

The Grand Council of the Crees described recent negotiations leading to a proposed Cree-Naskapi Act, as a follow-up to the James Bay and Northern Quebec Agreement. They emphasized the importance of this legislation to Cree self-government, but stressed that the draft represents "Cree aspirations and the Cree position". (Special 29:57) There was no implication that this legislation should be a model. On the contrary, they made it clear that they explicitly rejected departmental assumptions that this proposal would be used as a model for self-government legislation, although other Indian First Nations would be free to adopt appropriate elements:

There has been a tendency on certain occasions during the discussions to make reference to the application of what we are talking about to other areas, other bands, and the problems that would entail: the precedents being set, the difficulties faced by the Department if the same regimes, the same rights, the same structures were applied elsewhere. We have been, I think, very consistent on that in reminding the Department that this is special legislation being enacted in virtue of section 9 of the James Bay and Northern Quebec Agreement. That is what it is. It is not amendments to the *Indian Act*. It should have no direct impact on other Indian people. (Special 29:86)

The Committee also had before it several proposals for a series of subject acts—for example, an Indian Education Act, an Indian Child Welfare Act, and an Indian Corporations Act. On a national basis, this approach would require passage of numerous pieces of complex legislation. The resulting legal framework might be too restrictive to meet the diverse needs of Indian First Nations. While acknowledging that they could be useful guidelines for Indian First Nations developing legal codes, the Committee rejects the use of a series of subject acts as the basis for Indian self-government.

The Committee supports the objectives of all these bands and organizations and recognizes that their different approaches represent specific ways to escape from unsatisfactory current situations. Their efforts showed the potential for innovative solutions designed to meet specific needs. Within the approach suggested by the Committee, all such proposals could form the basis of new arrangements for these groups.

**6. The Committee is convinced that any legislation that could apply generally must offer a framework flexible enough to accommodate the full range of governmental arrangements that are being sought by Indian First Nations.**

#### *Is Legislation Necessary or Useful?*

Many witnesses opposed any legislation prior to the recognition of self-government and/or the settlement of land claims or treaty matters, believing that such legislation would be restrictive rather than expansive. The Committee recognizes the validity of these concerns and has taken them into account in proposing legislation as an important part of the process of federal recognition of Indian governments in Canada and, ultimately, of constitutional entrenchment.

A broad framework of general principles would appear to be the only model that would both permit consensus to be achieved and be flexible enough to accommodate a great diversity of arrangements, ranging from those set out by the Sechelt Band to those based on traditional laws and customs. Not only would Indian self-government be enhanced, but the spe-