

Government Orders

The question of whether treaty land rights persist north of the 60th parallel has been raised before the Federal Court in both a Saskatchewan case last autumn and another case on appeal this year. The Federal Court has found that those treaty rights to land do not persist north of the 60th parallel.

The TFN final agreement specifies that it does not affect in any way aboriginal or treaty rights that may persist, that these bands might have. In addition the agreement has provisions that protect hunting activities, cabin sites, archaeological sites, and other traditional uses that can be demonstrated by proper historical research by any of these parties.

It is for this reason that negotiations first commenced between the Tungavik Federation of Nunavut and the Dene of the northern parts of the provinces. That goes back to 1985. In fact the hon. member may know that an agreement was reached in 1986 by the negotiators for both parties.

Therefore, it is not correct to suggest that this was left to the last minute or that the government has been unaware or inflexible on this issue. We have attempted to bring the parties together to come to an agreement on how this question might be resolved in the future.

Apparently the parties did not ratify the agreement reached in 1986 but there have been ongoing discussions. The member says he became aware of the problem in 1988. In 1990 when we signed the agreement in principle, I was not approached or made aware of any residual difficulty.

It has always been my view however where the beneficiary of a comprehensive land claim has an unresolved dispute with a neighbouring first nation or people, it is desirable but not essential that those disputes be resolved before the land claim is settled to the benefit of the beneficiary party.

I am delighted that as recently as this week an understanding has been reached by way of the letter the hon. member says he has tabled. As well the department of Indian affairs is providing \$75,000 in financial support to the Dene of northern Saskatchewan to further their case before the courts. I wish them well. I am confident, as some of us have observed, the conclusion of the TFN land claim agreement and the Nunavut accord will give

them a stronger case from which to maximize their rights and interests in the TFN settlement area.

• (1450)

Mr. Funk: Mr. Chairman, I thank the minister for his remarks. I had hoped he might come to the same position as the TFN did a few days ago, but perhaps that was unrealistic.

I would also like to make one small correction to his remarks. The court finding, at least in the case of the Saskatchewan Dene, did not rule on questions of substance but rather of process. The court case had to do with an application for injunction to stop the plebiscite from moving forward. The court found that holding the plebiscite did not in itself jeopardize the position of the Dene. At the same time the court said there were questions of substance that needed to be addressed.

The agreement of 1985-86 to which the minister referred was between the Manitoba Dene people and not the Saskatchewan Dene people. I just want that to be correct on the record.

I would also like to table with the House the recent and current land use study which supports the contention that land use and occupancy do occur in the Nunavut territory on a current and ongoing basis.

I have a final question for the minister. As he is aware several weeks ago in Fond du Lac there were hearings of the Indian claims commission chaired by Harry Laforme respecting the the treaty right question. That commission has not said precisely when it might be ruling. Obviously it was not in time for this process; perhaps it will be by the end of the summer.

Will the minister commit the government to accepting the recommendations of that commission? What attitude will the Government of Canada have toward that commission? Being a new commission, there are no precedents on how the Government of Canada will treat recommendations from that particular commission?

The Deputy Chairman: Before I recognize the minister, does the hon. member have consent to table the document?

Some hon. members: Agreed.

The Deputy Chairman: Agreed and so ordered.