

*Government Orders*

(a) The agreement will be between the Government of Canada represented by the Minister of the Environment and the Council of the Haïda Nation represented by its vice-president.

(b) The document contains parallel statements which set out the Haïda and Government of Canada's divergent positions regarding sovereignty, title and ownership to the land included within the national park reserve, as well as the definition, i.e., citizenship of those Haïda to whom the agreement will apply.

By way of explanation, under their definition, the Haïda Nation includes persons of Haïda ancestry living in the United States, whereas Canada maintains that its responsibility under the agreement can only be for those Haïda to whom subsection 35(1) of the Constitution Act, 1982 applies.

(c) The parties agree that long-term protective measures are essential to safeguard the area and that the highest standards of protection should be applied. The parties also agree to contribute to the continuity of Haïda culture.

(d) An archipelago management board will be set up to examine all initiatives and undertakings relating to park reserve planning, operation and management. The board will have equal representation by Canada and the Haïda, and will be co-chaired. The board will operate on a consensus basis.

(e) The Haïda will continue specified cultural and traditional renewable resource harvesting activities with few exceptions, e.g., trees for ceremonial or artistic purposes intended for public display; resource harvesting will be on a non-commercial basis.

The National Parks Act will be amended by this bill to permit these activities by authorizing the Governor in Council to enact appropriate regulations following review by the archipelago management board in accordance with the consensus decision-making process.

(f) There is an explicit statement that the agreement shall not constitute a land claims agreement or treaty within the meaning of section 35 of the Constitution Act, 1982, nor shall it be construed as creating, affirming, recognizing or denying any aboriginal or treaty right.

Also it is stated that: "Nothing in the agreement shall fetter or limit, or be deemed to fetter or limit, in any manner the rights, jurisdiction, authority, obligations or responsibilities of either party or their representatives, except to the extent of the requirement that all reasonable efforts must have been made to reach consensus".

(g) Commitments are made to encourage Haïda employment with the Canadian Parks Service and other economic opportunities associated with the national park reserve.

(h) There is a commitment to negotiate a further agreement with the Haïda for the national marine park reserve before it is established.

When this agreement was accepted in principle by the Haïda Nation through their referendum two years ago, co-operation between the Canadian Parks Service and the Haïda began on the ground. A contract is in place with the Council of the Haïda Nation for the operation of an interim archipelago management board to deal with priority issues until the agreement actually comes into force.

However, real authorities are extremely limited in the absence of legislation and the Haïda remain cautious about the nature of formal relations in the absence of a signed agreement.

In conclusion, the proposed amendments to the National Parks Act would provide for setting aside lands in the Gwaii Haanas archipelago as a reserve for a national park; enable the Governor in Council to authorize the Minister of the Environment to sign an agreement with the Council of the Haïda Nation respecting the management and operation of the park reserve; provide authorities required to implement the agreement as it relates to traditional renewable resource harvesting and Haïda cultural practices; and in addition, implement provisions of the 1986 Cree Band of Fort Chipewyan Specific Land Claim which affects Wood Buffalo National Park, by establishing a wildlife advisory board with authority to propose regulations within the band's traditional hunting grounds and excising an existing community from the park for an Indian reserve.

As I mentioned earlier, both the Gwaii Haanas and Wood Buffalo proposals reflect partnerships with aboriginal peoples.