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Chair

Mr. Bruce Stanton

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• (1530)

[Translation]

The Chair (Mr. Bruce Stanton (Simcoe North, CPC)): Good afternoon, ladies and gentlemen, witnesses, committee members and guests.

This is the seventeenth meeting of the Standing Committee on Aboriginal Affairs and Northern Development. On the agenda, we have the study on Northern Territories Economic Development: Barriers and Solutions.

[English]

This afternoon we're welcoming three different organizations to our continuing study on barriers and solutions faced for the economic development of Canada's north. Under the category of northern regulatory bodies, we welcome Thomas Kabloona, chairman, and Dionne Filiatrault, the executive director from the Nunavut Water Board. We also have Stephanie Autut, the executive director from the Nunavut Impact Review Board. We also welcome Violet Ford, the executive council member and vice-president on international affairs for the Inuit Circumpolar Council. I see we also have Mr. Chester Reimer, who is also with the Inuit Circumpolar Council.

It's great to have you with us.

The way this works, we begin with ten minutes each for each presentation. We'll do that in the order as we have it in our agenda here today.

We're going to have a joint opening presentation both from the Water Board and the Impact Review Board. That will be ten minutes. Then we'll go to the Circumpolar Council for the second ten minutes. After that we'll go to questions from members.

We'll begin with the regulators. Who would like to lead off? Mr. Kabloona, would you like to go ahead?

We're delighted to have you here, sir. Go ahead.

Mr. Thomas Kabloona (Chairman, Nunavut Water Board): Thank you.

Good afternoon, Mr. Chairman and members of the committee.

My name is Thomas Kabloona. I am the chair of the Nunavut Water Board and I live in Baker Lake, Nunavut.

With me today are Dionne Filiatrault, executive director of the Nunavut Water Board, located in Gjoa Haven, Nunavut; and Stephanie Autut, executive director of the Nunavut Impact Review Board, located in Cambridge Bay, Nunavut.

Lucassie Arragutainaq, chair of the Nunavut Impact Review Board, asked that I express his regrets to you. He is unable to attend today, as he is on medical leave.

First of all, thank you for the invitation to speak with you today.

We are presenting jointly, as the boards have common views on the barriers and solutions to economic development in Nunavut. Today we would like to review the main points of our written brief and answer any questions you may have.

First, I would like to tell you about the work of the boards and about Nunavut. The Nunavut Impact Review Board and the Water Board are institutions of public government created by the Nunavut Land Claims Agreement, or NLCA.

NIRB's mandate encompasses the environmental impact assessment of proposed development projects and the monitoring of approved development projects. The primary objective of the board is to protect and promote the existing and future well-being of the residents and communities and to protect the ecosystemic integrity of the Nunavut settlement area, while taking into account the well-being of residents of Canada outside the Nunavut settlement area.

NIRB is a safeguard to ensure that environmentally, socially, economically responsible developments occur in the Nunavut settlement area, which we will refer to generally in our presentation as Nunavut.

The water board, under the authority of article 13 of the NLCA, as well as the Nunavut Waters and Nunavut Surface Rights Tribunal Act, then goes to work to license the use of fresh water in Nunavut and deposits of waste that may enter into these waters.

The objectives of the water board are to provide for the conservation and utilization of fresh water in Nunavut in a manner that will provide for the optimum benefit for those waters for residents of Nunavut in particular and Canadians in general.

Nunavut is unique. It is a vast territory, with 26,000 people living in 28 communities widely scattered across two million square kilometres. Communities are accessible only by air and by sea. Our language, Inuktitut, is spoken by 80% of the population. Half of the population is under the age of 21. Many do not hold high school certificates. The unemployment rate is 20%.

The result is that in tiny hamlets with limited capacity, narrow labour markets and limited employment opportunities leave many Inuit dependent on the land and water to fulfill their needs.

This puts into context why the NLCA provides the right for Inuit to participate in decision making concerning the use, management, and conservation of land, water, and resources.

The boards are also required, to the extent consistent with the principles of natural justice and procedural fairness, to emphasize flexibility and informality, giving due regard and weight to the traditions of Inuit oral communication in decision-making. Working in three official languages to ensure a process that respects oral traditions creates unique challenges.

• (1535)

Both boards rely on consultation with all levels of community and governments to carry out our work, and the efficiency of the process is affected by the capacity issues realized on all these levels.

The reality in Nunavut is that the people and communities to engage in the regulatory process are limited. With this background in mind, I hope you will understand when I say that while the boards fully support the government's vision of a new north that realizes the full socio-economic potential and secures its future for the benefit of all Canadians, we do so with a cautious eye to the challenges that increased economic activity will bring.

I will ask Stephanie and Dionne to speak more specifically to the barriers and the solutions.

Mrs. Stephanie Autut (Executive Director, Nunavut Impact Review Board): Good afternoon, Mr. Chair and members of the committee.

As Thomas said in introducing me earlier, I am Stephanie Autut, executive director for the Nunavut Impact Review Board. Before I talk about specific issues and recommendations, I want to follow up on Chairman Kabloona's comments about Nunavut.

It is important to remember that while there are similarities between the regulatory regimes in the Northwest Territories and in Nunavut, there are also important differences. In particular, NIRB and the water board were formed and operate pursuant to a single land claims agreement. Currently, in the Northwest Territories there are both settled and unsettled land claims and multiple regional boards carrying out impact assessment and regulating the use of water. The boards agree that without due care and attention, there is a risk that the existing regulatory processes in Nunavut may create barriers to economic development.

We are in a unique position to assess potential bottlenecks and implement solutions. As set out in our written brief, we have identified four barriers that we hope you will consider in your deliberations: the lack of a land-use plan or plans for a significant part of Nunavut; delays in board member appointments; funding constraints; and local, territorial, and federal government capacity.

In the absence of land-use plans for each region of Nunavut, there is currently no single entry point or "one window" into Nunavut's regulatory system. This can result in delays, lack of consistency, and uncertainty about the regulatory process for applicants and industry. Currently, where land-use plans are not in place, coordination efforts of the boards and the impact assessment process must fill that gap.

Implementing land-use plans for Nunavut will increase regulatory certainty and consistency by clearly defining where development is

appropriate and under what conditions at the start of the process. These plans enable industry and other land users to strategically plan their investment in Nunavut and put forward project proposals that respect Inuit values.

We appreciate that land-use planning is a priority. However, there is a risk that the single Nunavut-wide land-use plan that is being proposed will not provide the level of detail necessary for decisions to be made at a local and regional level.

If that is the case, it will effectively push planning decisions and the related community consultation back into the impact assessment process. This risk can be minimized by ensuring full public consultation and ongoing coordination and cooperation between the boards and the Nunavut Planning Commission from the earliest stages of the planning process.

Accordingly, the boards recommend that the process to develop land-use plans be made available, with early notice to all affected parties and the general public of opportunities for input that reflect the appropriate levels of consultation. We recommend that a consultation record be maintained and priority be given to the completion of regional or sub-plans, with sufficient detail to guide development in areas facing the greatest development pressure, and that prioritization should include firm timelines for completion and the allocation of the resources necessary to complete the task.

Moving from land-use planning to impact assessment to date, article 12 of the NLCA has provided NIRB with a very workable framework for carrying out impact assessment. That may explain why it has taken some time to develop implementing legislation for article 12. Over the past four years, NIRB has actively participated in the development of a new act respecting land-use planning and the impact assessment of project proposals in Nunavut.

The draft Nunavut Planning and Project Assessment Act, given first reading in the House yesterday—NUPPAA, for short—includes timelines for decisions, increased consultation with industry and others, new language requirements, and new enforcement and reporting provisions.

The draft legislation will create the one-window approach that is currently lacking; however, this does not eliminate the need for the Nunavut institutions to continue to work together. Rather, it is increasingly important in preparation for the law coming into force.

Additional resources will be required for the boards to participate in this implementation planning and in equipping the organizations to meet new requirements and timelines. It will be essential for the Nunavut Planning Commission, as the single window into the Nunavut regulatory regime, to access the expertise held within these organizations in order to fully understand the impact assessment and regulatory processes that occur.

I also want to discuss one of the most significant ongoing challenges facing the boards, which are delays in the appointment of board members. This delay can result in a loss of quorum. The boards rely on board members to make the decisions required to fulfill their respective mandates.

