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• (1555)

[English]

The Chair (Mr. John Aldag (Cloverdale—Langley City, Lib.)): Good afternoon. I call this meeting to order.

Welcome to the 75th meeting of the Standing Committee on Indigenous and Northern Affairs.

We acknowledge that we meet on the unceded territory of the Algonquin Anishinabe people.

Pursuant to our Standing Orders, our meeting today is in a hybrid format. Members are present either in person or on Zoom. The proceedings will be published on the House of Commons website. The webcast always shows the person speaking and not necessarily the whole room.

For those participating virtually, I'd like to outline a few rules, and then I'll come back with an apology and give you a sense of what's happening this afternoon.

You may speak in the official language of your choice. Interpretation services are available for this meeting in French, English and Inuktitut. You have the choice, at the bottom of your screen for those online, of floor, which is the real-time language being spoken, English or French. Please select your language now. If interpretation is lost, please inform me immediately by raising your hand, getting my attention or jumping in and we'll make sure interpretation is properly restored before we resume the proceedings.

For members in person, we know the drill. We don't have any guests here, so you know what to do.

Please wait until I recognize you by name and please address remarks through the chair, although we're a pretty collegial and informal group here. Please speak slowly and clearly to allow for our interpreters to follow what's going on. When not speaking, please mute your own microphone. We'll try to keep a speaking order.

For those joining us for the first time, when we get into the rounds of questions and answers, the members are responsible for choosing where they direct their questions. If you have something to say, you can always raise your hand, but I leave it to the member to decide if they're going to another person or not.

I also use a quick timekeeping tool here. The yellow card means that 30 seconds are left in your allotted time, and the red card means time's up. Don't stop mid-sentence, but wind up your thought when we hit the red card.

I would like to apologize for the delay in getting started today. We were planning on a vote. The vote is still expected, with a 15-minute bell, so when that happens, we will have to suspend until after the vote, which could be up to about a 25-minute interruption. I apologize for that.

With that, we're going to get right into our witnesses today, who are joining us on our land restitution study.

We have Chief Commissioner Celeste Haldane and Mark Smith of the BC Treaty Commission; Harold Calla, executive chair of the First Nations Financial Management Board; and Larry Innes, barrister and solicitor.

Welcome to each of you.

We'll give each of the organizations five minutes for opening comments.

Who would like to go first? Perhaps we'll go with Chief Commissioner Celeste Haldane.

If you're ready, we will get started. You have the floor for five minutes.

Ms. Celeste Haldane (Chief Commissioner, British Columbia Treaty Commission): Good day. *Hay čx' qə* for the invitation.

I would just note that the treaty commission is an independent mechanism that oversees the treaty negotiations process in British Columbia. We facilitate the negotiations between first nations, Canada and British Columbia. We are the only tripartite legal body to oversee reconciliation and are mandated to facilitate the modern treaty negotiations process between the parties, provide funding to first nations in negotiations and provide public education.

There are currently 30 modern treaties across Canada; of those, eight are in British Columbia and seven were negotiated through our process. The treaties are—

The Chair: Sorry, I'm going to have to stop you just for a second.

The bells, of course, now that we've gotten started, are ringing. I need unanimous consent from the committee to allow you to finish your opening comments. If we don't have unanimous consent, then we'll have to suspend at this point. If we do have unanimous consent, we can perhaps go through your statement and then we'll have to suspend until after the vote.

Do members agree to continue with the opening statement?

Some hon. members: Agreed.

The Chair: Please proceed. You still have four and a half minutes left to go. I apologize.

Ms. Celeste Haldane: It's no problem. Thank you very much.

Treaties are a true sharing of constitutional sovereignty. They contain provisions for restitution over a variety of areas, such as fair access to lands and resources, self-governance, law-making authority and jurisdiction. Modern treaties also operationalize the UN Declaration on the Rights of Indigenous Peoples.

I want to take the opportunity to recognize and applaud the federal government for the tremendous work undertaken to strengthen the relationship and shift the negotiations with first nations in the B.C. treaty negotiations process. We are moving beyond historical legacies of Crown denial and unilateralism to a new nation-to-nation relationship based on the recognition of rights, reconciliation, respect, co-operation and partnership.

There have been a number of policy changes and transformations within our process.

One is the recognition and reconciliation of rights policy for treaty negotiations, which we call the RRR policy. It was co-developed in the negotiations process with first nations, British Columbia and Canada. This policy replaces both the comprehensive claims policy and the inherent rights policy. A big part of this policy is that cede, release, surrender or the extinguishment of indigenous rights is not a part of the modern-day treaty negotiations process. It's also not a part of our current and modern-day indigenous-Crown relationships.

Also, there have been some substantive changes when it comes to section 87 of the Indian Act tax exemption in the context of modern treaties. We also have both provincial and federal UN declaration legislation, as well as action plans. There is Canada's collaborative self-government policy. We have loan forgiveness in budget 2019, and the move to contribution funding in 2018.

All these notable policy shifts have transformed the negotiations process and expedited negotiations. We have a tremendous opportunity to conclude treaties in British Columbia. We have four tables representing eight Indian Act bands that can reach a negotiator's handshake within the next six months and initialling within 12 months. They are Kitselas, Kitsumkalum, K'ómoks, and the Te'mexw Treaty Association, which represents five nations.

The RRR policy supports self-determination and self-government, and ensures that modern treaties are adaptable, living agreements capable of renewal when necessary. It also explicitly states that negotiations are grounded in the recognition of indigenous rights and title, and is a framework to implement the UN declara-

tion. These treaties will be the most innovative to date, given the fact that they're going to incorporate all the policy shifts that we've seen.

