

REFERENCE: CERD/EWUAP/106th session/2022/MJ/CS/ks

29 April 2022

Excellency,

I write to inform you that in the course of its 106th session, the Committee on the Elimination of Racial Discrimination considered information received under its early warning and urgent action procedure, related to the situation of the Secwepemc and Wet'suwet'en communities, in relation to the Trans Mountain Pipeline and the Coastal Gas Link Pipeline in the Province of British Columbia.

According to the information before the Committee, the Governments of Canada and of the Province of British Columbia have escalated their use of force, surveillance, and criminalization of land defenders and peaceful protesters to intimidate, remove and forcibly evict Secwepemc and Wet'suwet'en Nations from their traditional lands, in particular by the Royal Canadian Mounted Police (RCMP), the Community-Industry Response Group (CIRG), and private security firms. The information received specifies in particular that the Tiny House Warriors, a group of Secwepemc women, have been the target of surveillance and intimidation, and that numerous Secwepemc and We'suwet'en peaceful land defenders have been victims of violent evictions and arbitrary detentions by the RCMP, the CIRG and private security personnel in several occasions since the Committee's letter to the State party, dated 24 November 2020.

The Committee recalls that in its Decision 1 (100) of 13 December 2019, it urged the State party to immediately cease forced evictions of Secwepemc and Wet'suwet'en peoples. It also urged the State party to guarantee that no force will be used against Secwepemc and Wet'suwet'en peoples, and that the Royal Canadian Mounted Police and associated security and policing services will be withdrawn from their traditional lands.

The Committee profoundly regrets and is concerned that despite its calls to the State party, the information received points rather to an increase of the above-mentioned acts against Secwepemc and Wet'suwet'en peoples.

The information received also alleges that the Governments of Canada and of the Province of British Columbia have not taken measures to engage in consultations with Secwepemc and Wet'suwet'en peoples regarding the Trans Mountain Pipeline and the Coastal Gas Link Pipeline.

H.E. Mrs. Leslie Norton
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The Committee regrets that the State party has not yet submitted its 21st to 23rd combined periodic report, due on 15 November 2021, in which it should have also provided information on the measures taken to address the concerns raised in the Committee's decision of 13 December 2019 and in its letter of 24 November 2020, including on the efforts undertaken to engage in negotiations and consultations with the Secwepemc and We'suwet'en communities affected by the projects mentioned above.

The Committee is concerned that the situation described above could deteriorate in detriment of the rights of Secwepemc and Wet'suwet'en peoples, in particular the rights to their lands and territories, the right to be consulted and the right to security of the person.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests the State party to provide a response to the communications indicated above, by 15 July 2022. In particular, the Committee requests the State Party to provide information on the measures taken to:

- (a) Cease the construction of the Trans Mountain Pipeline and the Coastal Gas Link pipeline, until free, prior and informed consent is obtained from, respectively, the Secwepemc people and the Wet'suwet'en people, following the full and adequate discharge of the duty to consult;
- (b) Engage in negotiations and consultations with the Secwepemc and We'suwet'en communities affected by the Trans Mountain Pipeline and Coastal Gas Link Pipeline and to report on the results of those negotiations and consultations;
- (c) Prevent and duly investigate the allegations of surveillance measures, practices of arbitrary detention, instances of excessive use of force against protesters, in particular those belonging to the Secwepemc and Wet'suwet'en peoples, by the RCMP, CIRG, and private security firms;
- (d) Cease the forced eviction of Secwepemc and Wet'suwet'en peoples;
- (e) Guarantee the right of peaceful assembly of indigenous peoples, including the Secwepemc and Wet'suwet'en peoples;
- (f) Review, in consultation with indigenous peoples, the legal and institutional framework with a view to ensuring that the right to consultation and to obtain free, prior and informed consent is adequately incorporated in domestic legislation in a manner which is in compliance with international human rights obligations and jurisprudence, including the Committee's general recommendation No. 23 on the rights of indigenous peoples.

Finally, the Committee requests the State party to submit the overdue 21st to 23rd combined periodic report as a matter of urgency.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Canada, with a view to ensuring the effective implementation of the Convention.

Yours sincerely,



Verene Shepherd

Chair

Committee on the Elimination of Racial Discrimination