• (1540)

The members of the board are appointed by the minister on nomination by Nunavut Tunngavik Inc., the Government of Nunavut, and Indian and Northern Affairs Canada. While there has recently been some improvement in appointments, the boards remain very concerned that there will be a disruption in service if nominations and/or appointments are not made in a timely manner. Furthermore, there is a significant training period required for new members, and there is limited funding and resources to provide training.

Accordingly, the boards recommend that by legislation or amendment to the NLCA, the following be implemented: that transitional provisions be made to restore the staggering of terms of appointments for members, consistent with the initial appointments as set out in section 12.2.7 of the NLCA, with future appointments to be made only to fill the balance of the term of the predecessor; that each chairman be given the authority, in defined circumstances, to extend the term of a member for expired appointments until new appointments are made; and that except in exceptional circumstances, all new appointments be made to each board once annually and resources be provided for training of new board members.

Dionne will cover our last two points.

Ms. Dionne Filiatrault (Executive Director, Nunavut Water Board): Good afternoon, Mr. Chairman and members of the committee.

As Thomas introduced me earlier, my name is Dionne Filiatrault. I'm the executive director for the Nunavut Water Board. I'm speaking to you today about the board's funding constraints. Given the vast territory, the obligation to hold hearings in communities most directly affected, working in three languages, and the limited capacity of people and communities to engage in the regulatory process, the cost of fulfilling the mandate of the boards is high.

In recent years there is clearly an increased emphasis being placed on economic development in the north. The Government of Canada has committed billions of dollars to Canada's northern strategy, yet the boards have not been informed of parallel increases in the funding to respond to this increased development. To be effective, the Nunavut Impact Review Board and the water board must have

adequate financial and administrative resources to hire, train, and retain qualified staff and to ensure that the necessary systems are developed to communicate requirements and track a wide range of project proposals and related applications.

The reality for both boards is that there has not been a long-term funding contract in place since 2003. With the exception of supplemental core budget increases in 2007, the boards are operating under the 1993 funding allocations. The work of the boards is project-driven. In order to fund core staff needed as a result of growth, the boards have cut out basics necessary to maintain the organization.

As an example, for the Nunavut Impact Review Board, there has been no core funding available to fund non-beneficiary board and staff professional development in over a decade. All beneficiary training has been funded through outside sources, which is administratively complex and uncertain. Both boards are committed to hiring and training Inuit beneficiaries, with more than 50% of the employees in this category. Fulfilling this part of the Nunavut land claim agreement mandate has been possible only because of training resources provided by the Nunavut Implementation Training Committee, NITC. The NITC was funded through a single one-time grant negotiated as part of the NLCA. In April 2010 the boards were advised by NITC that unless new funding could be negotiated, as was expected in 2003, all training programs would be discontinued within two years. This will severely constrain the boards in their efforts to train Inuit beneficiaries, particularly for senior positions within the organization.

If economic development potential in the north is a key objective of the federal government, it is the board's view that equal measures to promote and support the regulatory regimes are required to effectively and efficiently fulfill the commitments made in the Nunavut land claims agreement.

The boards rely on Indian and Northern Affairs Canada for the administration of core funding and funding for public hearings. The boards are taking active steps with the Nunavut implementation branch of INAC to eliminate existing roadblocks in the funding process. Recommendations from the boards to remove funding barriers include completion of negotiations for a ten-year funding program, including streamlining and clarifying core and public hearing activities that are eligible for funding; improving communication and reporting systems, including increased consistency and training for Indian and Northern Affairs Canada personnel assigned to work with the boards on funding; establishing an effective procedure for future funding negotiations; and assessing long-term cost advantages of new initiatives to streamline processes and provide mechanisms for early funding when long-term advantages support the change.

You should know that in parallel, the boards are actively working to improve internal processes and coordinate impact assessment and the water licensing processes. Together, and with input from a broad range of stakeholders, including industry, the boards have developed a detailed coordinated process framework to address requests from proponents to proceed with the impact review and water licensing in a coordinated manner. Both boards are also impacted by resource constraints in federal and territorial departments and agencies and at the community government level.

The boards rely on the participation of all levels of government. Further, the water licensing regime relies on Indian and Northern Affairs Canada to carry out inspections and enforce water licences. There are currently six inspectors, three for land and three for water, for 28 communities and developments spread across 22 million square kilometres.

• (1545)

The new legislation that Stephanie spoke about earlier contemplates further enforcement responsibilities for Indian and Northern Affairs, making increased resources even more critical.

In light of serious compliance issues with municipal licences, the Nunavut Water Board staff recently hosted a series of workshops for all of the parties involved. However, it is clear to the boards that compliance requires additional resources to support essential community infrastructure. Accordingly, the boards recommend a review of federal and territorial resources available and required to fulfill the NLCA functions and reduce barriers to development in the north. The boards also encourage INAC to give attention to the impact its decision-making processes have on the overall timelines for impact assessment and water licensing in Nunavut.

Of significance, the Nunavut Water Board is also actively engaged with INAC, the Government of Nunavut, and Nunavut Tunngavik Incorporated in the development of water regulations for Nunavut. This includes a mechanism to simplify the approval requirements for minor use projects. Ultimately, the goals of water regulations developed specifically for Nunavut are to address deficiencies in the application of the current regulations and provide increased clarity to the water licensing process. Operationally and administratively, the regulations are a good step towards improving the regulatory system in Nunavut, in that they provide clarity and are understandable, consistent, and enforceable.

Moving forward, the NIRB and the water board recommend that they be fully engaged in the implementation planning for new land use planning and impact assessment legislation and water regulations, and that we be adequately resourced to ensure the organizations and systems are in place to effectively and efficiently implement the new requirements prior to the new laws coming into force.

Thank you, Mr. Chairman.

• (1550)

Mr. Thomas Kabloona: Thank you, Stephanie and Dionne.

In closing, as I stated at the start of this presentation, Nunavut is unique. It is our hope that you will consider these barriers to economic development in the north and our related recommendations in your deliberations.

On behalf of the Nunavut Water Board and the Nunavut Impact Review Board, thank you, Mr. Chairman and committee members, for the opportunity to speak with you today. We are pleased to answer any questions you may have for us.

The Chair: Thank you very much.

Members will know that we received in advance, I think in both official languages, your very thorough presentation. I know you did your best, and you were right on time, by the way, between both of you. You must have that very well rehearsed. Thank you for a very thorough brief.

Now we'll invite Ms. Ford and Mr. Reimer. I presume Ms. Ford will lead off. We'll hear your presentation now, and then after that we'll go to questions from members.

Ms. Ford, go ahead.

Mrs. Violet Ford (Executive Council Member, Vice-President on International Affairs, Inuit Circumpolar Council (Canada)): Thank you, Mr. Chair.

I would like to thank the committee chair and members for having invited the Inuit Circumpolar Council to present some of our ideas on how to meet the economic development challenges of northern Canada.

ICC is an organization that represents the Inuit living in Russia, Alaska, Canada, and Greenland. The ICC Canada office represents Canadian Inuit on matters of international importance, while at the same time serving as a two-way conduit of ideas and information flow between Canadian Inuit and other Inuit. ICC celebrates the unity of Inuit as one people, yet we each have a particular identification with the country we live in.

I am assuming, since ICC was invited to be a witness here at this very important panel, that the committee wishes us to speak of the challenges and opportunities of economic development that have an international dimension.

While so much can be done on developing our northern, and especially our Inuit economic activities that are strictly domestic, I would like to put forward the idea that Canada is missing the boat on something that is a reality for ICC every day, and that is the east-west and west-east thinking that has to happen at this level as well, and as an extension, east-west and west-east Arctic trade.

Given that there is a lot to be done in a strictly domestic market environment, and given that international trade for Canada generally is thought of as north-south, especially with our American neighbours, it may take a bit of a paradigm shift for some of the members here to think about the Canadian Arctic as having more than a "south" to fly to or a "south" to trade with or a "south" from which to procure goods. By thinking east-west and west-east in the Arctic, as ICC is mandated to do, Canadian Inuit and indeed all Canadians may be able to capitalize on new opportunities that have previously been left dormant.

Now, the Inuit Circumpolar Council is not an economic development body, but we do have longstanding relations with not only Inuit outside of Canada but with Nordic countries to the east and with the Russian Federation as a whole to the west. Along with the federal government's assistance and possible partnerships, I believe ICC Canada and the federal government can do much for economic development in northern regions.

Much remains to be explored, Mr. Chair and committee members, and I would suggest that as a first order of business a partnership might do a complete inventory of what is already being done and then of what might be done in the future. While we would not preclude any and all Canadians from participating in this newer economy, it would be in ICC Canada's interest and, given the focus of this committee, I would imagine the members' interest as well, to find ways of generating employment and income for Inuit individuals and corporations.