There are concrete examples of restitution within the B.C. treaty negotiations framework and modern treaties. For instance, the four tables that are closing have negotiated available provincial Crown land to be included in their treaties. As well, there are federal Crown lands to be included. For instance, there are some Department of National Defence and Indian reserve lands.

Another example of restitution is the implementation of self-government. That is a form of restitution that supports the modern treaty nation to restore its law-making role and jurisdiction over its lands and resources, and strengthen its language, culture and communities by being able to prioritize its community needs.

As we know, there has been a lot of damage. Since time immemorial, first nations have been self-governing. Upon contact and colonization, a lot of that was taken away through defunct policies such as the Indian Act. We have an opportunity to change, shift and move towards supporting restitution and reconciliation by completing modern treaties in British Columbia. This will provide for a concrete realization of investments in negotiations and a new path forward for a stronger future for all Canadians.

Concluding these four treaties will undoubtedly establish nation-to-nation relationships and partnerships that are grounded in recognition and reconciliation. It will enable faster and effective closing for the next set of advanced negotiation tables—again, as a pathway towards restitution.

We will continue to urge the entire federal and provincial family to understand its role in reconciliation and its role in concluding modern treaties in British Columbia, as well as in implementing the RRR policy. Momentum needs to continue, especially when treaties and agreements reach Ottawa. Given the fact that the RRR policy applies to all government departments and agencies, we encourage departments to review their authorities. Where they see the opportunity to innovate and update their authorities to reflect a new nation-to-nation relationship, we encourage the federal government to do so.

• (1600)

If not, then there's no progress, which means status quo, which creates uncertainty for Canada and British Columbia, as well as first nations. This also goes against the very definition of restitution.

That concludes the treaty commission's opening remarks.

Hay čx^w q̄ə. Thank you.

The Chair: Thank you so much for those opening comments.

I should say how much we appreciate the work your office does. I reside on the traditional territories of the Coast Salish peoples, including the Kwantlen, Katzie, Matsqui, and Semiahmoo nations. I just wanted to acknowledge those are the territories I live on in British Columbia.

Colleagues, I also should have mentioned that we did do the sound checks with everybody for today, and everybody has passed.

We're hoping that everybody can stay with us. We do need to suspend now. We'll come back to opening statements from the other witnesses. I need to allow 10 minutes once the vote is called for members to get back to committee. At that point, we will be able to resume, so we'll be out for probably about 20 to 25 minutes.

We have resources to support us today until six o'clock. We cannot go beyond six o'clock. I hope our witnesses are able to stay with us for the duration of the meeting. If we get through our rounds of questions earlier, we'll definitely let you go. We have some committee business that we would like to get to as well.

For the moment, colleagues and guests, we are suspended.

• (1600)

(Pause)

• (1630)

The Chair: I call this meeting back to order. Votes are concluded. I hope all of our witnesses have been able to remain with us.

Everyone joining us online has successfully passed the test for audio, for interpretation.

With that, I'll give Mr. Calla a chance to get his headphones on. We have Mr. Calla and Mr. Innes, still, for their five-minute statements.

Witnesses, thank you so much for your patience.

Mr. Calla, if you're ready for your five-minute statement, I'm happy to turn the floor over to you.

• (1635)

Mr. Harold Calla (Executive Chair, First Nations Financial Management Board): Thank you very much for inviting me to participate today.

The restitution of land is a significant and necessary part of reconciliation. This is a pathway toward inclusion for indigenous people and away from a potential outcome of extinguishment. Indigenous people have a strong connection to the land. It defines indigenous peoples in Canada.

According to a recent study released by the Environics Institute, 81% of Canadians see inadequate indigenous control over their lands and resources as a barrier to reconciliation. More and more Canadians are seeing the need for indigenous communities to have more jurisdiction over their traditional territories as stewards of the land.

It should be noted that Canada sees reconciliation as part of its action plan for the implementation of UNDRIP. However, we need to understand that the transfer of land alone will not bring improvements to our communities. Canada must be prepared to invest resources to develop indigenous-led responses to managing our traditional territories. We need to build capacity in our communities to properly manage increased indigenous jurisdiction over our traditional territories.

The significant opportunity Canada has before it in the extraction of critical minerals will be facilitated by engaging with indigenous communities and recognizing they have economic, environmental and governance interests that need to be included in decisions affecting their traditional territories. The public service needs to facilitate this capacity building with resources to help with this transfer towards co-development with indigenous communities.

I often speak to FMB staff and ask them to imagine in their minds a young girl growing up on a northern rural community reserve. How does what we do improve her life and help her fulfill her dreams and goals, and the dreams and goals of her community? This is our opportunity to do some of that. I think that's the vision we have to keep in mind as we consider these matters. You can't develop healthy, sustainable indigenous communities in keeping with UNDRIP unless you have land and jurisdiction over it. You need to be recognized as a government with the appropriate powers and fiscal capacity.

An expedited ATR process needs to become a reality, not a consideration. First nations increasingly look to expand their communities in order to respond to growing populations and new economic opportunities. Irregular boundaries, such as the one I experienced in Attawapiskat, can mean a situation where one home may be on reserve and, in the same space, on the other side, it is not. This is simply out of [*Technical difficulty—Editor*]. Many first nations communities are out of land and not able to construct homes to meet the needs of their communities.

The need to consider economic opportunities is important. Reconciliation must mean helping communities with economic opportunities in order to support the creation of healthy communities through economic activities in their traditional territories. We should not be afraid of “land back” as a concept. You should see it as a way for communities to overcome poverty and support the ability of the Canadian economy to be competitive on the international stage.

Thank you.

The Chair: Thank you.

