

James Bay Agreement

Hon. Members of the Official Opposition as well as my colleagues in the New Democratic Party for agreeing to passage of this Bill through all three stages today. I believe it is an excellent example of non-partisanship that all three Parties are equally concerned with the passage of this Bill, and each Party is supporting it with equal enthusiasm.

I am extremely pleased to be able to address this House on matters pertaining to Bill C-46, which has been more commonly known as the Cree-Naskapi Act. As most Members of this House are aware, the legislation concerns the assumption of the authority and responsibility by the Cree and Naskapi of Quebec for their own forms of local government. This legislation is the end result of the work of many dedicated people. I speak of those representatives of the Cree and Naskapi and those representing Canada who have steadfastly worked toward consensus in the matter of self-government for these Indian peoples.

It is nice to see in the galleries of the House today the Grand Chief of the Cree tribe, Billy Diamond. He and his people have worked strenuously and hard over many years. This is our way of showing we are backing their leadership.

Some Hon. Members: Hear, hear!

Mr. Munro (Hamilton East): Working in concert, over a long period of time, they have fashioned together a resolution to the myriad problems surrounding such a complex subject. The thoroughness of the discussions and negotiations and the reasonable approach taken to the solution of divergent views were in the very best tradition of the democratic process.

When the James Bay and Northern Quebec Agreement and the Northeastern Quebec Agreement were signed, there was an obligation placed on the Government to recommend to Parliament special legislation relating to local government and lands administration on the lands held by Canada for the use and benefit of the Cree and Naskapi. Indian self-government, over the past few years, has been a subject in which I have taken a very special interest. The way of the future, I am convinced, is for Indian Nations to have increasing control over their own affairs. I would like to continue my review of this proposed Act with this interest in mind. In negotiation respecting the Cree-Naskapi Act, self-government was a central theme, indeed central to all discussions and negotiations that have taken place since the signing of the agreements.

The Grand Council of the Crees have described negotiations leading to the proposed Cree-Naskapi Act as a follow-up to the James Bay and Northern Quebec Agreement. They have emphasized the importance of this legislation to Cree self-government. There was no implication that this legislation should be a mode. On the contrary, they have made it clear they explicitly rejected assumptions that this proposal would be used as a model for self-government legislation, although other Indian Nations would, of course, be free to adopt appropriate elements. These views were recorded in the special committee report on Indian self-government in Canada.

The federal response to the parliamentary committee's report made reference to the Cree-Naskapi Act this way, and I quote:

In accordance with the principle of flexible accommodation of different government arrangements, the federal Government is moving ahead with the Cree-Naskapi legislation pursuant to the terms of the James Bay and Northern Quebec and Northeastern Quebec Agreements.

The nature and scope of the legislation has been largely pre-determined by the Agreements. In addition to the provision and establishment of local self-government, the Agreements provided these groups with specified land rights; hunting, fishing and trapping rights; establishment of native-controlled health and education authorities; measures relating to policing and administration of justice; continuing federal benefits; and cash compensation.

As Hon. Members will have noted, the contents of the Bill are designed to provide and to ensure both a legal and financial basis for the Cree and Naskapi assuming authority and responsibility for their own forms of self-government. The legislation is so written as to take into consideration the special and distinct needs and aspirations of these particular groups of Indian people.

I would like to address, for a moment or two, some of the aspects of the legislation. Perhaps the most important objective of the Indian people is the recognition and protection of their rights through constitutional provisions. The rights of the Cree and Naskapi obtained from the Agreements, many of which are repeated in the Cree-Naskapi Act, are given such protection by Section 35 of the Constitution Act, 1982.

Second, the Cree and Naskapi bands will have full powers of local government so they can govern their land in the way which they consider best for them.

Third, the role of the Minister of Indian Affairs will be drastically reduced in the supervision of local government as it exists in the Indian Act. My role as Minister is to be responsible to Parliament for the legislation in that I must affirm that the provisions of the Act are being met with respect to the role of band governments as the first level of authority over its members, and the requirement of the band governments to act in a responsible manner for and to their members. In speaking of this, the special committee recommended that the legal capacity of Indian governments be clarified so that they may operate within their own spheres of jurisdiction, interact with other governments, make contracts, and take legal action. Bill C-46 has provided for this by giving the bands status as legal corporations.

Issues such as land base, ownership of natural resources, both renewable and non-renewable, access to lands, and the application of certain specific provincial laws are part of the agreements and are incorporated into this new legislation. These differ somewhat from the aims and desires of other Indian nations but it must be realized that co-operation with the provinces is an essential requirement for effective Indian government.

Regarding the funding to support the proposed Act, I will mention the establishment of accounting criteria to be met by