

Government Orders

It is envisioned that these agreements about self-government will provide for the aboriginal First Nations a form of government somewhere between municipal government or provincial government where they will have self-government authority over the immediate day to day lives of their people and they will have a continuing relationship with the federal government.

Lest we feel that these things are all going to be done very quickly and expeditiously and that Bill C-107 suddenly outlines the path before us with sign posts that will be met one after the other, it might be wise to summarize some of the subject matter that will be open to negotiation in the first instance, in other words the scope of these negotiations.

They will involve the establishment of governing structures, internal constitutions, elections and leadership selection processes; membership; marriage; adoption and child welfare; aboriginal language, culture and religion; education; health; social services; administration and enforcement of aboriginal laws; policing; property rights; land management; natural resources management; agriculture; hunting, fishing and trapping on aboriginal lands; taxation in respect of direct taxes and property taxes of members; transfer and management of moneys and group assets; management of public works and infrastructure; housing; local transportation; licensing, regulation and operation of businesses located on aboriginal lands. Subject matters beyond those integral to aboriginal culture or strictly internal to an aboriginal group are open to negotiation.

In these instances, primary law making authority would remain with the federal or provincial governments as the case may be and would prevail in the event of a conflict with aboriginal laws.

These matters need to be understood and negotiated. They would include such things as divorce; labour and training; administration of justice issues, including matters related to the administration and enforcement of laws of other jurisdictions which might include certain criminal laws; penitentiaries and parole; environmental protection, assessment and pollution prevention; fisheries co-management; migratory birds co-management; gaming; and emergency preparedness.

The third heading is subject matters where it is essential for the federal government to retain its law making authority. These are grouped under two headings in the act: the powers related to Canadian sovereignty, defence and external relations, international diplomatic relations in foreign policy, national defence and security, security of national borders and international treaty making; immigration, naturalization and aliens; international trade, including tariffs and import-export controls.

• (1655)

Other national interest powers involve the management and regulation of the national economy, the maintenance of national law and order, the protection of health and safety of all Canadians, federal undertakings and other powers including broadcasting and telecommunications, aeronautics, navigation and shipping, maintenance of national transportation systems, postal service, the census and statistics. While law making power in these areas will not be the subject of negotiations, the federal government is prepared to consider administrative arrangements where feasible and appropriate.

The policy principles on which self-government negotiations will be based are the following: the inherent right is an existing aboriginal right under the Canadian Constitution. Self-government will be exercised within the existing Canadian Constitution. It should enhance the participation of aboriginal peoples in Canadian society. The Canadian Charter of Rights and Freedoms will apply fully to aboriginal governments as it does to other governments in Canada.

Due to federal fiscal constraints, all federal funding for self-government will be achieved through the reallocation of existing resources as outlined in the 1995 budget. Where all parties agree, rights in self-government agreements may be protected in new treaties under section 35 of the Constitution as additions to existing treaties or as part of comprehensive land claims agreements. Federal, provincial, territorial and aboriginal laws must work in harmony. Laws of overriding federal and provincial importance such as the Criminal Code will prevail and the interests of all Canadians will be taken into account as agreements are negotiated.

Members have spoken previously about respect and trust which are absolutely essential. Another essential element if Bill C-107 is going to fulfil its promise and if we are going to get land claims on the road to settlement will be patience.

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, I appreciate the opportunity to speak in support of Bill C-107, an act respecting the establishment of the British Columbia Treaty Commission.

It is important that we go back to the last Parliament when the Liberal members from eastern and western Arctic came to the House and made sure that parties on both sides of the House were fully acquainted with some of the difficulties, frustrations and road blocks that our First Nations have had over the years in trying to get some of these outstanding treaties resolved.

I can reflect back to our very first year as rookie members of Parliament. Mr. Speaker, I remember being with you and our caucus colleagues when we spent a long weekend in Iqaluit. We were all immersed in the community and the culture. Many of us