We'll now move to our final opening statement.

Mr. Innes, when you're ready, the floor is yours for five minutes.

Mr. Larry Innes (Barrister and Solicitor, As an Individual): Good afternoon and thank you, Mr. Chair and members.

My name is Larry Innes, and I'm a partner at Olthuis Kleer Townshend. We're a national law firm with offices in both Toronto and Yellowknife. Our practice focuses on advancing the rights and supporting the evolving jurisdictions and authorities of indigenous governments across Canada.

I'm pleased to be joining you from S̓m̓ba K'è in the Chief Drygeese territory of the Yellowknives Dene.

My work has been in trying to reconcile the complexities and the conflicts inherent in what our Supreme Court described more than 20 years ago in the Haida Nation decision as the fact of prior sovereignty of indigenous peoples over their lands and resources with the asserted sovereignty of the Crown.

As a white Canadian, someone who has the privilege of working for clients in the negotiation and implementation of modern treaties and in self-government agreements, as well as, to Mr. Calla's points, working to create real wealth for communities through impact and benefit agreements and other constructive partnerships with industry, I have a perspective on what restitution means.

I have also served as an adviser to the Indigenous Leadership Initiative, which is a national organization that's working to advance indigenous-led conservation and guardians programs across the country. I understand that the committee has already heard evidence from ILI in the testimony of my colleague Dahti Tsetso, who appeared before this committee in May.

Also relevant is my own perspective as a fourth-generation Albertan whose pioneer ancestors settled in the shadows of Nínai-istáko, or Chief Mountain, in the Blackfoot Confederacy in the late 1800s, just outside the boundaries of what is now the Waterton Lakes National Park, in what was then still the Northwest Territories.

Like many Canadians, I am trying to understand my own history in this context and what it means to become a treaty partner. To this, I offer that there are many pathways we can follow to answer these questions. For me, it's largely been through a love of the outdoors. I grew up hiking, fishing and hunting in the foothills, coulees and mountains of southern Alberta. I moved to the north in my twenties, and I've had the opportunity to spend most of my life and most of my career deeply immersed in indigenous communities,

where I've learned from the patient teachings of my Inuit and Dene teachers what it means to be on the land and to be of the land.

For many Canadians, those are remote possibilities. It's through our national, provincial and territorial parks that people really get an opportunity to form these connections to land. These iconic places showcase, certainly, some of the best of what Canada has to offer. They've created lasting memories for generations of Canadians. While these places, our national parks, are a model we share with the world, they also have a deeper and darker side. Few Canadians know of the histories of indigenous dispossession that have followed the designation of places like Banff or the consequences that have followed.

To set a single example, when Wood Buffalo National Park was created in the northeast corner of Alberta and the southeast corner of the Northwest Territories, the government assumed that the lands were taken up and that all indigenous rights to that area were extinguished. Denésuliné peoples, in particular, were driven from the park, their homes burned and their belongings left behind. Members of the Athabasca Chipewyan First Nation were reduced from being independent and economically self-sufficient people to being beggars on the margins of their own land in less than a generation.

These events are history, but they're also a metaphor for the ways in which our understanding of our relationships to land is shaped by narratives that are unfortunately all too one-sided. We celebrate our parks and we celebrate our nature, but too many Canadians don't understand the past and present experience of indigenous dispossession.

• (1640)

When the committee is looking at restitution, when the committee is considering what this means, it's complicated, and necessarily so. There are solutions, but they have to go deeper into our history and look at some of the solutions that have been devised in comparable jurisdictions. We can look to recent examples in Australia, where such iconic national parks as Uluru and Kakadu have been handed back. We could also look to similar examples in Canada, where the recognition of indigenous rights and the sharing of jurisdiction with indigenous governments are occurring in the context of indigenous-protected and indigenous-conserved areas.

These are only the beginnings.

I would like to thank you for your attention.

Mahsi cho. Thank you very much.

The Chair: Thank you so much for your opening comments.

It's days like this when I wish I were on the members' side of the table. I spent 34 years with Parks Canada, living and working in some of the places you talked about, and I've also visited parks internationally. The colonial construct that we find with them is quite fascinating.

Your reference to coulees takes me back to my growing-up years in southwestern Saskatchewan. We don't hear that term very often. We could also talk about Quonsets and other things, but we'll save that for another day.

We'll get into our round of questions now. First up is Mr. Schmale from the Conservatives for six minutes.

The floor is yours.

• (1645)

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): Thank you, Chair.

Good afternoon, everyone. Thanks to our witnesses for appearing.

I'll start with you, Mr. Calla, if I may. I think this is, like, your 998th meeting, addressing this committee and others. Two more and you get a free pizza.

Voices: Oh, oh!

Mr. Jamie Schmale: I wish you luck for those two.

In all seriousness, I want to thank you for the contribution you've made in speaking with this committee over the years. We're now talking about "land back". I know that's something close to your heart and something for which you've advocated for as long as I've known you, and of course long before that as well.

Let's talk about what your nation, Squamish Nation, is doing in terms of helping out the housing situation in British Columbia with their land. Let's start with that. Then we'll get into some of the comments you made just a few moments ago.

Mr. Harold Calla: Thank you very much.

Thank you for raising *Señákw*, the Kitsilano lands. These were lands that were taken from us that were subject to a specific claims lawsuit as part of the CP Rail right-of-way that we eventually got back because of the Supreme Court of Canada *Osoyoos* decision on the residual interest.