Much could be done, Mr. Chair, in the fishing and the shrimp industry, for example. In our neighbouring Greenland, shrimp is a major export, and for Greenland Inuit this is not only a source of employment, but for its self-government it is a source of foreign revenue. Most of this shrimp, as well as most of Greenland's trade, goes to or from the EU and Denmark in particular, even though we are just next door. Inuit in Canada also have an interest in the fishing industry, as you know, and we need to explore ways in which we can work together with Greenlanders on this.

Another barrier, Mr. Chair and committee members, that I'd like to draw your attention to and that you've heard much about is the EU seal ban. This seal ban is not only a huge barrier to our own economic development from region to region, but it also interferes with the economic development goals set under our Inuit Land Claims Agreements. This EU seal ban is a result of the lobbying of many environmental and animal rights groups who hold different values and beliefs from those of the Inuit. The relationship that we have with the environment is totally different from that of those animal rights people.

To move on to the Russian market, while many Canadian corporations are in the northern parts of this vast country building houses, drilling for oil, and mining, often reportedly in an unsustainable way, I think Canadian Inuit individuals and corporations could be involved more.

•(1555)

We have much to offer, not necessarily in the large-scale projects that Canada supports, but in offering advice on indigenous governance, for example, in environmental cleanup, something the Inuit in Canada have a lot of experience with. Many committee members may not know that ICC Canada, along with the assistance of CIDA, headed an eight-year project on indigenous institution-building a few years after the collapse of the Soviet Union. Not only did we assist in the building up of the Russian Association of Indigenous Peoples of the far north of Russia, ICC was the executing agency with the assistance of Indian and Northern Affairs Canada.

While this project was aimed at the whole of the Russian north, ICC Canada also works closely with our own people, the Inuit of Chukotka, just across the Bering Strait. While they have lived in poverty for some time, I believe that with greater assistance from the

Canadian government, ICC Canada can serve again as an agent to help them get back on their feet. The work we could do there may also help address the east-west and west-east trade potential. And what about Alaska? While Inuit in Alaska certainly live in much better conditions than our Russian cousins, we could do more with our close neighbours to the west.

While the focus of my presentation here today is on the east-west and the west-east, I would like to conclude by saying that other broader international opportunities exist. ICC Canada and other Canadian Inuit have much experience in different areas of the world. We were asked by indigenous leaders of Belize, for example, to help set up training centres there to deal with a myriad of issues that our indigenous reality and experience could do.

However, Mr. Chair, not all economic relations are good, as the members here know and as we as indigenous peoples know. I won't go into the centuries of exploitation that we have suffered at the hands of colonizers and their industries. You may know of these issues and stories. But I would like to share with you some of the work that ICC Canada has done in the area of access and benefit-sharing of genetic resources. Increasingly, others want access to our genetic resources, which are on Inuit lands, and researchers, including pharmaceutical companies, universities, and others, are accessing these types of resources as we speak. As an aside, there are now 29 companies worldwide that are carrying out research and now moving into the development stage on Arctic genetic resources. We have no idea where those companies are or what genetic resources they are taking from Inuit lands. This in itself is interfering with our own potential to become economically self-reliant due to the marketing of those genetic resources.

ICC has been heavily involved in a new international legal regime pertaining to this issue and ICC has been part of Canada's official government delegation negotiating this new treaty with other countries under the Convention on Biological Diversity process. We have discovered that this research in May also advanced our own economic goals, as we have found out the information from some of our own land claims regions on these very genetic resources.

I would urge this committee to help ICC explore these ideas further in a formal way.

There is one more barrier than I would like to mention, Mr. Chair, and that is intellectual property rights. Traditional knowledge is now being taken by researchers and being published in journals. There is also the fashion industry. Donna Karan's fashion industry is taking the designs of Inuit women's fashions and others and we have no say in this. This interferes with our own ability to market Inuit women's parkas, for example, because there have already been products put on the market by such large fashion designers as Donna Karan.

As I mentioned, we are not an economic development agency, but we could facilitate the development of one, for example, that focuses on the east-west dimension that I have shared with you today and on other dimensions as well.

•(1600)

I hope this has been of some use in your important work. *Nakurmiik.*

Chester Reimer, who is ICC's senior policy adviser, and I would be happy to take any questions the committee may have. Thank you.

The Chair: Thank you very much, Ms. Ford. I would also say thank you for your brief, which was circulated to the committee here as well and which you've spoken from this afternoon.

[*Translation*]

Now we will move to the time when members can ask questions.

We will start with Mr. Bagnell. You have seven minutes.

[*English*]

Hon. Larry Bagnell (Yukon, Lib.): Thank you, Mr. Chair.

Thank you all for coming. This is very helpful. I know you've come a long way. This is very helpful for our study. *Nakurmiik.*

The problems you're having that are slowing you down on the boards are something I've heard about right across the Northwest Territories and Nunavut.

First of all, let's start on the delays in appointments. I've heard of delays of one, two, three, four months and longer than that, especially when someone else is doing the appointing. The federal minister just appoints someone who's already selected by the Nunavut government or by someone else who selects people.

Are you seeing that both in your board and in other boards?

Mrs. Stephanie Autut: Thank you for that question.

If I understood correctly, is it whether we are seeing the delays in all of the appointing bodies, or just...?

Hon. Larry Bagnell: Yes, in your boards and in other ones, if you see it in other ones too.

Mrs. Stephanie Autut: I can speak to the planning commission, the water board, and NIRB. I'll speak to NIRB first.

This is my tenth year with the board. For the first time in ten years we officially have a full board, as of three to six months ago. We went for the first nine years of my tenure with the board dealing with quorum issues on many occasions. I know the water board has also had to address the quorum matter, having basically come to a halt in terms of decision making, because that can only be done by the board members. The staff can be doing all the work they can be doing, but without the membership being there to make the decisions, essentially the work comes to a standstill.

I believe the membership of both the commission and the water board is fully appointed by Indian and Northern Affairs. With respect to the Nunavut Impact Review Board, we have two seats that are appointed directly by the Government of Nunavut. In some ways that has saved us a little bit, because that membership seems to come in on a more timely basis. But appointments have been an ongoing

issue since the first term of the memberships came to an end after the first three to four years.

•(1605)

Hon. Larry Bagnell: There seems to be a similar problem right across the north. In my opinion, we should be further ahead in land use planning.

Your comment is interesting. The minister tabled, as you said, the NUPPA Act this week, which is great. He said it's done with consultation with Nunavut and everyone, so it should be fine.

You talked about needing regional, local plans. Does this bill allow for that, or does it direct the "one big plan" that you're trying to get away from?

Mrs. Stephanie Autut: It's my understanding that ultimately it allows for both. The drive right now is to have a Nunavut-wide plan in place first. The commission will then have the ability, as I understand it, to develop sub-plans as needed, if they choose to do so later.

Hon. Larry Bagnell: So that's not a problem. You have the option and you can go ahead that way with the sub-plans.

Mrs. Stephanie Autut: That's my understanding, yes.

Hon. Larry Bagnell: Okay, that's good.

Did I hear you correctly that you've been at the same level of funding since 1993, which is, with huge inflation, long ago?

Mrs. Stephanie Autut: Yes, the implementation contract was signed off in 1993 for a ten-year block of funding to take us through to 2003. We started with that base figure, and every year they would adjust it with the FIDDIPI factor.

The contract that was to then be in place in 2003 has not yet been finalized. There's been no completion to those negotiations to re-evaluate and re-establish the new benchmark for funding for the next ten-year block.

Hon. Larry Bagnell: So we're in 2010, and you've been negotiating for seven years?

Mrs. Stephanie Autut: We were offered a seat at the table one time, back in 2001, to give a sort of overview of a ten-year work plan and what our budget should look like. We were allowed one other opportunity to update it two years later. There was a minor adjustment, in the case of NIRB in the amount of \$354,000, and that has been the only adjustment to our funding since 1993, other than the annual FIDDIPI increase.

Hon. Larry Bagnell: Thank you very much.

Ms. Ford, one of the barriers you mentioned—or opportunities, I guess—is in fishing. I'd like to ask about two potential barriers. There was a study done a few years ago that recommended six small boat harbours in Nunavut, which we actually promised in our last campaign. Would those harbours help the fishing fleet to be more competitive, like Greenland's?

