

Brenda Sayers and the TPP



Brenda Sayers is a Hupacasath First Nation member who led the fight against the Canada-China Foreign Investment Promotion and Protection Act. She earned a national reputation in the two-and-a-half year court battle to force Ottawa to overturn the contentious treaty.

Brenda Sayer has served on the Council of Hupacasath First Nation and as a Director of the Nuu-chah-nulth Tribal Council. She was the Hupacasath's portfolio holder for the Canada China Foreign Investment Promotion and Protection Agreement (FIPA) court challenge.

Since the defeat of the FIPA court challenge, she has represented the Union of British Columbia Indian Chiefs (UBCIC) in promoting and supporting the efforts of indigenous peoples to affirm and defend aboriginal title, rights, and treaty rights, and in combatting the possible adoption of the Trans-Pacific Partnership investor state agreement.

The TPP and associated processes threaten Aboriginal rights, title, and treaty rights. Advocates of the rights of First Nations are extremely concerned the Government of Canada signed the TPP without consultation or consideration of the constitutionally protected, judicially recognized, and internationally enshrined rights of Indigenous peoples. Trade agreements, such as the many foreign investment promotion and protection agreements, prioritize corporate rights over Aboriginal and citizens' rights.

The Investor State Dispute Settlement (ISDS) provisions of these agreements usurp the ability of First Nations and public governments to legislate progressive environmental, social and economic measures by threatening the assignment of damages for any action which influences corporate profits. For example, if First Nations or public governments pass laws which increase costs of environmental protection, or increase wage and benefit costs, foreign firms with existing businesses can sue for damages resulting from the loss of profits. Disputes are heard by appointed tribunals, with no recourse to judicial appeal.

The investor state agreements have been secretly negotiated, without review by parliamentary committee or ratification by Parliament, and bind Canada to their provisions for decades. Ratification of the Canada and European Union Comprehensive Economic and Trade Agreement (CETA) was recently turned down due to the concerns of some European Union states with the ISDS provisions of the agreement.