

Indian Reserve Minerals Revenue Sharing Act

Indians of Fort Nelson and the provincial government, and the Standing Committee on Indian Affairs and Northern Development concluded that this agreement is truly in the interests and to the advantage of the Fort Nelson Indians.

● (2010)

Therefore, I recommend that hon. members here tonight adopt this bill on third reading. The bill will provide the Indians of Fort Nelson with considerable amounts which will certainly enable them to take their interests at hand—and this is the basic objective of the Department of Indian Affairs and Northern Development—and to decide their own priorities and finance them through the revenues derived from the exploration of natural gas on their reserve.

Mr. Speaker, I am sure that my colleagues from the Progressive Conservative Party as well as from the New Democratic Party will be very brief tonight and give their approval to this bill. But I want to mention the excellent support given me by the member from Fort Nelson who supported this bill and I am convinced that such action should not go unnoticed. This is why I say this tonight.

Finally, I should like to point out simply to the House that this agreement applies only to the Fort Nelson Band and that it should not be interpreted at any time by anyone as creating a prejudice as far as the interpretation of native rights in this country is concerned. We ask you to ratify a very specific project, and this bill should not be perceived nor understood as having a wider scope. This is an agreement between the Fort Nelson Band and the government of British Columbia, the band being represented by the Government of Canada. This is why I want to repeat in a very formal way to native associations of the country that if we are fostering this project, if we are encouraging this kind of negotiation between a band and the different levels of government, it remains that it expresses the wish, the will of Fort Nelson Indians, a will which we respect and a behaviour for which we should congratulate them, considering the excellent results that agreement will have for each and every citizen in Fort Nelson.

[English]

Mr. F. Oberle (Prince George-Peace River): Mr. Speaker, I wish to echo the remarks of the parliamentary secretary. I would be remiss if I did not stand in my place tonight and express some appreciation on behalf of my constituents regarding the manner and the expediency with which this bill proceeded through the House, the co-operation of all parties, and indeed the work of the committee. I want to return a compliment to the parliamentary secretary who can take some credit for the manner in which this bill was handled, for giving recognition to the members of the Fort Nelson Indian Band and their solicitors and for producing for the committee and its consideration a bill which was well thought out and an argument which left no doubt.

Some very serious reservations were expressed before committee by some Indian groups, particularly the National

Indian Brotherhood and the Union of British Columbia Indian Chiefs. Indeed, I have had some concerns as well which bothered me throughout the negotiations that were carried on for a period of about five years. These were concerns respecting the implications that this agreement would have on the general idea of claims negotiations particularly in the province of British Columbia where, as all members know, the concept of aboriginal rights or special rights for native people has not yet been accepted. Of course we were all concerned that the claim, as it had been negotiated between the band and the provincial government, in some way could prejudice other claims that were being considered, indeed one particular claim before the courts in British Columbia, namely, that involving the former Fort St. John or Montney Band, now known as the Doig and the Blueberry Bands.

Because of the nature of the agreement and the fact that indeed it is the first time the province of British Columbia has come to the bargaining table and accepted in some way the concept of special rights for native people, all committee members agreed it was important that this bill should proceed in a manner which would not prejudice or injure in some way the agreement reached between the province and the Fort Nelson Indian Band.

The concerns raised by the National Indian Brotherhood, my concerns, and indeed those of the chiefs of the Fort Nelson Indian Band and their lawyers were particularly regarding the ownership of the resource. The agreement, as it is written, indicated that the province of British Columbia agreed to share 50-50 with the Indians in Fort Nelson the revenues or profits derived from the harvest of natural gas from three particular valves which are on the reserve. So, the province agreed to share with the band. In the view of the National Indian Brotherhood, it would have preferred if the agreement had read that the Indians were sharing with the province, in other words, vesting the ownership of the resource with the Indians. As we all know, it would not have been possible to negotiate an agreement of this kind with British Columbia which as I said earlier has not yet accepted the concept of aboriginal rights or title.

Also there was the question of arbitration procedures which involved the trusteeship of the federal minister. If something should go wrong with the agreement—and indeed that is the case with the James Bay agreement—the Indians in Fort Nelson could not initiate by themselves any arbitration proceedings. The federal minister or the trustee would have to do that on their behalf. I do not want to be unkind to this particular minister, but all his predecessors were equally guilty. The trusteeship, particularly in the case of native people in British Columbia, has not been a very honourable one. After all, if we look at the fact that this is the first agreement of its kind in British Columbia, it says very little for the trustee who is responsible for assuring that the legitimate rights of native people throughout our country are being respected and recognized. Certainly that is not true in British Columbia, nor is it true in any other part of the country at this point.