My second question is this. My understanding is that there was some problem with adjacency quotas being given to the south that Nunavut people would rather have more of, quicker.

Can you answer either of those questions?

Mrs. Violet Ford: I'm sorry, I don't have the information in front of me to answer those two very detailed questions. It requires a lot of detail to be able to answer them, but what we can do is submit this information to you at a later time.

Hon. Larry Bagnell: Sure, if you'd send it to the clerk, that would be great.

You brought up fishing as an opportunity. Is there anything you're aware of right now that we could do to help?

Mr. Chester Reimer (Representative, Inuit Circumpolar Council (Canada)): I can answer that to some degree.

Fishing was given as an example. It is important that the market that Greenland has to Europe... For example, there are opportunities that we have discussed in terms of Inuit-to-Inuit negotiations and perhaps cooperation in bringing Canadian fish and other products, for that matter, through the Inuit gateway, you might say.

Greenland used to be part of the European Union, but in the early to mid-1980s it withdrew, which is a bit of an anomaly. It would be like Prince Edward Island withdrawing from NAFTA, in a way. But they still have strong relations with Denmark but also with the Europeans through fishing agreements and that kind of thing. We're offering a way for both ways: piggybacking maybe onto the Greenland Inuit trade to Europe, and in reverse buying things from or selling things to them as well. That's all we meant.

•(1610)

The Chair: Thank you, Mr. Bagnell.

Just before we go to our next question, Ms. Autut, you used a term "FIDDIPP". Could you tell us what that is? Is it an annual inflationary index of some sort?

Mrs. Stephanie Autut: Yes, it's federal domestic...no, Final Domestic Demand Implicit Price Index—or planning index. We've never fully understood it.

The Chair: Okay, we'll see what we can find on that. Thank you very much. I just wanted to get it for clarification.

Maintenant, monsieur Lévesque, vous aurez sept minutes.

[Translation]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Thank you, Mr. Chair.

As far as northern development is concerned, in my home, the region that I represent...

Can you hear the interpreter, Ms. Autut?

Would you prefer to listen to me directly in French? I have heard that there are actually three official languages in your area. Can you tell me what they are?

[English]

Mrs. Stephanie Autut: In Nunavut the three official languages would be Inuktitut, English, and French.

[Translation]

Mr. Yvon Lévesque: What a pity that we did not know that earlier. We could have sent you to Vancouver to run the Olympic Games. You could have made some extra money doing that.

You say that you operate from Baker Lake. Are you linked to Iqaluit? How do you keep connected across the whole territory? Is your central office located in Baker Lake or in Iqaluit?

[English]

Ms. Dionne Filiatrault: In terms of the various institutions of the government, the Nunavut Impact Review Board is actually based in Cambridge Bay, and the Nunavut Water Board's head office is based in Gjoa Haven. They are in the Kitikmeot region of Nunavut. So for us to get to the capital of Nunavut, Iqaluit, to the main government bodies, we have to actually travel from west Kitikmeot to Yellowknife, and then across the top from Yellowknife to Iqaluit, to get to any meetings or that sort of thing.

The IPGs, institutions of public government, are somewhat decentralized. The Nunavut Planning Commission is based in Cambridge Bay as well. With the new expansion of an office that was just done in Cambridge Bay by the Nunavut Planning Commission and the Nunavut Impact Review Board, the Nunavut Water Board now has office space in that building, so we will have a satellite office there as well. The Nunavut Wildlife Management Board is still based in Iqaluit.

[Translation]

Mr. Yvon Lévesque: When you talk about water management, are you talking about drinking water, all water, the fishery? What is involved when you say water management?

[English]

Ms. Dionne Filiatrault: The mandate of the Nunavut Water Board is inland fresh water. It does not incorporate marine water. So any water licensing that is done is strictly to potable, drinking-quality kind of water. It's called fresh water, and it's inland water.

In dealing with marine issues, the land claim sets out that the boards have the ability to create what is called the Nunavut Marine Council. It has actually, actively, just this week as a matter of fact, made some very strong headway in moving that initiative forward and has come to an agreement for the development of terms of reference and an MOU. That body has the ability to make recommendations on marine issues, but recommendations only. We do not issue a permit or licence or authorization as it relates to marine issues. It's only a recommending body.

• (1615)

[*Translation*]

Mr. Yvon Lévesque: So you must have to deal with many of the same problems as Nunavik. But Nunavik goes through the Government of Quebec and you have to go through the territorial government, if I understand correctly.

[*English*]

Ms. Dionne Filiatrault: I would ask for a little bit of clarification of what issues specifically you're asking of, whether they're similar to Nunavik or not.

At this point, our reporting obligation is through the federal government. At the municipal level, we issue municipal water licences and we do environmental assessments for certain activities in the municipal communities, but it's hard to say, not being familiar with Nunavik, how closely it's tied to similar issues that they may have.

[*Translation*]

Mr. Yvon Lévesque: In Nunavik, the Kativik Regional Government is responsible for water management and health management. You have just told me that the federal government is in charge of everything in your area. What happens in the case of problems with drinking water? I suppose that you get your water from the lakes or rivers near the villages. Could you tell me about the extent to which climate change poses a problem in getting or treating drinking water? What dangers to health can it cause?

[*English*]

Ms. Dionne Filiatrault: That's a very good question. It's not something that we have the ability to do at this point in time. We've not studied the impacts of climate change on the source volumes that are realized in Nunavut. I'm not aware of any research being done in Nunavut along those lines at this point in time.

[*Translation*]

Mr. Yvon Lévesque: I saw the name Baker Lake. There is a mining development close to several villages. When permits are granted to mining companies and to other development groups, there are studies on the impact of waste from those companies. Is that research done by you or by the federal government? When it is done, does the government involve you in the decision or the research?

[*English*]

Ms. Dionne Filiatrault: The environmental assessment of any development project in Nunavut goes through the Nunavut Impact Review Board and they are the decision-makers in that regard.

The federal government is a party to that process. They can provide comments, but the decision-making, as it relates to studying terms and conditions for an environmental assessment, rests with the Nunavut Impact Review Board.

Once the Nunavut Impact Review Board has finished its work, the details of how much water and what is done with waste is further specified through a decision on whether a water licence, a waste disposal licence, is issued by the Nunavut Water Board.

Again, while the boards are funded by the federal government, the decision-making rests with the boards, not the federal government.

[*Translation*]

The Chair: Thank you, Mr. Lévesque and Ms. Filiatrault.

[*English*]

Now we'll go to Madame Crowder for seven minutes.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Thank you, Mr. Chair, and I want to thank our witnesses for travelling and appearing before the committee today.

I'm just going to run through the presentation. I have a couple of points to raise. The first one is in regard to the point that Mr. Bagnell raised around membership on the boards.

We just got the new legislation yesterday. You can see that it's somewhat lengthy, so we haven't had time to go through it in detail. But I notice that the section on general provisions on commissions and boards doesn't seem to reflect the changes that you're recommending.

Have you had a chance to look at this, and have you been involved in any of the drafting of provisions around board appointments?

• (1620)

Mrs. Stephanie Autut: Thank you for that comment and question.

The board has been actively engaged at the table with respect to the ongoing discussions and negotiations and drafting of the legislation.

Our comments and concerns as they relate to board membership have been expressed to the government and were passed on to the drafters, as I understand it, and the results of those conversations and negotiations have been presented in the piece before you.

Ms. Jean Crowder: I have just another quick question on it.

You indicated that there are delays in the appointments and in the nominations. Is one process causing more delays than the other?

Mrs. Stephanie Autut: In the past, there was a time early on where NTI, which has nomination authority to the board memberships, would make its nominations once annually. It has just recently changed its practice.

So if an appointment finished early in the year and NTI waited until its annual general meeting, which generally takes place in October or November, there was a lapse of almost a full year in someone sitting in those seats. The nomination then still had to be sent in to government for formal appointment, so there's further time involved with that process.

NTI now realizes that it can't be waiting to do that annually. It has to take a more active approach to ensure that its membership is reflected appropriately on the boards. So we're seeing some improvement in that. However, there's no formal procedure in place on how that process should be happening, and oftentimes the names that are being put forward under nomination don't necessarily make it through the appropriate security clearance process that takes place at the federal level. We believe better communications on that front at the beginning of the nomination could potentially decrease some of the time it's taking to get those appointments formalized.

Ms. Jean Crowder: So there are some technical details that could help with the appointment process.

Mrs. Stephanie Autut: Yes.

