

James Bay Power Project

northern part of our country? Other speakers will deal extensively with the rights of the natives, but may I point out to the House that the minister is obligated by law to protect the rights of the natives in this area.

• (1430)

I have a copy of the Quebec Boundaries Extension Act of 1912 which I understand is still in effect. It extended the boundaries of the province of Quebec to the north. This addition to the province included the Eastmain River and the area north of the Eastmain River. Part of this addition is within the project area. May I quote from this act which is entitled the Quebec Boundaries Extension Act, 1912. I quote the first part of the second section as follows:

The limits of the province of Quebec are hereby increased so that the boundaries thereof shall include, in addition to the present territory of the said province, the territory bounded and described as follows:— Commencing at the point at the mouth of Eastmain River where it empties into James Bay, the said point being the western termination of the northern boundary of the province of Quebec as established by chapter 3 of the statutes of 1898, intituled *An Act respecting the north-western, northern and north-eastern boundaries of the province of Quebec*; thence northerly and easterly along the shores of Hudson Bay and Hudson Strait—

There is more to the section but it does not apply to the point I am making. This indicates that part of the James Bay project comes under this treaty.

Another part of the section indicates that as a condition of the extension of the boundaries, the government of Quebec is required to do certain things. Let me go a little further and read section 2(c) and (d). Section 2(c) provides:

That the province of Quebec will recognize the rights of the Indian inhabitants in the territory above described to the same extent, and will obtain surrenders of such rights in the same manner, as the Government of Canada has heretofore recognized such rights and has obtained surrender thereof, and the said province shall bear and satisfy all charges and expenditure in connection with or arising out of such surrenders—

Section 2(d) provides:

That no such surrender shall be made or obtained except with the approval of the Governor in Council—

Where does this leave the federal department of Indian affairs as far as this addition to the province of Quebec, which took place in 1912, is concerned? I suggest it means that before any of these lands can be taken away from the natives by the government, the province must obtain from the natives who live in the area the surrender of their rights.

I ask the Minister of Indian Affairs and Northern Development (Mr. Chrétien) this question and perhaps he will answer it when he speaks later in the debate: Has an agreement been made between the natives and the province of Quebec that the natives shall surrender their rights? If it has not, I suggest in all humility—I am not a lawyer—that it is illegal for a province to say it will move into an area and take away certain rights from the people who live there. If there has been a breach of the law in this regard, I ask the minister and those responsible in the federal government what they are doing about it. Are they protecting the rights of the 7,000 native Indians who live in the James Bay area?

[Mr. Harding.]

I have here a number of newspaper and other articles written about the project. These people have come to the Minister of Indian Affairs and Northern Development for help but they have received nothing.

Mr. Chrétien: That is not true.

Mr. Harding: They are asking the minister to fight their case if necessary before the courts of this land in order to protect the rights of our native peoples who have been guaranteed rights under an act passed by the Parliament of Canada.

Mr. Chrétien: When have they done that?

Mr. Harding: I understand the minister has been approached.

Mr. Chrétien: Mr. Speaker, may I have permission to ask the hon. member a question? The hon. member has made a very direct allegation and I should like to know the date when the Indians asked the Minister of Indian Affairs to take part in this fight. He said it was made officially and I would like him to be precise.

Mr. Nielsen: July of 1971—and I will get to that later.

Mr. Harding: I do not have the specific letter before me—

Mr. Chrétien: If you don't have it, don't talk about it.

Mr. Harding: —but time and time again questions have been asked of the minister in the House and he has not answered. We have had numerous reports, including a lengthy report from the James Bay Committee, which indicate that the department has been approached, but these people have received no affirmative reply from the minister.

Mr. Chrétien: That is not true.

Mr. Harding: Whether or not they have approached the minister, the fact is that this is the law of Canada.

Mr. Chrétien: Skate away.

Mr. Harding: This is the law of Canada.

The Acting Speaker (Mr. Boulanger): Order, please. I remind hon. members that this is likely to be a long debate. We began the debate in a very cool and calm manner. I suggest we allow the hon. member who has the floor to speak and be heard by the Chair.

Mr. Harding: Thank you, Mr. Speaker. It was not my intention to irritate the minister, but we expect answers to these questions and we expect them today. We hope that beneficial results will flow from this debate. We have had a series of environmental problems throughout the country over the past few years, some of which have been rather tragic as far as environmental effects are concerned. We have had for some time a number of federal measures on the statute books. Some of them were referred to by the previous speaker. We have the Canada Water Act and the Fisheries Act; and, of course, the