that all parties can help move the current policy of denial and refusing to recognize the rights of first nations people. Are things going better or are they the same?

I'm a member of the Cowichan, which is one of the communities I negotiate for. A community well-being index was done in British Columbia, and I think over 400 communities were surveyed. The communities I represent were at the very bottom of those 400 communities.

I think you indicated earlier that you had been to Whistler. It was ranked number one in the province, as the best community in which to live in the province, while our communities are down in the 400-and-some category.

So are things going better? I don't believe they are going better. I think the social and economic situation of our communities is still basically the same, and the rates of unemployment and poverty—the rates of all of the indicators on the socio-economic scale—would indicate that things are not improving.

How do they improve?

**The Chair:** Mr. Morales, please wrap up a bit, because we have our next witness.

**Mr. Robert Morales:** Thank you.

How do we improve this? Certainly one of the things we're saying is that we need to establish this new relationship with government through the treaty process.

Thank you, Mr. Chair.

**The Chair:** Madam Crowder.

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

I want to thank you for travelling here. I think it's really important that committee members get to hear that things are different in this country from coast to coast, and British Columbia has its own unique set of circumstances. Of course, I'm from British Columbia, so I have a bird's-eye view of that.

I want to start by saying that not only are there challenges in the treaty process, but also in the implementation, as we've seen with the Nunavut Tunngavik this week launching a lawsuit against the Government of Canada for breach of contract because of the lack of implementation that's happening in Nunavut. So not only do we have challenges in the treaty process, but we also have challenges in implementation.

I want to echo Mr. Merasty's anger, actually. As many of us have become more and more involved and have had a closer look at what's going on in this country, it is shameful that we are having to have this conversation today.

Rather than deal with some of the bigger picture, I'm actually going to deal with three specific elements in the Auditor General's report. I'll list them, and then I'd like you to respond to them.

One is in paragraph 7.47, which is talking about land. Of course, land in British Columbia, particularly for some nations.... I fail to understand why Indian and Northern Affairs does not have priority around surplus federal lands so that they're on the table for people when they're trying to negotiate treaties.

The second piece I want to deal with is in paragraph 7.5, around the duty to consult. We've had many court decisions. The Auditor General specifically cites Sparrow and Delgamuukw, but she goes on to say that although work has started in the federal government, it really has no formal mechanism in place on the duty to consult. It seems to me, no matter what the policy is, unless there is a fundamental commitment to consult on a nation-to-nation basis, we're going to continue to have these conversations.

I'd like you to comment on that.

And the third piece I'd like you to comment on is paragraph 7.73, around loans. Many first nations in British Columbia are eating away at their ability to function as a nation once a treaty is signed because of the fact that they're having to borrow substantial amounts of money. In fact, my understanding is that the way the agreement is structured right now, interest is not being paid at this point in time, but that deadline is looming where people will have to begin to pay interest.

I wonder if you could comment on those three items.

• (0940)

**Mr. Robert Morales:** Thank you, Ms. Crowder.

Dealing with your first question with regard to land, which is contained in the Auditor General's report at 7.47, the issue of surplus federal crown lands is perhaps not as large a question in British Columbia as in other regions of the country. There is not the significant amount of federal crown land. The crown land in British Columbia is primarily provincial crown lands, but small pieces of federal crown land currently exist. I believe the federal government has a list of priorities and that land for treaty negotiations falls onto that list. They're not at the top of the list, I know that, but as surplus crown lands are available, there is an opportunity to have those become part of an overall treaty deal.

Perhaps the more difficult question is being able to hold onto those lands while the negotiations grind along. We're 13 or 14 years into the process and we don't have an inch of land yet; we don't have any substantial improvement in social and economic conditions. So these interim measures the Auditor General speaks to are important, and land could be one of those issues. It seems to be a bargaining chip that we're not prepared to turn over any land to first nations until you agree to all these other issues. Until you agree to fee simple, until you agree to a concurrent law model, until you agree to all these things, we are not prepared to turn over one square inch of land to first nations. So it creates what we say is a very potentially hostile negotiating environment.

On the issue of the duty to consult, the federal government has not yet developed a policy in response to Haida. I think it's been two years since Haida came down. They do not have an official consultation process in place, which makes it difficult, because you really don't know the rules of the game in the consultation process. So we're trying to respond to decisions that are being made. Decisions continue to be made in spite of the fact there is no consultative process. Again, the Auditor General calls upon this, her second recommendation, that a consultation and accommodation policy be developed.

In terms of the issue of loans, the first nations are borrowing money to participate in the negotiations. Certainly, it's an issue that many of the community members question. Why do we have to borrow money to participate in this process, money that will come out of the eventual settlement? As these negotiations go on for protracted periods of time, the loans continue to mount. The pressure continues to mount, because at some point smaller nations may end up owing money at the end of this process. So it's a difficult one to work your way through. If one or two parties come with positions that are not negotiable, what are your options? Your options are either to get in and accept what's there or you continue with the process that grinds along and loans continue to escalate. It becomes an untenable situation.

What is going to happen once the time period for repayment of the loans expires? We don't know. We're not sure. We recently heard that may be the situation for one first nation, but it hasn't been confirmed yet. So I don't think it's going to happen.

Thank you.

• (0945)

**The Chair:** You're out of time for answering questions.

Mr. Bruinooge, the chair would like to make a comment.

• (0950)

**Mr. Rod Bruinooge (Winnipeg South, CPC):** Sure. Whatever

**The Chair:** I was advised by the analysts that this is the first time we've had a discussion at this standing committee, not only this one but previous ones, on this issue of B.C. treaties. So thank you very much for being here.

I think what you're talking about is policy, and maybe even a suggestion that there be a statutory framework to know the position of the government.

The only concern is I'm getting the feeling that there's a victim mentality. Really, the Government of Canada represents the people of Canada. I think I disagree. I'm from British Columbia, and I have worked for the Adams Lake Band. I'm very close to a lot of their leadership. I believe that Canadians have the intent to see this resolved.

One also has to recognize that when the Government of Canada comes to the table to negotiate, they're representing the entitlement and interests of the second nation in this country. There needs to be a recognition of that.

I've had experience with that. The Government of Canada passed a law allowing taxation on reserve lands within a municipality, yet they never consulted with the people in the municipality—the local government. In the community I was mayor of, all of a sudden the first nations Adams Lake Band took about \$360,000 out of our tax base. Our citizens were paying for the service delivery, because that's what taxes are all about. They were disenfranchised by the passing of that law. That was an experience.