Ms. Jean Crowder: I want to turn to the land use planning—and again, we just got this, so we haven't had time to go through it in detail, but I note that in your presentation you talked about the regional and subregional plan. Does the legislation reflect what you were asking for around the regional and subregional plan?

Mrs. Stephanie Autut: I have to admit that I haven't seen the final version. So I can commit to having a second look at that and getting back to you.

Ms. Jean Crowder: That would be helpful.

Mrs. Stephanie Autut: It has been a very fast transition from the latest draft to what went in, so I would be happy to revisit our presentation.

Ms. Jean Crowder: And I'm sure at some point you'll be back here dealing with the legislation, once we have the legislation before the committee.

On the funding, there are a couple of points. With the Nunavut Land Claims Agreement, there were commitments made in terms of the percentage of residents who would be employed. I think you're probably well aware of the Berger report that came out, I think it was in 2005, that made some very strong recommendations around what needed to happen in order to have people develop the capacity to take employment.

There are two things that it seems you're speaking about. One is the resources, the funding resources you need in order to hire and retain people. But the other piece seems to be a capacity issue around making sure that people have the skills you need in order to take those positions. Is that accurate?

Mrs. Stephanie Autut: Yes, that's a fair statement.

Ms. Jean Crowder: I know we haven't seen any formal response to the Berger report. I believe there was \$20 million recommended for K to 12 education so that people had the basics so they could go on and do technical or post-secondary education that would provide them with the skills. I don't believe there has been that kind of response, the \$20 million over 20 years that I think was required.

You're saying right now roughly 50% of the employees are from Nunavut. I believe it is supposed to be 85% in terms of the land claims agreement.

• (1625)

Ms. Dionne Filiatrault: For the most part, in my office we have a staff of eleven, and there are only four non-Inuit beneficiary staff members.

Ms. Jean Crowder: So that's roughly 75%.

Mrs. Stephanie Autut: Currently, 50% of NIRB's staff is beneficiary at this point in time.

Ms. Jean Crowder: So you have some room to gain there.

On the water regulations, I just want to back up to what you were saying about fresh water versus marine water. My understanding of what you were saying is that, for the marine water, the body can only make recommendations. Recommendations to whom?

Ms. Dionne Filiatrault: I'd have to go back and check to be 100% positive, but I believe it's to anybody who is dealing with marine issues.

Ms. Jean Crowder: So it could be DFO.

Ms. Dionne Filiatrault: It could be DFO, but it could be Environment Canada under the Arctic Waters Pollution Prevention Act. It could be any party that is responsible or has legislation in place that governs marine waters.

Ms. Jean Crowder: So it's quite different from the freshwater process.

The Chair: I know time goes rather quickly. Thank you, Ms. Crowder.

Over to you, Mr. Duncan, for seven minutes.

Mr. John Duncan (Vancouver Island North, CPC): Thank you very much. That went quickly for me too, if that's any consolation.

Here we are, this was all scheduled for economic development in the north, and now, of course, we have the backdrop of the NUPPA legislation being tabled yesterday, which has led us on a slightly different path here.

I'm going to go back to where others have gone—Larry and Jean—and just talk about these board appointments again. So, Stephanie, my question will probably be directed to you.

I think I comprehend the recommendations that you have made to the committee. Those were recommendations made in the context of an economic development study. Your words were very precise. You said that it was a recommendation to amend the Nunavut Land Claims Agreement. At least that's what I heard in your submission.

My understanding is that the NUPPA legislation and the way the board appointment process has been changed goes as far towards your recommendations as it can possibly go, save and except that we would have to amend the Nunavut Land Claims Agreement, and the only way we could do that is if we had agreement from NTI. You may not have had time to study the legislation enough, but does that seem a reasonable proposition, that yes, there are some things that can't be accomplished without amending the land claims agreement in the NUPPA legislation?

Mrs. Stephanie Autut: Yes, that's my understanding.

Mr. John Duncan: Okay.

Just for your benefit, Jean, I didn't want to put a train on the track that was going to go nowhere. So I wanted to clarify that. The government has some sympathy with what you're indicating. The legislation as proposed will help, but we recognize that if it weren't for that complexity, we could do more.

Violet, you had a presentation about east-west and west-east thinking and some real examples. This committee travelled to the north in November or December and we ran right into this. Basically, we would have loved to have gone across, and we kept having to go south in order to go north again. I think it's very clear that it's a problem. It's a problem south of 60 degrees as well. We don't have a transmission grid across the country. Our pipelines run that way, and so on.

We have the Trans-Canada, which we're all proud of, but it's actually pretty basic infrastructure compared to all the other things that we don't have. So I think that manner of thinking is good for us to reflect in our report.

Even in the last 24 to 48 hours, I've had people say "Why do we need to connect NWT to the rest of NWT when they're already connected through the Yukon?" Well, just a minute here. There are other ways to think about this.

I was interested in your paragraph where you talked about megaprojects in reference to Greenland, but you made no reference to megaprojects in Nunavut. Actually, there are some very significant proposals out there that are world-scale and can really change the dynamics of the economy in Nunavut. How up to speed are you on all of that, and how will that affect our relationships with Greenland and other Inuit on your council?

I almost took your statement to read as a criticism of the lack of sophistication of the environmental assessment process in Greenland. That's not something I've heard before, but I don't pretend to know a lot either. I do know they have perhaps in the order of double the population of Nunavut in Greenland, so I'm a little surprised by that. Maybe you'd care to comment.

• (1630)

Mrs. Violet Ford: Thank you for your comments, your interest, and your question.

I would like to add to that paragraph in the presentation. The reason we put that in there was to build on the theme of the east-west and west-east so that we in Canada can provide the opportunity, based on our experiences dealing with megaprojects. That's one of the reasons we didn't mention Nunavut.

We know those megaprojects are there, but the point we were trying to make is that we in Canada, as Inuit, have a lot of experience dealing and negotiating with companies that carry out megaprojects on our lands. Yes, I agree, you did see the hidden concern of the lack of environmental impact assessments up to the level that Canada has and is lacking in Greenland. We just thought we'd put that in there in a very subtle way so as to find ways to communicate with our fellow Greenlanders and try to help them out on these types of issues.

The Chair: Thank you, Mr. Duncan. We're actually over time by a certain amount.

Thank you very much.

Now we'll go to our second round of questions. These are five-minute turns of questions and answers, a little bit shorter still.

We'll go with Mr. Russell first for five minutes. He'll be followed by Mr. Payne and Monsieur Lévesque.

Mr. Russell.

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

Good afternoon to each of you. It's good to have you with us, particularly on this study, which has taken us some time, but hopefully we'll hear the full range of views and make the recommendations that are appropriate.

To the NIRB and the NWB, one of your conclusions or recommendations was that you be fully engaged in the implementation planning for new land-use planning, impact assessment legislation, and water regulations.

It almost gives me a sense that there's been some difficulty in the past with your two boards being fully engaged in the process. Is there some fear that under a new regulatory regime you won't be fully engaged? Or is it only a resourcing issue and an implementation issue that you're talking about? Has there been more...let's just say, some creative tension?

• (1635)

Mrs. Stephanie Autut: There's always tension.

Maybe I'll speak to NIRB and I'll allow Dionne to then speak to the water regulations.

NIRB saw an initial draft about ten years ago of a piece of legislation that they were going to put out for negotiation, which never went anywhere. It was before my time with the board. This is now my first formal draft legislation that we have to work with.

The board wants to ensure that it has the adequate resources in place to come to the table and be able to properly implement it, paying attention to the fact that it's being put out there to make the whole process more efficient, more user-friendly, and more appropriate to enable industry to get through it. With that in mind, we want to carry it out right from the beginning, which means we need the resources in place to fully be engaged to have those discussions on how best to implement and to have the resources available to us to ensure that the proper mechanisms, the proper management systems, the proper personnel and appointment processes—all of those things—are in place to adequately make sure that the bill is meeting its full expectations.

Mr. Todd Russell: I think this raises a question. We need to ask the government while we're studying this bill what their implementation plan is around this particular piece of legislation. We can create a framework that might improve it by looking at it like a picture on the wall, but we need a bit more than that. We need some wheels on this thing, if it's going to work—or yes, probably skis.

To Ms. Filiatrault, are you guaranteed that your existing mandate is going to be preserved under the new legislation? I know it came under the NLCA and all of that type of thing, but is it going to be preserved under this new legislation, do you know? Again, is it just an implementation thing that we're talking about?

