

FN09 Jaron JRB
(275)

74
12/08/09

**Agenda Item 4 – Declaration on the Rights of Indigenous Peoples
United Nations – Expert Mechanism on the Rights of Indigenous Peoples**

Statement – Submitted by Friends of the Coquihalla, NGO

Skia'us enskwesht, Nle'kepemxkn, ya nshwoy neya
Madame Chair, esteemed Experts, Brothers and Sisters of the World Indigenous Community, thank you for the opportunity to address the Expert Mechanism on the Rights of Indigenous Peoples.

The Friends of the Coquihalla is an organization that represents indigenous peoples who oppose the possible construction of a multi-million dollar all-seasons ski resort in the heart of our indigenous territory, the Coquihalla, in the interior of British Columbia, Canada.

The company that has proposed the resort in the Coquihalla, has filed an application to the Environmental Assessment office of British Columbia for the controlled access of 22,500 hectares of land in the Coquihalla.

The Friends of the Coquihalla oppose the construction of this resort because the area suggested is traditionally owned, occupied by the Okanagan and Nle'kepemx Nations. A majority of the Nle'kepemx Nation are opposed to this potential resort. The Okanagan and Nle'kepemx people use this area for hunting, berry picking, medicine gathering and spiritual practices.

The Friends of the Coquihalla oppose the potential resort not only for the indigenous peoples use of the land, but also because our ancestors have taught us that we must protect the land for all the different living things.

We must take care of the land from the highest mountain peak to the river bottoms below. We must ensure that we protect the animals and the birds. We must protect the plants and the medicines. We must also protect the water which is the life blood of Mother Earth, and is vital to sustain all forms of life. We as indigenous peoples rely on the land, for our own health and well being, to provide for us in maintaining our indigenous cultures and languages.

The Supreme Court of Canada in the Delgamuukw case has recognized Aboriginal title in Canada, which is a unique property right. Our Aboriginal title, like other types of Aboriginal rights is protected under section 35 of the Canadian Constitution. We as indigenous peoples have the right to use, develop and control the land, territories and resources that we possess by reason of traditional ownership, use and occupation. These rights are specifically referred to in Article 25 and Article 26 of the Declaration on the Rights of Indigenous Peoples.

The indigenous peoples from the interior of British Columbia have never signed any treaties with the government of Canada. The land issue has never been resolved. Canada

has continued to benefit from our natural resources and lands, while the indigenous peoples of Canada have not. *Canada cannot proceed with this development on Nle'kepemx/Okanagan land without free prior and informed consent.*

(Our recommendations are as following.)

1. We recommend that the Expert Mechanism on the Rights of Indigenous Peoples advocate for Canada to change their laws surrounding the rights and titles of British Columbia First Nations. We need a respectful process that establishes the legal obligations of all parties as the parameters for constructive dialogue.
2. We ask that the Expert Mechanism on the Rights of Indigenous Peoples urge Canada to implement the Declaration on the Rights of Indigenous Peoples, to protect the indigenous peoples in Canada and their lands, and specifically the land of the Coquihalla for the Nle'kepemx and Okanagan Nations.

Thank you.

Aaron L. Sam
Friends of the Coquihalla
Lower Nicola Indian Band
Nle'kepemx Nation