

Nevertheless, the government also acknowledges that disputes will arise between the surface owners of the land and the owners of subsurface resource rights. Experience in other jurisdictions would indicate that these disputes generally involve compensation. The Yukon Surface Rights Board will deal efficiently with these disputes. The proposed board is modelled on similar, appointed institutions of government that have been used to resolve such access disputes in the western provinces for several years.

The Yukon board will have the power to resolve disputes related to both settlement and non-settlement lands throughout the territory. These disputes could be related to access or use of land, as well as compensation for such access and use. The board will also have authority to determine compensation if settlement lands are ever expropriated. Its orders will be enforceable through the Supreme Court of the Yukon Territory.

I want to assure honourable colleagues that Bill C-55 has been drafted with fairness in mind. It respects the interests of both the land owners in the Yukon and those who need to use the land. This balancing of interests was achieved, in part, through an extensive consultation process that took place over the past year. First Nations, the territorial government, the mining industry, the public and other third party interests have all provided input into Bill C-55. Many of these parties have been directly involved in drafting this legislation. This broad consultation has resulted in agreement on the principles of this bill.

Another way interests have been balanced is through the makeup of the Surface Rights Board. Under Bill C-55, the Council for Yukon Indians will have the right to nominate half the members of the Surface Rights Board, excluding the chairperson. As well, at least one member nominated by Yukon Indians will sit on any panel created by the board to deal with matters concerning settlement lands. The remainder of the board's members will be nominated by government, which will endeavour to ensure that a broad range of Yukon people have input into the important decisions that need to be made.

Honourable senators, this approach to resolving disputes was adopted with cost efficiency and effectiveness in mind. By keeping surface rights issues out of the courts as much as possible, the new board will minimize delays in development projects and avoid costly litigation. It will also encourage negotiation rather than confrontation. I also want to stress that Bill C-55 is fully consistent with the Land Claims Settlement Agreement which has been embraced by virtually all concerned parties in the Yukon.

Honourable senators, Yukoners have heard enough talk and debate about land claims and self-government. Now they want concrete action. They want economic development, a say in decision making, and reconciliation between aboriginal and non-aboriginal people. Bill C-55 will give them that and more. Our colleagues in the other chamber have given their support to this legislation. It is time for us to do our part to live up to the Crown's commitment, not only to the Yukon First Nations but to

all Yukoners and all Canadians. We can and must do this by supporting Bill C-55 at second reading.

Hon. Arthur Eric Berntson (Deputy Leader of the Opposition): Honourable senators, while I agree, for the most part, with my colleague on the other side, I do have a couple of concerns relative to Bill C-55.

The quest of native peoples for viable self-governing communities within Canada requires result-oriented government. The recognition of an inherent right to self-government would not, by itself, meet the aspirations of native peoples. It would not by itself break the dependency on welfare. It would not, by itself, end the economic crisis within the reserves. In short, it would not, by itself, solve the challenges that confront natives, nor redress historic injustices. Canadian achievements in the area of native rights have been often remarkable. With the helpful vigilance of native peoples themselves, solutions to complex questions will yield tangible results.

Bill C-55 was introduced after two other pieces of legislation, namely, the Land Claims Settlement Act and the Yukon First Nations Self-Government Act, Bills C-33 and C-34 respectively, were passed last June. Perhaps some senators will recall that when the representatives arrived here, there was some confusion related to the bills themselves and to the implicit requests to expedite the legislative process in their favour.

In any case, in early October we received a letter from the Council of Yukon Indians stating that they were very anxious to see the Yukon surface rights bill expedited through the House of Commons and the Senate process. The CYI urged Senate members to assist the process by undertaking a pre-study of the surface rights bill, thus easing its passage. They have not contacted our side since then.

Yesterday, pursuant to Standing Order No. 108(2), the House of Commons Standing Committee on Aboriginal Affairs and Northern Development, carrying out a study on the Kaska Nation land claim, received witnesses from the Kaska Tribal Council, the Ross River Dena Council and, I believe, the Liard First Nation. The members of that committee appeared perplexed by the Kaska's assertion that their land claim would be subject to prejudicial circumstances if Bill C-55 were given Royal Assent. They believed that their land claim negotiations would be put on hold if Bill C-55 were to be passed forthwith.

To illustrate the confusing circumstances before us, allow me to quote from a speech on the subject by Mr. Lyle Vanclief during third reading debate on the bill in the other place. He said:

Yukoners are virtually unanimous in wanting this bill to pass quickly.

He also said:

Yukoners want and need the certainty of the economic development opportunities that this bill and the land claims process will bring.