

THE
MINORITY RIGHTS GROUP

REGISTERED CHARITABLE TRUST T 31868 Z/1
CONSULTATIVE STATUS WITH THE UNITED NATIONS (E.C.O.S.O.C.)

SPONSORS:

Lady Butler
Erwin D. Canham
Milovan Djilas
Dr. Robert Gardiner
Lord Goodman
Lady Jackson
Sean MacBride
Gunnar Myrdal
Jayaprakash Narayan
Dr. Joseph Needham



BENJAMIN FRANKLIN HOUSE
36 CRAVEN STREET
LONDON WC2N 5NG
Telephone: 01-930 6659

DIRECTOR: Ben Whitaker
ASSISTANT DIRECTOR: Georgina Ashworth
SECRETARY: Jackie Johnson

To the Special Joint Committee of the Senate and the House of Commons
On the Constitution of Canada.

The Minority Rights Group, a well-established and recognised international Non-Government Organisation, has for some time had the problems of Canadian Indians, Metis and Innuite as one of its concerns, and in 1974 published its Report No.21 on "Canada's Indians" and up-dated it in 1977.

Arising from this concern M.R.G. has examined the current proposals now before the Canadian Parliament and is somewhat surprised at the inadequacy of the provisions in the proposed Charter of Rights when dealing with Canada's Native Peoples.

First of all, no apparent means exist by which they can participate in their own right in the formulation of such policies as, for instance, are involved in a new Canadian Constitution, and express their particular concerns. Their historical contribution to Canada is unchallenged, and their cultural input is recognised as different and important as a part not only of Canadian life but also of the world-wide structure of the human race. Equally clear is their historical relationship to the British settlers in Canada, who, represented by their Queen, signed numerous treaties with the native peoples, and in doing so recognised their status at that time as sovereign occupants of certain lands. In addition the Rights and Liberties that they claim precede by many centuries those of the so-called Founding Peoples, French or English, or of the many others of different ethnic origins who have followed these two. This fact alone makes their claim to be heard unique and different from all others, and whether they have such Rights is not in dispute. Added to these original Rights there are many others that have subsequently been accepted, and even more, especially in claims to land and perpetuation of their own distinctive way of life, which are currently under negotiation. We suggest therefore that even now they be given a place in these discussions involving a formal consultative role.

Secondly, the one small reference to their Rights in the document before us is of very limited scope and makes no firm commitment to the perpetuation of what they believe to be their inalienable Rights and ways of life or to the future relationship between them and the rest of Canada, whether represented by Federal or Provincial Parliaments or in any other way. A much more definite statement is therefore we believe called for. It must be a statement appropriate for a constitutional document and must as a minimum include those Rights that are central to the culture of indigenous peoples. It is suggested that the following constitutes such a statement and should replace the current Section 24 of the presently Proposed Resolution -

"No law shall deny the Native Peoples their aboriginal or treaty rights."

COUNCIL: Professor Roland Oliver (Chairman), Professor Sir Robert Birley, George Cadbury, Professor James Fawcett,
Rt. Hon. Jo Grimond MP, Richard Kershaw, David Kessler, Keith Kyle, Professor Claire Palley, Alan Phillips, Professor Hugh Tinker.

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Thirdly, the Native Peoples do not receive in this Proposed Resolution the same language and educational protection and opportunity that it is proposed to accord to French and English-speaking Canadians. It seems to us that their claims in these regards so clearly ante-date any English or French claims, and are so central to the continuance of their culture, that they should be included on at least the same basis as that proposed for the other two so-called Founding Languages.

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