Our community members were put on a barge. The village was burned to the ground, and we were shipped up to the Squamish Valley. Having that land back and giving us the opportunity to develop it in co-operation with the City of Vancouver or Metro Vancouver to develop rental housing, something desperately needed in downtown Vancouver...and also being in a position where we could allot a certain number of those units back to our Squamish membership, to the point where there will be sufficient units that, on the basis of the average family size in Squamish, it will become the second-most populated reserve in the Squamish Nation.

That is restitution. That is bringing back our people to the lands that we knew, to being in a position where we've righted a wrong, in our view, and to being in a position where we're also responding with economic activity that benefits the entire Lower Mainland and provides accommodation to those who previously might not have been able to get it.

In my view, this is one of the more positive outcomes in an urban setting of "land back" that can and should be examined as a positive. Land back shouldn't be feared. First nations, and there are many across the country that can replicate what Squamish Nation has done, can make a significant contribution to local communities by having the opportunity and removing the impediments to have their lands developed.

These lands would not have been developed as easily as they have been without the support of CMHC. That should also be recognized. The need to get access to capital is a significant component of what's needed. When I talk about how just giving the land back is not enough, it's because getting the land back without jurisdiction and access to capital is a challenge.

Mr. Jamie Schmale: That segues into exactly what I wanted to ask about next, the access to capital but also the jurisdiction over that. Maybe you want to elaborate a bit more on what you mean by that. Then we can talk about the access to capital component, which is key.

Mr. Harold Calla: Okay. Getting land and examining what the economic opportunities are on that land, I think, is an important consideration in looking at restitution. Getting land back that carries with it responsibilities but no economic opportunity can be a challenge to first nations communities. I think that's something we need to understand and respect, that we need to have access to the kinds of properties that can promote economic development in a way that reduces the cost of poverty to our first nations communities and provides opportunity to our citizens to actually be employed and work.

Too many times we find ourselves with membership who are becoming educated—becoming professional and being able to add great value to our communities—but we don't have the economic opportunity for them to come home and work. I think restitution needs to look at, as an objective of restitution, the ability to support this kind of activity.

Now, the challenge we face is that the scope of economic opportunity far outreaches our current capacity to access debt. In *Señákw*, we're talking about two or three billion dollars' worth of development. Without the support of organizations like CMHC to support construction financing, that becomes increasingly difficult. Access to capital is a critical piece and it's one of the reasons the Financial Management Board is proposing in our work plan this year the creation of an indigenous development bank, and we'll soon release the scoping study on that.

What we need to do is to be able to bring Canada's balance sheet to the table, together with the private sector, and create a pool of resources that can respond to the quantum of economic demand opportunity that's facing first nations in this country.

• (1650)

Mr. Jamie Schmale: I think have 15 seconds.

The Chair: You have 20 seconds.

Mr. Jamie Schmale: Thanks, Chair. You're generous.

Let's quickly go back to the housing. Maybe we can reiterate how quickly you were able to get that development going based on the current bureaucratic hurdles that exist around Vancouver.

Mr. Harold Calla: One of the benefits that the nation has is that it does have its own governance structure around these matters, and has had for years. Many may be familiar with the Park Royal shopping centre, which has been on Squamish Nation land since the 1960s. We have a familiarity, and a concept, and a process for regulatory development. We're able to expedite that in a way that municipalities don't seem to be able to.

I'm not going to try to explain why, but our ability to get to a final investment decision happens much more quickly, and there's much more interest in realizing those opportunities on our first nations land.

The other thing that we also did in *Señákw* is that we utilized one of the tools that were created by the First Nations Commercial and Industrial Development Act, which Squamish supported. That was to bring the Residential Tenancy Act onto the Squamish Nation reserve for the period of the lease so that we could create on reserve the same kinds of measures that tenants might have off reserve.

All of these tools are being used by the Squamish Nation to support this economic development activity, which is why I reference the fact that you need to have more than just land. You need resources, access to capital and jurisdiction.

The Chair: Okay. We're out of time on that one.

We're going to go now to Mr. McLeod, who will have six minutes on the clock.

Mr. Michael McLeod (Northwest Territories, Lib.): Thank you, Mr. Chair.

Thank you to the presenters today. It's a very interesting discussion, for sure.

My question is for Larry Innes. I'm glad that Larry has been able to join us here today. I've come across Larry many times in many different communities, so I take a special interest in his presentation.

As a negotiator, what are the biggest challenges you have identified with the existing comprehensive claims process, and what changes can the Government of Canada make to improve the process?

Mr. Larry Innes: Thank you for that question, Mr. McLeod. It's good to see you as well.

This is going to take way more time than we have today, but—

The Chair: You have six minutes.

Mr. Larry Innes: If I could put the first principles down, one is that it takes too long. The money comes too late, and the degree to which Canada's previous versions of this policy have insisted on certainty, in a world that is only becoming less certain, has created a degree of paralysis in negotiations where there's a desire to get it right for now and for forever, which is almost an impossible task. That has created delays.

As you know, the Government of Canada has recently adopted new policies, as my colleague Commissioner Haldane has indicated, which are based on the idea of rights recognition and the idea of treaties being documents that can be renewed over time. It seems to me that moving toward those policies and embracing them more

quickly among all levels of government—so that it's not simply the federal government leading on these, with the territories and the provinces being dragged kicking and screaming into the discussion—would also help move these conversations forward in something resembling real time.

• (1655)

Mr. Michael McLeod: Thank you for that.

I want to pick up on something you mentioned about timing. I've heard from indigenous governments in the Northwest Territories that the lack of available federal negotiators is slowing down the process of negotiation. Is that something you've witnessed? Does that mean the government needs to address the human resources gap within the department so that negotiation meetings can be more productive and can happen with greater frequency?

