

4th Session of the United Nations Permanent Forum on
Indigenous Issues
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Millennium Development Goal: Eradication of Extreme Poverty and Hunger

Acknowledgements:

- Huda'nashonie Peoples for meeting in their traditional territory
- Members of the Permanent Forum
- Indigenous Delegates & Respected Guests

Introduction:

My name is Harvey Alphonse, Chief of the Cowichan Tribes. I represent the hul'qumi'nem people from six Coast Salish Nations that belong to the Assembly of First Nations. ^{of Canada} We are non-treaty Indians negotiating a modern day treaty with the Government of Canada and the Province of British Columbia. We have never sold our lands, nor have we ever ceded control of our lands. & resources

We are participating in the Canadian Treaty process for the purpose of negotiating a treaty that will allow social, cultural and economic sustainability. We have been in negotiations for over ten years, however progress has been slow, contentious and our lands and resources continue to be alienated.

since contact 150 yrs. ago.

The Government of Canada's Comprehensive Claims policy has not been amended or updated to reflect the Supreme Court of Canada judgments in our favor.

This gap between Canada's political approach and its legal reality must be closed. As a Leader, I must take political action to protect our rights by reclaiming our lands and resources through a combination of compensation, restoration of title, and securing self government.

The fiduciary duty of the Canadian Government has been breached across most sectors and cannot be trusted to protect our interests. To quote, Justice Gauthier, in his article "Demystifying the Fiduciary Mystique":

The origin of fiduciary concept is to be found in equity. The original fiduciary was the trustee and trusts being creatures of the Court of Chancery came under its exclusive jurisdiction. Because of the dependence and vulnerability that was involved in trust situations, equity imposed special duties on the trustee which are known as fiduciary duties. These duties included such rules and obligations as: the trustee

must act solely in the interest of the trust, he must avoid all conflict of interest and he is not to profit from the position entrusted. Not to do this would be to invite equitable fraud by way of abuse of power, position or opportunity that belongs to another."

Since colonial settlement, hul' qumi' nem people have been alienated from lands and resources. This alienation has been negative and has led to destitution, deprivation and social dependency of my people.

Our struggle for survival has included a movement to protect our rights and title, to secure compensation for our lands and resources, and to fight for self determination.

Compensation for our lands and resources is integral to negotiating a modern day treaty, yet the Canadian Government refuses to acknowledge our interests. It is well documented that our alienated lands and resources is a major factor contributing to our impoverishment. Our right to self determination is fundamentally linked to our survival as distinct and diverse peoples, with a way of life that is sacred and respected by my people.

This problem is structural and requires a new dimension to restore recognition of our rights and title that is sacred to hul' qumi' nem culture. We need to shift the Canadian Government's negotiating strategy, particularly their perspective on compensation.

Our goal is to establish a negotiating process that will reflect our interests as well as the interests of the Canadian Government. We want an inclusive process that involves meaningful negotiations of all parties in order to develop a modern day treaty that will capture the essence of relationship with our creator, our lands and the Canadian Government.

Although, we are living in difficult circumstances, through this forum, and with the might of the United Nations, we can continue to pressure all governments to initiate the positive changes we are all seeking.

We respectfully request the high level representatives of the United Nations and the expert members of this Permanent Forum on Indigenous Issues to join with us to meet our goals. It's doable and together we can do it.

Thank you for allowing me to address this forum.