

October 31, 2016

The Right Honourable Justin Trudeau, P.C., M.P.  
Prime Minister of Canada

**Re: Open Letter to the Prime Minister on the TPP**

Dear Prime Minister Trudeau:

My name is Brenda Sayers. For the past three years, I held the portfolio that legally challenged the Federal Government from ratifying the Canada-China Foreign Investment Promotion and Protection Agreement (CC-FIPPA) on behalf of Hupacasath First Nation. We brought our case before the court because we believe the CC-FIPPA and in particular, its Investor State Dispute Settlement (ISDS) clause abrogates our constitutionally enshrined Hupacasath Rights and Title.

Unfortunately on Friday, September 10, 2014 former Prime Minister Stephen Harper ratified CC-FIPPA without waiting for the Federal Court of Appeal decision. This was a serious affront to Hupacasath First Nation as the First Peoples of this land. My hope is that your government will spend less time in court fighting First Nation's Rights and Title and more time building cultural respect and reconciliation. This includes working with First Nations to ensure future trade agreements include provisions that will protect rights & title and give the government opportunity to protect our rights without fear of an award of damages under the international agreements.

My concerns regarding the ISDS is strongly shared as evidenced by the United Nations Independent expert Alfred de Zayas who was appointed by the General Assembly and has released a report that recommends that the ISDS clause be removed from all trade agreements.

Under the "We Stand Together" campaign we raised awareness of the CC-FIPPA and were supported nationally by more than 70 organizations from unions to faith groups and tens of thousands of First Nations and individual Canadians. They came together in view of the fact that trade agreements place corporate rights over human rights. And, while our lawsuit was concerned strictly with First Nations, we feel that these agreements affect all people and that feeling was shared by the thousands of Canadians that supported us in our challenge.

On behalf of the people of Canada I write to you about a serious flaw CC-FIPPA contains which is the lack of transparency in the agreement. Due to public pressure, policy was created to ensure the federal government reports any lawsuits brought against Canada under NAFTA. I am urging the same policy mechanism to create transparency be implemented under your government for CC-FIPPA as well as any future agreements. This would be an act of good faith for the people of Canada.

Citizens have a right to know what lawsuits are being brought against Canada under tribunals established within free trade agreements that are not subject to Canadian Law. These lawsuits directly impact Canadian citizens through increased taxation, the degradation of the environment, risks to national and food security as well as the chance of increasing climate change risks and poverty for present and future generations.

I believe climate change is directly affected by International Trade Agreements such as NAFTA, CC-FIPA and the pending TPP and CETA agreements through the powerful ISDS clause granting foreign multi-national corporations the right to sue Canada for standing up and taking measures to preserve the environment. We are at serious risk of increasing the rate of global warming, all in the name of profit.

I commend your government for committing to the 1.5 degree limit at COP21 in Paris and trust the impacts of International Trade Agreements and future ratification of them will be considered in light of the concerns I have raised here. For the sake of the next seven times seven generations we must have the ability to say no to projects that will impact the 1.5 degree target.

On behalf of the people of Canada much of this work was accomplished by a small team of three women including myself, who dedicated two and a half years fighting for the rights of the people and more significantly for the rights of future generations. It was an honour to serve the people in this capacity.

As the Hupacasath First Nation portfolio holder for the CC-FIPPA court challenge, knowing the drastic impact TPP will have on Aboriginal Rights and Title and Treaty Rights, Canadians, future generations and our natural environment **I am asking you to reject the TPP.**

Why would the federal government ratify a treaty that removes power from parliament, our domestic courts and defeats democracy by expunging public debate because policy contained in the TPP will become the laws of Canada? Why would the

government ratify the TPP when it does not recognize Aboriginal Rights and Title and Treaty Rights and further abrogates those rights giving foreign states more rights by allowing them to sue Canada if we exercise our rights to protect our lands, water and people? Why would the federal government ratify a treaty that will not recognize Canada's climate change policy and will give foreign states the power to sue us through the ISDS mechanism even if **a project will increase GHG emissions, harm the environment, people and future generations? Canada's right to regulate climate change needs to be spelled out within the body of the agreement.** We need to have the autonomy to strengthen our environmental standards. An important rule we need in trade is local rules are respected by the global economy.

I will continue to raise the issues which drove the fight against this free trade agreement and will continue to plague others if not addressed as they are a great detriment to the rights of First Nations and to Canada as a whole.

Sincerely,

Brenda Sayers  
Hupacasath First Nation  
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Cc:

Minister of Trade, Chystia Freeland  
Attorney General of Canada, Jody Wilson-Raybould  
United Nations Special Rapporteur for Indigenous Rights, Victoria Tauli-Corpuz  
United Nations Independent Expert, Alfred de Zayas  
Senator Murray Sinclair  
Hupacasath First Nation, Chief Steven Tatoosh  
AFN National Chief Perry Bellegarde  
NTC President Deb Foxcroft  
UBCIC Grand Chief Stewart Phillip