Mr. Larry Innes: In fact, this is a problem with both the number of negotiators and the number of tables that are being staffed, but it's also the degree to which these negotiators are, I will say, no longer as empowered as they once were. In the early days of negotiations, going back to the 1970s and 1980s, negotiators had the trust of cabinet. They were empowered decision-makers who were there to make deals on behalf of government.

We have, unfortunately, moved into a system now where.... I mean no disrespect to my colleagues, but I often lose track of the number of federal officials who come to tables as chief negotiators only to be shuffled out some months later. That is no way to build relationships. That is no way to solve complex problems. It bureaucratizes and systematizes things that are, frankly, far more fundamental and that need to be far more relational and built on a senior relationship between leaders of governments toward solutions that can be achieved within the life of governments.

Mr. Michael McLeod: This is my last question.

Can you talk a little bit about the importance of supporting indigenous stewardship of lands, and about how the conservation economy is a key component of economic reconciliation?

Mr. Larry Innes: Thank you. That's a question that I take great pleasure in going on about, again, at some length.

The transformation that is occurring across Canada as indigenous communities from coast to coast to coast reassume their responsibilities over the lands—stepping forward as guardians, as stewards, as monitors and reassuming their former roles as people who lived on those lands and who brought their knowledge and their laws to the management of those lands—is creating opportunity with good jobs that are meaningful and accessible to people in the places where they live. They no longer have to go south or elsewhere to work.

It's also bringing new investment in science, innovation and knowledge sharing, and bringing that spirit of innovation that is going to build indigenous economies in places where commercial opportunities of the scale we see in Squamish don't necessarily exist, but meaningful jobs can be created.

We know, from the work that is being done, both here and in other jurisdictions, that these jobs have incredible multipliers. The social impact of a well-paid guardian job in a remote community transcends that individual and their family, and it extends to the entire community, often with a multiple of four to six dollars returned in social value for every dollar invested. Those are investments that we can and should make.

The Chair: We're out of time. I thought we were in a five-minute round, so I gave Mr. McLeod some wrong information, but we're at the six-minute mark here. I'm sorry about that, Michael.

We will go now to Madame Gill.

[*Translation*]

Mrs. Gill, you have six minutes.

Mrs. Marilène Gill (Manicouagan, BQ): Thank you, Mr. Chair.

I also want to thank all the witnesses.

Mr. Calla, you said earlier that returning land was one thing, but that you had to have the means to develop it. You also talked about inclusion and an indigenous development bank. You mentioned that you would be submitting a brief, if I'm not mistaken, later this year, if not early next year. Obviously, as a member of this committee, I would like to hear about it right now.

Could you share with us, not the content of this brief or what it might be, but what it might mean for first nations when the land is returned?

• (1700)

[*English*]

Mr. Harold Calla: Thank you for the question. I am happy to speak to some of it.

First of all, I will say that we've hired international experts who have worked on the creation of indigenous development banks all around the world to help us craft this report. The intention is to identify the viability of such an enterprise in Canada and what its purposes might be. First nations have never been allowed to develop wealth or have a balance sheet. We don't have the fiscal powers that other governments do, and we don't have the same kind of access that other governments do to the capital markets, easily.

Certainly, through the First Nations Fiscal Management Act, we've created the First Nations Finance Authority, which has used the oversight framework of the FMA to raise close to \$2 billion on behalf of first nations over the last number of years, in New York.

We used to think that was a big number, but not anymore. The scale of economic development opportunities being considered now is in the multi-billions of dollars. The First Nations Major Projects Coalition and the First Nations Financial Management Board recently returned from London and Paris, where they went with the Minister of Natural Resources to talk about natural resource precious metals extraction, and the Major Projects Coalition identified that they have 19 billion dollars' worth of shovel-ready projects that they support ready to move in first nations communities.

First nations communities want equity in these entities because they want to be sitting at the boardroom table to have influence

over how these things are being managed and undertaken. They also want to ensure that there are economic benefits flowing to them.

Because we haven't had the opportunity to develop wealth, Canada will need to step forward and, through some instrument or loan guarantee, support access to some of the resources that are going to be necessary to acquire the equity, but I don't believe that it needs to provide it all. Based upon conversations that we've had, our indications are that we could enlist the capital markets to also become a player. We want to do this in an aggregated way so that you don't have to start at square one of the project development process, and so that there is a place you can go where these matters can be considered.

The biggest value in this is getting to the final investment decision more quickly. That would include economic participation by first nations, and the private sector might understand better how that could be achieved without adding costs to the project. We think that's important, and I think an indigenous development bank can help do that.

The other thing that an indigenous development bank could do is provide support to first nations communities where they might not otherwise get it. I know that in British Columbia, during the 2008-12 period, when LNG was such a big factor, many of the communities in northern B.C. that were being approached and given referral letters didn't have the capacity to analyze what was being undertaken, and we actually supported them through the Financial Management Board with the creation of the First Nations Major Projects Coalition, but we're now at a point where these are significant interests.

I think what the international community is looking for is a clear indication that Canada has its house in order with regard to indigenous issues, that there is indigenous inclusion and that there is a pathway that doesn't take a decade to reach a final investment decision, or we're going to lose that opportunity again.

An indigenous development bank creates a risk management tool for the government to protect its investment. It may not have to be there for the life of the project, but to get it through the critical phase of proof of concept.

I hope that answers some of the question.

[*Translation*]

Mrs. Marilène Gill: Thank you, Mr. Calla.

Do I have a little more time left, Mr. Chair?

[*English*]

The Chair: Yes. You have about 35 seconds.

[Translation]

Mrs. Marilène Gill: Okay, thank you.

Mr. Innes talked about his experience in national parks. I think he also said that we shouldn't be afraid of land restitution, and that there were other examples outside Canada where this restitution has been successful, such as in Australia.

