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Chair

Mr. Chris Warkentin

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•(1540)

[English]

The Chair (Mr. Chris Warkentin (Peace River, CPC)): Colleagues, we will now call this 26th meeting of the Standing Committee on Aboriginal Affairs and Northern Development to order.

Colleagues, we did give enough time because we know there was some confusion with regard to location. Apparently, as well, of course, the weather is delaying transportation here, so we appreciate our witnesses for waiting patiently.

Today we have a number of witnesses here and we want to hear from all of you, so we're not going to spend a lot of time with introductions. Colleagues, of course, I know you have the notice of meeting before you.

We have witnesses from the First Nations Lands Advisory Board, as well as the First Nations Lands Management Resource Centre.

Is it you, Chief Louie, who will start out? If you want to introduce everybody, that would be great. Welcome here and thank you so much for joining us. We're looking forward to what you have to say. We know there are some experts here and we're really keen on your incredible knowledge in this field, so we'll turn it over to you and not waste any additional time.

I should just note to colleagues, I have determined, as chair, that we're going to give our witnesses additional time for their opening statements. We only have the one group of witnesses today, so we're going to allow for up to 20 minutes for the opening statements.

We'll turn it over to you. Thank you.

Chief Robert Louie (Chairman, First Nations Lands Advisory Board): Thank you, Mr. Chairman, honourable members of the committee.

My name is Robert Louie. I'm chief of the Westbank First Nation and chairman of the Lands Advisory Board. It's always a pleasure to be before you, and I'm very honoured and thank you for this opportunity for me and our group here.

Our issue at hand today is on capacity-building, and our presentation will be on capacity-building, training, and professional development, and our proposed strategy therein.

Very briefly, to put our first nations participants into context, across the country we have 58 first nations signatories to the Framework Agreement on First Nation Land Management, 37 of whom are operational first nations. We have had 18 new first nations

approved by the minister in February to be added as new signatories. We have five first nations that were previously parked, because of being inactive. Now they have all agreed that they wish to be active and are willing to move very quickly.

We also have 65 other first nations on the waiting list that have formal band council resolutions or letters of intent, that wish to proceed. Very recently, in the month of February, Deputy Minister Michael Wernick announced that the government is looking at supporting 100 new first nations to be added into the process. We believe that has Minister Duncan's support.

As you indicated, Mr. Chairman, we have some very expert people in the room on the topic of first nation capacity-building, training, and professional development, and we wish to proceed with our submission.

Very briefly, I would then like to turn it over to the chairman of our resource centre, Chief Austin Bear, and introductions to follow thereafter.

Thank you, Mr. Chairman and members of the committee.

Chief Austin Bear (Chair, First Nations Lands Management Resource Centre): Thank you, Chief Louie.

Good afternoon, Mr. Chair.

Good afternoon to all the honourable members of this committee. As mentioned, I am Austin Bear, chief of the Muskoday Cree Nation, Treaty 6, in what is now the province of Saskatchewan.

Mr. Chair, committee members, thank you for this opportunity to be here this afternoon. Previously, the Lands Advisory Board and the resource centre have indicated the purpose of the framework agreement and the economic development benefits for the 58 signatories for first nations at this time.

Today we would like to focus on how the resource centre works with the signatory first nations and the framework agreement to build capacity in land and environmental governance, land-use planning, and professional development.

With Chief Louie and me is Dr. Graham Powell. Dr. Powell is the executive director of the resource centre. So, if I may, I would at this time defer to Dr. Powell. Thank you.

•(1545)

Dr. Graham Powell (Executive Director, First Nations Lands Management Resource Centre): Thank you, Mr. Chairman.

I would like to introduce the members of the resource centre staff. The adviser sitting next to Chief Louie is Dr. Elizabeth Childs, capacity-building advisor to the Lands Advisory Board and the resource centre. Sitting next to Dr. Childs is Ms. Patti Wight, a member of Lheidli T'enneh in B.C. and a lands manager with experience. Next to Patti is Ruth Nahanee, senior technician on capacity-building, and then we have Dr. Daniel Millette, who deals with land-use planning.

I would ask them each to give a bit of their backgrounds so that the committee and you, Chairman, would understand the level of experience that is behind this team in preparing this capacity-building.

We'll start with Dr. Childs.

Dr. Elizabeth Childs (Advisor, Capacity Building, Training and Professional Development, First Nations Lands Management Resource Centre): Mr. Chair, honourable committee members, thank you for having us. We're very excited to be here.

My name is Dr. Elizabeth Childs. I have a doctorate in educational technology from the University of Calgary. I work nationally and internationally with organizations looking to move to blended and online learning in their setting. I help them design, develop, and implement blended online learning strategies.

I've had the privilege of working with the resource centre and the Lands Advisory Board for more than the past 10 years.

Thank you.

Ms. Patti Wight (Advisor, Capacity Building, Training and Professional Development, First Nations Lands Management Resource Centre): Good afternoon. I'm Patti. I'm a member of the Squamish Nation and I was the director of lands and natural resources for five years with the Lheidli T'enneh First Nation in Prince George, B.C.

I have a bachelor's degree in geography, and I've been working in the field of capacity-building and training professional development with the resource centre for the past year.

Ms. Ruth Nahanee (Senior Advisor, Capacity Building, Training and Professional Development, First Nations Lands Management Resource Centre): *Chap men wa ha7lh siyam en siyay.* Greetings, dear friends.

My name is Ruth Nahanee. I'm from the Squamish Nation. My mother is from the Cowichan First Nation in British Columbia. My Squamish ancestral name is Seamia. I worked for the Squamish Nation for 21 years in the areas of land registry, land management, and resource management. I currently work with the Lands Advisory Board, as Graham stated, as a senior advisor for the last four years.

Thank you.

Dr. Daniel Millette (Manager, Strategic Planning, First Nations Lands Management Resource Centre): Good afternoon, everyone.

My name is Daniel Millette. I'm a professional planner and professional archaeologist, and a member of the Canadian Institute of Planners. I've been working in land and land-use planning on first

nations land for more or less the last 20 years. Specifically, my areas of expertise are land-use planning and traditional lands.

Thank you.

The Chair: Thank you very much for those introductions.

Dr. Graham Powell: Do you allow us to go through our presentations?

The Chair: That would be great, yes. We'll turn it over to you.

Dr. Graham Powell: We use the term CBTPD for capacity-building, training, and professional development. This is the strategy that the Lands Advisory Board and the resource centre have developed over many years.

The mandate is to meet the Lands Advisory Board and the First Nations Lands Management Resource Centre's obligations under the framework agreement, specifically 39.1(e).

No other organization has the mandate or the experience under the framework agreement to assist the signatory first nations—you heard Chief Louie mention the 58, the 18 new, and eventually 100—to implement land, resources, and environmental governance and management, as well as law-making and enforcement.

The capacity-building strategy goal is to ensure the following groups have relevant and effective capacity to develop and implement their lands codes. There are five groups: community members, chiefs and councils, lands committees, lands governance directors, and the lands staff. So it's not just focused on one group, it's the entire community: the chief and council, the committee, the directors, and the staff.

Our role is to provide the skills, competencies, and tools necessary to handle the complex set of land governance and management activities required as a framework agreement signatory first nation.

Our situation is unique. It's the only approach that addresses the communities' specific governance and management responsibilities under the framework. Our capacity-building strategy has been developed by framework agreement first nations people, as you've heard from Patti, Ruth, and others who have extensive first-hand experience in the development and implementation of community land codes.

For risk and liability, the capacity-building strategy is the only approach that helps to ensure Canada's obligations and responsibilities under the framework agreement are fulfilled, and to mitigate risk and liability for all parties through proper capacity-building and training.

The expertise that helps with our capacity-building training is unique as well. The architects of the strategy include the resource centre's CBTPD staff of first nations people, and you've heard the level of experience. We also have an advisory group of land governance directors representing framework agreement first nations—a national group, advising us—other land governance directors and land coordinators, and finally, we have recognized experts in specific content areas, such as environment, land surveying, distance education, land-use planning, law-making, and risk management.

With that introduction, we're going to get into the specifics now on the details of the strategy so I'll ask Dr. Childs to begin here and we'll begin to share the pages.

• (1550)

Dr. Elizabeth Childs: We're going to talk about the components of the strategy, and there will be more time for questions on that. I'm going to provide you with an overview, and then Patti and Ruth will go into the details of what is accomplished to date.

One design criteria for the strategy was that it needed to be a blended model. It needed to allow for flexible access—anytime, anywhere access. We needed to have flexible entry points and exit points, recognizing the previous experience of lands managers, and it needed to be self-paced for some aspects and community-paced for others. We have an “always on” approach to it; it's a 24-7 approach.

