

This 1969 white paper was the catalyst which brought them together with a great many organizations and helped them to advance to the level of political involvement in which they find themselves today. But as they look at the proposed charter of rights, they see clauses in it which would have the same effect and which would leave them without rights, without protection and without even the basic, minimal recognition which they have at present. The Prime Minister (Mr. Trudeau) has promised the native people that they could be participants in all constitutional amendments which concern them. What could possibly concern native people more than the entrenchment of their rights? Yet Indian people were not consulted about the charter of rights. In their absence, a vague clause was inserted which does violence to their rights.

Last week, the Prime Minister said that as soon as the constitution is brought back to Canada, native rights will be one of the first items on the agenda. What hypocrisy! The Prime Minister knows full well that by placing Indian rights on a post-patriation agenda, he is denying these people their last chance to obtain justice."

The response of the Liberals to criticism of the proposed Charter was the introduction of an amendment replacing section 24 with a new section 25 that reads as follows:

"The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of

(a) any aboriginal, treaty or other rights or freedoms that may pertain to the aboriginal peoples of Canada including any right or freedom that may have been recognized by the Royal Proclamation of October 7, 1963; or

(b) any other rights or freedoms that may exist in Canada."

When Jean Chretien appeared before the Special Joint Committee on the Constitution to present this amendment, Jim Manly urged him to recognize the "necessity for having some positive enshrinement of native rights because in spite of your best efforts, you are always working against provincial governments that are very slow, if they are willing to make any recognition of these rights at all.

So I think it is absolutely essential that, given the government's historic obligation to native people, that there be some positive recognition of those rights."

NDP Members also shared the concern of native peoples organizations that in addition to a positive affirmation of aboriginal rights, a guarantee was required that negotiations to further define such rights and settle some of the many outstanding grievances of native peoples would be initiated at an early date.

Peter Ittinuar questioned the minister of justice on this point:

"Of the three major native organizations and others from the country suggested the entrenchment of a section that would formalize the Prime Minister's political commitment to negotiate certain aspects of native relations in Canada.

Now, as a matter of good faith why was this not included in the amended resolution?"