

To address any uncertainty created by the decisions the federal government announced that it was willing to negotiate land claims settlements with native peoples. As the policy developed, claims were divided into two broad categories, comprehensive and specific.

Comprehensive claims are based on the concept of continuing aboriginal rights and title which have not been dealt with by treaty or other legal means. The courts have emphasized that the proper way to resolve outstanding land claims is through agreements negotiated fairly by the affected parties.

Specific claims, on the other hand, arise from the alleged non-fulfilment of Indian treaties and other lawful obligations or the improper administration of lands and other assets under the Indian Act.

All these court decisions and constitutional guarantees provided the background within which the Sahtu agreement was negotiated.

• (1325)

To further describe this process I would like to list the objectives of comprehensive claims settlements, of which this is an extremely important example.

The primary purpose is to conclude agreements with aboriginal groups that will resolve the debates and legal ambiguities associated with the common law concept of aboriginal rights and title.

Uncertainty with respect to the legal status of lands and resources created by a lack of political agreement with aboriginal groups has been a barrier to economic development for all Canadians and has hindered the full participation of aboriginal peoples in land and resource management.

The comprehensive claims process is intended to lead to agreement on special rights aboriginal peoples will have in the future with respect to lands and resources. It is not an attempt to define what rights they may have had in the past.

The process of comprehensive claims settlement has five stages. The first is initial negotiation when issues are identified for discussion. The second is substantive negotiation when issues are discussed to produce the agreement in principle that contains all the features of the eventual settlement. The third is finalization when all parties formalize decisions needed in the agreement in principle to produce a final agreement. The fourth stage is enactment of settlement legislation which brings the agreement into force. The fifth stage is the implementation of settlement legislation when the terms of the agreement are carried out by all parties.

During the initial and substantive stages, the first two stages I mentioned of the settlement process, aboriginal groups may obtain loans from the government to hire professional and technical staff to help them prepare and negotiate their claims.

### *Government Orders*

Most of the lands and resources that are subject of negotiations and that are required for the settlement of comprehensive claims are owned by a province. Because of this the federal government feels that provincial governments must participate in the often complex negotiations and must contribute to the provision of claims benefits to aboriginal groups.

In Yukon and Northwest Territories most lands and resources fall under federal jurisdiction. Nevertheless, territorial governments participate fully in claims negotiations and have made commitments to aboriginal groups through claims settlements. This was certainly the case of the Sahtu agreement. The Northwest Territories government was an active participant in all deliberations.

As in all deliberations, including those leading up to Bill C-16, the scope of discussions was defined so as to arrive at a fair and just resolution of the outstanding claim in a manner that would uphold the honour of the crown.

As well, settlements including the one before us today are designed to ensure that the interests of aboriginal groups in resource management and environmental protection are recognized and that claimants share in the benefits of development. A number of these points were mentioned in previous speeches.

To achieve these objectives settlement agreements must define a wide range of rights and benefits to be exercised and enjoyed by claimant groups. These rights and benefits usually include full ownership of certain lands in the area covered by the settlement, guaranteed wildlife harvesting rights, guaranteed participation in land, water, wildlife and environmental management throughout the settlement area, financial compensation, resource revenue sharing and specific measures to stimulate economic development and a role in the management of heritage resources and parks in the settlement area.

The rights and benefits of the Sahtu Dene and Metis in this particular case have been described by the minister and other speakers today.

Members should know that settlement rights are constitutionally protected and cannot be altered without the concurrence of claimant groups. A claimant group may retain any aboriginal rights that it may have had with respect to the lands it will hold following the settlement so long as such rights are consistent with the final agreement. As well those aboriginal rights that are not related to land and resources, or to other subjects under negotiation, will not be affected by the exchange of rights in the negotiated settlement.

• (1330)

Resource revenue sharing is negotiated so that the group can share federal royalties derived from resource extraction throughout the area covered by the group's settlement agreement.