When negotiators come to the table, that's why they have to look at the interests of Canadians and first nations. It's about compromise and what is fair and equitable to all people. I believe the Government of Canada, on all sides, wants to resolve this in the best interests of the country and the first nations people.

Mr. Bruinooge.

**Mr. Rod Bruinooge:** Thanks, Mr. Chair.

Mr. Morales, thanks for bringing your views to the committee. It's interesting to hear. This committee hasn't had the opportunity to hear from a negotiator such as you in relation to the B.C. treaty process. I'd like to commend the member from Cowichan for recommending that we have this discussion.

My questioning would be more along the lines of getting to further understand your perspective on how a negotiation should occur. How would you propose that the people you represent and the Government of Canada negotiate?

**Mr. Robert Morales:** I suspect negotiation would mean there is room to move on both sides. If there's no room to move, then I don't think it's negotiation. That is simply the bottom line. If we come to the table with our bottom line, then there is no opportunity to negotiate. So how do we do that?

The policies of government, yes, do have to take into account all Canadians, but is it something that's created in isolation without any participation of the first nations? How should negotiations occur? If the government says, and I suspect this is the case, that we cannot negotiate 47 different approaches in British Columbia to this particular issue—it's impossible to do that—then we're saying from our side of the table that we cannot live with “one size fits all”.

“Fee simple is the only option you have; there is no other option to how you're going to hold your land after treaty.” Somewhere between those two extremes we have to find the middle ground. I think that's what we're saying.

It cannot be that these negotiations become simply a take it or leave it position. We've heard that at our table. One of our chiefs was asking some questions, and the negotiator for Canada said this is a voluntary process. That's not really a negotiation. I think there needs to be some room to negotiate.

Yes, we might be able to negotiate around the fringes of certain issues, but when you get to the heart of the issue, there's a predetermined outcome. The language is already crafted. It's, “Here you go. Do you accept it?” That's the feeling, and that's the experience we're having.

**Mr. Rod Bruinooge:** Don't you believe that you can take positions on the negotiation and have an impact on the actual discussion?

**Mr. Robert Morales:** We take positions. I don't know whether they're having an impact on the discussion, because the negotiators are not mandated to do that, and that's the problem. The problem is that the negotiators come to the table with their predetermined mandates, the outcomes, the marching orders: “This is what we're trying to accomplish.” So whenever you get that in the environment, how do you deal with it?

I think that's the challenge we're having—we need to have that.

**Mr. Rod Bruinooge:** Are you saying that in the amount of time the recent negotiations have been occurring...? How are they different now from, say, the last thirteen to twenty years?

**Mr. Robert Morales:** The treaty process in B.C. has been ongoing for thirteen years. I believe we are now to the point where most first nations are reaching that wall. It's taken time to get to that point, to where we're all facing the same language, the same positions, the same mandates. So now we've gotten to that point. We're now hitting the hard issues.

• (0955)

**Mr. Rod Bruinooge:** I believe the number that was quoted as having been invested into the negotiations was something like three-quarters of a billion dollars. Is that correct?

**Mr. Robert Morales:** It was \$1 billion.

**Mr. Rod Bruinooge:** What impact did that money have on the current negotiations? What effect did all those negotiations have? Was there something meaningful that came out of it, or are you finding there was nothing that came from that?

**Mr. Robert Morales:** At our table—and I can only speak from my own experience at our negotiating table—we've made progress on many issues. The treaty is hundreds of pages long, and there are many clauses that you have to work your way through. We've made

progress on a lot of the issues. We've reached consensus, and we have language that we have developed.

It's really in the core group of issues that we're finding we don't think there's much room there to negotiate at this point—at least that's what we're hearing. Most of the tables are now getting up to that point on those issues. They're saying they're not finding that they're going to be able to make any progress on those.

For \$1 billion, what do we have? I guess we now know that we have a difference of opinion on some key issues. That's where we've gotten. Maybe it's a beginning to at least knowing where we stand.

Now, how are we going to try to break through that? I think that's the next question.

**Mr. Rod Bruinooge:** How many treaties do you think will be settled?

**The Chair:** We're done, Mr. Bruinooge. Sorry.

Madam Neville.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Thank you, and again, thank you, Mr. Morales, for coming today.

Let me just follow through on a couple of questions on the whole issue of fee simple. What impact do you think that will have on reserve lands? Could you just take us out a couple of years should that come in?

If we have time, my other question is whether you could elaborate a bit on the joint policy table and what impact you think that will have.

**Mr. Robert Morales:** Thank you.

I had a former member of the legislative assembly in British Columbia talk to me about fee simple. His question was why isn't it good enough? It's good enough for other Canadians; why isn't it good enough for aboriginal people? That's a good question.

What we have to look at right now as first nations people is that our title—and the courts have confirmed this—isn't derived from the Crown. Our title pre-exists the Crown; it was there before. Our ownership of the land existed. Now what we're being asked to do is to say, okay, you can take our aboriginal title and we will agree in this treaty to convert it to a form of ownership that derives its authority from the Crown, and thereby fundamentally shift our connection to the land. Again, when we talk about this little quote that I put in the paper here about genocide, that's part of it. It's to ask us to fundamentally change who we are, what we are.

So is fee simple good enough? Well, I suppose it would be in practical, pragmatic terms; you could say, yes, we can sell it, we can lease it, we can do whatever we want with it, and it's better than the Indian Act, because under the Indian Act, we don't own it. But it still isn't based on recognition of us as a distinct people.

So is there space for us to find a way to deal with this? I think that's the question we're asking.

What will be the impact of the joint table? It will give us an opportunity to have this dialogue, the kind of dialogue we're having here, and perhaps try to find some solutions and at least understand each other. Why is it that government says this is the only way we can negotiate? The other question is, why are first nations not satisfied with this approach? Somehow we have to be able to engage on this at a level where decisions are being made; otherwise we'll just continue to get frustrated at the table, because we're being told, no, this is not possible. When I come to the table and say, we want our aboriginal title recognized under section 35 of the Constitution, we're told, no, that's not possible. Why not?

Thank you.

• (1000)

**The Chair:** I'm really finding this very interesting. The problem is that we've run out of time. Maybe the committee can look at this in the next session or possibly look at this again.

I really want to thank you, Mr. Morales, for your information and insights. As I said before, it's good to see some of the treaties coming to a head. There are so many, and I calculated that it will take least 150 years before they're all done, at the rate we're going—and that's not good enough. I think both sides agree on that.