The blend is a blend between face-to-face and online learning. All the resources that we have available, and many that we'll talk about and show you later help to build our online knowledge repository. This is a growing and dynamic place for people to access their resources.

As Graham mentioned, there are five main audiences for this strategy. It's a multi-audience approach. The contents are repurposed and revised as needed by the different audiences. This both contributes to the scalability of the model, and maximizes the investment that's happening in course development.

There are also five main components of the strategy. I'll speak to each of them quickly so that you can have a sense of it. We're more than happy to link out and show you some of the online pieces as we get into the question and answer part of this presentation.

The first component is the certification program, whose audience is the lands governance directors themselves. The program has been designed based on the competencies required by lands governance directors. More than 500 tasks have been identified that lands governance directors are required to do. They fall under 15 key theme areas, and that's what this program is based on.

We have three levels of certification, as you can see on the slide. Each level has a fundamental course aspect. These are courses that are specific to the framework. Consequently, they do not exist elsewhere; you cannot buy these courses elsewhere. These are courses that are being built by framework agreement first nations experts.

The technical courses are more generic, and are courses that we are licensing or brokering from existing post-secondary institutions, because there's no point in reinventing the wheel. GIS introduction would be a good example of a technical-style course.

Each level of the certification has been designed for equivalency and accreditation within our Canadian post-secondary system. Completion of level one would result in a certificate; completion of level two, a diploma; and completion of level three, a degree. To recognize the diverse backgrounds that lands governance directors bring and the wealth of experience that they bring, the fundamental entry point is a prior learning assessment. Each individual will have the prior learning assessment and a personalized learning plan created to move through the certification program.

The next component of the strategy is the virtual resource centre. This is a secure, personalized learning environment. There's a very small image of it showing on the slide. It provides our audience with 24-7 access to templates, resources, guidelines, checklists, and samples of all aspects of lands governance. All of the resources can be downloaded by individuals, they can be modified, they can be used, and they can be shared. They all come from existing framework agreement first nations.

We also have online short courses—we call them courselets—as well as specific-topic blog posts that populate onto this space. The interface itself can be customized by the individual user. They are able to add and remove content as their needs change, moving through from developmental to operational, for example.

The third component of the strategy is these online courselets. While the LG program—the lands governance certification program—has big, bulky courses, these little courselets are meant to be short, quick hits on specific topics related to land governance. They're about 30 to 40 minutes in duration. They're self-paced. They're all online. They've been designed by our framework agreement experts. They can be downloaded, and used within communities like PowerPoint presentations. They also have a wealth of attachments that go with them, which people can reuse, download, and use as templates or samples.

The fourth component is the one that I'm very excited about and that you will hear more about. It's our online community. We call it our meeting place. It's a secure space that enables all of our audiences, at different levels and in different groups, to talk, share, collaborate, discuss, debate, and basically connect with each other to build that network.

• (1555)

There are online discussion groups on specific topics related to land governance. There is supporting documentation and information. We also have a series of webinars that we do that are recorded and put in this space. The discussion forums are used for pre-webinar preparation, and then to carry on the conversation after the webinar in an online environment, so that we can have the opportunity to have more conversation.

Our meeting place has a full-time community moderator. This is in keeping with best practices for online communities. Together with the user needs, the moderator works to ensure that educational programming in that space is efficient, effective, and useful to the learners.

Our last component is the face-to-face part. These are face-to-face workshops. They are requested by framework agreement first nations. They are designed in consultation with each community to meet the unique needs of the community. We also now have this growing body of content that has been accumulated that we can repurpose and adjust as needed, so we're not starting from scratch each time. The workshops are designed and delivered by the capacity-building team, as well as by the resource centre staff.

That's very quickly the 30,000-foot view of the strategy. I'm going to turn it over to Ruth, who is going to speak to some of the specific components, and let you know where we are to date, so that you can get a sense of what has been accomplished.

Ms. Ruth Nahanee: Thank you, Elizabeth.

The certification program currently has six courses written. These six courses cover governance and management, and required experts in these areas to write the courses. All courses are framework agreement and land code relevant, and address first nations governance, authorities, and management responsibilities. We now require funding to make these available online at the resource centre learning management system.

Resource centre staff are currently writing what we call the foundational courses. These three courses fully explain and expand on the framework agreement's 29 principles of governance, authorities, and responsibilities. In addition, the land code courses speak to law-making, enforcement, registration of legal interests, etc.

With regard to accreditation, our team has been having ongoing talks with several Canadian post-secondary institutions.

On the virtual resource centre landing page, we place documents, videos, PowerPoints, and charts. For example, in the human resources tool category, we have 13 documents, such as job descriptions. These samples have come from the first nations themselves, and at other times, the First Nations Land Advisory Board staff have developed templates. These documents are useful for both developmental and operational first nations in their day-to-day jobs.

The virtual resource centre landing page is constantly being populated with new documents. Our team is currently sourcing types of documents for placement in March 2012. I would like to point out that we also have some French documents on the virtual resource centre that are meant for our French-speaking signatories. With the addition of a new signatory first nation from Quebec, and the anticipation of more becoming signatories, we will be translating more material.

Thank you. Would you like to go ahead now, Patti?

• (1600)

Ms. Patti Wight: Thanks, Ruth.

We currently have five introductory courselets on a number of different topics such as the environment, planning concepts, and dispute resolution. Right now they are available on the virtual resource centre for lands governance directors to download, print, and present them in their own communities to their chief and council, or to their lands committees.

An additional six courselets are planned for development this year, including surveying, law-making, environmental protection, and environmental assessment. The priorities for these topics were sourced from the feedback and surveying of the framework agreement signatories. We then used their needs to compile our list of priorities.

The meeting place is really exciting. It's being launched in the next couple of weeks and it's a fully secure Internet-based community, where all of the users come online and are able to interact and network with each other in a forum-based situation. They are able to share documents with each other on topics for both developmental and operational first nations, under areas... For example, environment—someone is able to post a question and a

moderator such as myself will go online, look at the question, and find the answer. As well, other colleagues, other signatories, or lands governance directors will be able to go online and provide responses. Then as new signatories come on, there is a repository of all of these questions and answers over a time period, so we will have this base where people are able to come online and hopefully source the answers, instead of always looking for these questions in other spaces.

One of the other exciting aspects of the meeting place is the web-based webinars, which are simply just a seminar, workshop, or presentation that's done over the Internet. We do specific topics. For example, we're currently working with Natural Resources Canada on a surveying webinar that will be posted in the meeting place. Discussions can occur beforehand as they preview the presentation, and then once it's occurred, they are able to go in and ask questions and have follow-up discussions, and all of that is recorded in the meeting place.

Another component that we're currently delivering is the face-to-face workshops. These are a number of workshops delivered by resource centre staff that are requested by framework agreement first nations on specific topics. That first nation provides their circumstance—what are their goals and their mandates—and then the workshops customize so that it fulfills their immediate needs for where they are going and what they are developing for their community.

Thank you. We look forward to answering your questions.

The Chair: Thank you so much.

We will start with the questioning, and we're going to turn it over to Ms. Duncan to begin, for seven minutes.

Colleagues, again, we'll try to keep our questions and answers to the allotted times, and if that happens we can get through a number of questioners and be able to return to people who may have follow-up questions.

Ms. Duncan.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Thanks for the very detailed presentation.

It would have been helpful to have seen the materials before. Is it possible for us to actually go online and see all the materials?

• (1605)

Dr. Elizabeth Childs: We can do that right now, absolutely.

Ms. Linda Duncan: No, it's okay. I don't want to get into that. It would be interesting to actually go through the program if you can figure out a way that we could go in.

I have a couple of detailed questions. First, I was interested off the bat when the suggestion was made that this is the only program in Canada. I'm a little puzzled because I know there is a program—although it's not exactly on the land code—at the University of Saskatchewan. As I understand it, it's on land management for first nations. There is the BEAHR program, and I understand the Centre for Indigenous Environmental Resources also does materials and teaches, so I'm wondering if you link up with any of those other programs.

Dr. Graham Powell: We could answer the University of Saskatchewan to begin with, if you would let us.

Both Patti and Ruth have actually taken the course. They could add their comments on that.

Ms. Ruth Nahanee: Thank you.

I was actually part of the pilot program at the University of Saskatchewan. At that stage, we were in the developmental phase under the land code.

