

Canada Petroleum Resources Act

Nothing in this Act abrogates or derogates from any aboriginal title, right or claim that pertained to aboriginal peoples of Canada prior to the coming into force of this Act.

If we were to interpret Clause 3 of the Bill in the broadest possible sense, in an all encompassing historical, constitutional and legal way, most of Bill C-92 would be null and void. The Government is legislating for oil and gas companies to develop these non-renewable resources on aboriginal lands where claims have not yet been settled. We call these lands frontier lands or Canada Lands, simply because it serves our own purpose.

Of course, we are told in the accompanying document entitled *Canada's Energy Frontiers: A Framework for Investment and Jobs* that Clause 3 is to be interpreted only in a very narrow way to cover one agreement that we now have in the Northwest Territories, the Committee for Original People's Entitlement, or so-called COPE agreement. That document says:

An agreement with the Committee for Original People's Entitlement (COPE) has already been concluded and enshrined in legislation. Nothing in this policy statement or proposed legislation will alter that provision of that agreement and its implementing legislation.

We are pleased with that and did not expect otherwise. Clause 3 is in Bill C-92 for no other reason than that it is a very narrow recognition clause.

To be fair to the Minister, there is some other reference and recognition of aboriginal rights in the statement to which I just referred. Let me draw those to the attention of the House. The document says:

The North is different from other frontier regions in fundamental ways. The prospective oil and gas areas are not just offshore. They are also on land, close to northern communities and within the traditional hunting and trapping areas of people with unresolved aboriginal claims.

One can see that we are making progress but only a little at a time. The document goes on to say:

Because of the complexity and far-reaching consequences of unresolved aboriginal claims, aboriginal groups must have the opportunity to participate in—discussions to ensure their rights and interests are protected.

The document which accompanied the announcement of the new frontier energy policy indicated that the frontier energy policy has been discussed with northern native groups. That statement caught my attention immediately, and when the Parliamentary Secretary spoke I waited for some information about the conclusions of those discussions. However, there was no mention of it at all.

Quite apart from other relevant issues related to energy policy, such as Canadianization, security of supply and fairness, Bill C-92 gives me grave concern because it makes no provision for the active participation of aboriginal peoples in the decision making process related to the development of non-renewable resources north of 60. It really ignores, almost completely, the impact of aboriginal rights now recognized within the Constitution of Canada. I believe that Bill C-92 underlines the fact that these constitutional rights that aboriginal peoples now possess are no more than paper rights at the moment. The Constitution is a beautiful and impressive

document which talks about aboriginal rights. But I want to know when we will yank those rights off the paper and put them into the real world in which people live. We have not even begun to do that.

A very distinguished Canadian lawyer who has worked effectively in the field of native claims made this observation:

The issues are such that they can only really be resolved to the satisfaction of all through a negotiated fair settlement which requires a political and legislative approach and solution.

That statement, I believe, draws all of us in the House into the process.

There have been positive results throughout this process. The Minister of Indian Affairs asked for a task force to review the comprehensive claims policy since the old one was out of date, inadequate and unacceptable. Although it is not yet the policy of the Government, there is a report known as the Coolican report which is very important to legislation such as Bill C-92 and the process in which we are all involved in some way. The report states:

Aboriginal groups should be entitled to negotiate decision-making participation in the management and use of land and resources within their traditional areas. The decision-making structures in which they participate should have responsibilities that go beyond a merely advisory role.

It is vital that aboriginal groups be able to negotiate decision-making powers and to explore with governments the most appropriate means of sharing responsibility.

I would like to refer to the resource revenue sharing recommendation in the Coolican report. It states:

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Economic participation by aboriginals in resource development could take a variety of forms. . . . such participation may result from aboriginal ownership of subsurface resources in certain areas. Even where aboriginals do not own the resources, however, there are other mechanisms that could facilitate their participation in the economic benefits of resource development. Such mechanisms could include a share of royalties derived through the Crown, and a share of other revenue sources such as licence, bidding, and annual fees.

None of that is in Bill C-92.

I will conclude by saying that the Minister, in introducing this new frontier energy policy, espoused for the House a principle I like very much and that is the principle of shared management. However, what the Minister meant by "shared management" was the Government of Canada, the oil and gas industry, the provinces and the territorial Governments. I have to remind her and the Parliamentary Secretary who introduced Bill C-92, that north of 60, sharing means involving another important group, perhaps the most important people who live there, namely, the aboriginal people. Their rights and their claims are paramount. If any of us are in any doubt about that, the Constitution of Canada makes it abundantly clear.

Mr. Ernie Epp (Thunder Bay—Nipigon): Mr. Speaker, I am pleased to have the opportunity to engage in debate on Bill C-92, the Canada Petroleum Resources Act. It is a very important piece of legislation designed to meet a number of objectives. It is important that we appreciate what the