YINKA DENE ALLIANCE

Nadleh Whut'en | Takla Lake First Nation | Wet'suwet'en | Saik'uz | Nak'azdli Whut'en

February 6th, 2012

Open letter to His Excellency President Hu Jintao
President of the People's Republic of China
9 Xihuang-Chenggen Beijie
Beijing, People's Republic of China

Hadih President Hu:

We, the Yinka Dene Alliance are comprised of five First Nations communities in central British Columbia, Canada: Nadleh Whut'en, Nak'azdli, Takla Lake, Saik'uz and Wet'suwet'en. Our communities have yet to sign a treaty with the Canadian government and our title to the land in British Columbia remains unextinguished. The Supreme Court of Canada has confirmed that our Aboriginal title remains unextinguished. We have been at the negotiation table with public governments for many years with no success and the current deliberations are on hold awaiting mandates from federal negotiators. A recent United States government cable referenced the slow pace of treaties and stated, "(the) Lack of a standard model for resolving comprehensive land claims, self-government agreements, and the absence of a clear legal definition of what constitutes an 'aboriginal right' have resulted in complex multi-year negotiations, a significant claims backlog, and friction between aboriginal communities and the federal and provincial governments." This is a true synopsis of the dysfunctional relationship between First Nations and the federal and provincial governments.

We are writing to you to request that you raise our human rights concerns with Canada's Prime Minister, Stephen Harper. We understand that you will meet with him in China this week. From previous public reports we know that Prime Minister Harper always challenges your country on the human rights record. Open dialogue around human rights is a very positive way to create change and we hope that you to hear our side of the story before this meeting occurs.

Since colonization Canada has forced us to live under an *Indian Act,* a piece of federal legislation that restricts our rights and freedoms. During colonization our territories were taken away, along with our voting rights and ability to hire legal counsel for to negotiate the return of our lands. In recent years, with the patriation of Canada's Constitution (1982) including the creation of Section 35, we have been forced to the Courts to protect our rights.

Aboriginal communities in Canada live at the margins of society – in abject poverty with appalling conditions. Recently the community of Attawapiskat was highlighted in the news for the extreme conditions with lack of housing, running water and sewage. Attawapiskat is one of more than 100 First Nations communities in Canada that face this reality. These conditions violate the adequate standard of living guaranteed by the *Universal Declaration of Human Rights*, and the rights to adequate housing, education, and other rights guaranteed in the *International Covenant on Economic, Social and Cultural Rights*.

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We have other examples that we feel should be highlighted in your meeting with Canada's Prime Minister. These are only a few examples in the recent history of human rights abuses against Aboriginal people committed by Canada – in violation of Canadian law and of International law:

- **Missing and murdered Aboriginal women**. More than 580 aboriginal women and girls in Canada are missing or murdered and there is little to no support by the governments to undertake a national inquiry.

- **Prisons.** Canada's prisons are overflowing with our people. Nationally our people amount to about 4% of the population of Canada and the jails in our area comprise 80% of the prison population. Canada's response is to build more prisons instead of working with our people to find solutions.

- **Mr. Dudley George, Ipperwash, Ontario**. During a 1995 dispute in Ipperwash Provincial Park, Ontario an Ontario Provincial Police officer killed Dudley George, an unarmed First Nations person. Often the police have taken hostile approaches to situations that are impacted by unresolved land and treaty rights. A judicial inquiry found evidence of government wrongdoing in this case.

- **Mr. Frank Paul**. In 1998 police in Vancouver callously dragged this homeless First Nations member from the confines of a police wagon and dumped him in the alley outside to freeze to death. A judicial inquiry found evidence of government wrongdoing in this case.

- **Mr. Clayton Willey**. In 2003 police tortured this Aboriginal man in a Prince George jail cell. He was tasered numerous times while his hands and feet were bound. He died of a heart attack while in police custody.

- **Saskatchewan freezing deaths**. In the past there have been numerous deaths that we feel were caused by the Saskatoon Police Service. Accusations have been made that police officers would arrest aboriginal men and drive them to the outside of the city in the middle of winter and abandon them. Some men of died from hypothermia due to these practices. A judicial inquiry has found evidence of government wrongdoing in connection with these deaths.

- **Resource development without our support**. There are so many cases that are too numerous to report about First Nations protecting our rights to the land and then being sent to prison. The most recent issue that is of interest to your government is the transport of crude oil through our territories. A Canadian company called Enbridge has taken a hostile approach with our people by its continued intention to build their pipeline from the Alberta oil sands to the Pacific Ocean in spite of our opposition, and we do not support their proposal. Several Chinese State-Owned Enterprises have been reported to invest in this proposal and we are open to meeting directly with them, but Enbridge has refused to reveal the identity of most of these companies. We have learned that Sinopec, and a subsidiary of China National Offshore Oil Corp. (CNOOC), are among the companies that have signed preliminary, non-binding agreements with Enbridge in relation to this pipeline. The Canadian government's hearing process to review the Enbridge project cannot be relied upon to provide certainty to project investors, because it does not respect our rights to our land. Investors should not place confidence in Canada's system to review oil pipeline projects until the underlying question of our land rights has been resolved. An oil spill in our lands and rivers would destroy our fish, poison our water, and devastate our Aboriginal people, our culture and our

livelihoods. An oil spill on the coast would destroy sources of seafood and fish, like crabs, for thousands of people. We have taken the time to develop a submission to the United Nations Committee on the Elimination of Racial Discrimination (CERD), detailing how Canada's plans to construct this pipeline violate the *Convention on the Elimination of Racial Discrimination*, which will be presented to the Committee later this month.

President Hu, our people are not against development. In fact it was with us that the first Europeans and Chinese traded with upon entering into our territories. We seek sustainable development based upon our principles and laws and this development must be negotiated, not imposed. As you are the leader of a new world superpower we respectfully request you to raise these human rights concerns with Prime Minister Stephen Harper.

Snachailya, mussi cho'

(Nadleh Whut'en

Takla Lake First Nation

Nak'azdli

Wet'suwet'en

Saik'uz

cc: H.E. Ambassador Zhang Junsai, Ambassador of the People's Republic of China to Canada

Consul General Liu Fei, Consulate General of the People's Republic of China, Vancouver