The University of Saskatchewan's material was based specifically on Saskatchewan. I love Saskatchewan, and I actually fell in love with Saskatoon because I was there for a two-year period. But coming from British Columbia, we have different laws that we have to follow and we have different soils. We have forestry. We're urban. So everything was geared towards going out into the field and testing the soils in that area and the forestry in that area. In that way it wasn't relevant to us as the Squamish Nation. However, our capacity-building and certification program is set up so that we're more national in representation, and we're able to respond to each first nation and its requests at a more national level through our online chat.

Ms. Linda Duncan: Okay, thanks. I don't need any more than that. I was just curious as to whether you knew about the other programs, and it sounds as though you're quite familiar with them.

I used to be on the board of ECO Canada, which initiated the BEHR program. One of the things they were asked to do by the federal government was to develop the new norms for training and certification for safe drinking water, because of the problems that arose in a number of communities.

They immediately ran into the issue of basic literacy. Working with community colleges, they set out specialized training programs for some first nations communities.

I wonder if, in the program you deal with, you are allowing only entrants who are already very highly educated, or have you adjusted for people who may not have strong English language skills, who may speak their own first nation's language, or who might have some literacy problems? Is there adjustment in your program for that?

Dr. Elizabeth Childs: Absolutely, there is.

For example, the lands governance director program is targeted at lands governance directors, so it's written at approximately a grade 10 level. With our partnered post-secondary institutions, there are all of the writing support and all of the post-secondary support systems in place for us to tap into.

For the courselets that the chief and council will use, the community will use, and the lands staff and lands committee. We're writing at about a grade 7 to grade 8 level, recognizing that we do need to address the literacy piece.

What we have found to be more of a hurdle is actually not the literacy itself, but the digital literacy. In order to address the digital literacy component, we have basically a "learning online 101" course that has been developed. It's written for all of our audiences so that they can understand what it's like to work in an online

environment, in a self-paced environment online, or in an online community.

That's definitely where our focus has been, but the literacy issue is something we do address through all the different audiences.

Ms. Linda Duncan: Great. You answered my third question, so you're very efficient.

Can a first nations member who is not certified in this program become a lands manager, or do you have to be certified through this program?

Ms. Patti Wight: No, one could just be hired as a lands manager and not have any background in that area. The learning curve is very steep. That was my situation. I was hired, and I had to learn about this field, this legislation, and the land code. It can be quite a steep learning curve.

Ms. Linda Duncan: You have quite a waiting list, as I understand. Do you have any kind of an interim measure, or is it possible for people who are getting involved in this program to maybe access the materials if they haven't done the course yet? Is there some way to deal with the backlog of interest?

Dr. Elizabeth Childs: Absolutely. That's something we have definitely been wrestling with, because since the certification has been slow to develop for a variety of reasons, people in the field need something.

At the virtual resource centre, the meeting place, those materials have been up since 2010. We continually add to them, so initially, as new first nations join, or even as current first nations are there and want a reminder of how to do a template for a land code and want to look at Seabird Island, they can go online and find it, whereas prior to 2010 they had to hunt and peck to source it.

•(1610)

Ms. Linda Duncan: If a first nations member is a member of a nation that has not opted to do the land code, can they still take your program?

Dr. Graham Powell: It's mainly designed for the framework agreement first nations. We haven't been approached by a first nation that wasn't a signatory asking if they could take parts of it.

Ms. Linda Duncan: For example, you seem to teach really important things—environmental impact assessment, environmental governance, land use. It seems like that kind of information would be important to anybody, no matter who they are. That's an interesting issue that you might want to be pursuing.

As an environmental lawyer, I'm kind of curious to know... You say you're just developing this program. What actually is in your environmental governance program? Do you actually talk about inspection and enforcement?

Dr. Elizabeth Childs: We do, and I would defer to Ruth, because she's been quite involved.

Ms. Ruth Nahanee: We have three units. One is called environmental governance, and that gets into identifying what authority you have under the land code with regard to environmental management, assessment, and protection. It also speaks to federal legislation and the authority of federal legislation on reserve lands. Under the land code, your first nation land is still reserve land.

Then we speak to the provincial gap, what we call the gap between federal and provincial environmental law. Then we get into environmental assessment, and we speak to environmental site assessments, phase ones, the whole environmental management plan—it's very detailed. Then we get into environmental protection.

Even though there are three units, they all speak very specifically about governance, management, planning, and enforcement in Canada.

The Chair: Your time is long up, but I'm sure that you'll have an opportunity to follow up on that.

Thank you, Ms. Duncan. Thank you, witnesses.

Now we have Mr. Seeback for seven minutes.

Mr. Kyle Seeback (Brampton West, CPC): Thank you, Mr. Chair.

I have a couple of quick questions.

Are there any costs to any of the first nations for these courses?

There's no cost.

I know you talked about self-learning and self-pacing. Are there any timelines for the FNLM entrants to complete any of these courses?

Dr. Elizabeth Childs: The courselets, the little short ones, no. They're for users. It's meant to be that just-in-time...

In the certification program, absolutely. People will be moving through the courses as a cohort, so to speak. We're roughly estimating between two and three years to complete, if you were to do level one all the way up. But depending on your experience and your prior learning, you may not have to take that path.

We have recertification required every five years in the strategy to date.

Mr. Kyle Seeback: Obviously you're providing a lot of these courses to our first nations communities.

Do you have any mechanism built in to determine whether or not they're responding to or meeting the needs of first nation communities—a feedback mechanism so they can say this course was very useful, or this course was not? Do you have that built into the structure as well?

Again, that's for anybody.

Dr. Graham Powell: We actually gather statistics as well as get feedback. Elizabeth can handle that. They gather them through the source that we use as our server to host all of these—the meeting place, and the VRC.

Maybe add some statistics, Elizabeth?

Dr. Elizabeth Childs: As for the online community, the virtual resource centre, and all of that usage that's been running since 2010, just for example, in this past January, we had over 4,500 hits to the site and about 150 unique users. You can get into the details further, but with respect to getting actual feedback, one of the groups that was on an earlier slide is with the national representation.

We poll our end users, ideally quarterly. It depends how long the poll needs to run. We survey them. That's how we establish our priorities for going forward for the next year, what's required, and it's also how we gather feedback.

Once they get into the certification courses, then there's a much more rigorous formative and summative feedback that's gathered as part of the requirement for accreditation.

Mr. Kyle Seeback: That's great.

I understand that the costs for the website are approximately around \$3,000 per month for upkeep and everything else. Do you have any anticipation of where those costs are going to go in the future? Technology evolves, efficiencies, things like that...do you have any idea of how the cost of that will continue, or do you see it going up, going down, or staying the same?

•(1615)

Dr. Graham Powell: There's a cost to host. Over the next three or four years, we'll be working on a way to host ourselves. Right now it's a cost that is cheaper for the group that we're using than for us to undertake it ourselves.

Our focus right now is getting the land governance courses up, writing the courselets, and getting funding for next year and that. We anticipate that after the four-year period when all of the courses, courselets, and everything has been written, we'll probably begin to host.

Elizabeth may be able to give some idea of the costs now that are for hosting. We pay out \$27,000 per year to host for the company.

Dr. Elizabeth Childs: Just quickly, it's hosting, warranty, and maintenance. It means they host it. They maintain it. They warranty that it will work and function the way we need it to work and function.

Going forward, I don't anticipate those costs to increase. If they do, it will be marginal. Where the costs may increase is as usage increases. As new first nations come on, and we're going from instead of 150 hits in January to 5,000 hits in January, then there will be an increased cost there. As the document repository gets larger and larger, and takes up more weight on a server, then there is going to be increased data storage costs, basically. They'll be in keeping with other sectors. It won't be astronomical.

Dr. Graham Powell: Where we will find the cost going down is through acquiring the software needed to write the courselets, so that we don't need to go back to the host group to edit and make comments. We've already put that into the budget this year and for next year. It's a piece of software that Patti and Ruth are using. Again, we won't need the host to edit that for us.

Mr. Kyle Seeback: I am looking at the numbers that you, Chief Louie, gave at the start. There are 58 signatories, 32 operational, 18 new approvals, and 65 on the waiting list. There are 32 operational first nations. Is this something they're going to make use of? Or is this mostly for new entrants that are going through the process? If it's ongoing, is this something that eventually, in the future, you're going to have hundreds and hundreds of first nations communities accessing?

Dr. Graham Powell: It's mainly for the operational, although for the developmental first nations that are getting ready to conduct the community vote, there are courselets and materials there to help them. The bulk of the work is to help the operational first nations.

Chief Robert Louie: If I may, Mr. Chair, I just want to make sure it's clear that there are 37 operational.

Mr. Kyle Seeback: Maybe I can't read my own writing. It could be 37.

