



Indian and Northern Affairs Minister Judd Buchanan.

sive claims arise – not to block development.

At the same time, no land-claims settlement is going to solve all the problems of the native people, nor wipe out their dependence upon the larger society overnight. The experience in southern Canada suggests that problems persist even in situations where Indian people possess important land holdings and other substantial assets. This is why negotiated land-claims settlement must be viewed in the context of other policies and programs, pursued by governments concerned, that open economic opportunities for the native people, encourage them to develop their own social and cultural institutions, and provide facilities for education and training, managerial and administrative experience. The continuation of such policies is envisaged in the James Bay agreement.

All these policies are part of a conviction that the native people of Canada can and will find their own place and way in Canadian society, without giving up cultural values which they wish to preserve. This is why the Federal Government has sought in the James Bay situation to achieve a coordinated, co-operative settlement with the Indian and Inuit people concerned and involving the provincial government. Native people in all parts of Canada must have their place and role in the society where they belong, in the economy of the province where they reside.

Shared responsibility

The Government's policy and action in relation to the James Bay settlement is reflected in its continuing efforts in other provinces and territories where comprehensive claims have arisen. Through the James Bay agreement the governments concerned at federal and provincial level have accepted a share of the responsibility for ensuring a just settlement. They now assume a full commitment to work co-operatively with the Indian and Inuit people concerned until that responsibility has been fully discharged.

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The Government has for some time recognized that in each area the comprehensive land claims raise particular questions, in some cases unique ones, deriving from the situation in that area; and that such variations should and would be reflected in the Government's position on claims settlement. At the same time there is bound to be, as there should be for the sake of fundamental equity, threads of commonality in the components of settlement.

It is for emphasis here that while the James Bay agreement is not regarded by the Government as an exact precedent for negotiated settlements in other areas – any more than the Alaska settlement has been for James Bay – the solution to the James Bay issues flows from Canadian experience in these matters, including the Federal

Government's policy on comprehensive claims, and does provide broad lines of approach. In that sense it will have influence on negotiations now under way, or envisaged shortly, concerning comprehensive claims in other parts of Canada.

Legal claims invited

The Government is prepared to be sensitive, flexible and imaginative in its response to legitimate native proposals. As it has done in the case of James Bay, the Government wishes to hear from native claimants in other areas specific suggestions and proposals for the satisfactory settlement of their comprehensive claims. The possibilities for ensuring that result will be fully explored, painstakingly and patiently, through examination of concrete measures.

The Federal Government bears the main brunt of the anxiety and irritation of which is frequently expressed by the Indian and Inuit people about their land claims. It has constitutional responsibility for their well-being founded in provisions of the British North America Act of 1867. It is on that foundation that the Federal Government has shaped its special relationship with the Indian and Inuit people. It is a dynamic relationship that continues to be reinforced today through negotiated agreements which are mutually satisfactory.

Role of Federal Government in James Bay development project

The Quebec Boundaries Extension Act of 1912 extended the northern Quebec boundary of that time (East-main River) to its present limits with the proviso that the Quebec government recognize the rights of native people in this territory "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 expenditures in connection with or arising out of such surrenders...."

With the major exceptions of Indian reserves and national parks, the Federal Government has no constitutional authority under the British North America Act over the lands and resources of any province and cannot,

generally speaking, pass legislation which would be contrary to provincial options in the area of resource development.

When it became apparent that resource development in the James Bay area was about to take place, native people, determined to safeguard their rights, appealed to the Federal Government for support.

The Federal Government's interest and efforts in the James Bay Development Project since its inception have been directed toward attaining a just and equitable settlement for native people in the area; getting the involved parties to the negotiating table; and providing the requested financial and other forms of support to Quebec native people in their fight for recognition of their rights.