Ms. Dionne Filiatrault: Thank you for your question.

Mr. Chairman, I think it needs to be clarified that there's one very clear difference between the Nunavut Water Board and NIRB as it relates to legislation. We actually have the Nunavut Waters and Nunavut Surface Rights Tribunal Act in place, which goes beyond the NLCA as it relates to the management of waters in Nunavut. So we have enabling legislation that has helped us move forward.

To speak a little to the past concerning why it's important and why the recommendation that was put in our brief is there, it's that if you look at the regulatory process in Nunavut, we are the bottom. We're the last gatekeeper before a project can get the final authorization and then go ahead. So everything that happens before us, we keep track of. The enabling legislation speaks to it a little bit, but for the most part, the Nunavut Waters Act is very specific to the requirements for the water board.

The difference, and the reason that the bringing in place of the NUPPA Act is important—the enabling legislation for NPC and the Impact Review Board—is that where the Nunavut Water Board is concerned, much coordination and many steps have to happen in the system at the front end of the process. The people who are interpreting that legislation need to understand what the implications are of the way they're interpreting it and how it's going to affect the people down the road.

We were already at the back end, so we could interpret our legislation—and we still are doing so, even today. Our legislation has been in place for years, and we still are trying to learn what our legislation means and how it's to be interpreted. That's an ongoing thing for us, because we did not have that benefit early on.

What we're saying is, you have the new NUPPA Act—our sister boards, the planning commission and the Nunavut Impact Review Board—and it would be helpful for all of the parties to make sure that it's implemented better than our legislation was implemented.

• (1640)

The Chair: Thank you very much, Mr. Russell.

Now we'll go to Mr. Payne for five minutes.

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

Welcome to all of you here this afternoon.

I was wanting to touch a little bit on the appointments. It sounds as though there are some good things moving forward in terms of your appointments.

Now, Stephanie, I think you said that you had ten members and that this is the first time in ten years that you've had a full board.

Mrs. Stephanie Autut: Our board is made up of eight members plus a chairperson. For many years we operated with six or seven. It was only, I believe, in May or June of last year that we received full membership, and it only lasted for about six months.

Mr. LaVar Payne: What would be the quorum, then?

Mrs. Stephanie Autut: Quorum for us is a mandatory five people. That's under the land claim agreement. I would have to check the draft that's in place to see if this is still standing.

Mr. LaVar Payne: Right. I'm thinking of before any changes come into place.

In those terms, then, you've still been able to operate, though, even with a partial board?

Mrs. Stephanie Autut: Yes.

Now, to qualify that, technically it's yes, but the environment in Nunavut being what it is, with a lot of the members being very traditional, spending time on the land, where they don't have access to the phones and the fax machines and the computers, those members who would be participating in their cultural activities often are not available to be part of the decision-making throughout certain times of the year. Specifically, I would say that in the spring and summer season it's often difficult to find quorum.

Mr. LaVar Payne: Okay.

For the water board, what is the number of board members?

Ms. Dionne Filiatrault: Thank you for your question.

Our membership is the same; it's eight members of the board and the chairman. All of our appointments are made through the Minister of Indian Affairs. We have no direct appointments from the Government of Nunavut.

We at present are sitting at seven members. We have as recently as last year lost quorum. Our enabling legislation allows us to create panels. We're the only institution of the government that has that ability to create sub-panels, and we've created panels of three members. That has worked well. It was a contingency measure that we implemented two years ago.

We've actually seen brought to bear on that initiative situations in which we've almost not had quorum of a panel, have had difficulty even getting a panel together. So our short-term contingency has now turned into a long-term regular operating practice.

Mr. LaVar Payne: Were the sub-panels able to continue working, then, and making recommendations?

Ms. Dionne Filiatrault: Yes.

Mr. LaVar Payne: Okay.

You were talking earlier a little bit about the process of your being at the bottom of the pile, so to speak, and the Nunavut Impact Review Board at the front end of this process. In the initial comments, I can't recall whether it was Stephanie or you who talked about having a project approved—I know it was a question from one of the other members across the table—and once that was done, then the water board gave the approval. I almost had the impression that once the water board gave the approval, it was a case of “yes, it's done”.

Ms. Dionne Filiatrault: No, with the water board you never want to presume the evidence that would be presented and the requirements that we require in the water licensing process. Each decision is made based on the merits of each application.

I would say that just because it gets through the Nunavut impact review process, it's not an automatic given that you actually are going to get a water licence.

Mr. LaVar Payne: Okay. Let's just make a little assumption that in fact there is a bit of a conflict there. What happens then?

Ms. Dionne Filiatrault: That would be very difficult to speculate. Each project is assessed on its own merits. The mandate of the board and the object of the board is to ensure that fresh water is protected for the benefit of Nunavummiut and of all Canadians in general. That's the goal of any decision that the board makes.

• (1645)

The Chair: Thank you, Mr. Payne.

[Translation]

Mr. Lévesque, you have the floor for five minutes.

Mr. Yvon Lévesque: Thank you, Mr. Chair.

As a member of this committee, I understand that differences of opinion can arise about land and water use decisions for development purposes and about unsatisfactory agreements. To what extent have different areas of your region had different views about planning land and water use? Then, are there regulatory mechanisms that allow you to resolve those differences of opinion when they arise? I am going to ask another question now that I have the floor because I only have it for a short time. Can you give the committee some examples of differences of opinion that have been resolved and describe how that was done?

[English]

Ms. Dionne Filiatrault: Mr. Chairman, I'll try to answer that.

As far as the uses of the land and any differences are concerned, there is a mechanism established. In Nunavut, there is one component of the land, federal crown land, that is administered by Indian and Northern Affairs Canada. But there are also Inuit-owned lands that are administered by the regional Inuit associations, and there are sub-surface lands that are administered through Nunavut Tunngavik Incorporated.

Generally a proponent will determine—

[Translation]

Mr. Yvon Lévesque: Do not go too fast.

[English]

Ms. Dionne Filiatrault: When a proponent submits an application, it's within their ability to determine where their interests lie and where the best land to use for their project is. To date, I can't think of any conflicts that have been realized.

If there is a conflict that cannot be resolved that has been brought to the table by an applicant who wants to use the land and it's an issue of compensation for that project, and if the Inuit-owned land body under article 20 and the company cannot agree, the water board then becomes the mediator between those companies to try to resolve any conflicts on those land issues.

To date, that provision of the land claim has never required to be implemented.

[Translation]

Mr. Yvon Lévesque: Perhaps Ms. Ford would like to answer the next question.

The 2007 Inuit Action Plan, which was drawn up by the Inuit Circumpolar Council and the Inuit Tapiriit Kanatami asked for increased access to economic development and a sensitivity to Inuit priorities so that Inuit can participate directly in the development and implementation of Inuit policies and programs.

If you had to decide on the main priorities today, what would they be? In your opinion, has the federal government solved the problems partially or entirely? What would you recommend?

[English]

Mrs. Violet Ford: Could you repeat the first part of the question? I didn't understand the first part of your question or comments.

[Translation]

Mr. Yvon Lévesque: The first part of my comment was that, in 2007, the Inuit Circumpolar Council and the Inuit Tapiriit Kanatami asked for increased access to economic development and a sensitivity to Inuit priorities so that Inuit can participate in the development and implementation of Inuit programs. Do you remember the question?

[English]

Mrs. Violet Ford: You're asking about the priorities. I think this is more of a national action plan that you have access to, in front of you. It's not the international—

• (1650)

[Translation]

Mr. Yvon Lévesque: Do you not feel that, before developing an international plan, you should first develop a national plan? Then, as an international organization, you could harmonize it with other already-existing national plans.

[English]

Mrs. Violet Ford: First of all, you have to understand our mandate. We represent, as I said in my presentation, Inuit at the international level, not at the national level. We have a different mandate compared to the national Inuit body that is taking on national action plans. We don't interfere with their plans and they don't interfere with ours. They are separate. So in terms of what the national action plan is, I'm not mandated to comment on the national Inuit bodies' action plans on economic development initiatives.

The Vice-Chair (Mr. Todd Russell): Thank you very much.

Now we'll go to Mr. Duncan.

Mr. John Duncan: I want to go to the issue of implementation of funding and the recommendation in your brief.

I believe it was you, Stephanie, who was talking about completing negotiations for the ten-year funding program, including “streamlining and clarifying core and public hearing activities eligible for funding”. The part I'm asking about is the streamlining. Could you give us perhaps an example or two of what you actually mean by that?

