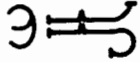




**SANTEIOI MAOAIOMI MIKMAOEI**

> GRAND COUNCIL MIKMAQ NATION <

6 January 1984



Jakob Th. Möller  
Chief, Communications Unit  
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United Nations  
CH-1211 GENEVA 10

G/SO 215/51 CANA(18)

Dear Mr. Möller:

As counsel for Alexander Denny and this Council in case No. R.19/78, I have the honour to report on recent developments within Canada which may be of relevance to the Committee's deliberations.

On 7 November 1983, the Canadian House of Commons tabled a report on "Indian Self-Government in Canada," which is currently under review by the Prime Minister and Cabinet. At page 136, the report concludes:

Canada is obliged to protect and promote the rights of the peoples of the Indian First Nations in a manner consistent with the rights guaranteed in the international covenants Canada has signed—the *United Nations Covenant on Economic, Social and Cultural Rights*, the *Covenant on Civil and Political Rights*, and the *Helsinki Final Act* of 1975. These agreements guarantee both the fundamental collective right of peoples to be self-governing and the basic human rights of individuals.

The Committee will recall that Canada's 17 May 1982 submission in this case challenged the admissibility of Mr. Denny's communication on the grounds that it involved "collective" rights, and that these "collective" rights could not properly be asserted or exercised consistent with the territorial integrity of Canada. In the report quoted above, however, the Government of Canada appears to recognise that these very same "collective" rights must be respected by and within Canada by force of the Covenants.

We respectfully suggest that the Committee invite the Government of Canada to comment on whether it has changed its views in this regard. If the report of its House of Commons is a correct reflection of Canada's present understanding of international law and obligations, we believe the issue of admissibility should be decided forthwith in Mr. Denny's favour, so that the substantive question of whether Canada has violated his Covenant rights can be addressed.

( ) 28 / foreign affairs

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