

The Honourable Justin Trudeau,  
Prime Minister of Canada  
Parliament Buildings  
Ottawa, Ontario

VIA EMAIL

November 29, 2021

Dear Prime Minister Trudeau,

We are extremely disturbed that your government has failed to comply with the 2019 decision of the United Nations Committee on the Elimination of Racial Discrimination (CERD) calling on Canada to immediately suspend work on the Coastal Gas Link pipeline, the Trans Mountain Pipeline Extension project, and the Site C dam until free, prior, and informed consent is obtained from Indigenous peoples.

The CERD expressed alarm at the “forced removal, disproportionate use of force, harassment and intimidation by law enforcement officials against Indigenous peoples who peacefully oppose large-scale development projects” on their traditional territories without their consent.

The UN *Convention on the Elimination of Racial Discrimination* is a binding international treaty, ratified by Canada in 1970. The CERD is responsible for monitoring countries' implementation of the *Convention*.

Canada has a legal obligation to comply with the *Convention* and to respect the rights of Indigenous peoples with regard to their lands. To date, however, your government has done the opposite. It has rejected the findings of the Committee, ignored Canadian governments' legal obligations under the *Convention*, and treated serious human rights infringements with a dismaying lack of concern and lack of transparency.

Very recently, the Committee criticized Canada for its inadequate response to date, saying that the letter the government sent on July 7, 2020 – which the government has not made public - “provided no information on measures taken to address the concerns raised by the Committee in its decision of 13 December 2019.” The Committee asked the Canadian government to provide a proper response to its concerns by November 15, 2021 as part of Canada's periodic report due on that date.

The Government of Canada has ignored the November 15, 2021 date and has not responded to CERD. Instead, the use of force against Indigenous peoples opposing these fossil fuel projects in BC has been increased, even as climate change disasters are wreaking havoc and destruction on surrounding communities.

In B.C. this week the climate disaster involved catastrophic flooding and landslides that killed at least four people, displaced thousands, destroyed homes and farms, destroyed critical transportation and agricultural infrastructure, and drowned thousands of animals. This flooding comes only three months after BC experienced a devastating ‘heat dome’, which caused hundreds of deaths and ravaging wildfires. Despite BC currently being in a climate-induced State of Emergency, the invasion of Wet’suwet’en and Gitksan territories by the Royal Canadian Mounted Police and the arrest of Indigenous land defenders, Indigenous elders, legal observers, and media representatives has been prioritized.

Instead of treating its obligations under the *Convention* as the serious, binding legal obligations they are, and responding to CERD’s requests for information on measures taken by November 15, 2021, the Government of Canada has informed journalists that Canadian Heritage will provide a report to CERD sometime in 2022. This inaction is contrary to obligations Canada took on under the *Convention*, and illustrates disregard and dismissal of the human rights regime to which Canada has bound itself.

We are fully aware that Canadian Heritage co-ordinates the regular reports that Canada makes to United Nations treaty bodies. However, it is obvious that Canadian Heritage is not the Ministry where decisions are made about the continuation of work on Site C, the Trans Mountain Pipeline Extension project, and the Coastal Gas Link pipeline. Nor is Canadian Heritage making decisions about the deployment of heavily armed Royal Canadian Mounted Police to surveil, stop, and arrest Indigenous human rights defenders. In these circumstances, referral of inquiries from the public and the media about paramilitary actions against Indigenous land defenders to Canadian Heritage is patronizing and makes obvious Canada’s refusal to take the CERD procedures seriously and to perform the treaty in good faith (*pacta sunt servanda*) as required by Article 26 of the *Vienna Convention on the Law of Treaties*.

For two years the Canadian government has ignored the 2019 decision of the CERD. Instead of respecting human rights and taking strong action to address climate change, the Canadian government has escalated the use of force against Indigenous land defenders who, as well as defending their Indigenous rights, are defending the health of the planet for us all. Since 2019, when the CERD issued its declaration, the situation regarding Indigenous land defenders in BC has deteriorated.