Hopefully we can resolve this and move forward for certainty.

**Mr. Robert Morales:** Mr. Chairman, if I could just make one small comment on your remarks made from the chair, I agree with your observation in terms of fairness to all Canadians. When we look at what we have given up as first nations, I think that needs to be factored into that equation of fairness. I don't come here with a victim mentality; I think I come here trying to raise the awareness of what we've seen happen, and continue to happen. I've been giving this little speech on the debate that happened in Spain about whether Indians are human. Maybe that's still the debate. Do we have a human right to own property? Do we have a human right to self-determination? We need to get past these kinds of issues and actually begin to get into problem solving.

So thank you very much.

**The Chair:** We'll take two minutes.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1005)

**The Chair:** Committee, we'll start the second portion of our meeting. We'll be looking at the circumstances faced by the Pikangikum First Nation.

As witnesses this morning, we have, from the Department of Indian Affairs and Northern Development, Christine Cram, associate assistant deputy minister; Robert Howsam, former regional director general, Ontario region; and Deborah Richardson, acting regional director general, Ontario region.

I was not here to hear all of Mr. Valley's report to the committee. We have subsequently received a letter from the chief of the Pikangikum community, Chief Charlie Pascal. The chair has some concerns because there are comments in the letter relating to some of the discussions that happened here in camera. I just want to advise

committee members that when we're in camera, it means that everything stays in this room until it's released. Because I was not here, I don't feel comfortable asking the committee if they want to release the in camera information from the last meeting and make it public, the recordings of the conversations. So I'm going to leave that alone, but it is a concern raised by this letter. So I'll leave that with you.

Thank you very much, to the witnesses, for coming.

Do each of you want ten minutes to discuss some of what's happened, or how would you like to proceed?

**Ms. Christine Cram (Associate Assistant Deputy Minister, Socio-Economic Policy and Regional Operations, Department of Indian Affairs and Northern Development):** First, I'd like to thank you very much for inviting us. It's a big honour for us to be here.

What we'd like to do is have Bob Howsam speak for about five minutes, and then we will be open for questions, if that's okay.

**The Chair:** Certainly.

**Ms. Jean Crowder:** We're not currently in camera in this meeting?

**The Chair:** No, we're not.

What is the pleasure of the committee?

**Ms. Jean Crowder:** I had understood this was going to be an in camera meeting, so we could have a full, frank, and open discussion. I'm really disappointed to hear there was a leak from the last in camera meeting of this committee; it's a fundamental breach of trust. I think we need to re-commit, when we have an in camera meeting, to ensure it stays within this room; otherwise it's a fundamental breach of trust.

My understanding was that this meeting would be in camera.

**The Chair:** Okay.

What is the pleasure of the committee? Do you want to have this meeting in camera?

Mr. Lemay.

[Translation]

**Mr. Marc Lemay:** No.

Mr. Chairman, I think that we will be dealing with real topics today and therefore I do not see why we would do this in camera.

I was provided with a copy of the letter in English, which I was able to read, and I was very surprised to learn that there had been leaks with respect to issues debated here in camera.

From now on, Mr. Chairman, I do not think we should be working in camera. We agreed on meeting with the department officials and, if possible, I think we should also meet with officials from the Pikangikum First Nation.

I do not think it would be appropriate to do this in camera because Canadian citizens have a right to know what is happening.

Whenever we talk about in camera hearings, with the exception of discussions related to lay-offs or a related topic, there is always a smell of sulfur—I wonder how that will be translated—and it's never a nice smell. Therefore, I think it is important that this discussion be opened to everyone and I believe the department officials expected this morning's hearing to be public.

• (1010)

[English]

**The Chair:** Is that the pleasure of the committee? Everybody is fine with that?

**Some hon. members:** Agreed.

**The Chair:** Okay, then we'll proceed.

Thank you very much.

Mr. Howsam.

**Mr. Robert Howsam (Former Regional Director General, Ontario Region, Department of Indian Affairs and Northern Development):** Thank you very much, Mr. Chair. We're certainly pleased to be here today to provide some information and answer any questions you may have.

I'll try to give you my presentation in five minutes, although everything about the Pikangikum First Nation is complex, so if I go on too long, feel free to stop me and we'll get right into the questions.

Pikangikum is a very proud, large, and traditional first nation in the northwestern part of Ontario. Even in the northern Ontario context of first nations, the Pikangikum is all those things. It's isolated and serviced only by air, winter road, and barge. It's a large community in the northern Ontario context, with a population of over 2,000, and rapidly growing, with 75 to 100 births per year. It's probably one of the most traditional communities—if not the most traditional community—in Ontario, strongly influenced by elders and various family units. It's very proud. Pikangikum has a long, proud history of thriving and survival.

From our perspective and from the conversations we've had with them, they face a number of challenges: certainly geography, remoteness, the growth in population, a high incidence of youth suicide, and social problems. They also have some opportunities, and I'm going to try to cover some of the potential economic development opportunities.

The community is about 90 kilometres north of Red Lake, Ontario. As I said, there's no year-round road access. There's scheduled air service and there are winter roads, but there are issues with the winter roads as the climate changes. Their winter road season gets shorter and shorter. At least that's our experience over the last couple of years.

In the mid-1990s, a number of initiatives were undertaken to try to address the challenges. We did some work around the capital planning for a new school, and we started work on trying to connect the community to Ontario's power grid.

There was a break in relationships between the community and the department over issues of financial management and third-party management and the community's reaction to that. In fact, there's still some ongoing litigation related to that period of time. In March

of 2004, I travelled to the community with the grand chief and a number of others, in essence to try to re-establish the relationship between the department and the community to assist the community to work through its challenges.

Another challenge the community faces is that they elect their leadership, their bands, through something called band custom. As a result, and as a result of the way the community works, there have been six chiefs over a five-year timeframe. So there have been some changes in leadership that have caused some challenges, in terms of trying to deal with the issues of infrastructure and social challenges, etc.

From the point of view of Indian Affairs, Ontario Region, the challenges are all interrelated, in particular those of infrastructure. Water, sewer, schools, and housing are all linked to each other, but more importantly they're linked to the issue of electrification. On top of that, obviously there are social issues that the community has to deal with.

In terms of the existing infrastructure, there is a water treatment plant run by a level 3 operator. The level of the operator is determined by the complexity of the plant. There are four levels in Ontario's water jurisdiction, so that plant requires a level 3 operator since it's a level 3 plant. The plant is extremely well run and produces potable water. In fact, the operators take great pride in the plant's operation.

