

## APPENDIX

(See p. 62)

SUMMARY OF RECOMMENDATIONS  
CONTAINED IN THE FINAL REPORT OF THE  
SPECIAL JOINT COMMITTEE OF THE SENATE AND HOUSE OF COMMONS  
ON THE CONSTITUTION OF CANADA

## PART I—THE CONSTITUTION

*Chapter 1—Constitutional Imperatives*

1. Canada should have a new and distinctively Canadian Constitution, one which would be a new whole even though it would utilize many of the same parts.
2. A new Canadian Constitution should be based on functional considerations, which would lead to greater decentralization of governmental powers in all areas touching culture and social policy and to greater centralization in powers which have important economic effects at the national level. Functional considerations also require greater decentralization in many areas of governmental administration.

*Chapter 4—Patriation of the Constitution*

3. The Canadian Constitution should be patriated by a procedure which would provide for a simultaneous proclamation of a new Constitution by Canada and the renunciation by Britain of all jurisdiction over the Canadian Constitution.

*Chapter 5—Amendments to the Constitution*

4. The formula for amending the Constitution should be that contained in the Victoria Charter of June 1971, which requires the agreement of the Federal Parliament and a majority of the Provincial Legislatures, including those of:
  - (a) every province which at any time has contained twenty-five per cent of the population of Canada;
  - (b) at least two Atlantic Provinces;
  - (c) at least two Western Provinces that have a combined population of at least fifty percent of the population of all the Western Provinces.

*Chapter 6—The Preamble to the Constitution*

5. The Canadian Constitution should have a preamble which would proclaim the basic objectives of Canadian federal democracy.

## PART II—THE PEOPLE

*Chapter 7—Self-Determination*

6. The preamble of the Constitution should recognize that the Canadian federation is based on the liberty of the person and the protection of basic human rights as a fundamental and essential purpose of the State. Consequently, the preamble should also recognize that the existence of Canadian society rests on the free consent of its citizens and their collective will to live together, and that any differences among them should be settled by peaceful means.
7. If the citizens of a part of Canada at some time democratically declared themselves in favour of a political arrangement which were contrary to the continuation of our present political structures, the disagreement should be resolved by political negotiation, not by the use of military or other coercive force.
8. We reaffirm our conviction that all of the peoples of Canada can achieve their aspirations more effectively within a federal system, and we believe Canadians should strive to maintain such a system.

*Chapter 8—Native Peoples*

9. No constitutional changes concerning native peoples should be made until such time as their own organizations have completed their research into the question of treaty and aboriginal rights in Canada.
10. The preamble of the new Constitution should affirm the special place of native peoples, including Métis, in Canadian life.
11. Provincial governments should, where the population is sufficient, consider recognizing Indian languages as regional languages.
12. No jurisdictional changes should be made in administrative arrangements concerning Indians and Eskimos without consultation with them.

*Chapter 9—Fundamental Rights*

13. Canada should have a Bill of Rights entrenched in the Constitution, guaranteeing the political freedoms