Could he give us any other examples we can trust and that might inform us so that we don't make the same mistakes and those who fear land restitution fear it less?

• (1705)

[English]

The Chair: If you can, answer that briefly, Mr. Innes. We are near the end of the time. Madame Gill may need to pick this up in her next round of questions.

I'll give you about 30 seconds.

Mr. Larry Innes: The two examples of it set in Australia would be Uluru and Kakadu. Uluru was handed back 20 years ago. It's a national park in the centre of Australia. Kakadu, on the northern tip of Australia, was handed back in 2022.

Both of these are part of what they call native title settlements in Australia, which we would know as land claims in Canada. In those agreements, the indigenous government maintains ownership of the land, but it enters into long-term arrangements with the state to manage those lands going forward under a partnership or shared decision-making model.

Here in Canada, we've done very similar things. Parks Canada led the way with the Haida in what is now Gwaii Haanas, where there's a shared decision-making structure. Joint jurisdiction over those lands is recognized by both parties.

In the settlement of modern land claims, you see the large transfers of lands from Crown governments to indigenous governments with the recognition of their prior ownership, depending on the perspective you take. This then leads to the development and institution of indigenous laws over those lands, and the opportunities to create both jobs and wealth from those lands for those communities as a part of Canada.

The Chair: We're going to have to cut it off there. Thank you so much.

Now we'll go to Ms. Idlout for her six minutes.

Ms. Lori Idlout (Nunavut, NDP): [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you.

First of all, I want to thank everyone here. What you're reporting is very good to hear.

First, I want to ask Celeste Haldane about the bill the Conservatives passed to address the housing crisis. Their solution is to sell off federal lands to private housing developers. Can this bill be an infringement on the rights of indigenous peoples in areas where the land in question is unceded, or there are ongoing treaty negotiations?

Ms. Celeste Haldane: Thank you.

First, I want to acknowledge that this is how you end up in court: having legislation like that passed. I think there are better ways forward.

I will pick up, Harold, on what you mentioned with regard to the development that your nation is undertaking.

Other nations are also undertaking similar developments. I'm going to reflect on the Tsawwassen Nation, which is a modern treaty nation building between 8,000 and 10,000 residential units to address the housing crisis. Why I think that's so significant is that local communities are coming together to come up with solutions that are meeting local needs. When you have that type of thought process, I think it's better reflected versus a top-down, legislated process.

I would be very concerned with regard to the disposition of federal Crown lands when you have indigenous nations that have not settled treaties and that have an ongoing connection to the land. To me—and this is the lawyer in me coming out, so don't hold that against me—that is how you end up in long litigation and with areas of litigation that will not result in addressing the actual issue.

If we want to address the housing issue, I think there are better ways to move forward. Again, restitution is what we're talking about. We're talking about land back. When we have indigenous communities that have been ostracized and removed from their lands for the settlement of Canada, it flies in the face of what we're trying to achieve when it comes to reconciliation and building that new relationship based on trust and mutual respect.

I see a number of issues and challenges with that, particularly given the context in British Columbia—which is where my expertise lies—where we have 50% of first nations currently negotiating modern treaties. We have a huge level of uncertainty when it comes to access to lands and resources, as well as to ensuring that indigenous nations are able to have control over their territories.

This is outside of just the reserve lands. They have access, control, jurisdiction and law-making authority over their entire territory. If that also includes federal surplus lands or federal lands that we haven't had that negotiation about, we haven't resolved the issue. I think that would be very dangerous.

That's my perspective. I think there are ways forward, which would be negotiations.

• (1710)

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you for your response.

The next person I want to ask is Larry Innes.

It's good to see you. I recognize you. I want to ask you this.

I proposed Bill C-326. If this bill is passed, it would amend the Territorial Lands Act to make sure there is free, prior and informed consent of indigenous peoples before staking claims. They should be consulted and informed of their rights to vote.

Take, for example, the mining companies. Say there was a study done on mining exploration. In your opinion, how is free, prior and informed consent related to land rights? Does your community give free, prior and informed consent when being consulted on a project?

Mr. Larry Innes: *Nakurmiik*, Ms. Idlout.

I think your question hits on a really important topic, which is that when we think about lands so often we just look at the surface. Much of the wealth in this country is of course generated from minerals, from oil, from gas, and from all manner of things that are below the surface. We've had, since Canada, a system where those minerals and their wealth are purportedly reserved to the Crown. They are given over to mining companies and to developers through a process of mineral staking.

Just last week, in a decision of the B.C. Supreme Court, the province was found to violate the fundamental premise of consultation that exists in Canadian law and to fall far short, of course, of the standard of "free, prior and informed consent" as articulated in the UN declaration.

I think I'm on fairly solid ground when I say that our system of subsurface resources.... When we talk about restitution across the country, it's about reforming the mineral tenure systems to provide, in the first instance, for the consent of affected indigenous peoples in deciding what minerals can be explored and developed, and where, and then, most importantly, it's about sharing in the incredible wealth that can be derived from minerals as we look to the future economy, in which critical minerals and other things are going to be playing an important part not just in the wealth of Canada as a nation, but in the wealth of all the nations that make up Canada.

• (1715)

The Chair: We're going to have to stop there. Thank you.

Our next round is a bit shorter. I was quite generous in this round in allowing a bit of extra time. This time we're going to have to be a bit tighter.

We'll start with Mr. Viersen, who has five minutes on the clock.

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

Mr. Chair, if I have the indulgence of the committee, I'd like to just give notice of a motion, unless there's unanimous consent to let me move the motion.

