

First Nations Summit

NEWS RELEASE

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BC Hydro takes appalling position on UN Declaration on the Rights of Indigenous Peoples

Coast Salish Territory/Vancouver, BC – First Nations Summit (FNS) leaders call on BC Hydro to abandon recent arguments to ignore the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) made by their legal counsel in the Federal Court of Appeal in their response to an Amnesty International application for leave to intervene in a federal case opposing the Site-C Dam.

In the March 21, 2016 response to the Federal Court of Appeal in *Prophet River First Nation and West Moberly First Nation v. The AG of Canada, Minister of Fisheries, Minister of Environment, Minister of Transport and BC Hydro and Power Authority* – Court file No. A-435-15, BC Hydro legal counsel argue;

Para. 25. The courts in this country have already considered the application of international law instruments in the area of section 35 rights, and have declined to incorporate them into the laws of Canada. There is an extensive body of Supreme Court of Canada jurisprudence on this topic.

Para. 37 ... UNDRIP is not currently part of Canadian law, nor is it an international law obligation of Canada, nor a customary international law norm or standard. As stated by the BC Supreme Court Chief Justice, it is not comparable to the Convention on the Rights of the Child (cited in Baker), which Canada ratified. Canada's support for UNDRIP is expressly qualified by statements that it is "aspirational" and "non-legally binding".

"BC Hydro's position on the UNDRIP represents a fall back to the old colonial Crown policies of denying the human rights of Indigenous peoples. This position is incredibly counterproductive and flies in the face of Canada's unequivocal support for, and commitment to, implement the UNDRIP and the Truth and Reconciliation Commission's 94 Calls to Action" said Grand Chief Edward John, First Nations Summit Political Executive and North American Representative to the United Nations Permanent Forum on Indigenous Issues (UNPFII).

"The adversarial arguments presented by BC Hydro certainly conflict with their claim to be a Crown Corporation that is a leader in Aboriginal Relations and also do not reflect well on the government of BC's commitments to the principles of reconciliation. We encourage BC Hydro to abandon their legal strategy of denying the rights of Indigenous peoples in this province", added Grand Chief John.

“Canada is a party to this court action and must act on its political commitments to implement the UNDRIP. This commitment must extend to include any court actions where Canada is a party. Canada cannot be silent nor be indifferent to the strongly adversarial position of BC Hydro; it should support the existence of the rights of Indigenous peoples by arguing against positions such as that taken by BC Hydro’, added Robert Phillips, also of the First Nations Summit political executive.

Canada’s commitment to implement the UNDRIP is reflected in Prime Minister Justin Trudeau’s mandate letter to the Hon. Carolyn Bennett, Minister of Indigenous and Northern Affairs which instructs her to;

...support the work of reconciliation, and continue the necessary process of truth telling and healing, work with provinces and territories, and with First Nations, the Métis Nation, and Inuit, to implement recommendations of the Truth and Reconciliation Commission, starting with the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

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The First Nations Summit speaks on behalf of First Nations involved in treaty negotiations in British Columbia. The Summit is also a NGO in Special Consultative Status with the Economic and Social Council of the United Nations. Further background information on the Summit may be found at www.fns.bc.ca.

For further information:

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