Dr. Elizabeth Childs: I will just add that the operationals have been using it since January 2010. They have been in and we've been getting their feedback. Much of their feedback has been, "This is great. Give us more and more detail."

That's where we have had to adjust, and that's where we would really like to get the lands governance courses up and online. They're extremely detailed and very rich with templates and samples. As of yet, they're not online.

The Chair: There are just a few seconds left, unless you have a very short question.

Mr. Kyle Seeback: I do not. Thank you very much.

The Chair: Thank you, Mr. Seeback.

Mr. Cotler, you have seven minutes.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chair.

As I understand it, there's a growing interest in first nations joining the land management regime. There are some 56 first nations that have joined or are about to join. In the previous testimony before this committee, the regional chief from Ontario made the point that it's almost like being a victim of your own success. As more join, this places existing pressures on those that are in it in terms of their capacity to engage in the proper training.

Do you find there are more pressures with respect to being able to provide appropriate capacity training as more and more first nations join? Are there enough resources for that purpose?

Dr. Graham Powell: As far as the training is concerned, once the land governance courses are designed, or the courselets, or the meeting place, it wouldn't matter if there were just the current 58 signatories, or the next 18, or the next 100. They would still access the same material.

Where the strain would be on resources would be with our staff going out and helping 100 new first nations through the community voting process. The strain would be there, and not so much on capacity-building. They would all get access to the capacity-building strategy sites.

• (1620)

Hon. Irwin Cotler: I'm just referencing some of the testimony that came from Ontario Regional Chief Angus Toulouse, who made some reference to the fact that the existing communities that are part of the regime have greater stress to maintain their capacity needs, because the regime is becoming more and more extended by reason of the fact that more and more communities are joining it and the resources available are more strained.

Dr. Graham Powell: I guess one way of answering this would be that perhaps he was thinking less along the lines of capacity, and more on how the government would deal with operational funding and developmental funding.

There once was a concern that as more first nations were added the funding level to the successful ones would be reduced, but we're not encountering that. Chief Louie and Chief Bear signed a memorandum of understanding with the minister back in October that identified what the operational and the developmental funding would be, and that is fixed. So it's not going to be going down just because a first nation is successful in economic development. They're not going to be penalized for being successful in creating jobs and revenues for their members—

Chief Austin Bear: Or the number of new entrants.

Dr. Graham Powell: Or the number of new entrants, as Chief Bear said.

I'm just wondering, Mr. Cotler, if perhaps that's what the chief from Ontario was referencing.

The Chair: Thank you, Mr. Cotler,

Mr. Rickford for seven minutes.

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

It's nice to see Chief Louie here again. I hope we have the opportunity to visit your community.

This is an outstanding deck, by the way. My questions are going to focus almost pre-entry here, because I want some of this information not just for myself but I think for the benefit of the committee. I've got a really recent example that will help me go through this.

We're focusing on development, and I think, as the National Aboriginal Economic Development Board has said, building opportunity-ready communities. The context in which you're here, and so many other witnesses, is this idea of land use and land-use planning, and the focus in terms of one of its ultimate or superordinate goals would, of course, be economic development. They don't just cross-fertilize. They're essential, not just to what we're studying but to what we hear from the communities.

I had a meeting last week in Sioux Lookout with the Lac Seul First Nation, and this is a wonderful, progressive community that has embarked on a number of initiatives, moving ever more closely to working with, and needing, the capacity around land-use planning. So I wonder if you would take me through this, because there's a lot of literature on the framework agreement signatories, but there's not enough messaging out there, and perhaps it's a question of resources as well, about getting these communities in position to actually be entrants.

I want to have that frank discussion because I've got a community that I think is ready, certainly in terms of my own preliminary analysis in the work that I've done in my role as parliamentary secretary in understanding this, Chief Bear. This is a chief coming to me and saying, Greg, I think we're ready to embark on this. What are the steps to be one of these opportunity-ready communities? What, if any, resources are available?

So much of what we have here in the literature talks about the signatories. Can you take me through those steps and make comments along the way?

I'm turning the rest of my time over to you folks in the hope that you'll do that.

• (1625)

Dr. Graham Powell: There was a letter that just recently went out from the ADM to the unsuccessful first nations at this point in time. The minister wrote to the 18 that were admitted, and the ADM of lands and environment wrote to the others. In that letter the indication was to contact the regional departmental officials, and they would work through with each of the first nations what it would take for those first nations to become ready.

Part of the department's analysis of the applications was on the readiness of the first nation. That was a process done entirely by the department. In fact, they're meeting nationally right now out in Winnipeg, as you know, to discuss how to organize for each of the first nations coming to the regions asking the question, how do I get ready? Each of the regions will be identifying the contact person to respond to that.

Mr. Greg Rickford: Is there, Graham, a mentoring process here, best-practice communities that are signatories? I realize the resources to a certain extent guide or direct your mandate for actual signatories to the framework agreement, but I'm concerned about the department being the only place available for the communities to become entrants.

Elizabeth, you look like you're ready. Go for it. This is exciting. I need to help this community.

Dr. Elizabeth Childs: I'm bursting at the seams.

It is exciting. It is exciting in terms of the mentoring piece. Currently, the mentoring is done very much in a face-to-face setting, and the resource centre staff provide support for people who are coming in. One of our colleagues, Meko Nicholas, who is not here, has a very clear chart that shows, if you would like, here are the steps to go through. But moving into our online community space, that's the place where we're hoping to be able to partner and pair operational first nations, who may have a similar context or close

enough that they would be willing to share and mentor, and groups that are coming in that are new.

Then, of course, people who are able to come in, as these new 18 are, they have access to all of these resources. So there's a courselet that's an introduction to the framework agreement, what it is, why it exists, and what it means for individuals. There's a courselet on the developmental process and all of the steps in the developmental process to get to a land code and get to operational first nation status.

They have access to all of those resources, and right now the blend is—

Mr. Greg Rickford: Sorry, how do they have access to them?

Dr. Elizabeth Childs: As soon as they're part.... The 18 that are new, for example, we find out from them who their lands manager or governance director designate is, and they're issued a user name and password.

Mr. Greg Rickford: So I guess my question, Elizabeth, is this. How does a community—I hate to use this word but—"cold call" this process? We want to find out about this. There's some lead-in time. I understand all of that and the department is committed to looking at who's entry-ready and whatnot.

As well, Graham, what are the typical timelines? The capacity for entrants notwithstanding, just in terms of plain readiness to do this, what do you typically find? Sorry, that's a couple of questions.

Dr. Graham Powell: I'm just going to come back to an earlier question and just finish that. In Chief Louie's letter to Minister Duncan, with respect to the signing ceremony of the 18 so that they could sign the adhesion document to the framework agreement, Chief Louie suggested that on this occasion if we had a two-day session, we would be able to sit down with the 18 new first nations and run them through the whole developmental process, all of the 45 steps roughly that are in the community voting procedure requirement. We would show them what we've shown you here and identify how to access it. We would use that as a learning opportunity for those that would be new, rather than just signing the adhesion document and sending them back out.

Mr. Greg Rickford: I'm talking more about potential entrants than I am the actual entrants. I know I haven't got much—

The Chair: You don't have any time unfortunately, but we will get back.

Absolutely, you may complete the answer.

Dr. Graham Powell: Just to finish that answer, and Chief Louie and Chief Bear will step in, the position of the Lands Advisory Board and the resource centre is that any first nation is ready right now the minute it wants to come in. We're not gatekeepers. The regional LAB directors are always recommending first nations that have come to them to say they want in. We recognize that it's their inherent right to manage their lands.

From the department's perspective, because of limited resources, the department has had to apply a readiness test. Obviously you can't be in third-party management or co-management, but every first nation is ready, if it says it wants to manage its lands and get out of the Indian Act.

So that's how we term readiness. It's the first nation's wish.

•(1630)

The Chair: Thank you for that. Thank you very much.

Mr. Genest-Jourdain for five minutes.

[Translation]

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Good afternoon, everyone.

I familiarized myself with the document that came with your appearance today. Under the framework agreement, Canada seems to have obligations and responsibilities.

Is it possible to do an overview and point out the enforcement power in the framework agreement, the power that binds the parties, by which I mean the communities and the government?

[English]

Dr. Graham Powell: I'm just trying to determine what the constraints might be.

Chief Robert Louie: I'm not sure I completely understand the question. If I understand it correctly, the question focuses in on what Canada's obligations to assist first nations to proceed are.

