



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: CERD/EWUAP/Canada-Trans Mountain
Pipeline/2018/JP/ks

14 December 2018

Excellency,

I would like to inform you that in the course of its 97th Session, the Committee on the Elimination of Racial Discrimination considered information received related to the Trans Mountain Pipeline Expansion Project and its impact on the indigenous people Secwepemc, in Canada.

The Committee notes that the State party has initiated a renewed and open-ended consultation process on the Trans Mountain pipeline extension, the decision rendered by the Federal Court of Appeal, of 30 August 2018.

In this regard, the Committee would like to underscore that the realization of the Trans Mountain Pipeline Expansion Project without free, prior and informed consent, would permanently affects the land rights of Secwepemc people and, as a result, would infringe their rights under the International Convention on the Elimination of All Forms of Racial Discrimination.

The Committee would like to recall paragraph 20 of its 2017 concluding observations (CERD/C/CAN/CO/21-23) and requests the State party to provide information on the steps taken to ensure the respect of the right to consultation and free, prior and informed consent of the Secwepemc people, in relation to the Trans Mountain Pipeline Extension Project.

In this regard, the Committee encourages the State party to consider engaging with the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) that is mandated by the Human Rights Council (resolution 33/25, paragraph 2), to provide States with technical advice on the rights of indigenous peoples and facilitate dialogue between States, indigenous peoples and/or the private sector.

Her Excellency Ms. Rosemary McCarney
Permanent Representative of Canada
to the United Nations Office
Geneva
Email: genev-gr@international.gc.ca



In accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests the State party to submit its response before 8 April 2019.

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,

A handwritten signature in black ink, appearing to read "Nouredine Amir".

Nouredine Amir
Chair

Committee on the Elimination of Racial Discrimination