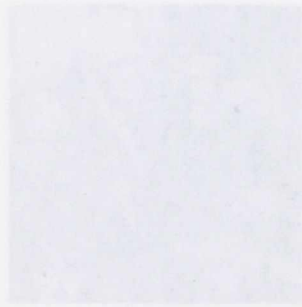


RECOMMENDATION

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RECOMMENDATION

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**Attempt:** In late January, 1984, The National Redress Committee of the National Association of Japanese Canadians set out its position in a resolution passed by it in Winnipeg. The National Redress Committee would like an official acknowledgement from the Government of Canada of the way in which it mistreated the Japanese in Canada during and after World War II. It would also like to undertake negotiations with the Government of Canada on the manner in which these wrongs are to be redressed. Although the moral and historical damage done to Japanese-Canadians may be difficult to rectify, the Committee believes that the Government of Canada should make the attempt and, in conjunction with the National Redress Committee, begin to close this chapter in Canadian history.

**RECOMMENDATION:**

**The Parliament of Canada should officially acknowledge the mistreatment accorded to the Japanese in Canada during and after World War II and the Government of Canada should undertake negotiations to redress these wrongs.**

**REVIEW THE WAR MEASURES ACT**

**The regulations** allowing for the relocation of Japanese-Canadians and the control of their property and travel during World War II were adopted under the War Measures Act. The regulations allowing for the expulsion from Canada of Japanese-Canadians were adopted at the end of World War II under the National Emergency Transitional Powers Act 1945, which was adopted when the War Measures Act expired. The extraordinary powers given to the federal cabinet were never successfully challenged in the courts.

**Protect:** The War Measures Act is still on the statute books and could still be used in a situation of real or apprehended war, invasion, or insurrection. In a brief to the Committee, the Human Rights Committee of the National Association of Japanese-Canadians urged that the War Measures Act be amended to ensure that the rights and freedoms of Canadians are properly protected.

**Upheld:** Although we now have a Charter of Rights and Freedoms in Canada, it is very likely that national emergency legislation, such as the War Measures Act, would be upheld. It is less clear whether measures similar to those used against Japanese-Canadians during and after World War II would be held to be valid under the Charter.

**RECOMMENDATION:**

**Justice Canada should review the War Measures Act with a view to proposing the safeguards necessary to prevent a recurrence of the kind of mistreatment suffered by the Japanese in Canada during and after World War II.**