The issue in Pikangikum is not the water treatment plant, but the distribution system, which is largely not there. The vast majority of the homes are not hooked up to the water treatment plant, and people get their water from what's called a water point at the plant.

Because of the growing population, which I talked about, the school is under heavy pressure. It's an old building that clearly needs to be replaced.

• (1015)

To try to alleviate some of the overcrowding issues, we put portables in. The portables had to be replaced. We've replaced them with what's called a temporary five-pack classroom. Currently, fifty of the secondary students are receiving their education outside of the community, at Ignace, Ontario, through an arrangement with the Nishnawbe Education Council.

In terms of housing, as with other first nations communities, Pikangikum is experiencing overcrowding in the houses. The figures we have in our profile show that there are about five people per home, but there are issues around the quality of the homes, the size of the homes, and with the population growth there are clear challenges there.

As I said, electrification is one of the big challenges within Pikangikum, in terms of addressing the infrastructure issues. I don't want to get into too much detail. In Ontario there are 26 off-grid communities that get their power through diesel generation, which brings with it, obviously, a whole range of environmental and cost issues.

Pikangikum is one of the 26 communities that operate on diesel in Ontario and it's one of 12 that are not covered by Ontario Hydro's rural rate subsidy program. The rural rate subsidy program seeks to get power rates close to what people pay in the rest of the province. Pikangikum is one of 12 communities not covered by that.

The other reality is, the diesel generation system is currently at capacity and that impacts on a number of issues. I'll try to get into that, once again not in too much detail.

As we talk about serving the community, another issue is burial sites. The community practice is to bury their loved ones near their home, which is their traditional practice. Obviously, there's nothing wrong with that, but it does present challenges when you're trying to service the community, etc.

I've touched on social issues. The term, unfortunately, is successful suicides. There have been 38 successful suicides in the last 10 years, which is obviously an appalling number and indicative of the social challenges.

We've worked with the community. As I said, I was there in March 2004, and I continue to work with them and look forward to working with them. We have sat down with previous leadership, and the priorities we have worked on are around safe, clean water and waste water activities. Clearly, a new school is a priority for the community...additional housing, because of the growth. Dealing with the electrical issue is certainly a huge priority.

The approach we've taken with the community recently is we met with them twice in November, either with the leadership itself or with the Independent First Nations Alliance, which is the tribal council that represents them.

Deborah will be travelling to the community next week. We believe we have an opportunity to meet with them.

We've established a working team not only with ourselves, the first nation, and the tribal council, but also with Health Canada, and we're prepared to bring in other people to make that working team approach work. We're also prepared to pay for an independent facilitator whom the first nations will be comfortable with, and we think we've identified an individual who can do that.

There are a number of things we're trying to do in the interim to deal with the challenges that are there. There are water points throughout the region, which make up, in essence, a distribution system to a number of places where people can go from their homes to pick up clean water. There are a number of those. They are inoperable due to vandalism or due to neglect, and we're providing the first nation with \$900,000 to fix those.

We're at the stage of the capital planning study, in terms of the school. We're working with them on that. The school is on our capital plan, etc.

We've provided the first nation, to date, with \$7.5 million since 2000 around the connection to the grid, which we see as the ultimate solution to the electrification problem and therefore the ability to address all of the other infrastructure issues. There will be additional costs required around that grid connection.

● (1020)

I want to touch briefly on economic development. There's something called the Whitefeather Forest initiative. I don't know how much you know about Ontario forestry issues, but there is an area called "the undertaking", and the area above that is largely not developed. The Whitefeather Forest is an opportunity for the first nation to develop a sustainable forestry industry. There's a potential of over 300 jobs in this activity. We've been supportive of the first nation around that, and hopefully it will enable them to have positive discussions with the Province of Ontario around that activity.

In terms of the social challenges, Health Canada, from the federal government's point of view, has the lead on the issues around assisting the community to deal with issues such as youth suicide, and so on. We work with Health Canada and the Nishnawbe Aski Nation, and now Treaty 3 is also brought into it as well, with an intergovernmental task force on youth suicide. We've provided funding for projects to try to assist both the community and Nishnawbe Aski, which is the treaty organization, to try to lessen the terrible burden of suicide that they have.

Where we are currently is that we have worked out, in conjunction with the Independent First Nations Alliance, the tribal council, with representatives of the community, although not yet the current chief and council, and as I said, we have Health Canada involved, and so on, and the Nishnawbe Aski Nation, to try to come up with an integrated plan to address the longer-term needs and to try to address the priorities that we think we've agreed to around clean, safe water; school; housing; and electrification. This plan addresses both short-term activities, the kind of thing I talked about around additional water points, and longer-term activities and coming up with a concrete plan around that.

So we're working very diligently at that. As I said, we've had discussions around process and content, and the first nation has moved forward. One of the former chiefs, Mr. Dean Owen, we understand, is going to be the first nation's representative on this working group that will hopefully provide us with some kind of continuity.

**The Chair:** I'd ask you to sum up, please, and then we can ask questions.

**Mr. Robert Howsam:** Sure. I'm on my last page.

The next steps are to get buy-in from the first nation around this action plan, make sure the first nation is involved through all steps of the process, and then seek a way of consultation, because the leadership of the Pikangikum and the members of the Pikangikum have to be the experts and the leaders in this process.

Thank you, Mr. Chair.

**The Chair:** Thank you.

Committee, I'm going to restrict you to five minutes for questioning, to give everybody a better chance to ask a question.

I'll start with the Liberals. Mr. Valley, please.

•(1025)

**Mr. Roger Valley (Kenora, Lib.):** Thank you for coming.

First of all, very quickly, I want to thank the committee for interrupting their other work to make sure they had time to listen to this today. I also encourage them to deal with the chief's issue next Tuesday. This is a big step forward for me, working in the riding, and a big step forward for the community to have that opportunity. I understand you're very busy, but I thank you for considering it.

Mr. Howsam, you and I worked together while the Liberals were in government. I'm going to say a lot of things and there are some things I want to ask you directly.

But first of all, you mentioned the working team and identified an individual. Later on, you mentioned an individual I worked with, Dean Owen. That's what I want. I want somebody who has the support of the chief and the elders in the community and who can continue the project if we do go into another transition period with the administration. I think this has to be key, and it will be my first topic of discussion when I get up there with the elders.

Is this two different positions you're talking about?

