

valid certain agreements between the Grand Council of the Crees (of Quebec), the Northern Quebec Inuit Association, the Government of Quebec, la Société de la Baie James, la Société de développement de la Baie James, la Commission hydro-électrique de Québec and the Government of Canada and certain other related agreements to which the Government of Canada is a party".—(*Honourable Senator Petten*).

Senator Petten: Honourable senators, when I adjourned this debate it was my understanding that certain other honourable senators wished to take part in it. Since no one has come forward to indicate he or she wishes to do so, I now yield to Senator Bourget.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Maurice Bourget: Honourable senators—

The Hon. the Speaker: Honourable senators, I wish to inform the Senate that if the Honourable Senator Bourget speaks now, his speech will have the effect of closing the debate on the motion for the second reading of this bill.

[*Translation*]

Senator Maurice Bourget: Honourable senators, I am sorry Senator Adams is not here, but I hope he has the opportunity, either in committee or on third reading, to make the comments he intended to make on this bill.

First, I want to thank Senator Asselin for his interesting remarks and also to tell him he proved once again to be a skilled debater.

During his speech Senator Asselin raised several points on which I would like to comment briefly tonight. He said first that the federal government chose to let the native people fight alone and, at that time, not to take any action. To this I want to say that this government, through its policy statement of 1973, was the first formally to recognize the Indians' rights of usufruct in some parts of Canada. The James Bay and Northern Quebec Agreement is the first comprehensive settlement of our times.

Moreover, I want to add that the then minister, the Hon. Jean Chrétien, said that his position had not been one of neutrality, but of participation. He met several times with the Quebec Premier to convince him of the need to negotiate a settlement with the Indians. We must also remember that the federal government gave financial assistance to the Crees and the Inuit when they took their case to court. If the Indians initiated legal proceedings, it was at their own explicit request.

In addition, in July 1973, the Minister of Indian Affairs and Northern Development suggested to the Quebec government several clauses to be included in the agreement and which, in fact, appeared in the offer made by Premier Bourassa in January 1974. From May 1974, officials from the Department of Indian Affairs and Northern Development took part in the negotiations on a regular basis until the agreement was signed on November 11, 1975.

The signing of the James Bay Agreement does not mean a transfer of responsibilities as provided for in section 91 of our Constitution. According to the agreement, the federal government will have jurisdiction over lands classified 1A and the Crees and the Inuit living on the territory will still get the same programs and the same services as the other native people of Canada. Some of the benefits granted to the Crees and related to local administration and to the land are not included in the present Indian Act; that is why the federal government intends to present later on to Parliament a new federal legislation on lands classified 1A.

The agreement also increases provincial responsibility towards the native population as well as a greater control by the natives over their own affairs. Greater participation of the provinces in Indian affairs should be taken as a positive attitude and should in no way be considered as a breach of federal responsibilities.

[*English*]

With respect to native third parties not signatory to the agreement, I would like to put into proper perspective certain comments which have been made throughout the debate on Bill C-9. There are at present 12,600 natives residing within the territory covered by the James Bay and Northern Quebec Agreement. Of that number, 11,400 are signatories to the agreement if we include the Naskapis of Schefferville who are on the verge, as you know, of concluding an agreement.

Testimony before the standing committee of the other house has shown that other non-signatories living outside the territory, for example, the Inuit of Labrador, have only peripheral interest in it. In fact, it could probably be said that any interest of non-signatories in the lands concerned would not cover more than 10 per cent of the territory. Keeping this in mind, I would like to repeat certain comments which I made earlier in this debate.

In signing the James Bay and Northern Quebec Agreement the federal government recognizes that certain other native groups might have some interest in the territory. Consequently, Canada insisted on the inclusion of paragraph 2.14 to protect their potential rights. In the opinion of the federal Department of Justice, expressed before the Standing Committee on Indian Affairs and Northern Development, this undertaking by Quebec to negotiate with those natives, constitutes a legal obligation on the province. If Quebec fails to meet this obligation—which I do not believe will be the case—I would like to remind honourable senators that the Minister of Indian Affairs has said that Canada will assume its responsibility to protect any natives who can establish a valid claim in the territory.

[*Translation*]

Finally, I should like to answer some of the comments made by Senator Asselin on clause 5 of the bill. The procedure provided for by that clause gives Parliament a say in any amendment to that agreement, or any other future agreement concerning northern Quebec. To my mind, neither this house nor the other has a role to play in the negotiation of the