

## **Union of British Columbia Chiefs**

### **Open Letter: Canada – China Agreement Abrogates Rights of Indigenous People**

October 30, 2012

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

Sent Via FAX: (613) 941-6900

Prime Minister Harper:

On behalf the Union of BC Indian Chiefs, we are writing to firmly express, advise and direct the Government of Canada to reject the Foreign Investment Promotion and Protection Agreement with China as the Government of Canada has breached its fiduciary duty to consult First Nations on our respective constitutionally-enshrined and judicially-recognized Aboriginal Title, Rights and Treaty Rights.

Furthermore, as both Canada and China have adopted the United Nations Declaration on the Rights of Indigenous Peoples, both countries are bound by Article 19 which states: "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."

As designed, we believe that through the ratification of this agreement, China will be granted protection and would thus greatly increase their investment in the development of the Alberta tarsands, pipelines, mining projects and possibly future offshore drilling projects, all at a great cost to our Aboriginal Title, Rights and Treaty Rights.

Specifically, the agreement provides far superior protection for Chinese investors' interests than for our First Nations' Aboriginal Title, Rights and Treaty Rights. The agreement prohibits the Government of Canada from offering special treatment to any Canadian investor that it does not offer Chinese investors. We believe the agreement would enable Chinese investors to challenge Canadian regulations, policies and/or legislation designed to protect the environment as well as current reconciliation negotiations, accommodation measures and treaty negotiations.

To recklessly disregard our Aboriginal Title, Rights and Treaty Rights is an affront. Our rights are human rights. The Government of Canada continuously champions the fundamental principles and values of human rights and democracy. Yet Canada repeatedly violates them when our rights are ignored.

This agreement will adversely impact our rights and territories, and we urge you to immediately cease and desist and to indefinitely postpone the signing of the Canada – China Foreign Investment Promotion and Protection Agreement.

Regards,

[Original signed]

Grand Chief Stewart Phillip  
President

Chief Robert Chamberlin  
Vice-President

Chief Marilyn Baptiste  
Secretary-Treasurer

CC:

UBCIC Chiefs Council

BC First Nations and Tribal Councils

First Nations Summit

BC Assembly of First Nations

Assembly of First Nations

Members of Parliament of Canada

Members of the Legislative Assembly of British Columbia

Council of Canadians

Mr. Zhang Junsai, Ambassador of the People's Republic of China to Canada

Consulate General of the People's Republic of China in Vancouver