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CHIEFS OF ONTARIO

Open Letter – Commemoration of the 250th Anniversary of the Royal Proclamation of 1763

March 18, 2013

Right Honourable Stephen Harper
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, Ontario K1A 0A2

Dear Prime Minister Harper:

The *Royal Proclamation* was signed by King George III on October 7, 1763, at St. James' Court in London, England. October of 2013 will mark the 250th anniversary of this foundational event and document for First Nations and Canada. I hope you agree with me that it is entirely fitting for Canada and First Nations to cooperate in the commemoration of this special anniversary. First Nation support for the commemoration is authorized by resolutions of the Ontario Chiefs in Assembly and the Assembly of First Nations.

I understand that in late January you advised your party caucus that the federal government intended to celebrate a number of upcoming anniversaries, including the centennial of the First World War and the 200th anniversary of the birth of Sir John A. Macdonald. These important dates come in the wake of the continuing commemoration of the 200th anniversary of the War of 1812. There is a general intention on the part of the federal government to build up to the celebration of the 150th anniversary of Canadian Confederation in 2017. I agree that all of these milestones are very important for Canadians and First Nations citizens alike, albeit in different ways. Adding the 250th anniversary of the *Royal Proclamation* this year will complete the circle of national commemoration.

The seminal importance of the *Royal Proclamation of 1763* was recognized in volume I of the *Report of the Royal Commission on Aboriginal Peoples*. First Nation rights and freedoms recognized by the *Proclamation* are enshrined in article 25(a) of the *Canadian Charter of Rights and Freedoms* (1982) and article 35 of the *Canadian Constitution Act, 1982*. The historical and legal significance of the *Declaration* has been recognized in several leading court decisions. In *R. v. Secretary of State* (1981), Lord Denning described the *Declaration* as being of "... high constitutional importance ... ranked by the Indian peoples as their Bill of Rights, equivalent to our own Bill of Rights in England 80 years before." In *Calder v. BC* (1973), Mr. Justice Hall of the Supreme Court of Canada held that the *Proclamation* "must be regarded as a fundamental

document upon which any just determination of original rights rests.” To similar effect, the *Proclamation* has sometimes been described as the *Magna Carta* of First Nations in Canada.

The *Royal Proclamation* was meant to implement some of the elements of the *Treaty of Paris* (1763), following the Seven Years War (sometimes referred to as the French Indian War). The issuance of the *Proclamation* was hastened by collective First Nation victories in Pontiac’s War, starting in 1763. The solemn Treaty making protocol established by the *Proclamation* led directly to the Treaty of Fort Niagara in 1764, creating a new Covenant Chain between the British Crown and several First Nations in the Great Lakes area of present day Canada. Many of these First Nations honored the *Proclamation* and the Covenant Chain by supporting the British cause in 1812. The First Nation military alliance was crucial to the survival of British North America.

The words of the *Royal Proclamation of 1763* ring strong and true to this day. The *Proclamation* recognized the “Tribes of Indians” as self-governing “Nations.” The “Interest, and the Security” of the British North American colonies depended on good relations with First Nations. The *Proclamation* guaranteed that First Nations “should not be molested or disturbed in the Possession” of their ancestral lands and waters. The *Declaration* described the solemn Treaty making process required for the sharing of any First Nation traditional territory, which is still the law of the land today. On a whole other level, the *Declaration’s* absolute protection of First Nation territory from the “Frauds and Abuses” of colonial settlers was one of the early causes of the American Revolution.

It is clear that the *Declaration* is fundamental to the fabric of not only Canada, but North America as a whole. Canada would not be Canada without the *Royal Proclamation of 1763*.

The road has been long and difficult since 1763. Tragedies too numerous and painful to catalogue here could have been avoided if the international respect and royal “Protection” of the *Proclamation* had been honored by the successor Canadian state. Many of these tragedies remain unresolved. However, in this 250th anniversary year of the *Proclamation*, it is appropriate for Canada and First Nations to come together and celebrate their overlapping heritage as Nations. I know that your government places a high value on the historical and cultural connection between parts of Canada and the British Royal family. Based in large part on the *Proclamation*, First Nations also enjoy a special and permanent connection to the Crown in right of Great Britain. This is a connection that we can both celebrate in this very special year.

Celebration of the 250th anniversary of the *Royal Declaration* is also fitting based on the terms of the *United Nations Declaration on the Rights of Indigenous Peoples* (2007), which the Canadian state recently endorsed. Article 5 of the *UN Declaration* provides that Indigenous Peoples have the right to maintain their own legal, political, and other institutions, while retaining the right to participate fully in the political and cultural life of the Canadian state. Article 11 of the *UN Declaration* provides that Indigenous Peoples have the right to maintain, protect and develop the past, present and future manifestations of their cultures. Most importantly, article 27 of the *UN Declaration* provides that Indigenous Peoples have the right to the recognition and enforcement of Treaties and other agreements concluded with states or their successors, such as Canada. In summary, there is an epic opportunity this year to celebrate both the *Royal Proclamation of 1763* and the 2007 *UN Declaration on the Rights of Indigenous Peoples*.

Relations between First Nations and Canada have been especially difficult over the last year, as witnessed by the grass roots *Idle No More* movement and the brave hunger strike of Chief Theresa Spence of the Attawapiskat First Nation. The underlying issues of Treaty implementation have

hardly been addressed, let alone resolved. Nevertheless, in the spirit of the Wampum of 1764, I believe we can set aside some of our differences for now, and cooperatively celebrate the enduring legacy of the *Royal Proclamation of 1763*. Perhaps I am being overly optimistic, but it is even possible that a joining of hands on this commemoration may lead to an opening of hearts on some of the daunting challenges in our nation-to-nation relationship.

Time is of the essence. The 250th anniversary is less than 7 months away. My suggestion is that we should establish a joint steering or organizing committee as soon as practicable. I have copied various federal ministries which might be of assistance in this important national project. Sanctioned activities and projects that stretch into 2014 should be considered, in order to make planning and implementation more manageable. We should also consider participation by the provinces, Great Britain, and the United States. I look forward to your response.

Sincerely,
CHIEFS OF ONTARIO



Stan Beardy,
Regional Chief.

c.c. First Nations in Canada
Political Confederacy, Chiefs of Ontario
Members of Canadian Parliament (New Democratic and Liberal Parties)
Bernard Valcourt, Minister, Aboriginal Affairs and Northern Development Canada
James Moore, Minister of Canadian Heritage and Official Languages, Canada
Robert Nicholson, Minister of Justice and Attorney General of Canada
Peter Kent, Minister of Environment and Parks Canada
Denis Lebel, Minister of Intergovernmental Affairs, President of the Queen's Privy Council for Canada
John Baird, Minister of Foreign Affairs, Canada
Kathleen Wynne, Premier, Government of Ontario
Shawn Atleo, National Chief, Assembly of First Nations