



G. C. C. E. I.
40th Anniversary
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Impact and Benefit Agreements (IBA's) are an important tool in forging trust and cooperation between industry and Aboriginal peoples. As the name implies, they provide benefits to Aboriginal communities to compensate for the adverse impacts of resource development on their environment and traditional way of life. The benefits take the form of training, job and contracting opportunities, vital for communities that have for too long had very little opportunities. IBA's provide the communities with facilities and services that the federal government has the responsibility to provide. Given Canada's failure to meet this responsibility, IBA's represent the best means, in some cases, the only means for Aboriginal peoples to lift themselves out of poverty and to give their people a future.

The Consultation Paper released by Natural Resources Canada states that "The Government of Canada is aiming to align Canadian reporting requirements with those of the U.S. and EU to eliminate duplicative reporting to multiple jurisdictions, reducing the administrative and cost burden on governments and companies". The Paper fails to mention, however, that the proposed inclusion of IBA payments to Aboriginal governments departs from U.S. and EU reporting standards, setting the stage for confrontation with Aboriginal peoples across Canada.

No wonder Mining Association President Pierre Gratton, quoted in the Globe article, is asking questions about the inclusion of First Nations in this initiative. No wonder he "continue[s] to encourage Natural Resources Canada to consult extensively with First Nations before proceeding on this."

Bulletin to the mining and energy industries: The Cree of Eeyou Istchee and, we suspect, many affected Aboriginal peoples have not been consulted in any real way on this proposal. Bulletin to the Government of Canada: The Supreme Court has held that a proposal such as this that affects treaty and aboriginal rights imposes a duty on the Government to engage in *meaningful* consultations with the Aboriginal peoples. Failure to do so exposes the Government to litigation and the invalidation of the measure proposed.

To be sure, we have recently been invited to a half-day "engagement session" to be held in Montreal in early May. But a half-day engagement session, on the very eve of legislative drafting, does not constitute meaningful consultation. It gives every appearance of last minute window dressing. If so, the Government of Canada will proceed at its own risk.



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Mr. Gratton states in the article: "In principle, industry would be supportive of the transparency, but these are commercial agreements between companies and bands ... and we want to make sure the steps taken don't compromise the relationships we have or our ability to build future relationships."

This comment is right on two scores. First, IBA's are private commercial agreements between companies and Aboriginal peoples. Access to information legislation protects such sensitive commercial and financial information from disclosure. Why is it, then, that the proposed policy would force publication of payments made under confidential IBAs to Aboriginal peoples? Why don't the normal rules apply here? Is it because the target is Aboriginal peoples?

Second, industry is right to be concerned that the mandatory reporting of IBA payments will compromise the relationships that industry has with Aboriginal peoples. Why would Aboriginal governments cooperate in resource development, if the content of private agreements is to be published for the world to see? No company or government would stand for such publication – why should Aboriginal governments? Why would Aboriginal governments continue to facilitate resource development if the economic benefits that they negotiate for their people, those most impacted, go to the federal government instead?

The Cree Nation has proven over many years that it is a willing and reliable partner for industry in responsible resource development in Eeyou Istchee. This partnership has been beneficial to all concerned – the Cree, industry and the population of Northern Québec. Jobs and businesses have been created and grown, young people have been provided with a future. We want this partnership to continue. This federal initiative puts it at risk.

There is something profoundly offensive about this initiative. Aboriginal governments have no lessons to take in accountability and transparency from this Government. The Cree Nations of Eeyou Istchee and the Cree Nation Government are fully accountable to our members, not to the Government of Canada. We are not about to go back on that principle. And we will not accept to have our private financial affairs posted on company or Treasury Board websites.

The Government of Canada has yet to learn, it seems, that times have changed. Aboriginal peoples will no longer meekly submit to federal diktats regarding accountability. That time has long passed. If Canada persists in this wrong-headed course, it risks bringing resource development in Canada to a halt.



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After years of confrontation with Aboriginal peoples, industry has come to recognize the need to cooperate with us in resource development. It is reckless in the extreme for the Government to sabotage this cooperation, achieved after so many years of painful effort. The stakes are high, and not just for Aboriginal peoples. The prosperity of all Canadians, especially those in resource regions, is at risk.

Dr. Matthew Coon Come
Grand Chief/Chairman