(Motion agreed to, bill read the third time and passed.)

* * *

[*English*]

BRITISH COLUMBIA TREATY COMMISSION ACT

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.) moved that Bill C–107, an act respecting the establishment of the British Columbia Treaty Commission, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to rise in my place today to begin debate on second reading of Bill C–107, an act respecting the establishment of the British Columbia Treaty Commission.

The legislation confirms Canada's obligations under the B.C. Treaty Commission agreement signed in September 1992 by the Government of Canada, the Government of British Columbia and the First Nations Summit. It is an obligation we have inherited from the previous government, but its aims and objectives lie close to the heart of this government.

Our government is committed to building new partnerships with aboriginal people based on trust and mutual respect. In the 1993 election we addressed aboriginal issues in the red book. We stated what a Liberal government would do.

In the red book we stated that our goal was: a Canada where aboriginal people would enjoy a standard of living and quality of life and opportunity equal to those other Canadians; a Canada where First Nations, Inuit and Metis people would live self–reliantly, secure in the knowledge of who they are as unique peoples; a Canada where all Canadians would be enriched by aboriginal cultures and would be committed to the fair sharing of the potential of our nation; and a Canada where aboriginal people would have the positive option to live and work wherever they chose. Perhaps most important, the red book set out our goal for Canada where aboriginal children would grow up in secure families and healthy communities with the opportunity to take their full place in Canada.

● (1610)

As a result, we also said that the resolution of land claims would be a priority. That is our vision and we have been moving step by step to bring it alive. In two years we have already made considerable progress. On August 10, I and my colleague, the federal interlocutor for Metis and non–status Indians, announced the government's approach to the implementation of the inherent right of aboriginal self–government.

We have fostered greater economic development opportunities for aboriginal communities through co–management agreements and support for business ventures. We have committed an additional $20 million annually to the Indian and Inuit post–secondary student support program. We have settled some 44 specific claims and have seen five comprehensive claims come into effect. By any measure we have achieved a great deal in living up to the commitments we made to the people of Canada in the red book.

Perhaps the most complex challenge is the one that the legislation before us addresses: treaty making in British Columbia. I would like to remind the House that British Columbia is unique in Canada in that the process of signing treaties has never been completed. Only a handful of treaties were signed in the pre–Confederation period. They cover parts of Vancouver Island. In 1899 Treaty No. 8 was signed with the First Nations in the Peace River area in northeastern B.C. However, in the rest of the province the issue of aboriginal rights remains largely unresolved.

The First Nations have wanted to resolve these issues. Repeatedly they have pressed for treaties, but only until this decade did the provincial government have the willingness to negotiate. It maintained previously that there was no need to negotiate. It said that whatever rights to land and resources the aboriginal people may have once had were extinguished long ago. The result was decades of legal acrimony. The First Nations sought settlement through the courts of what they had been unable to achieve through the negotiation process.

In 1973 the Supreme Court of Canada was asked whether aboriginal title to the Nisga'a traditional territory had been extinguished. It was the Calder case. The six judges were evenly split on the question. The Government of Canada then adopted a policy to enter into negotiations to resolve comprehensive claims.

The courts for their part have expressed repeatedly and in the strongest terms that the issues brought before them ought to be settled at the negotiation table, not before the bar. They should be settled through negotiation, not litigation.

In the case of Delgamuukw v. Her Majesty for example, Judge Macfarlane wrote:

> Treaty making is the best way to respect Indian rights—.The questions of what aboriginal rights exist—cannot be decided in this case, and are ripe for negotiation.

The learned judge went on to observe:

> During the course of these proceedings, it became apparent that there are two schools of thought.
>
> The first is an all or nothing approach, which says that the Indian nations were here first, that they have exclusive ownership and control of all the land and resources and may deal with them as they see fit.
>
> The second is a co–existence approach, which says that the Indian interest and other interests can co–exist to a large extent, and that consultation and reconciliation is the process by which the Indian culture can be preserved and by which other Canadians may be assured that their interests, developed over 125 years of nationhood, can also be respected—. I favour the second approach.