**Mr. Robert Howsam:** No. It's in essence one position, one person from the first nation who can be the continuity and the contact point as we move through both the short-term and long-term issues we're trying to solve.

The independent facilitator is maybe what you're referencing, and that is a separate process. If that's needed, we're certainly prepared to support the cost attached to it.

**Mr. Roger Valley:** My information on the water plant is exactly the same as you have. I'm going to ask you a very direct question.

What we see in the report—and I'm not sure if it has been circulated to the committee—is that they're using portable water storage units now that are absolutely atrocious. Can you give them direct help when the ice roads come in?

These are the 1,000-litre tanks. These things are not fit to be drinking water out of, and this is where the people are storing their water. So my immediate concern is, can you address that during this next little while?

**Mr. Robert Howsam:** The short answer to your question is yes, we can. The longer answer involves concurrence from the community on an approach. We were prepared to sit down with the community and work out a broader truck-haul basis, both for water delivery and storage, and then sewage removal. The community was concerned that somehow this may slow down longer-term hookups, etc. We've provided assurance to the community in writing that this is not the case. And certainly whatever solution we come up with in the interim is going to have to meet both community and Health Canada concerns around how the water is stored, etc.

**Mr. Roger Valley:** How big a player is Health Canada in all this? In my opinion, they should be a bigger player, considering some of the issues identified in the Northwestern Health Unit survey that has sparked this latest controversy, that Health Canada is in step with INAC.

**Mr. Robert Howsam:** Obviously, they'll have to speak for themselves. From my point of view, yes, they are. Their primary role is around testing and providing technical advice to chiefs and councils and technical units. But the fact they're participating on this task force as a full member bodes very well.

**The Chair:** Thank you.

Mr. Russell.

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

I'm glad you're here.

It almost seems like a backward process. You're appearing before us because of a request from the minister that the community wasn't aware of until a few days ago. I have concerns with that. We seem to be going into a study without making a decision to go into a study on Pikangikum.

I don't want to make any assumptions, but outside an inventory of what's going in, and the complexities on how they're integrated, this is a more delicate question. This is around relationships, because I understand there's some relationship-building or elements to this when you talk about having a joint group, one from the community and one from INAC, a facilitator involved, these types of things. That gets to the heart of relationships, how you're going to work with each other. The concern I had about the minister's letter is that, coming this way and us saying we want to go without an invitation from the chief, which we now may have—

**The Chair:** I want to correct you, Mr. Russell. The fact is it was presented to this committee, and we all agreed and had a consensus that we were not going to entertain going unless we were invited by the chief and council.

**Mr. Todd Russell:** I'm talking about....

Mr. Chair, can I finish my question?

**The Chair:** Yes, you can.

**Mr. Todd Russell:** The letter came from the minister; the community wasn't notified. We then started to entertain that particular request. I don't want to get too much into that, but the relationship issue is very important here, it seems to me, if we're going to go and be a positive influence.

I want you to comment on that. How important is this to getting some real change and real action on what needs to happen to the community and the people there?

**Mr. Robert Howsam:** Your relationship is crucially important to working successfully among communities and Indian Affairs and government in general, frankly. As regional director general, I have—or had, up until last Friday—a very large budget, a significant number of staff, both technical and others, who can do things and deliver things around water treatment plants, roads, sewers, and those kinds of issues. The bulk of the senior leadership of this organization, particularly in the regions, is around relationships and around developing trust and understanding with first nations. For people who have dealt with first nations, there are huge and legitimate challenges that first nations have around trust because of the length and the history of the relationship between governments and aboriginal people in Canada.

So the short answer to your question is that relationships are crucial.

• (1030)

**The Chair:** Thank you.

Mr. Lemay or Mr. Lévesque.

[*Translation*]

**Mr. Marc Lemay:** I have one question and my colleague Yvon may have one as well. I think my question is a very important one. Did the minister write his letter asking us to intervene and go into the community on the department's request?

**Ms. Christine Cram:** Do you want to know whether or not the department asked the minister to write the letter? Is that your question?

**Mr. Marc Lemay:** Yes.

**Ms. Christine Cram:** No, not at all. That was the minister's decision.

**Mr. Marc Lemay:** Then, what this means is that neither the officials, nor the people working the field, nor the deputy ministers were aware of the fact that the minister was writing us to ask that we intervene in this file?

**Ms. Christine Cram:** You mean were they aware before he sent the letter?

**Mr. Marc Lemay:** Yes.

**Ms. Christine Cram:** It is true that the day before, the department was aware that the minister was considering this, but it was a political decision. We are the bureaucrats, and taking the initiative of asking the committee to do something is a political decision.

**Mr. Marc Lemay:** Then I have a comment on that that I'll make at the end, but for now, I have one question. In that case, how would it be perceived for the committee to go there? You're there on a daily basis. The situation that Mr. Howsam, for whom I have a great deal of respect, has just described, is one that I have seen in three or four of my aboriginal communities. These are not easy situations. Therefore my question is the following: How would a visit there be perceived?

Second, can we go there? What do you expect from this committee, given the minister's request? The minister is asking us to do something that you were not aware of and only learned of the day before. If I were a civil servant working in your department I would have had a fit. In any case, someone, somewhere would have known about it. What does the minister think he's doing? He doesn't consult his own people and send us a letter. How will our committee be perceived if we go there?

**Ms. Christine Cram:** I do not have an answer. Making a request to a committee is a political decision. I can say that the minister has a great deal of respect for this committee, for the work it has done and for the experience of the committee members. I'm assuming that the minister thought that, given how complex the situation is—as Mr. Howsam explained—the committee could help him find solutions.

[*English*]

**The Chair:** If you read the letter, I think you'll see the tone of the letter is that the minister is looking for some counsel from this

committee. To me, that was quite encouraging, that he would have confidence that we would be able to do that for him. I think that was the intent.

But the committee felt.... First of all, they're not directed by the minister; they're at the pleasure of the House. I think they needed to know, really, what they could do, because they didn't want to give any expectations. They wanted to make sure it wasn't perceived to be a political move. It's something we already did have genuine concern about, and we wanted to see if we could possibly assist in any way and make some recommendations to the minister.

Leaving that, I'm going to turn it over to Madam Crowder.

• (1035)

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

Thank you for coming to the committee on such short notice.

I think part of the challenge the committee is facing is that we have a number of communities across this country that are in crisis for some reason or another: Garden Hill in Manitoba, the school in northern Manitoba that burned down in 2005—which isn't even going to get to Treasury Board until 2007. Certainly, there are some communities.... Kashechewan, despite the fact that we've had this report, still could face potential flooding in the spring.