Earlier this year, we had communities in Grouard and Kapawe'no First Nation whose church building was burned down. This is not the first church building in my riding that has burned down in the last few years. I would just like this committee to basically state its opinion, and that it be reported to the House.

The motion would be as follows: That it be reported to the House that the committee condemns the arson and attacks of over 80 churches across Canada; in particular, that it extends its con-

lences to the communities of Grouard and Kapawe'no First Nation for the loss of the St. Bernard church, one of the oldest churches in Alberta, a piece of history, a building that holds memories for generations of community members; and that this committee reaffirms the freedom of religion and assembly and calls for those responsible for these attacks to be brought to justice.

Thank you, Mr. Chair.

I do have some questions for Mr. Harold Calla. It's good to see you again, sir.

You use the term "fiscal powers" often. One of the fiscal powers of any government is taxation. I'm just wondering if you have any comments around the fact that the Indian Act denies the ability of self-governments to use taxation as a form of fiscal power.

Mr. Harold Calla: To be quite frank, I'm not sure that it does. They can pass bylaws, but you get concurrent taxation in that case. That really defeats the purpose of it. I think that, as we look at modern-day self-governments, we have to realize that a government, by its very nature, is usually something that has defined boundaries and the powers to exercise fiscal measures within that defined boundary. I think we need to be in a position where we recognize that first nation governments can't be truly self-governing unless they have those same kinds of opportunities—which doesn't mean that we necessarily add another layer of tax to the Canadian tax system. What we mean is that other orders of government vacate the field so that first nations can move into that field, much like what happened in British Columbia in the area of property taxation, with the provincial government passing the Indian Self Government Enabling Act shortly after the 1988 amendment to the Indian Act, which clarified the ability for first nations to use property tax on reserve.

I think that self-governments, by themselves, have the ability, then, to collect revenue using their fiscal powers. That enables them to access capital markets, much like the Government of Canada and provinces and municipalities do. I don't know that the Government of Canada and others have to go to the bank and fill out a credit application to get a loan to meet their needs as they determine fit. First nations, as governments, have been what I call pay-as-you-go governments, where you get cash money and you pay for whatever you get in that fiscal year.

While maybe there were many days in which the federal government did that as well, they don't. The fact is that it's up to us to make the decisions in indigenous communities, if we need to provide the infrastructure, to be able to go to the capital markets and finance, to invest in our economies the way we need to invest in them. I think that fiscal powers are central to the concept of self-government and the options that need to be contained in there, but that does not necessarily mean, and should not mean, that we're adding another level of tax. It should mean that other orders of government are vacating the fields of tax where we exercise authorities.

Mr. Arnold Viersen: I think you made a little quip about balancing the budget. I'm not sure about that, but thank you for that as well.

I am pretty certain, though, that in the Indian Act, which your community may or may not be under, there is a moratorium on taxation. I thought you had explained this to me before. Can you just explain a little bit about that?

Mr. Harold Calla: We exercise property taxation on reserve, but we don't tax our members' housing. We tax the indigenous interest on reserve land. I wouldn't call it a moratorium. I would call it the exercise of fiscal powers, much like the provincial and federal governments offer many different incentives through their property taxation system to encourage certain types of activities that they would like to pursue.

• (1720)

The Chair: Thank you for that round.

We'll go now to Mr. Battiste, who has five minutes.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Thank you, Mr. Chair.

It's good to see you, Celeste and Mark.

I'm looking through the notes. When we're looking at aboriginal title, B.C. has played an integral role in both the Delgamuukw case and the Tsilhqot'in case. I'm wondering whether you could comment a little bit about what the restitution or the recognition of aboriginal title has meant to those nations. Has any kind of economic growth resulted from the recognition of aboriginal title for those two nations?

Ms. Celeste Haldane: It's very good to see you as well.

I think the economic component is integral. Of course, that comes out of Delgamuukw. Title lands have an inescapable economic component, which means that in part of the decision-making and part of having law-making authority and jurisdiction, we also need to have the ability to create our own economies, but at the same time be able to control those economies.

I know that the Tsilhqot'in have been working quite diligently on implementing their title, and of course have taken steps and measures and have entered into agreements and negotiations. I am not privy to exactly what's happening with regard to their negotiations and their implementation of title, but I do know that they are, again, coming at it from a very.... Of course, they have title, which means they have ownership and they have jurisdiction. I think that's really a key component, too, when we're looking at the restitution of land back.

In terms of the other nations that you mentioned, some are in the negotiations process and have been moving through the treaty negotiations, but they also have a number of economic development opportunities within their territories. Of course, they have a say and jurisdiction over how those developments will be undertaken.

I think that really underlines not just having the section 35 rights that have been recognized and affirmed by the Supreme Court of Canada. We also have two additional frameworks—the federal and provincial legislation and the United Nations Declaration on the

Rights of Indigenous Peoples. That, again, provides another framework for reconciliation and restitution. To go back to an earlier question with regard to free, prior and informed consent, that comes out of not just case law—i.e., the duty to consult—but also the declaration.

I know that British Columbia is modernizing a number of our laws and policies but is doing it collaboratively with first nations in British Columbia. I think that's a really integral step when we're looking at how we are going to continue to build our futures together in ways that are meaningful for everyone. Some are in treaty negotiations and some are pursuing economic development opportunities. As Harold mentioned, we have the Major Projects Coalition, and they're doing excellent work within their communities.

It's about having a say over your territory and over resource development. Again, it's not necessarily about “no” but about how we get there, and how we get there together.

Mr. Jaime Battiste: Thank you, Celeste.

