

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

www.lrwc.org – lrwc@portal.ca – Tel: +1 604 738 0338 – Fax: +1 604 736 1175
3220 West 13th Avenue, Vancouver, B.C. CANADA V6K 2V5

January 9, 2013

The Right Honourable Stephen Harper
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2
Fax: 613-941-6900
E-mail: stephen.harper@parl.gc.ca; pm@pm.gc.ca

Dear Prime Minister,

Re: Meeting with First Nations Leaders 11 January 2013

This letter is further to our letter of 29 December 2012, a copy of which is attached for your reference (also found at <http://www.lrwc.org/?p=5478>). We were pleased to learn that you plan to meet with First Nations leaders on 11 January 2012. However, we are disappointed to learn that the Governor General reports he has no plans to attend this meeting.

There has been widespread expectation that the Governor General would attend a meeting to begin a discussion about the relationship between First Nations and Canada. He is the representative of the Queen in Canada and most of the treaties with the original nations were signed in the name of the Crown, not Canada. His presence is necessary if there is a true intention to “re-set” the relationship. We urge you to request that the Governor General attend the meeting on January 11 to demonstrate the federal government’s sincere intention towards reconciliation with indigenous peoples in Canada.

We respectfully suggest that the blue print for reconciliation include a commitment to implement the recommendations of the 1996 Royal Commission on Aboriginal Peoples (RCAP). The RCAP Report affirms the necessity of recreating the treaty partnership with the starting point being recognition of indigenous nationhood. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), endorsed by Canada in November 2010, includes a declaration that

Article 19

“States shall consult and cooperate in good faith with the indigenous peoples concerned...in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.” [emphasis added]

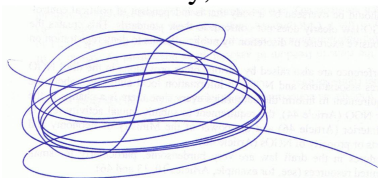
As stated by United Nations Special Rapporteur James Anaya, “[d]ialogue between the Government [of Canada] and First Nations should proceed in accordance with the standards expressed in the UN Declaration on the Rights of Indigenous Peoples.”

The duty to consult on all matters affecting indigenous peoples also arises from the right of peoples to self-determination under common Article 1 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) which are binding on Canada at international law. In addition, the right to free, prior and informed consultation has now emerged as a general principle of international law. The declared right of indigenous peoples to be consulted on all legislation and administrative actions that may affect them must not be ignored. We respectfully urge your government to adopt RCAP’s approach and UNDRIP standards as a template for actions towards reconciliation.

Good faith attempts at reconciliation must be demonstrated at the January 11, 2013 meeting. The Governor General’s presence at the meeting has been specifically requested and will serve as an indication of respect for the importance of the nation to nation issues to be discussed. Given the nature of early treaty relations, the exclusion of the First Nations from the procedures that led to Canada’s emergence as an independent state and Canada’s on-going relationship with the Crown the presence of the monarch’s representative is appropriate. It would recognize the need to reconsider and correct historic wrongs in order to develop respectful modern relations.

We look forward to your positive and immediate response.

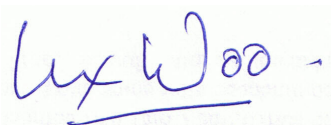
Yours sincerely,

A handwritten signature in blue ink, appearing as a dense, circular scribble.

Gail Davidson, Executive Director, LRWC

A handwritten signature in blue ink, appearing as a stylized, cursive name.

Catherine Morris, BA, JD, LL.M

A handwritten signature in blue ink, appearing as the name 'Grace Woo' with a horizontal line underneath.

Grace Woo, LL.B., LL.M., Ph.D.

Copied to:

His Excellency the
Right Honourable David Johnson
Governor General of Canada
Rideau Hall
1 Sussex Drive
Ottawa, ON K1A 0A1
E-mail: info@gg.ca
Fax: 613-998-8760

The Honourable John Duncan
Minister of Aboriginal Affairs and Northern
Development Canada
Terrasses de la Chaudière
10 Wellington, North Tower
Gatineau, Quebec
Ottawa, Ontario K1A 0H4
Email: InfoPubs@aadnc-aandc.gc.ca
Fax: 1-866-817-3977

The Honourable Robert Douglas Nicholson
Minister of Justice and Attorney General of
Canada
House of Commons
Ottawa, ON K1A 0A6
Email: mcu@justice.gc.ca

Chief Shawn Atleo
National Chief
Assembly of First Nations
Trebla Building
473 Albert Street
Ottawa, ON K1R 5B4
Tel : (613) 241-6789 Fax : (613) 241-5806
denise_mcdonald@hotmail.com

Chief Theresa Spence
Attawapiskat First Nation
Attawapiskat ON POL 1A0
(705) 997-1101 Fax: (705) 997-2116
Media release: clmaloney@eastlink.ca

The Honourable Thomas J. Mulcair
Leader of the Official Opposition
House of Commons
Ottawa, Ontario, 1A 0A6
Telephone: 613-995-7224
Fax: 613-995-4565
E-Mail: thomas.mulcair@parl.gc.ca

The Honourable Bob Rae
House of Commons
Ottawa, Ontario, K1A 0A6
Email: bob.rae@parl.gc.ca

Ms. Elizabeth May
House of Commons
518 Confederation Building
Ottawa, ON K1A 0A6

Phone: 613-996-1119
Fax: 613-996-0850
E-mail: elizabeth.may@parl.gc.ca

Mr. Don Davies, MP
2951 Kingsway Avenue
Vancouver, BC V5R 5J4
Tel: 604.775.6263
Email: Don.Davies@parl.gc.ca

Professor James Anaya
Special Rapporteur on the rights of indigenous peoples
c/o OHCHR-UNOG
Office of the High Commissioner for Human Rights
Palais Wilson
1211 Geneva 10, Switzerland
Fax: +41 – 22 917 90 06
Email: indigenous@ohchr.org