Mrs. Stephanie Autut: That is Dionne's recommendation.

Ms. Dionne Filiatrault: We get core funding from the federal government to deal with our core operations and day to day for our annual budget.

We are a project-driven board, and because we are a project-driven board, we don't necessarily know. Based on the level of the economy, when we did an assessment three years ago, we forecast that there wouldn't have been enough weeks this year alone to do the projects that we had initially forecast.

Those major, in most cases, mine development projects that we were forecasting to initially occur in 2010-11 are now moved a little further back on the horizon.

When we get those projects, we actually have to submit a separate funding request to the federal government to cover those expenses. When we do that with the body that we deal with within the federal government, there is such a high degree of staff changeover that we're answering the same questions today that we answered 14 years ago. I've been with the board for 14 years and Stephanie has been with the board for a number of years.

When we're talking about streamlining, we need to get standardized processes in place so that our capacity that's already somewhat strained is not continually going to be strained dealing with issues that should have been resolved years ago. There are opportunities in place for the boards, and we've implemented one of those by creating a detailed coordinated process. We talked about the Nunavut Impact Review Board's process happening and then the water board process. We're now looking at what activities we can do concurrently. By doing that, there's going to be streamlining of funding, but what it means is that now the water board is going to be asking for funding, generally a year and a half to two years before they normally would for a particular project.

That being the case, our view is that in the long term it will shorten the length of time that the project will be in the regulatory process, and overall potentially shorten the costs associated with that project. But it means that we need to streamline to get that funding sooner.

Mr. John Duncan: Okay. I think that's actually very helpful.

At your fourth bullet, you say, "Assessing future long-term cost advantages of new initiatives to streamline processes and provide a mechanism for early funding when long-term advantages support the change". Could you, in your own words, describe that in more detail so that we get a full comprehension of what you mean?

Ms. Dionne Filiatrault: Let's assume that there is a mine development project or a project proposal that gets submitted to the Nunavut Impact Review Board for their environmental assessment review. That process can take, I'll say, just as an example, two years. Once they've made their decision and the minister has acknowledged the decision, the water board process starts. That process right now can take up to a year, so you're looking at a project that's three years in length.

We're saying now that if we can do some of the activities concurrently and bring the water board people into the project through the environmental assessment phase and at least be involved in the discussion on water and waste issues earlier on, as opposed to doing things back to back, we can shorten our process probably by

six months and begin to clarify some of the water issues earlier so that you're not caught at the last gate trying to figure out what those issues are.

• (1655)

Mr. John Duncan: That's once again very helpful.

Is the NUPPA legislation not predicated on actually making that collaboration occur more readily?

The Chair: Just a short response, please. We're out of time.

Ms. Dionne Filiatrault: The Nunavut land claim provides that the boards are required to cooperate to eliminate duplication and streamline the process. From my understanding, having seen previous bills from NUPPAA, they are considering the same conditions. I haven't seen NUPPAA to confirm that it is in the bill.

The Chair: Thank you, Mr. Duncan; and thank you to Vice-Chair Russell for filling in for a few minutes.

Now we'll go to Ms. Crowder for five minutes.

Ms. Jean Crowder: This may be on the same point, but I want to clarify it. In paragraph 3.0 of your presentation, under "Nunavut planning and project assessment legislation and water regulations", further down the page you talk about overall timelines for impact assessment and water licensing:

While the draft legislation establishes timelines for decision making for NIRB, the Nunavut Planning Commission and the Minister, these timelines have little legal effect and may, if the full time is taken, increase the overall time required to move a project through the regulatory system.

Is what you were just talking about an effort to deal with that, or is this something separate?

Ms. Dionne Filiatrault: I would suggest that it's a separate issue.

Ms. Jean Crowder: Can you expand on that?

Ms. Dionne Filiatrault: From our perspective, in our legislation—to use an example—there are actually timelines on the federal government. In some cases they meet those timelines, and in others they do not.

In the overall consultation process, again, we rely heavily on the federal departments as key experts and witnesses in the area of environment, transportation, health, and things like that. So their ability to provide comments within a specified timeframe, or not, can later affect the overall length of a process.

Ms. Jean Crowder: So there aren't mechanisms, I assume, to deal with lack of meeting those timeframes.

Ms. Dionne Filiatrault: I'd probably defer that to Stephanie to be more specific on what NUPPAA is doing as far as timelines go.

Mrs. Stephanie Autut: Again, my understanding on the last bill that I reviewed was that there were no consequences if you missed a timeline.

If I could just expand, for operating purposes, our board has established its own internal timelines to give an idea to proponents who wanted to know the bigger picture from start to finish. The bill that's before the group now has expanded even further on some of those timelines, given more time than what the board has actually suggested would be warranted.

That was a concern of ours, in the sense that if we're trying to make the process more efficient and more streamlined, building more time into what we are recommending may not be the best way to approach that.

Ms. Jean Crowder: I agree with Mr. Duncan. It's a bit complicated, because we have this piece of legislation and we haven't had time to look at it, and we're sort of trying to deal with two things here.

I'm sure we'll be having further conversations about this once we've all had an opportunity to look at the legislation.

I have just a quick question back on resources and the whole negotiation process around getting the resources you need. Is there any dispute resolution mechanism in place?

• (1700)

Mrs. Stephanie Autut: There is not that I'm aware of.

Ms. Jean Crowder: Yes, I'd have to go back to look at the land claims agreements.

Mrs. Stephanie Autut: Violet has pointed out that there is the Nunavut Arbitration Board.

Ms. Jean Crowder: But both parties have to agree, isn't that right?

Mrs. Stephanie Autut: Yes.

Ms. Jean Crowder: So if both parties don't agree, then it's not really an effective dispute resolution process.

Mrs. Stephanie Autut: That's right.

Ms. Dionne Filiatrault: I've only been in my position with the board for the last three years, but it's my understanding that there was an external negotiator who at some point was hired to try to bring some resolution. But in the three years I've been the executive director there's been no movement in that regard.

Ms. Jean Crowder: Do I still have time?

The Chair: You have one minute.

Ms. Jean Crowder: Ms. Ford, in one minute can you just touch on the Convention on Biological Diversity? That's a really important aspect of what's happening in the north.

Mrs. Violet Ford: Yes. Do you want just an overview of the treaty, or the...?

Ms. Jean Crowder: Well, not an overview, but what are the roadblocks? Is there a re-emphasis of the importance of it?

Mrs. Violet Ford: First of all, the CBD is very important for indigenous peoples worldwide because of its recognition of traditional knowledge. It's the only international legally binding instrument that recognizes the participation and the use of traditional knowledge of indigenous people in environmental management. The issue for us in Canada is that Canada has not implemented this convention at the national level. The access- and benefit-sharing of genetic resources is just one of the regimes coming out of this instrument that is going to have an impact on Inuit in Canada.

Now, Canada is developing a domestic ABS policy, but we've reviewed the discussion paper that Environment Canada is coming out with, and it doesn't address any of the issues that Inuit and ICC are concerned about.

The Chair: Thank you very much.

That ended up being a good segue, in fact, because I'm going to take the next spot for the government here, and I wanted to follow along in the same line, Ms. Ford.

You introduced the idea of genetic resources and went on to explain. I wonder whether you could take a minute to expand on that idea of genetic resources, give some examples, and maybe just spend a minute or so describing what the problem represents to potential economic advantages for Inuit.

Mrs. Violet Ford: Sure. It's quite a complex process, and I don't have much time here to explain, but a genetic resource becomes a genetic resource from a biological resource when it has some commercial value. The issue for Inuit is that we don't know how many scientists are already taking genetic material from traditional plants, for example, on Inuit lands, bringing them down to universities, to laboratories, selling the information to other companies—for example, pharmaceutical companies. Then the connection, the link between the commercial value of it and its source is not going back to the Inuit areas; the commercial value is going back to the companies or it's going back to the university, and we're not having any royalty agreement type of arrangement.

As well, I'll give you a good example of a genetic resource issue that was faced by the Inuit in Labrador a few years ago. That's why it's so important for us to have these access- and benefit-sharing agreements arranged at the Inuit community level.

There were some Newfoundland government biologists who wanted access to a peregrine falcon nest to test the genetic material of the falcon nest. The only way they could get access to that nest was through the traditional knowledge of the Inuit elders in Nain, Labrador. The information was given to the biologists. The biologists found the nest. They brought the information back to St. John's, Newfoundland. A few days later the Labrador Inuit Association asked for the information that was gathered, and the scientists said "No, we don't have to share anything with you. We didn't have any arrangements with you." This was very much of concern to the Inuit elders. It's the genetic resources that are linked to the traditional knowledge as well; that's one major issue for us.