We therefore call on the Government of Canada to:

- Comply with the decision of the UN Committee on the Elimination of Racial Discrimination and immediately suspend work on the Coastal Gas Link pipeline, the Trans Mountain Pipeline Extension project, and the Site C dam until free, prior, and informed consent is obtained from Indigenous peoples;
- Stop the forced evictions of peoples who are occupying their traditional territories to oppose pipeline construction on their land without their consent;
- Withdraw Royal Canadian Mounted Police and associated security and policing

services from and Secwépemc and Wet'suwet'en lands;

- Uphold international human rights obligations and guarantee the internationally recognized human rights of Secwépemc and Wet'suwet'en land defenders and their supporters;
- Allow critical foods and medicines to reach the communities;
- Make public the government's July 2020 letter to CERD as well as any future correspondence regarding Canada's compliance with the CERD declaration.

In a federal state such as Canada, implementation of international human rights obligations lies across both federal and provincial levels of government. But it lies with the Government of Canada to leverage, encourage, and urge provincial governments, in this case the province of British Columbia, to comply with the international obligations to which your government has committed all Canadian state actors. Your government stands in breach of its human rights obligations for failure to do this.

We await your response.

Sincerely,

**Aboriginal Women's Action Network**

**Amnesty International Canada (English Branch)**

**Amnistie Internationale Canada francophone**

**Canadian Association of Physicians for the Environment**

**Canadian Centre for Policy Alternatives, BC**

**Canadian Voice of Women for Peace**

**Canadian Feminist Alliance for International Action (FAFIA)**

**Ecojustice Canada**

**Environmental Defence**

**Friends of the Earth Canada**

**Greenpeace Canada**

**Justice for Girls**

**Just Planet**

**La Ligue des droits et libertés du Québec**

**National Association of Women and the Law**

**Sierra Club of BC**

**Social Rights Advocacy Centre**

**Tiny House Warriors**

**Tsleil-Waututh Nation Sacred Trust Initiative**

**Union of B.C. Indian Chiefs**

**Urban Native Youth Association**

**West Coast Environmental Law**

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**Matthew Norris**, President of the Urban Native Youth Association

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**Patricia M. Barkaskas**, BA, MA, JD, Associate Professor of Teaching, Academic Director, Indigenous Legal Studies, Academic Director, Indigenous Community Legal Clinic, University of British Columbia

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**Maude Barlow**, author, activist and winner of the Right Livelihood Award.

**Susan B. Boyd**, Professor Emerita, Allard School of Law, University of British Columbia

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**Maxwell A. Cameron**, Professor, Department of Political Science and Director (on leave) of the Centre for the Study of Democratic Institutions in the School of Public Policy and Global Affairs, UBC

**Bruce Campbell**, Adjunct professor, York University, Faculty of Environmental and Urban Change; Senior Fellow, Centre for Free Expression, Ryerson University

**Rebecca Cook**, CM, JD, JSD, FRSC, Professor Emerita, Faculty of Law, University of Toronto

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**Michele Landsberg**, Journalist and social activist

**Avi Lewis**. Filmmaker and broadcaster

**Stephen Lewis**, CC, Chair of the Stephen Lewis Foundation\*, former Permanent Representative of Canada to the United Nations

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**Annabel Webb**, BA MA (UBC), MSt (Oxford), David Suzuki Fellow; Founding Director, Just Planet.

**Dr. Peter Wood**, PhD, Co-founder of the Coalition for Environmental Rights

**Stepan Wood**, Canada Research Chair in Law, Society and Sustainability; Director, Centre for Law and the Environment, Allard School of Law, University of British Columbia

**Margot Young**, BA (UBC), JD (UofT), MA (UofT) MJSP (Berkeley), Professor, Allard School of Law, University of British Columbia

cc: The Honourable David Lametti, Minister of Justice and Attorney General of Canada

The Honourable Marc Miller, Minister of Crown-Indigenous Relations

The Honourable Jonathan Wilkinson, Minister of Natural Resources

The Honourable Steven Guilbeault, Minister of Environment and Climate Change

The Honourable Mélanie Joly, Minister of Foreign Affairs

The Honourable Marco Mendicino, Minister of Public Safety and Solicitor General

Yves-François Blanchet, Leader of the Bloc Québécois

Erin O'Toole, Leader of Conservative Party of Canada

Jagmeet Singh, Leader of the NDP

Amita Kuttner, Leader of the Green Party of Canada

The Honourable John Horgan, Premier of the Province of British Columbia

The Honourable David Eby, Minister of Justice and Attorney General of British Columbia

The Honourable Mike Farnworth, Deputy Premier, Minister of Public Safety and Solicitor General

The Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation

\*indicates institutions are named for identification purposes only