It falls back to our framework agreement that was signed back in 1996. That has been supported and ratified by the 1999 First Nations Land Management Act legislation. The principles are basically there. Canada's real responsibilities are to assist by adequately resourcing the framework agreement signatories. That's the main objective, and of course, getting the orders in council in place to allow the first nations in.

You've heard our perspective. We would open the doors willingly to all the first nations in Canada if they wished to join, and many do. One out of five first nations in Canada wish to participate or are participating. Our problem, of course, is finding the resources, and that is Canada's responsibility. Canada's main responsibility is to allocate resources so that we can have those first nations in the developmental, and subsequently, the operational phases.

[Translation]

Mr. Jonathan Genest-Jourdain: Your remarks raised several issues of a legal nature. You are talking to a lawyer at the moment. Among other things, I was wondering about the legislative drafting; in terms of land administration and management, what is the actual nature of the information given to the members of the community, legally speaking?

It's just that you need a three-year law degree, plus another year before being called to the bar, in order to be able to handle concepts of land management. It takes specialized, in-depth knowledge, you see.

What is the actual nature of the information given to the members of the community, legally speaking?

[English]

Chief Robert Louie: We have resource personnel, who are the legal people, if you will, and we are supported by them at both the developmental and the operational levels. So if a question arises from a legal point of view—legalities of environment, legalities of law-making, or how one goes about that—we are assisted by the

professional legal people, who will answer those questions. It's monitored.

When a first nation goes through the voting process, we have a verifier, who represents both Canada and the first nation, to ensure that the proper protocols and procedures outlined in the framework agreement are followed. That's very carefully done to avoid appeals by any members from a first nation community who might vote.

•(1635)

[Translation]

Mr. Jonathan Genest-Jourdain: In terms of the legislative drafting, whether it be about the land code or the regulations that might apply in a community, do your member organizations have the ability to manage everything in the drafting from *a* to *z* or will you contract it out? Is there someone in your organization who will ultimately take care of everything related to the drafting of the official and legal documents?

[English]

Chief Robert Louie: Yes, thank you for that question.

A first nation can do its own drafting, and what we do is encourage that first nation community to retain its own legal counsel for that independent legal advice. They are supported by our resource personnel. They're supported by some of our own legal people if they choose. And of course, the verifier then verifies that particular work to make sure that it conforms with both the legislation and the framework agreement.

So all in all, there is good support in the drafting. It's left to the community, because the community has the leeway to draft its laws the way it sees fit, as long as it conforms to both the framework agreement principles and the First Nations Land Management Act legislation.

The Chair: Thank you, Chief.

Dr. Powell.

Dr. Graham Powell: I just wanted to add a footnote.

In the funding that Canada provides to the developmental first nations, there is \$75,000 a year for a two-year maximum. With that \$150,000, the first nation has the opportunity to hire their own legal advice to comment on the land code the community has drafted. We provide advice on the template and the mandatory sections, but the first nation has funding from Canada to obtain its own legal advice, and usually their own lawyers are already there.

The Chair: Thank you very much.

We go to Mr. Boughen for five minutes.

Mr. Ray Boughen (Palliser, CPC): Thank you, Chair. Let me add my voice of welcome to my colleagues and say thanks to the panel for coming.

I'd like to take a minute to talk about the NALMA, the National Aboriginal Land Managers Association, in relation to the resource centre. This training for the first nations at the NALMA centres has a proven track record. How do the resource centre training and focus complement and/or differ from those of the NALMA programs? Could you give us a word or two on that?

Dr. Graham Powell: I have a chart we could pull up, which may help you appreciate the differences between NALMA and our organization. If that can be pulled up, then Ruth, Patti, and Elizabeth will speak to it.

Dr. Elizabeth Childs: I'll just quickly start this off and then defer to Ruth and Patti, who have actually been through the program.

One thing we did early on in the strategy was prepare a 35-page comparison document comparing the courses offered through the NALMA training and the University of Saskatchewan program, with the competencies required by the framework and what our certification program does. We basically did gap analysis on the two different programs.

What you are seeing here is a very quick one-page summary.

Ruth, if you would like, speak to that a bit further.

Ms. Ruth Nahanee: Thank you, Elizabeth.

The NALMA training program bases its courses on the Indian Act, and it is administration of lands, whereas our courses' mandate comes from the framework agreement and is about governance—governance authorities, lands management, enforcement, and the whole thing that goes with that.

One of the things the NALMA program offers is that you have to leave your community for two to three weeks at a time, which has caused a lot of stress for lands managers who didn't have someone back at home to replace them. They came home not only to having to do their homework but also to having to carry out their duties, which had piled up.

We offer our own program online, at your own pace and over a period of time. You probably could even do it one day a week, whereas we went away for three weeks and came home and had to do lots of homework. Time-wise, it's nice to be at home and do it in your own community.

The audience for NALMA was just one lands manager per first nation, and after five years you might be allowed to send another one. In our program, it's the lands manager. If they leave, we can just train another one. There's no expense for that person to take it. There's a huge cost difference that comes with it being online rather than face to face. They would have to pay for us to fly there, to live in a hotel, and to provide our food and transportation. So there are many differences between the programs.

As someone who has been through the program.... There were a number of us who got together and stated that for these reasons we want to have something like what we've developed, and that's where this strategy came from—to be able to do this.

• (1640)

Mr. Ray Boughen: The NALMA program has a two-pronged approach from post-secondary institutions. It includes some technical training as well as training in the field work. Is that what we're hearing? Is that right?

Ms. Patti Wight: Yes, their program has a two-pronged approach.

My feeling in taking the program at the University of Saskatchewan.... It's a wonderful university, but I come from Prince

George, and there's a wonderful university there where I took the same courses.

I wasn't able to use prior learning. I had three years in a science degree and I was forced to retake 100-level courses in the program. The cost for both programs was upwards of \$30,000. Each person should have a degree for \$30,000 or \$40,000. That was my feeling about that.

The technical training, which was level two, is all based on the Indian Act. So I spent a lot of time learning things that no longer applied. Why learn some of the same mistakes twice—well, for me it was once—and then go home and realize that it no longer applies, that this legislation is different, and learn a new piece of legislation?

Mr. Ray Boughen: Who designed this, by the way?

The Chair: I'm sorry. We've given you some additional time, but you are out of time. I apologize for that.

Dr. Elizabeth Childs: May I make a small comment?

The Chair: You may, Dr. Childs.

Dr. Elizabeth Childs: Just from an educational perspective, building on Patti's last comment, what that does is introduce cognitive dissonance. You're learning something—you're learning a legislation or learning techniques and practices—under one box of rules and then you have to go home and apply them, but the box of rules is completely different. From a learning perspective, the cognitive dissonance is quite strong, and it impedes people's ability to quickly make the transfer into their new setting.

The Chair: Thank you.

Mr. Bevington, you have five minutes.

Mr. Dennis Bevington (Western Arctic, NDP): Thank you.

The more I delve into this subject, the more I realize how difficult this is for first nations across the country. We've heard testimony from the department that they have 36 people in their land department in Ottawa dealing with issues for 650 reserves on all manner of things that are very complex. I spent a good deal of time in municipal government with land issues, and I know how significant they can be. I know it's going to be different on reserve land, because you still have a collective principle that I think is apparent in most reserves.

How would you characterize that situation in terms of how a land officer deals with situations? When we deal with land ownership, tenure, division of land, and land management in a municipal setting, we're dealing with private land or public land. But in a reserve setting, there's so much collective land.

How does that difference affect your ability to train people to tie that principle into law in different provinces? What's the experience there?

•(1645)

Ms. Ruth Nahanee: When we speak to the law-making authorities of the first nations that have an enacted land code, we note that they have the authority to make their own law, whether to replace one or to fill a gap. First nations have lands managers who basically have to produce or provide the capacity they have. They need to know, number one, that it's still reserve lands; and number two, that therefore it's still under federal legislation until they build their own first nation law to replace that federal law. Therefore, there's a whole gamut of information that a first nation coming from under the Indian Act has to know to be able to advise or consult their lands committee and council.

I'm not sure I'm answering the question, but it's a very complex situation. Our environmental course—I wish you could see it—is quite amazing. It was developed by four or five environmental experts, an environmental legal person, and a staff person. It is geared to the framework agreement of first nations. There's nothing like it out there, and that is because first nations are able to enact their own laws, and if they do not, they have to still follow federal laws. Land managers have to identify what those federal laws are.

Mr. Dennis Bevington: Is there a lot of frustration among people who have to do the work in lands management on reserves?

Voices: Oh, oh!

Chief Austin Bear: Thank you.