The Chair: Wouldn't the same protections under Canadian law extend as in other parts of the country?

Mrs. Violet Ford: No.

The Chair: Could you explain why?

• (1705)

Mrs. Violet Ford: The reason the existing intellectual property rights laws in Canada do not protect this is that intellectual property rights legislation does not protect anything that's already in the public domain. Once it's out in the public, there's no protection. Also, existing legislation does not cover collective rights of communities; it protects the individual. So that's another aspect of this genetic resource issue.

The Chair: To take that to the next step, you also gave the example of the unique Inuit designs.

Mrs. Violet Ford: It's the same issue.

The Chair: In the same vein, though, there is intellectual property protection.

Mrs. Violet Ford: That's only for the design, but not for the technique used. For example, making Inuit women's amauti is a very skilled craft that's been passed on for generations. The technique used for that in itself is not protected.

The Chair: Have you considered or pursued some form of patent protection under that?

Mrs. Violet Ford: We go to the World Intellectual Property Organization in Geneva every few months to present our views on these types of issues. They are creating a new international treaty on traditional knowledge and genetic resources.

The Chair: Okay. Thank you very much. You had some very good responses.

In the last minute remaining, for our regulators who are here today, on the issue of monitoring, you've given a really good synopsis of what's happening on the assessment side. What does the regime look like in terms of the ongoing after-project implementation? Is there a role that the commission or either of your boards plays in terms of ongoing monitoring, and could you describe that?

Mrs. Stephanie Autut: Thank you for the question, Mr. Chair.

Currently part 7 of the land claims agreement provides our board with monitoring obligations as they relate to project development. For any project that has gone before the board under a part 5 review, there are monitoring terms and conditions imposed through the project certificates. The obligation is placed on the proponent and

other regulators in the formulation of socio-economic monitoring committees. There are requirements for ongoing wildlife monitoring, and the board does have the right to provide and ask for that information. That is built into the project certificate, which is our board's authority.

On a much smaller scale, we try to build some terms and conditions into the screening decision reports; however, those are primarily recommendations that go to government for inclusion in any regulatory instrument under part 4.

The Chair: Very good, and I see that I am actually over time here as well, so now we will go to Mr. Russell. He has a short question, and then we're going back to Mr. Dreeshen.

Members, I don't have any other people on the list at this point, so if you think of something else, please signify to the clerk.

Let's go to Mr. Russell.

Mr. Todd Russell: Thank you.

I'm going to direct my questions to Violet and Mr. Reimer.

It's good to see you again, Violet. It's always good to see you. Violet is from back in Labrador, and certainly we share some history. That's for sure.

Regarding your comments on the EU seal ban, I couldn't agree more. We've seen the impacts already in Labrador. It's born of ignorance on the part of legislators in Europe. I'll just state that for the record. We have seen dramatic impacts back home.

I want to talk about sovereignty for a second. I don't believe we can talk about economic development in the north without talking somewhat about sovereignty. Of course this has been a big mantra on the part of the government. Statements like "use it or lose it" presume that aboriginals and the indigenous peoples weren't there and that they haven't been using it for generations or millennia.

I want to get ICC's perspective. How are you approaching this whole issue of sovereignty? Many countries are now in this rush for resources in people's homelands and people's backyards. That is Inuit territory. It is Inuit land. So what has ICC's approach been to this whole issue of sovereignty and this rush for other people's resources?

Mrs. Violet Ford: I don't think there is enough time in the world for me to get into this issue, but thanks for the question, Todd. This is a really important question that is dear to my heart and dear to the hearts of those within the ICC process.

I don't know if any of you, or if you, Todd, have heard that ICC has developed its own Arctic sovereignty declaration. I guess we should have brought in copies today, because it is a beautiful document. It has various elements that reflect Inuit values and beliefs, especially on the whole question of resources. That is the subject of one of the paragraphs on this sovereignty declaration. I can't remember the details of the paragraph, but it basically says that those resources are ours, and they're to be shared based on Inuit values and beliefs on sharing, and in response to the Inuit land claims as well, and that we have a right to those resources, and that this right flows from our right to self-determination under the Declaration on the Rights of Indigenous Peoples and other self-government arrangements.

Did that help you, Todd?

• (1710)

The Chair: Thank you, Mr. Russell and Ms. Ford.

Our last question is from Mr. Dreeshen. Go ahead, Mr. Dreeshen. You have five minutes.

Mr. Earl Dreeshen (Red Deer, CPC): Thank you very much, Mr. Chair.

This has been a great opportunity to meet and discuss some items with you, and I certainly look forward to having the opportunity to wrap up some of the things that have been said.

As Mr. Russell just mentioned, with regard to the seal hunt, these are things that have been so frustrating to so many people. There are those out there who have time on their hands to try to make things difficult for people, and there's a lot of that. That does happen. There are things that are so important to your communities, to Canada, to the country as a whole, and to the world as a whole, such as some of the development you spoke of in the north, that I think it's sometimes frustrating that we see others attempting to put us in a bad light.

Violet, I'd like to talk about how we fit the knowledge that you have in with the corresponding countries that are there. We have the knowledge of the Inuit who are in the circumpolar area, but what are the relationships that they have with their respective countries? Perhaps you can't get into too much detail as to what would happen there, but could you give us a bit of an overview? If we're trying to take our own Inuit people and allow them to expand, are there things we would have to be doing, perhaps at an international level, to assist you in that regard?

Mrs. Violet Ford: Thanks for your interest and for that question.

There are a couple of things that come to mind, and they have to do with the whole transboundary issue of our traditional knowledge. Inuit have traditional knowledge that is not prevented from being used within national boundaries. This same traditional knowledge goes across the traditional lands we had, which span Canada, Russia, and Alaska. The existing national laws under which the Convention on Biological Diversity will be implemented will fragment our opportunities to apply our Inuit knowledge to sustainable development. So we really need some type of a protocol that will have to be agreed upon among the Arctic countries, which will allow us to protect our traditional knowledge and apply it and our genetic resources in the transboundary and traditional way that Inuit always had before countries came into being and divided up the territories.

Mr. Earl Dreeshen: Thank you.

With regard to the 2007 Inuit action plan—and this is something again that you would have dealt with—I'm just wondering in what ways the Government of Canada can help ensure positive economic outputs for the Inuit, particularly in the territories, and also what can be done for women and youth as well.

Mrs. Violet Ford: That question is a bit more difficult to answer, and I think that requires more research.

I think it's really important to have the youth input into future legislation and new policies. Youth in the Inuit world in Canada make up over half of the population. They will be our new leaders, so they will need to be involved at an early stage.

On the whole issue of legislation and Inuit women, I can't even try to answer that, other than to say we must make sure they're valued and that they have the resources and the support they need so they can find their place in this world.

• (1715)

Mr. Earl Dreeshen: That's fine. Thank you very much.

The Chair: Thank you very much, Mr. Dreeshen.

I thank members for their questions and particularly thank our witnesses for coming today and for helping inform this very comprehensive report we're involved with. This has been very helpful. Of course all of your testimony today will be on the transcript, and we'll be poring over that in the weeks and months to come.

We had two fellow chairmen from two of our standing committees here with us this afternoon, Mr. Murphy and Mr. Szabo, so you had quite a panel here, witnesses, for this afternoon's session.

Ms. Ford, did you have a question?

Mrs. Violet Ford: Can I just make one more point in response to the previous question in terms of what can be done in the future?

The Chair: Yes, please go ahead. We have time.

Mrs. Violet Ford: I think the whole copyright reform legislation process really needs to be changed to break down the barriers to economic development for Inuit.

The Chair: That's a timely point. In fact there is a consultation engagement that has just begun on that very issue. I believe it's on the Industry Canada website, and I'd ask you to check that out. The government is accepting input and advice on that very subject.

Members, when we come back, after the constituency week, Tuesday afternoon we'll be continuing on this study. Thursday afternoon we'll be back to main estimates, and in the first hour we'll be considering the report on the Aboriginal Healing Foundation. I'll give you advance warning that I will not be in the chair on Thursday, May 27. Mr. Russell will be our chair that day. You have advance

notice of that, so please treat him well when he's in the chair on the 27th.

By all means, enjoy your break and hopefully get a good rest.

Thank you very much.

The meeting is adjourned.

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