I think the challenge the committee is facing is that we have a community in crisis—as many other communities are—and is it the work of the committee to deal with communities on a one-off basis? That's more of a comment, and I don't expect you to comment on that.

I have a couple of questions.

Mr. Howsam, you indicated that in March 2004, which is two and a half years ago, you went into the community, and two and a half years later it sounds like we're getting a working group together. I understand there are certainly some challenges in terms of changes in leadership and all those kinds of things, but I guess I would like a comment on the timelines that you anticipate for seeing some changes on the ground and on what kinds of resources are going to be dedicated towards that, both financial and human resources.

For my third question, my understanding is that you're finished with this file as of Friday, and Ms. Richardson will be the acting RDG. Is there a seamlessness around that process to ensure...? My experience is that as new people come in and take over a file, things do tend to slow down. I just wonder how you're going to ensure that's not going to happen in this particular case.

**Mr. Robert Howsam:** I'll try to cover all the questions there.

In terms of your last question about continuity, I've decided to retire from the public service. As of last Monday, I will be on a number of national assignments through April. But certainly, the key assignment I've got is to ensure a smooth transition to Deborah. And there is a brand-new associate regional director general in Thunder Bay who is well-briefed and versed on this file. Both Deborah and that individual will deal with the community—hopefully, next week. So I think the continuity issue is dealt with, and certainly the people behind us, who do the very real work of planning and analyzing construction drawings and dealing with finances, are all there and there is continuity there. So I frankly don't think that will be a challenge.

In terms of resources, just to give the committee some kind of snapshot, Pikangikum is entitled to somewhere around \$12 million a year in ongoing funding. On top of that, we would be dealing with any capital activity. The cost attached to these various activities, because of the location, the winter roads, and the realities of construction in the north and the weather that buildings have to face there...the costs of these kinds of structures and activities are just enormous. The school is potentially a \$20-million structure. Building houses in the north is incredibly expensive. Servicing lots, putting in infrastructure, is incredibly expensive.

I will find the actual numbers. We have, if my memory serves me correctly, \$37 million in our capital plan dedicated to Pikangikum over the next ten years.

**Ms. Jean Crowder:** [*Inaudible—Editor*]...because that's been part of the challenge. The school in northern Manitoba that I'm talking about is not even going to get to Treasury Board until 2007. So there won't be any sod-turning until perhaps 2009.

**Mr. Robert Howsam:** It's a very complex step. There is money within the regional budget. If a project is greater than \$50 million, then it requires Treasury Board approval. So there can be money in the budget, but the TB-approved process has to happen as well, plus we're anticipating and hoping to access additional funds for this community. For the grid line, we've already invested \$7 million. There's the potential cost of another \$14 million to finish that grid line. My point is that things are very expensive and very complex.

We've got a potential timeline for these things. Some happen quicker than others. We would hope to see the school within a couple of years and the grid line, etc.—and then the other things follow. The year 2012 could be a date by when all the things are dealt with, but there are incremental steps along the way that I hope will significantly improve the position of this community.

• (1040)

**The Chair:** Mr. Albrecht, please.

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

My apologies to the witnesses for missing the first part of your presentation. I commit to getting the record of what you said, because I want to know more about this community.

The one area you touched on was the Whitefeather Forest. Is that correct? You indicated there is a possibility of up to 300 jobs in that. Can you help me understand what that would represent in terms of

the percentage of the total labour force? Also, what are the current employment rates?

Then, what kind of uptake have you had? I think we talked all through this discussion about the importance of relationships and consultation. How does the community respond to some of these initiatives?

**Mr. Robert Howsam:** Frankly, the community has been very challenged by this Whitefeather Forest initiative. Because of the strong traditional nature of the community, there's great concern about the husbandry of all the resources, and certainly trees are a crucial one there. So interestingly, and much to the credit to the community, at the same time that they've been working with the province around the Whitefeather Forest initiative, they've been working with a United Nations group around a biosphere type of activity, which covers both Ontario and Manitoba.

So the work they have dedicated to, which INAC supported—in relatively small measures, because it's mostly a provincial initiative—has taken all of those environmental concerns into account to make sure that it is truly a sustainable operation. Frankly, it's taken a lot of time, and there's been significant money spent on actual mapping, so that everybody clearly understands what the forest resource is and how it can be managed appropriately.

The community has about 2,000 people, with 1,200 under the age of 25—these numbers may not be entirely precise—and 150 over 65 years of age, so the workforce would be in between those numbers. So 300-plus jobs would be a very significant change to this economy.

I suspect that the bulk of the positions relate to government activities, government-funded activities, or transportation, or to Northern Store, the health unit—that kind of thing. But 300 jobs, or even a portion of those 300 jobs, would be a truly dramatic change for this economy.

**Mr. Harold Albrecht:** I would like to go on record affirming this kind of economic development initiative, giving our first nations people some dignity of having their own employment and being able to provide for themselves, as long as we're addressing some of the issues you mentioned, the husbandry issues. I'm sure replanting, reseeding, and all of those things are part of the package.

We talked earlier about the potential of a committee visit that my colleague continues to raise here, in terms of the minister's letter. We've agreed that it's probably impractical, if not impossible. You've been there a number of times, or your people have been there. If you were to make three key recommendations to our committee to help us move ahead in improving the lives of the people in Pikangikum, what would they be—three, or four, or five, if you need to? I don't want to put you on the spot.

**Mr. Robert Howsam:** That's okay.

I'll invite my colleagues to think about things as well, as my mind processes and I talk at the same time. Whatever progress is going to be made, in terms of improving the life position of people at Pikangikum, it has to be done with the consent of the broader community. So we need to find vehicles to make sure that happens.

We're not just talking chief and counsel, but ensuring that there's comfort in the elder community, and ensuring that there's an understanding of what the young people have, in terms of what they want their future to be. So some broader kind of community process is crucial.

• (1045)

**Mr. Harold Albrecht:** If I could interrupt, what are the vehicles that could allow this to happen, or how much control, and so on? Can the average person have their voice heard within this community?

**Mr. Robert Howsam:** As I said at the top, Pikangikum is a fairly unique and very complex community, and I don't pretend to understand it. I've been physically in the community once; I've met with their leadership probably ten times. There's a family system there that I think allows people to have that feed-up into decision-making processes, but it's not a well-documented process, etc.

