



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: CERD/EWUAP/102nd session/2020/MJ/CS/ks

24 November 2020

Excellency,

I refer to your letter of 7 July 2020 and I thank you for the information provided in response to the Committee's decision of 13 December 2019 concerning allegations of violations of the rights of indigenous peoples, in particular the absence of the free, prior and informed consent of the Secwepemc and We'suwet'en communities, in relation to the development of the C dam project, the approval of the Trans Mountain Pipeline Expansion project in British Columbia as well as the Coastal Gas Link Pipeline.

The Committee takes note of the information provided regarding the interpretation of the free, prior and informed consent principle and the duty to consult. The Committee also notes that the State party plans to introduce legislation by the end of 2020, co-developed with indigenous peoples to implement the United Nations Declaration on the Rights of Indigenous Peoples similar to the legislation adopted by the provincial Government of British Columbia.

The Committee regrets the State party interprets the free, prior and informed consent principle as well as the duty to consult as a duty to engage in a meaningful and good faith dialogue with indigenous peoples and to guarantee a process, but not a particular result. In this regard, the Committee would like to draw its attention on the Committee's general recommendation No. 23 (1997) on the rights of indigenous peoples, in which it calls upon States parties to ensure that no decisions directly relating to the rights or interests of indigenous peoples is taken without their informed consent.

Further, the Committee regrets that the State party has provided no information on measures taken to address the concerns raised by the Committee in its decision of 13 December 2019.

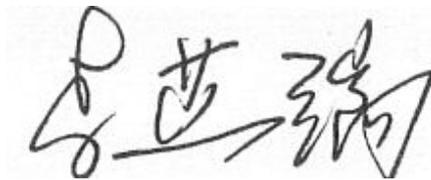
H.E. Mrs. Leslie Norton
Permanent Representative of Canada
to the United Nations Office
Geneva
E-mail: genev-gr@international.gc.ca

In this regard, and in accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee invites the State party to provide updated information in its 21st to 23rd combined periodic report on measures taken to address all the issues contained in the decision referred to above. In addition, the Committee requests the State party to provide information in its periodic report, on: a) the status of adoption of the legislation to implement the UN Declaration on the Rights of Indigenous Peoples, indicating to what extent indigenous peoples have been involved in its drafting; b) the implementation of the legislation adopted by the province of British Columbia including in relation to the development of the C dam project, the approval of the Trans Mountain Pipeline Expansion project in British Columbia as well as the Coastal Gas Link Pipeline; c) further efforts undertaken to engage in negotiations and consultations with the Secwepemc and We'suwet'en communities affected by the projects mentioned above, where no agreement has been reached with, as well as their results.

The Committee notes that the State party's 21st to 23rd combined periodic report is due on 15 November 2021.

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,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination