

Rec'd
29/12/80
SL

appear E

December 18, 1980.

From: The Native Rights Coalition,
c o Greg Daniels,
3114 Athol Street,
Regina, Saskatchewan.

To: The Special Joint Committee on the Constitution of Canada,
P.O. Box 1044,
South Block, Parliament Buildings,
Ottawa, Ontario K1A 0A7.

The Native Rights Coalition was founded in Regina, Saskatchewan on November 12, 1980. It is an organization of individuals, native and non-native who are interested in fighting racism and oppression. In doing so we intend to oppose racist policies, oppose police harrassment, educate people about native rights, and work with other organizations which share these interests (see Aims and Objectives attached). There are presently 25 to 30 members involved in the Coalition and we have received support from other community-based organizations.

One of the first actions of the Coalition was to form a Committee on the Constitution to prepare the enclosed brief which has been approved at our last membership meeting held on December 3, 1980.

We would appreciate an opportunity to present our brief and expand on the content. If your committee will be travelling or if funds are available to bring representatives from our group to present there, please let us know.

A lot of other people in Regina will be reading our position as we are sending it to newspapers and other organizations. In this way we hope to gain further support for our position.

I would like to stress that we are seriously concerned that Native rights be entrenched in the Constitution. We will be waiting anxiously to hear from you in this regard.

The Constitution Committee,
Native Rights Coalition,
Regina, Saskatchewan.

The following is a brief written on behalf of the Native Rights Coalition (Regina, Saskatchewan) for presentation to the Special Committee presently considering implications of the resolution to patriate the British North America Act as the Constitution of Canada. -- December 3, 1980.

Native people alone can rightfully claim a heritage as the original peoples of what is now Canada. The basic democratic rights of Saskatchewan Natives were denied from the moment British merchants decided to run the CPR across Canada, strengthening themselves against "invasions" from the South and consolidating their control over the economy of the country.

The Provisional Government established by Indian and Metis leaders along with early white settlers in the District of Assiniboia was only temporarily recognized by Canada. An army was sent in and they literally "invaded" what was to become Saskatchewan and took control. Indian people were left with the little protection provided in the Treaties. Metis and Non-Status people were left with nothing except scrip (a quarter of land or the money) which is now being found to have been fraudulent in many cases.

Now, after more than 70 years, we see that government policies really haven't changed. The Constitution of our country is being brought home with great debate and fanfare. But nowhere are the rights of Native people seriously taken into account. The only reference in the resolution to patriate the Constitution is found in the proposed new Section 24, to read:

"24. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada, including any rights or freedoms that pertain to the Native peoples of Canada."

This section is appropriately called "Undeclared rights and freedoms". The rights and freedoms of Native peoples are not denied in this Section but neither are they guaranteed!

The resolution suggests that this Section is designed to "make it clear that the Charter is not intended to affect any rights and freedoms not specified in it". However the actual wording noted above in no way provides for the maintenance of rights and freedoms already belonging to Native peoples such as Treaty rights or to aboriginal rights.

As it stands, the Charter of Rights and Benefits is likely to leave the definition of Native rights to the whim of Provincial governments and the Department of Indian Affairs and Northern Development. It does this by leaving the door open for defining Native rights later on. This being the case there is nothing to prevent a future government from taking away Treaty rights or continuing to deny any other rights that Native people have coming. The records of governments, regardless of the political party in power, is grim indeed. The situation of Native people has, if anything, become worse with many original promises broken.

In Saskatchewan Indian and Metis people make up approximately 14% of the province's population.

About 3% finish school; over 60% of the adults are unemployed; and, they make up about 70% of those on welfare.

Many Reserves have no running water or indoor toilets. It has been suggested that Reserve development will be able to support only half of the Treaty Indians in Saskatchewan. More and more people are leaving the Reserves and coming into urban centres to find jobs, many of which never materialize.

Thus, Native people have little hope of finding opportunities which will help them out of the poverty conditions which have become a way of life. The life expectancy for Native people is 41 years. Native infant deaths are double the provincial average and Native family incomes equal about 1/6 the average income in the Province.

This situation does not exist because native people have chosen to go in this direction. Native people do not wish to be a Welfare people. Given the opportunity the majority would certainly have things different.

But how is any change going to come about when the Constitution of the country does not recognize the position of Native people in Canada's history and does not even include rights for Native people as a separate nationality?

Canadian constitution.

As well, there is no mention in this Charter of "Rights" of the issues facing Native women. Their treaty rights are taken away by the Government's Indian Act if they marry non-treaty or white, denying them equality even with Native men.

On top of all this, of the three methods mentioned for amending the Constitution, none provide for the involvement of Native people! This lack of concern for the people themselves is reflected in the noticeable lack of hearings on the subjects of patriation and Constitutional amendments.

The Native Rights Coalition holds that the resolution now in front of Parliament is in its present form unacceptable.

1. It must entrench the rights of Native people in the Constitution.
2. It must take into account the historical reality of Native rights to claim:
 - a) their fair share of land and natural resources;
 - b) self-government;
 - c) health care;
 - d) educational opportunities;
 - e) their rights to language and culture;
 - f) control over the development of natural resources;
 - g) hunting, fishing and trapping rights.
3. Native women must be guaranteed equality under the law.
4. Provision must be made for negotiation of how these rights are implemented as they effect particular groups of people differently. For example, the level and scope of self-government or territorial rights may vary depending on the circumstances.
5. It is absolutely essential that Native people -- individuals and organizations -- have direct input into the formulation of Native rights in the Constitution.
6. The Federal and Provincial governments both must take responsibility for the cost of services necessary for, and defined by, Native people to become self-sufficient in maintaining their livelihood.

The assets that Native people bring, their respect for people and the life around them, must be recognized and appreciated. Individual rights are not enough. Rights for Native people as a separate groups with their own history, culture and values as well as an original claim to this land, must also be recognized. Anything less would be to ignore the situation of Native peoples in Canada and would be unacceptable. We would oppose any Constitution which did not include these rights.

NATIVE RIGHTS COALITION

AIMS AND OBJECTIVES

1. To build an organization of individuals, regardless of nationality, sex or status who are interested in fighting racism and oppression.
2. To publicly oppose racist policies and statements.
3. To support actions against police harrassment.
4. To popularize native issues, demands and problems through educational conferences, leaflets, slide shows, school visits, etc.
5. To support and work with other organizations who share these objectives.
6. To support the democratic rights of native people to native oriented education, the use of their own language, culture, job opportunities and job security, adequate housing and health care, and aboriginal rights.

MEMBERSHIP

Membership is open to individuals who agree with the aims and objectives of the organization.

There will be an annual membership fee of \$5.00 per person or per family.

GUIDELINES FOR FUNCTIONNING

1. A steering committee of up to 5 persons shall be elected annually (November) at a general membership meeting.
2. The steering committee shall coordinate activities between membership meetings.
3. Activity committees shall be formed from time to time around activities that the coalition decides to get involved in.
4. The Coalition shall meet a minimum of once every 2 months and as called by the Steering Committee.
5. If time allows the Steering Committee shall bring decisions to a Membership meeting to be voted on.
6. These guidelines can be amended at the Annual Meeting to be held in November.

* * Adopted at the founding meeting of the Native Rights Coalition * *

November 1980 -