I've never heard issues from this community around concerns that people are proceeding without community buy-in, but it's a very challenging piece. So that's one thing certainly, a broad measure of community buy-in.

I think the government has a legitimate role, in terms of ensuring that construction standards, water quality issues, and those kinds of things are met. When there's conflict between a community priority and a government priority, we try to default to the community priority. But we need to make sure that the money is wisely spent, that the buildings are built to last, and so on.

We need to see this, and we also need to engage the broader aboriginal community in northern Ontario. Stan Beardy, the grand chief of Nishnawbe Aski Nation, was with me when I went to the community. I believe he's going to be with Deborah when she goes in next week. So we want to make sure there's some involvement of the Nishnawbe Aski in this case. They are a pretty large, powerful, and sophisticated organization.

Those are three off the top of my head.

**The Chair:** We're running out of time. We have a few discussions afterwards.

Mr. Valley, do you have a short question?

**Mr. Roger Valley:** They're never short.

**The Chair:** Precise, then.

**Mr. Roger Valley:** Precise.

Very quickly, I'm going to tell you what I want. You may or may not be able to deliver this. I want to know that the hydro, the school, and the water plant upgrades are all working together so that when we have the agreements we need and the money is there, it all happens together. I don't want the hydro line finished and the school not built.

Clearly, we have good water. We have to get it to the houses, and there's technology to do that. There are ways to get around those gravesite issues. We need to do this. We need to provide that to the people there. Regardless of administrations or individuals coming and going, we need that person who's going to tie this all together.

To have that other side, we need your department to make sure it all happens together.

It's the people on the ground who are suffering.

**Mr. Robert Howsam:** I agree with you entirely, sir.

One of the challenges around getting water to houses is that you need electricity, not only to run heat sinks through the lines, but to heat the houses so the pipes don't freeze. Those things all have to happen, not sequentially but at the same time. The whole point of this task force is to try to make sure that when the hydro flows through the line, it's ready to flow to a water distribution system hooked up to some houses.

**Mr. Roger Valley:** That will be when?

**The Chair:** Could I just ask a question?

I lived in a northern community and we had water delivery. The tanks were clean. It worked wonderfully. We had no problem.

What is the problem? Why can't it work? It's a lot cheaper in some cases to provide it that way than to have to electrify so that you need to heat the lines or put in utilidors, or whatever it might be. I can't understand why it's not working. Are they just not maintaining it properly? Are they not upgrading the tanks?

**Mr. Robert Howsam:** There were issues of maintenance and issues of community resistance. There was a feeling that if money was spent on that, in fact the broader history... There are traditional issues there. Regardless of water treatment plants, some of the elders still go to the lake to get their water.

There's nothing straightforward here. It's all very complex and very challenging.

**The Chair:** That's one thing, I guess, that I'm seeing. Why are we looking at trying to put southern Canada—and I know, I lived in the north—standards into a northern community where you have challenges with frost and other issues? I don't know why we can't be innovative and look at the tanks, look at the opportunity to deliver water in a way that's safe, and pump the septic tanks. That can all be done.

We have to finish up here because we have some discussion.

Mr. Bruinooge, go ahead.

• (1050)

**Mr. Rod Bruinooge:** Thank you very much, Mr. Howsam. I'm sorry to hear you're retiring.

We had the opportunity to take a trip together. I was looking forward to that opportunity again in the future. Perhaps it would even have been to Pikangikum. Hopefully you're going to enjoy your next stage of your career. I'm sure you're not going to be fading away.

I want to ask a quick question. What do you think the major barrier is to the bridge being installed? Can you think of what might be able to be negotiated to make that happen?

**Mr. Robert Howsam:** I don't know if committee members know about this, but the winter road would be facilitated by a bridge over the Berens River. There are a couple of alternate routes. This winter road not only services Pikangikum, it services a number of other communities. I think it would be safe to say that there are some conflicting interests around routing of the winter road generally and where the bridge might be. I think that's part of the issue.

Also, once again, there are even issues around the elders and whether they want year-round road access, or even greater winter road access. Within the Pikangikum community, there are a couple of different thoughts around bridge location. And as I said, there are some competing interests among the various communities that would be serviced by the winter bridge, which is part of that winter road.

**The Chair:** I'm going to call an end to the questions.

On behalf of the committee members, I want to thank the witnesses for being here.

This issue is actually a sidetrack from what we've been doing. But it's important enough that we wanted to get some insights to see if there is any way we can help or recommend to the minister or assist Mr. Valley with what he's doing for the community.

Thank you very much for being here today.

Committee members, there are a couple things.

We do have the letter, as I mentioned earlier, from Chief Charlie Pascal. Do we have that translated?

**The Clerk of the Committee (Mr. Roger Préfontaine):** I'm waiting for the translation. It should arrive any minute now.

**Ms. Jean Crowder:** I understand that many committee members have it, and I don't.

**The Chair:** I received it in a fax yesterday at four o'clock. Then I phoned the gentleman who I was told to respond to and talked to him, Mr. Joseph Magnet, who is a lawyer who acts on behalf of the Pikangikum First Nation. I had a brief discussion with him and just reassured him where we were at as a committee, that we weren't intending or hadn't made the decision to all of a sudden dump ourselves upon the first nations people there to try to solve all their problems.

Do you want it read?

It's addressed to me, and it's headed "Circumstances at Pikangikum". It says:

It has come to my attention that the Minister of Indian Affairs wrote to the standing committee on November 8, 2006 asking the committee to visit Pikangikum First Nation to carry out hearings and investigations (Pikangikum was not copied with this correspondence).

It has also come to my attention that the Committee began to hold hearings about Pikangikum in Ottawa.

Pikangikum First Nation has never been informed of these hearings. Pikangikum First Nation has never been informed of the committee's intentions.

Our legal counsel informs me that the committee held hearings *in camera*. This odd procedure is in nobody's interest. The difficult circumstances in Pikangikum require openness and transparency. The matter cannot be shrouded in secrecy, or made the subject of secret allegations and findings.

If the committee is going to receive further evidence in Ottawa, Pikangikum respectfully requests that the hearings be open, fully transparent and that minutes

of the hearings be made publicly available, in keeping with Parliamentary traditions.

Pikangikum also requests an opportunity to appear before the Standing Committee in Ottawa on Tuesday, December 12, 2006 at 10:00 a.m. At that time, I would like to discuss the committee's workplan and procedure. I also want personally to invite the committee to come to Pikangikum to hold its hearings. I would like to discuss arrangements on how Pikangikum First Nation can best assist the committee to use its time in Pikangikum wisely.

