

*Statements by Ministers*

I therefore turn my attention to third parties and the public interest. They both fall squarely under the umbrella of Crown right and they have yet to be defined and determined. They are not at this moment, as the new policy states, legitimate. They are still indeterminate and must be clearly defined. To sum up, it is not the Government's right to determine just how benevolent it is prepared to be in the settlement of aboriginal claims. The Crown's right is in question and in doubt. It is up to the claimant groups, as much as it is up to the Government, to determine just how generous they will be with us.

I submit that all the high cards are not in our hands. The Government says it prefers negotiations to litigation. No wonder. I believe there is an underlying fear, suspicion and concern that the case for aboriginal title is exceedingly strong and if we proceed to litigation we may learn that fact in ways unacceptable to the Government of Canada. I say to the Minister that I, too, prefer negotiation, but I say to the Government: Stop pretending that you are the big guy on the block because you are not.

I turn very briefly to the question of self-government which is referred to on page nine of the policy. At first glance it seems there is a willingness on the part of the Government to negotiate aboriginal self-government within the agreement. However, I see a lure on this fish-hook. It is this. The Minister says to the aboriginal claimant groups, "Do not let yourselves become beguiled into thinking that self-government provisions are going to become constitutionally entrenched." That will not happen, he says. He is thus declaring that there will be no bottom up approach to aboriginal self-government being entrenched in the Constitution of Canada. The Constitution now allows for that to happen. The Minister says it will not happen. He is saying to the provinces that they will continue to have a very big voice and that we will only proceed by way of the top down approach. I think that has to be looked at and challenged another time.

There are other matters I wish to raise with the Minister, Sir, but you are signalling that my time is up. I just want to say that the Minister must do more to protect implementation, and on another occasion, in another forum, I will elaborate on that. In conclusion, there is goodwill and co-operation on this side of the House. We, too, want these negotiations to be settled in an equitable, fair and just way for the aboriginal claimant groups of the country.

• (1120)

**Mr. John Parry (Kenora—Rainy River):** Mr. Speaker, it is my pleasure to rise and declare the broad agreement of my Party with the principle of the comprehensive land claims policy tabled by the Minister in Parliament this morning. At the same time, I must also state a profound dissatisfaction with what I see as the vagueness and inadequacy of the Minister's statement.

It is one year since the Coolican Report was presented to the Minister's predecessor. One year is surely too long for the production of such a document as we have seen today. It is

surely too long for the sort of vague, over-all endorsement of the Coolican Report which the Minister's statement has provided. After one year the Government has at least acknowledged favourably the four main principles of the Coolican Report, those being that self-government is a major concern of the Indian and Inuit people in the claims areas, that the rights of aboriginal people should not be extinguished, that there should be aboriginal participation in resource management, and that there must be a benefit from the royalties derived from the exploitation of non-renewable resources.

Unfortunately, many aboriginal people will be somewhat disappointed and disturbed by the apparent overcoming of the concerns of the Coolican Report by the legal reservations of the Department of Justice through the framing of terminology. Nevertheless, I believe that the two alternatives given provide adequate recognition of the desire of aboriginal people not to see the formal and final extinguishment of their aboriginal rights. The Minister has clearly recognized the right of aboriginal people to stewardship over the resources of which they are and will continue to be until the time of a settlement the true owners and inheritors.

A commitment has been made in this presentation. However, it will be judged by the keeping rather than the pledging. I believe that we have seen today the removal of obstacles to the Dene, CYI and TFN claims. I am glad that by recognizing that a royalty right exists for the whole area rather than simply the retained lands, we will at last have a refutation of the maxim of John Paul Getty that the meek shall inherit the earth, but not the mineral rights thereof.

The language of the assignment of these rights is unfortunate. The language in which self-government is discussed is also unfortunate. I believe that self-government is entrenched in the Cree Naskapi Act. If that is in place for those communities, why not for the communities which will be affected by this policy?

I know that the Minister does not believe that all problems will be solved by this policy. I am glad that he has frankly acknowledged the problems of convincing the Government of British Columbia to deal fairly and realistically with the native people of that province, recognizing history and jurisprudence. The time strictures given in the policy remain to be proven. The lack of a detailed policy manual and an individual mandate for federal negotiators indicates that we have today seen only the first third of this process. The negotiation process will not be judged by what is said here today, but rather by what is done, by history. I, therefore, charge the Government to examine the record with regard to the James Bay Treaty, the Cree Naskapi Act, and to ensure that some of the problems encountered there are not encountered with settlements to be made under this new policy.

Unfortunately, there was no statement on the expansion of the short list of six claims to be negotiated at one time. There is no new commitment by the Government on the funding and resourcing of negotiations. This calls into question the negotiating process because, above all, the people of Canada