

Arrange meeting requested by Chief Spence, Lawyers Rights Watch Canada tells PM

The Right Honourable Stephen Harper
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Dear Prime Minister,

Re: Meeting requested by Chief Theresa Spence of Attiwapiskat

We write to urge that you immediately arrange a meeting as requested by Chief Theresa Spence. Chief Spence wants a meeting on a Nation to Nation basis with the Prime Minister, the Crown, and the Provincial and Territorial leaders along with all the First Nations leaders to discuss First Nations' inherent and treaty rights. The critical issues sought to be discussed are of concern not only to First Nations peoples in Canada but to all Canadians. Chief Spence has called on you to carry out your duties as the Prime Minister of Canada in a manner that accords with your duty to promote, maintain and protect the rule of democratically constituted law.

Please remember that Canada is constitutionally defined as a "free and democratic society" founded on principles that recognize the supremacy of the rule of law. This means that law must be formulated with the informed consent of the Canadian people. The equality rights in our constitution are meant to ensure that law is used as a tool to achieve justice for all. This is part of our traditional Anglo-Canadian constitutional heritage. These principles have been affirmed by international human rights treaties that Canada has ratified. The Canadian constitution also explicitly requires respect for "aboriginal and treaty rights". Moreover, just as Parliament was established to ensure that law-making is founded on informed public discussion, so too the Supreme Court of Canada supports the right of Indigenous peoples to meaningful consultation on issues that concern them. In addition, we draw your attention to Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples, which Canada has endorsed, and which provides that States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

In summary, in this country it is unquestionably illegal to use the power of the

State to destroy or repress rights or grant unwarranted privileges. Conversely, it is unquestionably legal to use all peaceful means to resolve both internal problems and external disputes.

Chief Spence's requests for a meeting have been made peacefully and respectfully. She has chosen to draw your attention to important issues by starting a hunger strike that she will terminate when you have agreed to a meeting. She is widely supported by Indigenous people along with a broad range of others in Canada and abroad.

Protests have been triggered by Bill C-45, which violates the rule of law as it has traditionally been defined through the democratization movement of the 19th and 20th centuries. Lumping together more than 550 provisions on more than 30 topics in a 443 page omnibus bill foreclosed the open public discussion and consultation that are essential according to both the Canadian constitution and the internationally defined democratic standard of prior informed consent. As such, the manner in which Bill C-45 was presented and passed fails to measure up to Canadian or international standards. Canadians are disturbed by this unprecedented retreat from democratic due process. Your refusal to meet as requested by Chief Spence reinforces deep concern about your government's conspicuous departure from our Canadian belief that peaceful and participatory methods of exchanging information, formulating policy and resolving disagreements are the foundation of democracy.

In considering this request for consultation, please recall that First Nations have become experts on the mechanisms used to deny democratic consultation in Canada, because they have historically been denied access to equal participation in democratic law making, including the right to vote. During the process of colonization, Canada violated the rights of First Nations as sovereign and independent peoples with their own laws, governmental institutions and territories. Canadian sovereignty was simply assumed without the knowledge or informed consent of the original peoples. Lands and resources traditionally used by their ancestors were seized in violation of established English common law principles and measures were instituted to deny cultural, political, religious and economic freedoms. There were no Indigenous "Fathers of Confederation." From 1876 to 1951, Canada's Indian Act, excluded "Indians" from the definition of a person. There is still no respect for the many Indigenous polities that pre-date Confederation.

Canada has not yet corrected most of these historic wrongs. Although the equal right to vote was eventually granted in 1960, and you have personally made a formal apology for the residential schools programme, Canada has never respected the right of Indigenous peoples to choose whether or not they want to join Canada and, if so, under what terms. First Nations people in

Attawapiskat and throughout Canada remain saddled with the consequences of over a century and a half of discrimination, neglect and government abuse. First Nations people in Canada do not even have equal access to education and social welfare.

LRWC urges you to demonstrate commitment to your duties as Prime Minister and respect for the legitimate concerns of First Nations peoples, concerns shared by many others. LRWC requests in the strongest terms that you promptly agree to the meeting requested by Chief Spence to peacefully discuss ongoing and threatened violations of the rights of First Nations peoples.

We request an immediate reply.

Yours sincerely,

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