Our legal counsel, Professor Joseph Magnet, will accompany me on Tuesday. Professor Magnet enjoys the First Nation's full confidence, and is authorized to make further arrangements on our behalf.

I look forward to receiving confirmation from you prior to the close of business Dec. 7 so that I may make appropriate travel arrangements, and to meeting you and members of the Standing Committee in person.

The letter is signed by Chief Charlie Pascal, Pikangikum First Nation.

We'll have this in French, Mr. Lemay, so you can take this with you.

The request here is that Chief Pascal would like to meet us at 10 o'clock on Tuesday. We do have business already scheduled in our list of business to do. That needs to be reviewed by the members, and we need to give some direction at the next meeting to Madam Hurley so that she can do some work up until the Christmas break and then after it.

Mr. Valley.

• (1055)

**Mr. Roger Valley:** Thank you, Mr. Chair.

I fully recognize that I'm not a member of this committee. I'll be very brief. I think this is a huge opportunity for this community. I understand your busy schedule. I would urge your committee to see the chief. I understand how difficult that can be when you have other work slated. This is a big step forward for this community, and I urge the committee to see the chief on Tuesday, realizing all the difficulty.

**The Chair:** Could I just ask a question, Mr. Valley?

When you first came here, before I left—and unfortunately, I didn't hear all of your testimony—you said you didn't want the committee necessarily to get involved because there would be an expectation, and unless we could live up to that expectation, it could be a problem. Those were your words.

I'm just wondering what you feel. If the chief comes here as a witness, do you think there would be expectations set, or do you think it would just be a good relation-building effort?

**Mr. Roger Valley:** I don't believe I said I didn't want the committee involved. I believe I said the committee needs to be invited by the chief. What I also said is that if the committee can do something and do something in a timely fashion, it's very important. I did say the minister has the ability to act much quicker.

This would be a huge thing for me, Mr. Chair, and I did mention that after you left. If this committee travelled to that community, this would be a real sign of some movement forward. I think that's a big step. And I don't mean to correct you, Chair, but I didn't say that.

I think it's important that the committee...if we can do something, let's get it done, and this is a first step on Tuesday.

**The Chair:** Okay.

What is the pleasure of the committee, then?

Mr. Lemay.

[*Translation*]

**Mr. Marc Lemay:** Mr. Chairman, I have two requests. First, I would like the clerk to prepare a full file for us on the Pikangikum community.

All would need to be very conscientious over the next few days, and read our report. We could divide up our schedule like this: 9:00 a.m. to 10:00 a.m. on Pikangikum and 10:00 a.m. to 11:00 a.m. on the report.

Everyone should have read the report by then, so that we do not need to spend our meeting going over it page by page. I would suggest that everybody read it before 9 o'clock Tuesday morning. It will go much faster for our researchers and it will allow us to spend an hour with the Pikangikum chief and his legal adviser.

[*English*]

**The Chair:** Madam Crowder.

We're running out of time, members.

**Ms. Jean Crowder:** Unfortunately, we don't have that letter in front of us, but my recollection of it is that the letter intimates that we have undertaken a study, and we have not, and I think we need to correct that piece of information.

We need to deal with this report on post-secondary education, and my preference would actually be that we deal with the report first at nine o'clock on Tuesday. I don't have any strong objections to having the chief and his representative come here, but I think we have to make it very clear that the committee has not undertaken a study. This is within the purview of the minister because we're getting drawn into something that we haven't agreed upon.

• (1100)

**The Chair:** Yes, that's a concern that I would have as chair in cautioning the committee, because it isn't a mandate of the committee that we necessarily get involved in this. We are here to review issues so we can recommend policy to the department through the House, and I'm just concerned that we're taking on some of the hands-on operating of the department, and that's a little scary.

I'm going to let the government have the last word here and then we're going to adjourn the meeting.

Mr. Bruinooge.

**Mr. Rod Bruinooge:** On this topic, it is definitely within our purview to research matters that are before aboriginal Canadians. That clearly is part of the committee's mandate.

My sentiments are, though, that to be able to put the education study behind us is also an important task that we need to complete prior to Christmas.

I know our time is getting very short here. Of course, even the calendar itself potentially might not be something that we can count on even for our Tuesday meeting. It's not even outside the realm of

possibility. So I'm just suggesting that perhaps before we make invitations to individuals, which we can't keep necessarily, we keep this in mind.

**The Chair:** We have to go now.

I'm just going to ask Mr. Valley whether he thinks it would be more appropriate to have a meeting when we reconvene in February.

**Mr. Roger Valley:** The letter is in front of you, Mr. Chair. He has the opportunity to be here. I fully respect Mr. Bruinooge's point that we may not be here ourselves. I encourage the committee to meet with him if they can. I think it's important, for his state of mind, for us to move forward on many of these issues that we heard this morning.

I have to encourage the committee to see the chief.

**The Chair:** What is the pleasure of the committee?

Mr. Lemay says yes we should meet.

**Some hon. members:** Agreed.

**The Chair:** We'll have the report from nine to ten o'clock and then the chief from ten to eleven o'clock, and we'll just have to take our chances.

**Ms. Jean Crowder:** Could we make it really clear that we have not undertaken a study?

**The Chair:** I'll ask the clerk to communicate to Pascal that we haven't undertaken any study.

**Mr. Rod Bruinooge:** We need to ensure that we have enough time [*Inaudible—Editor*]...

**The Chair:** Right. He also needs to be made aware that if the House collapses...

**Mr. Todd Russell:** There are two points: we haven't undertaken a study, but we want to hear from him in an air of respect; the other thing is that we have no control over the schedule of the House.

**Mr. Rod Bruinooge:** We would be prepared to meet with them in February.

**Mr. Todd Russell:** If it doesn't materialize on Tuesday, we're willing to meet with him at the earliest available opportunity.

**Mr. Rod Bruinooge:** If he's not a risk-taking man, he may opt for February.

**Mr. Todd Russell:** It would look horrible.

**Mr. Rod Bruinooge:** We're saying, though, that if he doesn't want to take risks, he may want to choose to take our invitation in February.

**A voice:** Tuesday if possible, but not necessarily Tuesday.

**The Chair:** Right. We're going to see if he would be willing to book ahead.

**An hon. member:** The only hesitation with February is after the winter road season; the winter roads collapse at the first of March.

**The Chair:** The meeting is adjourned.





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