Just to answer your question from our perspective of the people of Muskoday, our lands are held collectively by all the members. We have no previous certificates of possession of that nature. However, under our land code, and identified in the land-use plan and the different uses of land, our members have legal, registered interests in lands that are protected by the land code. Interests that, if acceptable, can be mortgaged, for example, for loan funding purposes.

We've had two land managers in my history as the chief. We find no frustrations. We have had disputes, and we have ways and means of mitigating and managing disputes. In comparison, the Indian Act situation is unclear. Interests were sometimes certainly not registered or legal interests. There was more frustration then, because the people weren't certain what their interests were, how they were defined, or how they were registered and protected.

The fact of the matter is that the tools now available through the framework agreement, land codes, and land-use plans are far clearer and far more productive for managing our lands and resources.

The Chair: Chief Louie, you wanted to jump in.

Chief Robert Louie: Yes, thank you very much.

I know the issue that you raise is with regard to collective rights as a land principle. I want to make sure there's a complete understanding that in the first nation communities there are individual rights and collective rights, and there's a balancing of the two.

In my first nation, for example, at Westbank, we have a lot of what we call "CP" interests. These CP interests are individual rights, and they're balanced with the collective rights. When we're dealing with issues, both are balanced and both are represented equally. It's very clear, too, that third-party interests are also very much respected.

In that whole regime, first nations may differ. There may be band lands in common, which is more the collective version, but even within band land in common there are individual rights and CP interests and things of that nature. So it all balances.

Yes, it's sometimes difficult to work with, but it all works out, because a land code will not be passed by a community unless those rights are protected, and each first nation may be different or have a different approach to reaching that.

•(1650)

Mr. Dennis Bevington: What would your budget be?

The Chair: I'm sorry, Mr. Bevington. Your time is long past. I apologize.

We'll turn to Mr. Wilks for five minutes.

If there is time, I'd certainly hope to get back to—

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Chair, you're eating into my time. Thank you.

The Chair: You'll get your full five minutes, and if you're like everybody else, you'll get more than that.

Mr. David Wilks: Excellent. I appreciate that.

Certainly I've seen first-hand what first nations land management can do in the province of British Columbia. Although Westbank is not under first nations land management, what you've done there is just unbelievable. It truly is.

I'm more excited about the 18 new first nations that are coming under first nations land management. Two, St. Mary's and Shuswap, are in the Kootenay—Columbia constituency. So if you ever come out to St. Eugene to golf, I'll go with you.

I understand there is about \$3 million in federal funding to build capacity, and that has been provided over the past 10 years or so. Can you see an opportunity at some point in time whereby that capacity-building would become more self-reliant, and can you see how this might happen?

Dr. Graham Powell: In referring to the \$3 million, could you clarify? It certainly didn't come to us.

Mr. David Wilks: The \$3 million was supposed to be funnelled from the federal government into building capacity. If you didn't get it, I'll find out where it went, but that's what I am informed.

Dr. Graham Powell: I know that in the previous Treasury Board authority, there was \$500,000 a year set aside for five years. I think we saw about \$350,000 at one point early on, and that was the end of it. Our amount of funding in our budget for next year amounts to \$85,000.

Mr. David Wilks: That's a far cry from \$3 million, so we'll have to fix that.

Dr. Graham Powell: Yes.

Going back to a question that the gentleman from Quebec raised earlier about Canada's obligation under the framework agreement, it's to facilitate first nations, through the transition process, to leave the Indian Act. Now they're going out under their land codes, and we have to do the transition. Our role is to help them build the capacity to do so. If Canada doesn't support the training and the capacity-building, then it's not meeting its obligation under the framework.

In all of our discussions there's a desire to contribute; it's simply been for lack of resources. We're optimistic that by 2013-14, perhaps we'll be able to get the funding we need to finish all of our land governance courses.

But whoever got the \$3 million, I hope they used it wisely.

Mr. David Wilks: I hope they did, too.

What do you see as some of the most challenging parts of moving forward under the capacity-building, but not from a perspective of finances? If finances weren't the issue, what would you see as the most important thing you need to expound to communities to say: "This is what you really need to focus on, and this is how you need to get there", and "We want to try to make that happen, but this is the most important"?

Dr. Graham Powell: It's getting them access to the virtual resource centre, the meeting place, so that each first nation lands governance director can communicate with all the others who are from signatory first nations. We have 36 that are operational. Each of those lands governance directors has to be able to go online to the meeting place, put in a question, and get answers immediately. It's that constant contact.

So it's not frustration; it's just making sure that this is there and available.

Perhaps Elizabeth, Patti, or Ruth would like to add. Once you take funding out of the question, the only frustration is.... We can't move fast enough at the moment for lack of funding, but I'm sure the funding will be there in the future.

Mr. David Wilks: Right. Okay.

Dr. Elizabeth Childs: From my perspective, if funding is not in the equation, there are two challenges. One is that since post-secondary institutions are not necessarily quick, the accreditation discussions will take some time.

For many of our lands governance directors, accreditation is an excellent byproduct, but it's not the reason they want to do it. They want to do it because they need the information to do their job every day. I think that's one of the issues.

The other is internal capacity to actually write all the content. If the lid came off the money jar tomorrow and we could go, we have quite a bit stockpiled already, which you saw on the slides with bracketed dates beside them. If we get funding, we'll put this online, but we have quite a bit more to write that is specific to the framework agreement. There are only a handful of people in Canada who can actually write the content, and that is a challenge.

•(1655)

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

Ms. Hughes, you have five minutes.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): Thank you very much.

I have a couple of questions for you with respect to the fact that a lot of this is online. Are there challenges right now with broadband infrastructure? Are there voids? I'm trying to get some sense of this.

Dr. Elizabeth Childs: I can speak to that a little bit. We were talking about that just this morning.

One of the things we're doing in the meeting place as one of our first polls is to get an accurate read on infrastructure in our framework agreement first nations. It's something that's been very difficult for Canada generally to do, not just across first nations communities, but even to get a general reading of the average Canadian's accessibility.

All of what we have referred to as being online can also be delivered on a USB stick or on a CD. For communities that are having difficulty, it's been designed to be at the minimal technology level. Basically, at a little higher than the speed of dial-up connection, you'll still be able to access all of these resources. The reality is that some of them would be slow. In communities where this is their reality and they don't have turbo sticks from Bell that allow them to get into the cloud, we would be sending out USB keys. In fact, at not the last but the previous AGM, we gave everyone there a USB wristband, and it had some of the courselet content as well as some of the documentation.

Mrs. Carol Hughes: Mr. Cotler earlier talked about Regional Chief Angus Toulouse. I think we need to be clear here. Basically, he's talking about the communities that have actually signed on. We're hearing those communities say that what is happening in their case is that they initially built the capacity and they need that capacity to be maintained and sustained.

Then he goes on to talk about the fact that there are 133 first nations communities in Ontario, and only six have been able to take advantage of this piece of legislation and policy. He says that says a lot.

Because some of you have already signed on to the lands management process, I'm wondering whether you have any recommendations to improve the process itself and the transition process. We've heard on a number of occasions that it's very timely. Have you experienced that from the start to the end—being able to get into the program, first of all, and then the transition as a whole? And do you have any other recommendations to the committee as to what you might need or what we should be doing to ensure that everything is in place?

Dr. Graham Powell: I think the recent announcement by the deputy minister to open it up to another 100 indicates a desire to find the funding. That will certainly speed it up for those who are on the waiting list.

Also, the fifth amendment to the framework agreement is coming forward. I believe it will be introduced before you recess in June, and we hope to have passage.

The stumbling block for first nations has been that if there was an outstanding land issue, it stopped the individual agreement from being signed between Canada and the first nation. The vote was halted. Now, because of the rewording that was put in, Canada and the first nation are allowed to deal with that land issue after the vote, with a commitment by Canada in the individual agreement to definitely deal with that issue.

So you won't have first nations that take three to five years to go through the process. Actually, 24 months would be an unusual amount of time. You're going to see first nations go through in six to twelve months. That again will expedite the process.

As for more first nations coming in, the minister challenged Chief Louie and Chief Bear to come up with other ways of entry. They pursued group entry, whereby two to three first nations could come together and share the resources of one first nation. That's going on in Stó:lō in the Chilliwack area. It's being considered in Ontario by the first nations up Highway 69, because of all the development going on. I expect that up in Treaty 3, this idea of grouping might come together. It's going to be discussed in the Saskatoon Tribal Council.

So grouping is yet another way. The feasibility of a number of first nations from a treaty area coming together and getting a block piece of funding is another option.