Just let me steer this conversation a little bit. In a lot of the talk that we've heard about land back, we've heard about stewardship. We've heard about protecting the resources when we talk about land and land back. What does it mean for the oceans and rivers that are so vital to British Columbia? Can you talk about what you think land back would mean for the protection of rivers and the ocean?

Ms. Celeste Haldane: Absolutely. I'm a Sparrow from Musqueam who grew up commercial fishing and spent pretty much my entire life on the waters and the ocean. That's an integral part, looking at not just land back. It's about how we have fair access to our other resources, i.e., marine resources and migratory species such as wildlife, salmon and birds. That is another component to land back, looking at, again, how we have control, decision-making, management decision-making, over our resources.

Again, it's going to take that fiscal investment that is going to be required. It's about building capacity in nations to be able to enforce their laws, enforce jurisdiction on their territories. That is a major gap right now. I think the guardians and some of the programs that are out there are excellent resources for communities to build that capacity, but I also think we need to go one step further. That is, how do we ensure that modern treaty nations or other first nations have the ability, similar to that of the governments of Canada and British Columbia, to enforce their laws, whether it's on land or the marine territories?

I think that's another integral conversation as land back and restitution continue to be studied.

• (1725)

Mr. Jaime Battiste: Celeste, I only have about 30 seconds—

The Chair: You're done now.

We'll go now to Madame Gill, who will have two and a half minutes.

The two-and-a-half-minute rounds go quickly. Those of you who have been here before know that.

[Translation]

Mrs. Marilène Gill: Thank you, Mr. Chair.

The issue of speed often comes up, and it could concern any of the stakeholders. We're talking about speed, which can often mean the risk of concluding agreements too quickly, but at the same time, there's the risk of not concluding them quickly enough.

Ms. Haldane, can you tell me why we need to hurry to conclude land restitution agreements?

[English]

Ms. Celeste Haldane: When you have the political will, which we do have, that alignment both federally and provincially in the province of B.C., you have to strike when the iron is hot. We have a number of policy changes, but, again, it's not about perfection. It's about building a relationship, a partnership, and moving forward. This is a little legalistic, but it's about having those opportunities for orderly renewals and being able to check in on your relationship. It's how a treaty, a constitutionally protected treaty, will continue to evolve and continue to breathe life into that partnership.

We do have some of those policy developments in the province. I think that needs to be a whole of government, a whole of the federal family, to implement that across the country, not just B.C.

[Translation]

Mrs. Marilène Gill: Mr. Innes, would you like to answer that question?

[English]

Mr. Larry Innes: I would simply echo my colleague, Commissioner Haldane. The perfect should not be the enemy of the good in these scenarios.

[Translation]

Mrs. Marilène Gill: Mr. Calla, you have my last 20 seconds.

[English]

Mr. Harold Calla: Circumstances change over time, and these all need to be living documents, in my view. It starts with the recognition of the right to title, and it starts with the recognition of self-government and that we're a long way from being able to say that Canada has fully implemented the right of self-government under section 35.

I think the principle is that you're going to recognize it. You have to stand up and say, "We believe in this. We're going to do it, and we're going to start here." Where we end up is going to be a matter of process and negotiation. Someone once asked me when the negotiations with these people end. I said, "Never. When do they end with you?"

The Chair: Thank you.

We'll go now to Ms. Idlout for two and a half minutes.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you, Mr. Chair.

I have a question for Celeste.

On the United Nations Declaration on the Rights of Indigenous Peoples, in 2021 the federal government passed the UNDRIP Act, which aims to bring Canada's laws in accordance with UNDRIP. Have you seen any meaningful difference in the way indigenous peoples have been engaged regarding land back since it became law in 2021?

Ms. Celeste Haldane: With regard to the treaty negotiations process in B.C., it has expedited negotiations but, again, there have been a number of policy shifts.

I would be remiss if I didn't state that not every ministry and agency has been perfect in adopting the whole-of-government approach, the UN declaration and the RRR policy we have in treaty negotiations. I would encourage those particular agencies. I think they are coming along, but the Department of National Defence, I believe, would have a vested interest in ensuring they are living up to their whole-of-government approach when it comes to land back and discussions about land back with indigenous partners. The Department of Fisheries and Oceans is one of those where... Again, they've been undertaking a lot of work towards restitution. However, they seem to be a bit behind. When we're looking at a whole-of-government approach, everyone has to adopt the UN declaration.

As I stated earlier, the best way to operationalize the UN declaration is through a modern treaty, as well as by ensuring the sharing of jurisdiction and power. Vacating jurisdiction where the Crown needs to vacate jurisdiction is going to be integral. That's also part of implementing the UN declaration.

• (1730)

The Chair: Thank you.

That's the end of the two and a half minutes.

Colleagues, this takes us to just after 5:30. We have some committee business we need to get to, so I'd like to end the witness portion of the meeting now and go into—hopefully brief—committee business.

With that, I'd like to thank our witnesses. I know this was at least the second time we've tried bringing you together. I think all three of you were invited in the spring and were interrupted by votes. Again, today, we were interrupted by votes, but I appreciate your persistence and the value of the testimony you brought to us. If you have any additional thoughts you'd like to send to us, we take written briefs. You can send up to.... I always say 10 pages, but apparently this committee says five pages, so be very tight in your additional thoughts. If you want to push it a bit, we'll accept five-ish pages.

I want to thank each of you for being with us today and for your patience as we got through some House business around today's discussion.

I also want to give a shout-out to Mr. Lobb, who is here today with us on the Conservative side.

We're now suspended.

With that, colleagues, we'll suspend.

Madame Gill and Mr. Powlowski, if you're able to join us through the new link for the committee business, we'll get going as soon as we get everybody back. Thanks.

[Proceedings continue in camera]

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