I do not know whether this is in fact the case but if it is, I say with the greatest of respect to the minister that it is the wrong course for him to take. I say that because the content of these agreements represents substantial concessions from government to the native people and the most reasonable quid pro quo should be for the final resolution of outstanding aboriginal claims.

To enter into these agreements with the prospect of having to do it again a few years down the road is a prospect that should not be entertained by government. Although there is an extinguishment clause, the agreement provides that it in no way affects the right of the Sahtu Dene and Metis to participate in any benefit from any existing or future constitutional rights extended to aboriginal people or their right to continue to benefit from all government native programs.

What is missing in this agreement is any indication that if it proves to be successful over a period of time, financial assistance and government native programs of a general nature can be phased out. All of this is at the expense of the Canadian taxpayer and surely the objective is to provide self–sufficiency and ultimately the removal of the need for government assistance beyond that available to ordinary Canadians.

I would like to have seen more of an indication that this is the direction in which the government wishes to go. One should also ask what we do if this agreement turns out to be unsuccessful over a period of years.

My final point concerns the tendency of the Department of Indian Affairs and Northern Development to take a decidedly advocate role on behalf of the native peoples. I can understand that this is its mandate up to a point but with issues such as conveying large areas of public lands, the actions of the department should be in the best interests of all Canadians.

Too often these agreements are worked out behind closed doors with the ordinary Canadian in blissful ignorance of what is going on. I am delighted that the Sahtu agreement is being debated at some length is this House, unlike earlier north of 60 agreements. In future it would be advantageous to determine a mechanism for debate at a much earlier stage than merely at ratification. I commend this approach to the minister for his consideration.

I regretfully conclude that the major beneficiaries of this agreement are negotiators, advisers and lawyers. I have concerns that the average Sahtu Dene or Metis may be no further ahead in the long run as a result of this agreement. I wish them well.

• (1320)

Mr. Peter Adams (Peterborough): Madam Speaker, I rise in support of Bill C–16, the Sahtu Dene and Metis Land Claim Settlement act.

As previous members have described, this is a claim which deals with that part of the Mackenzie Valley which involves Great Bear Lake and the area to the west and the bands that live in those areas.

I am extremely pleased to speak in support of this legislation. It is another example of the government's commitment to build partnerships with aboriginal peoples, partnerships based on mutual respect.

The resolution of native land claims is a major part of that commitment. The federal government is committed to significantly increasing the rate of land claims settlement. It has been seeking new ways to resolve impediments that slow that process down.

I would like to give members of this House some background to the Sahtu land claim agreement as an example of the claims negotiation process. I would like to describe what comprehensive claims are and provide some details of the process that is followed to successfully conclude them.

First, I will give a few highlights of the evolution of the concept of aboriginal rights in the context of land claims. Protecting lands occupied by aboriginal peoples from outside acquisition can be traced to the royal proclamation of 1763. With Confederation, Canada assumed responsibility for applying this principle.

The common law concept of aboriginal rights was addressed in 1973 in a Supreme Court case which acknowledged the existence of aboriginal title in Canadian law. Six years later in 1979 a common law test for continuing aboriginal rights was established in another federal court decision.

These two groundbreaking decisions were followed by the recognition of the central importance of the concept of aboriginal rights to aboriginal peoples in the Canadian Constitution, specifically section 35(1). In 1990 the Sparrow case tried before the Supreme Court provided the first analysis of the implication of this recognition.

All these decisions established that the exercise of aboriginal rights could be regulated by government. The court also set out strict tests which were to be applied to determine if government interference with section 35 rights was justified in specific cases. The court has also concluded that rights are unique to each aboriginal group. Given that the rights are common law and not written down their extent and nature have been the subject of considerable debate.

Before these court decisions were enacted defining the special rights of aboriginal groups within treaties had long been an important aspect of the relationship between aboriginal peoples and the crown. As well the evolution and development of the federal government's land claims policy has been closely linked to court decisions, particularly the decisions that I mentioned earlier.