The minister has challenged the LAB to come up with some creative ways, and the response has gone back. I think that if there is a willingness to open it to 100, you'll see many ways for first nations to come in. It was exciting news to have the deputy minister announce 100 more first nations. Part of that was in response to the Crown-First Nations Gathering in Ottawa, which was so successful on a number of points.

• (1700)

The Vice-Chair (Mr. Dennis Bevington): Thank you. I'll move on to Mr. Payne.

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

Chief Bear, it's nice to meet you. Welcome.

Chief Louie, it's good to see you again. It is getting to be a nice habit to have you here.

Welcome to all your colleagues. It's really important that we hear your comments and presentations to help us in our study. It's a really important study. As I was saying earlier to Chief Bear, it is really exciting to see what's happening in terms of development on first nations.

I want to start off by saying that there are some nations, such as Westbank, Chief Louie, who have moved out of first nations lands management and on to more comprehensive self-government arrangements. We have seen some of that.

My question would be: do you see first nations going into first nations lands management as a stepping stone to moving on towards self-government? Or do you see first nations staying in that first nations lands management over the next number of years?

Chief Robert Louie: By all means, we do. I think that's evident.

Recently, just as an example in British Columbia, I understood the Premier's announcement to be that the process for such things as treaty negotiations, which include a component of self-government, is flawed. It's not working. The Premier at the provincial level is looking at how else things can work. We're now hoping that this is an alternative.

And yes, we see this as a stepping stone. We envisioned that back in 1996 when the framework agreement principles were put forward. There was a clause put forward in that framework agreement that proposed that there would be other regimes to allow the furtherance of self-governance, and in fact that's what we're seeing.

We have two right now of the 37 that are operational who have moved on: my community and Tsawwassen. Now, with the framework agreement, signing on to self-government by the community in Saskatoon—Chief Darcy Bear's community—they too will hopefully be self-governing. I and others see this as truly a stepping stone and one way to get moving.

The most important aspect of self-governance is land and resource management. Once you have that through such things as this process for the land code, you already have the base component for self-governance. It's truly the most important part of self-governance.

The Chair: Chief Bear.

Chief Austin Bear: Thank you.

Robert mentioned the Whitecap Dakota First Nation.

Thank you, Robert.

Chief Darcy Bear just recently initialed the self-governance agreement with the minister. For Muskoday also, we consider the first nations land management and that sectorial self-government as a stepping stone. We've begun, over the past year, our official and initial discussions with Canada—with the Department of Aboriginal Affairs and Northern Development, the new department. In those discussions on self-government, we believe we have all the components necessary to make the transition to full self-government.

My question to government in Canada is why does it...? It shouldn't need to take 15 years to make those negotiations and enter into self-government agreements with first nations who meet all of the requirements—not only Canada's requirements, but the requirements of the first nation. It shouldn't take 15 years.

• (1705)

The Chair: You have one more minute.

Mr. LaVar Payne: Thank you.

Dr. Graham Powell: I have one thing to add to the answers that the chiefs have given. There's no need to redo the land code. Once you have done the land code, as Chief Louie did, you just move your land code over to your—in Chief Louie's case, his governance structure. It's the same with Whitecap Dakota. You don't need to redo the land code; you've done it. You just move it over. If there are other blocks, say in education, or if there should be one down the road in health, you just move that block over. That's one of the beauties of it.

Mr. LaVar Payne: Thank you.

Chief Bear, you talked about going through this for 10 or 15 years. That leads to my next question. Where do you see first nations land management in 10 or 15 years?

Chief Austin Bear: I envision that in 10 or 15 years, the first nations who wish and choose and determine that this is the direction their first nation wishes to go, with this piece of sectoral self-government, setting aside the Indian Act.... I envision that in 10 or 15 years almost half of the first nations in Canada will pursue this opportunity and will be making great strides in developing their first nations not only by enhancing governance, but also by creating opportunities from land developments and opportunities in economic development with partners who are now waiting, willing, and wanting to do business with first nations.

The first 38 first nations are now operational. There is evidence across the country that first nations are taking these meaningful opportunities and creating opportunities for their first nations and their people. Westbank's Chief Robert Louie is one prime example. We in Muskoday are proud of our accomplishments. Likewise with first nations in Ontario; I'll mention Nipissing First Nation and I'll mention Georgina Island. We have those examples all across the country. That's what I envision for our first nations in 15 or 20 years.

Thank you.

Mr. LaVar Payne: Thank you, Chair.

The Chair: Thank you. It does sound exciting.

Colleagues, we're moving into the cleanup session of questions, so we will take a little bit of time. We'll try to keep with the schedule of the third round, but if there are cleanup questions, we will make sure that people get those answered.

Ms. Duncan.

Ms. Linda Duncan: Thanks.

I just have three quick questions that I will throw out, and you can decide who best answers—all of you or some of you. Before I do that, I really want to thank all of you for your testimony and for taking the time to come. It's really helpful.

First, in your programs or in your referrals, do you also provide information to "students", I'll call them, on technical information sources? An example would be technical experts on groundwater—where the aquifers are, what to do with groundwater contamination and how to avoid it, issues on air pollution, issues with dealing with contaminated sites and how to avoid them, and so forth.

Second, does your course also include instruction on how to address and respond to off-reserve environmental impacts that might impact your reserve lands?

My third question relates to something that was mentioned by, I think, Chief Bear, and that I found interesting—namely, the statement that it was your understanding that the government is obligated to support the framework signatories. I'm curious to know if that's somewhere in your agreement. From where do you find that obligation of the government to actually support the delivery of this capacity-building and help people to be able to develop and implement the codes?

Those are my three questions.

•(1710)

Ms. Ruth Nahanee: In regard to your question on groundwater, we have a course on natural resources management. It covers forestry, agriculture, air, water, and minerals. It's national. We address all the different provinces and the differences in legislation and how it's applied.

It's very general in the sense that here is the information and this is what it is: air quality and—

Ms. Linda Duncan: I don't mean to interrupt you, but that's not actually my question.

Ms. Ruth Nahanee: Oh, okay.

Ms. Linda Duncan: I'm asking if, in addition to what you teach in all those categories, you also provide to your students resource lists, a directory of people they can contact, once they start to implement the land code.

For instance, where would they find a groundwater expert? Do you provide ways for them to find those people? It's not the substantive course I'm asking about, it's—

An hon. member: The Yellow Pages of...

Ms. Linda Duncan: Yes, the Yellow Pages: the directory assistance to the experts out there.

Thanks for that answer.

Dr. Graham Powell: Our adviser on the environmental side is Dr. David Harper from Victoria. He's the one who would provide data like that to the first nations, because we provide his expertise to assist in ongoing environmental issues.

Ms. Linda Duncan: It's still not answering my question.

Ms. Patti Wight: I guess I could try to answer.

Dr. Graham Powell: Okay, you try, Patti.

Ms. Patti Wight: Hopefully I'll be a bit more successful with the answer.

Voices: Oh, oh!

Ms. Linda Duncan: I'm not trying to be difficult; it's a specific thing I'm looking for.

Ms. Patti Wight: In the online meeting-place community, there is a forum where lands governance directors can share with each other the consultants they use and the advisers they use for specific areas.

Ms. Linda Duncan: There is. Thanks.

Ms. Patti Wight: They would also be able to share who not to use.

Voices: Oh, oh!

Ms. Linda Duncan: Very good. Thanks.

And the other two questions...?

Dr. Graham Powell: Ruth, I don't know if you'd like to deal with an example that you faced when you were lands manager.

The issue is not just contamination; it might have been on a reserve that a first nation's taking over, but as you look at the external boundaries, it's what's coming onto the reserve. I know that Ruth has had to deal first-hand with that example.

Ms. Ruth Nahanee: I'm from the Squamish Nation, and when CN Rail derailed, it went into our Cheakamus River. As well, there was an oil spill off of our Stawamus reserve, but it seeped onto our reserve. My environmental officer connected up with both the provincial and federal governments, CN, and the shipper. So a whole gamut of people came together to deal with the emergency.

What basically came out of this was that our nation required a protocol agreement with the province and the federal government to not only understand who does what but also who is going to pay for this. In that sense, we have to deal with all of that, whether or not it is off reserve.

Ms. Linda Duncan: Do you teach about that as well?

Ms. Ruth Nahanee: We give examples. We give a lot of examples.

Ms. Patti Wight: I'd like to add something to that.

One of the units on environmental governance talks about reserve operations. Reserve operations are things such as road and bridge maintenance, and groundwater and drinking water assessments. As a lands governance director, you're not directly responsible for the operations side of it, but there is a responsibility to ensure that your own departments are using the best practices.

We have a unit that says, "Here are some best practices on applying road salts to protect your environment".

