

# Serpent River First Nation

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Wednesday, October 31, 2012

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

**Prime Minister Harper:**

**Re: FIPA – Financial Investment Protection Act. “*First Nations lands and treaty territories cannot be sold out to foreign investors.*”**

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As the Chief of Serpent River First Nation and as Grand Chief of the Anishinabek Lake Huron Region, I am taking this opportunity to make a set of clear statements and an advisement regarding your government’s *Foreign Investment Promotion and Protection Agreement (FIPA)*. As stated clearly by many First Nations leaders on this issue, I must flatly concur: Canada is breaching its fiduciary obligation to consult in accordance to Canada’s laws. This is a constitutional imperative. Aboriginal and Treaty Rights are the foundation of Canada’s relationship with Indigenous Peoples in this country. Refusing to meaningfully consult and engage them is an assault on the fabric of this country’s supreme law.

The international community, as you know and you have formally recognized, has adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). There is a clear set of articles in UNDRIP that is intended to prevent the type of unilateral action that your government is taking on a number of major policy matters and legislative initiatives, in this case trade policy with other nations. FIPA is not acceptable and conducive to the treaty relationship that this country has with First Nations.

Trade and investment treaties with other countries are very critical and complex endeavours affecting access to lands and resources. Neither China nor any other country should be legally granted delegated access to treaty lands that are still under current arrangements with First Nation treaties in this country. Prime Minister, FIPA not only targets the Alberta tar sands development. Major resource development in other provinces would become subject to the protections that China has, to access our territories and push development. First Nations in this country have treaties that are diverse and distinct. A blanket investment law giving access to outside foreign investment is flat out negligent. It appears that the Conservative government is disregarding the principles by which it has stated it stands upon; one of those clearly contradicts your unilateral action – human rights. Further, it should be a clear reminder that earlier this year, at the Crown-First Nation Gathering, and during your visits to Davos, Switzerland and

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**Our Vision** Serpent River First Nation will have self-sufficient people within a community of caring and compassionate families.

**Our Mission** Serpent River First Nation will use all available financial, human, natural, technological and cultural resources to achieve self-sufficiency through the efforts of all Community Members. Our strong and unique cultural and spiritual identity will drive us to ensure a healthy community that is safe and secure for all generations.

China, you were talking about concurrent economic themes and concepts that should have consistently included First Nations lands and treaty relationships. Prime Minister, it would be injudicious for this government to proceed any further with FIPA.

In a recent War of 1812 Commemoration event, First Nation leaders were invited into Rideau Hall as guests to accept medals and banners – as “allies,” Canada said. We also talked about the “Covenant Chain” that is an integral foundation in the critical legal institution that we call the “Honour of the Crown.” We further spoke at this event and re-iterated that we must “polish the Covenant Chain” as it was agreed upon by the Crown and First Nations at the time of the Wampum Treaties. Prime Minister Harper, with all due caution and respect, you are again refusing to uphold Canada’s legal duty to consult First Nations. Incursion on First Nations treaty lands and territories and trade treaties with other countries will not be acceptable to the Crown’s treaty partners in this country and should sharply be contested from the grassroots level to the international arena.

As a First Nation member and signatory Chief of the Robinson Huron Treaty of 1850, I must firmly oppose FIPA. Further, I unequivocally request that you cease advancement of this agreement, as it not only jeopardizes Canada and the provinces; as I have stated, it clearly contravenes existing treaty relationships with the First Peoples in this country.

Sincerely,



Chief Isadore Day, *Wiindawtegowinini*  
Serpent River First Nation  
Robinson Huron Treaty - 1850  
Lake Huron Regional Grand Chief

**CC:**

Serpent River First Nation Council and Citizens  
Robinson Huron Treaty - 1850 Chiefs  
Anishinabek Nation Grand Council Chief Patrick Wedaseh Madahbee  
Anishinabek Chiefs and Council  
Chiefs of Ontario  
Assembly of First Nations  
Governor General of Canada  
Members of Parliament of Canada  
Members of the Legislative Assembly of Ontario  
Council of Canadians  
Mr. Zhang Junsai, Ambassador of the People's Republic of China to Canada  
Ed John, Chair of the Permanent Forum on the Rights of Indigenous People