

● (2020)

There are some peculiarities in British Columbia respecting court decisions which have set some precedents, and some commissions that date back to the turn of the century. First of all, the treaty was negotiated then. At the turn of the century in 1914 a royal commission tabled certain things in the province of British Columbia which are peculiar to that province. There is also this infamous Privy Council Order No. 1036 whereby in the province of British Columbia the government, for the purpose of establishing and maintaining public works, can in fact expropriate up to one fifth or 20 per cent of Indian reserves. That is unique to the province of British Columbia.

We were all concerned about that measure, but having regard to this peculiarity it was recognized by all members in the committee that it is a landmark agreement and we should, for the moment, be happy with it as it is.

I have a particular concern about the bill. It may well behoove us to recognize the standard clause which we build into all agreements of this kind. I refer to section 17 of the agreement, which reads:

No member of the House of Commons shall be admitted to any share or part of this agreement or to any benefit arising therefrom.

I have no intention of becoming a member of the Fort Nelson Indian Band, although it would be a very lucrative proposition. What I am concerned about is that no member of the Fort Nelson Indian Band cannot in the future ever become a member of Parliament, because he would be a beneficiary forever of this agreement. It works both ways, and that is to me a very serious concern. I do not know any of my constituents who are members of the Fort Nelson Indian Band who want to challenge me for my position but, nevertheless, if he wanted to, he could not because he is a beneficiary of this bill. Hon. members should take note of that clause, and we should attempt to avoid such clauses in future bills.

I would like to outline a brief history of the agreement. There are roughly 300 members of the Fort Nelson Indian Band. They belong to about 35 to 40 families. The agreement provides for a prepayment of royalties and profits that have been taken from the reserve since the wells came into operation. At the present time there is roughly \$17 million deposited by the province in a bank account and it is drawing interest. That account has been transferred to the trusteeship of the federal minister.

The calculations over the 20-year period would indicate that there will be roughly \$100 million available to the Fort Nelson Indian Band through sharing in this resource. Each family will receive roughly \$2 million to \$2.5 million through their share. Indeed, for the moment there is no financial hardship which should inhibit my constituents in the Fort Nelson Indian Band from achieving a higher degree of respect and self-determination. In fact they have already made decisions which are in line with recommendations I have made. One of my recommendations was that there should be a corporation and an investment fund established with proper management to ensure that this

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money will be available to the present generation and future generations as well.

The Fort Nelson Indians are very happy with this particular agreement. They do not feel that they have sold their aboriginal rights, whatever they may be, which are outlined in Treaty Eight. Nevertheless, no one has ever arrived at a definition of what aboriginal title means in this particular context. The natives in Fort Nelson do not feel as though they have sold anything at this point, but that they have reached an agreement which is in line with their legitimate rights and aspirations.

I, like the parliamentary secretary, would at this point propose to the House that this bill be passed without further delay.

Mr. Jim Manly (Cowichan-Malahat-The Islands): Mr. Speaker, Bill C-26 formalizes a surrender of natural resources on an Indian reserve to the government of British Columbia. It represents a settlement that is the result of a 20-year struggle by the Fort Nelson Indian Band with the government of British Columbia to obtain a share of the revenue from the exploitation of minerals on the reserve.

The people of the Fort Nelson Indian Band, by referendum, have indicated that this settlement is acceptable to them. They want this bill to pass, because without it they would get nothing. On that basis I will vote in favour of this bill, but I will do so with misgivings because this bill represents one more piecemeal buying-off of Indian claims.

This bill does not embody the kind of settlement which other Indian bands and Indian organizations see as being necessary if they are to get out of the kind of poverty trap that some members of Parliament bewail in a ritualistic manner every so many months. People from neighbouring Indian bands at Blueberry and Doig River have said that they do not want to stand in the way of their neighbours at Fort Nelson and that they do not want to oppose this bill and prevent the settlement from going through. But at the same time they are very uneasy about what kind of precedent this bill will set. In spite of what the parliamentary secretary might say, and in spite of any clauses which may be written into this bill, it does have that kind of effect, that it is one more precedent along the lines of the very unsatisfactory James Bay agreement.

Since 1973 this government has given some recognition to at least the concept of native Indian land claims and aboriginal rights, but the highly touted office of native claims has not been successful in settling these claims. Indeed, the Indian and Inuit people of Canada see that office as a stumbling block rather than as a help in the settlement of their claims. Indian people, denied a proper recognition and settlement of their rights by this kind of bureaucratic stonewalling, are becoming frustrated. The tragic poverty of Indian people, denied their rightful place in our society and their rightful wealth as the first inhabitants of our society, leads Bands to accept settlements which are less than satisfactory, such as we have embodied in Bill C-26.