Ms. Linda Duncan: Do you have an answer to the third question?

Chief Robert Louie: For the third question, maybe I can refer right to the legislation itself. Subsection 4(1) of the First Nations Land Management Act says,

The Framework Agreement is hereby ratified and brought into effect in accordance with its provisions.

The provisions contained therein are some of the obligations Canada has to honour. If you look at part six of the framework agreement, for example, that deals with the whole issue of funding. As long as moneys can be appropriated by Parliament, then they are to be negotiated and put into effect. The key component there is funding and any of the other provisions contained within the framework agreement is an obligation and is reflected in the legislation.

•(1715)

The Chair: Thank you.

We're out of time, but we want to get all of these answers on the record because we—

Chief Austin Bear: I would like to quickly answer madam's question about off-reserve influences with respect to the environment.

In our first nation over the last number of years, we've developed an emergency measures plan that identifies how we respond particularly to environmental issues and concerns that threaten the

community. Those might be water, air, or other things including transportation of dangerous goods.

To give that some credibility, we also have mutual aid agreements with neighbouring jurisdictions.

The Chair: Thank you.

I think you've actually answered some of the questions that were lingering on this side as well.

I'm going to jump in now and take my chair's prerogative, as I'm known to do from time to time.

First, I have just a technical question. Is there a way we could get a copy of that chart of the comparisons of the two programs? I know it would be helpful for our analysts as well, if you could have that sent over to us. Thank you.

I have a general question.

Obviously, Chief Louie and Chief Bear, in many respects you have been the pioneers of moving forward within the First Nations Land Management Act regime. I should first state that I understand that every community, as it goes into the regime, is different with regard to what it's going to choose to do and how it's going to choose to apply the regime in its own community. There are differences across this country on that.

Do you sense that the cost of moving into the regime is going down compared to what it would have been for the first adherence or the first signatories to the regime?

Do you see that going down because the trail's been blazed by other communities?

Chief Robert Louie: Absolutely.

We do see that there has been a reduction. We see that because of all of the precedents that have been set, we do not have to redo and reset the whole wheel. A lot of the cogs in that wheel are already set. They're available for the first nation to use. We're now finding timeframes being reduced, and that's why Dr. Powell mentioned that perhaps as soon as six months from entry, a first nation can considerably pass a land code.

If everything were all lined up the way it should be, and if Parliament supported the fifth amendment to the agreement, that would help cut down that timeframe, and the reduction in time would save huge amounts of moneys.

The Chair: I guess the next question is answered. That would reduce the time as well.

That's helpful.

I find it interesting that when I speak to other first nations leaders across the country who have reservations about moving into the regime, they don't have all of the information or they have misguided ideas as to what the regime exactly consists of.

Is there a portal or a place people who are interested in it, but who don't want to get entirely involved, can go? Are there technical experts out there who can be available to those people who might be looking for information or who are looking for clarification on the regime?

Dr. Graham Powell: We do get questions, either through the resource centre or directly to Chief Louie, Chief Bear, and the other LAB directors across the country, from first nations that are just asking to understand it and are not necessarily ready to put in a BCR, or band council resolution, to join. It happens quite regularly.

The Chair: Right, and do you find that... Well, I guess every circumstance would be different. I guess what the question might be is, are there consistently ideas or reservations with regard to the regime?

• (1720)

Dr. Graham Powell: There haven't been in the past because the level of funding for the majority of first nations was only \$85,000, which really would cover maybe the cost of half a lands manager and half a legal adviser.

Because of the signing of the memorandum of understanding with Minister Duncan and the operational funding tiers one, two, and three now being set, we can say to first nations, yes, they qualify at \$204,000, or \$256,000, or \$317,000. These having been set, obviously \$204,000 is far more intriguing than \$85,000, because you have to deal with the legal liability that comes with you taking on the decision-making. I think that's a vast improvement and will move it quickly.

The Chair: Chief Louie.

Chief Robert Louie: Yes, and also, I think, the reservations are about training. I think we've heard from many first nations that they don't feel they're ready, but the more they see the things we're doing right now with our group here, I think that will spur on many of the first nations, and they won't be so concerned, maybe, about the capacity-building.

We've proven that one doesn't have to be fully trained to enter this process—you can take your steps as you see fit. But this certainly provides an edge, and we believe that the more first nations see the training being available and the professional development and all of this being at their fingertips, the more readiness will happen. We believe strongly that the growth of demand here in Canada for first nations is going to be astronomical.

The Chair: Chief Bear.

Chief Austin Bear: Just to further answer that, many first nations—and I've heard the chiefs and elders speak—endeavoured to do this not because of any kind of incentive, such as that there may be funding available for land management, or that the funding may be greater than when they were under the Indian Act. In most cases, they did it for a very fundamental reason, a principle, and that was to put aside the Indian Act. They didn't want the Indian Act governing their lands and resources any longer. They wanted to be the decision-makers and they want to create opportunities to which the Indian Act was an obstacle.

The second part is that they didn't do it for the money. If they had the chance to do it again, they would do it for the very same reasons. There is not a single first nation that I've talked to that has said, "We made a mistake and we want to go back to the Indian Act". There is not a single one.

The Chair: Dr. Childs.

Dr. Elizabeth Childs: This is just a clarification question, actually —

The Chair: Yes, absolutely.

Dr. Elizabeth Childs: Would you like the one-page chart or the full document?

The Chair: Just the page.

Dr. Elizabeth Childs: You don't want to read 35 pages...?

Voices: Oh, oh!

Dr. Elizabeth Childs: Just to go to a point that was made here very early on, it would have been lovely to have access to the online resources. They're secure, but we would be able to give you screenshots, if that would be helpful for you to see what's contained in the environments. So we can't actually give you access, but we could capture them in screenshots if that would be helpful for the analysts.

The Chair: I think that was Ms. Duncan's question.

Ms. Linda Duncan: To see how it looks...

The Chair: She would be curious to see how it looks, so if there is a way to—

Dr. Elizabeth Childs: We can facilitate that, for sure.

The Chair: That would be great.

Chief Louie.

Chief Robert Louie: Thank you, Mr. Chairman.

I just want to maybe make this point again. I know I've said it before, but supporting the signatory first nations and the demand that's out there is really an investment that Canada will be thankful for over time: communities, provincial governments, and first nations. This is really an investment, and it will be a tenfold return to Canada and to the communities at large. I simply want to make sure that this is completely understood.

We've shown that. We've had KPMG studies and reports that verify it. This is something that we just simply want Canada and you, as honourable members of Parliament, to appreciate, because we've proven it and we think we've demonstrated that an investment is really where it's at, and we will give you the tenfold return that Canada seeks.

The Chair: Dr. Powell.

Dr. Graham Powell: Mr. Chairman, could we just take two more minutes of your time before you close?

The Chair: We do have two more minutes, yes, and then we will close.

Dr. Graham Powell: In keeping with what Chief Louie just added about an investment, I wonder if we could give Dr. Millette two minutes. He's been sitting there patiently waiting for someone to ask him about land-use planning. We haven't had one question about it, but that is part of the economic development.

So perhaps you could grant him a couple of minutes to talk about his contribution to the first nations.

• (1725)

The Chair: Absolutely. Let's do that.

Dr. Daniel Millette: Does the expression “deer in the headlights”...?

Voices: Oh, oh!

Dr. Daniel Millette: I came prepared today because I thought someone might ask about what we're doing with regard to land-use planning in terms of capacity development community-wide.

Currently there is no land-use planning per se, or there hasn't been very much in the first nations communities, whether they're signatories or not of the framework agreement. But what we're doing with the communities—we can show it on this chart—is working with each signatory at their pace, at their request, on a whole bunch of activities directly related to land-use planning.

Down on your left, you can see all the signatory operational first nations. Then at the top are all the activities we do in terms of advising them on land-use planning alone. These kinds of activities take place for other things, but this is just in terms of land-use planning. As you can see, it's all the way from situation analysis to planning the orientation of the lands committee, and so on. I won't read them all here.

These connect to the workshop component that was mentioned earlier, and the courselet component. We go specifically to each of these, when requested, or sometimes online. Mostly we go out and we do workshops with the chief and council, or the community, or the lands staff, and so on.

I'll leave it at that.

Now I feel that I was of some use. Thank you.

Voices: Oh, oh!

The Chair: Dr. Millette, the difficulty with these committees is that they always go by too quickly. We appreciate, though, your contribution to the effort.

We want to thank our witnesses today. Many of you travelled long distances to be here. We thank you for your contribution at committee here today, but also for the time and effort it took to get here. We do look forward to seeing you again.

Colleagues, we are adjourned.

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