



NEWS RELEASE
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Hupacasath First Nation calls for greater disclosure on impact of FIPPA Agreement in wake of Prime Minister Harper's trip to China

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At first it appeared that Prime Minister Harper's trip to China would be cancelled so he could attend Remembrance Day ceremonies in Ottawa after the tragic events of October 22nd. But, after meeting with the Chinese Ambassador on Friday, Prime Minister Harper announced that he would attend the opening of the Asia Pacific Economic Summit after all.

Prime Minister Harper has now arrived in China and will head to the capital on the weekend. In Beijing, Harper will meet with Chinese President Xi Jinping and it is expected they will announce a deal on a so-called currency hub designation for Canada.

Harper's trip comes in the wake of the abrupt ratification of the Foreign Investment Promotion and Protection Agreement between the Government of Canada and the Government of the People's Republic of China, informally known as FIPPA.

The treaty had been delayed for nearly two years by a court case, brought by the Hupacasath First Nation, challenging the treaty on the basis that the Federal government failed to consult under Section 35 of the Constitution and that that failure would threaten the rights and sovereignty of First Nations in Canada. But in the end the Prime Minister's cabinet ratified the treaty before the court had a chance to render a judgment.

Chief Steven Tatoosh in a statement Thursday said, "This treaty has been ratified without consultation. Our case still sits before the Federal Court of Appeal and yet Stephen Harper has chosen to ignore our legal rights. In fact, he has chosen to ignore the courts of the nation and therefore, the rights of all Canadians."

Brenda Sayers, a representative of the Hupacasath Nation added, "the Prime Minister had an opportunity to strengthen relationships with First Nations through the

Kelowna Accord, but that promise was broken. Now, by ratifying FIPPA, the government has taken away the Hupacasath First Nation's opportunity to receive any meaningful remedy from the court. This would have been the first time a court would have ruled on when and how the Canadian government would be required to consult with First Nations about international agreements."

Sayers questions the level of secrecy that has characterized the treaty since its unannounced negotiation in private meetings with the Government of the People's Republic of China in Vladivostok, Russia, in 2012.

"Despite his promises about protecting Canadian interests, the Prime Minister has unilaterally rushed ahead with the integration of the Chinese and Canadian economies, without taking the time to inform or consult with Canadians," Sayers added.

"Now he's in China, away from the spotlight of Canadian media or Parliament. At some point we have to ask, "What was the rush, Mr. Prime Minister? Why weren't you willing to wait for the court's decision? Why the secrecy?"

A month after the treaty went into effect with China, the Hupacasath and other First Nations – and even several members of Harper's own party – feel that many questions and concerns remain unanswered.

Amongst those concerns are:

- Canadian governments are locked in for a generation. If Canada finds the deal unsatisfactory, it cannot be cancelled completely for 31 years.
- China benefits much more than Canada, because of a clause allowing existing restrictions in each country to stay in place. Chinese companies get to play on a relatively level field in Canada, while maintaining wildly arbitrary practices and rules for Canadian companies in China.
- Chinese companies will be able to seek redress against any laws, passed by any level of government in Canada, which threaten their profits. Australia has decided not to enter FIPA agreements specifically because they allow powerful corporations to challenge legislation on social, environmental and economic issues. Chinese companies investing heavily in Canadian energy will be able seek billions in compensation if their projects are hampered by provincial laws on issues such as environmental concerns or First Nations rights, for example.
- Cases will be decided by a panel of professional arbitrators, and may be kept secret at the discretion of the sued party. This extraordinary provision reflects an aversion to transparency and public debate common to the Harper cabinet.

"Most Canadians have reason to doubt the good faith of a Prime Minister who has done everything in his power to prevent informed debate both in parliament and among citizens," Sayers added.

"This trip represents a perfect opportunity for Mr. Harper to address the concerns the public has about FIPPA and to ensure that he has not sold Canada out to the highest bidder."

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