



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/USA/CS/ks

24 November 2020

Excellency,

I write to inform you that in the course of its 102nd session, the Committee continued the consideration of the situation of Gwich'in indigenous peoples in Alaska, in the United States of America, under its early warning and urgent action procedure. In this regard, the Committee refers to its previous letter of 7 August 2020 on this issue.

Since its previous letter, the Committee has received and considered further information. According to the additional information received by the Committee, the United States Government released the Coastal Plain Oil and Gas Leasing Program Record of Decision on 17 August 2020, a decision that would constitute the final administrative step required for the Government to move forward with a lease sale of the Coastal Plain to oil and gas companies.

The information received by the Committee alleges that once the lease sale is initiated, it will be nearly impossible to cancel the sale and prevent oil and gas development of the area. Allegedly, the drilling option selected is the most expansive one and it will have the greatest and most destructive impact on the Coastal Plain and the caribou herd.

Moreover, the information alleges that permitting to lease the area for oil and gas development will cause irreparable harm to the environment and the Gwich'in, in particular their right to health, adequate food, education, freedom of religion, and that it will increase the risk of violence against indigenous women.

It is further alleged that the domestic legal framework does not provide an adequate forum to address the negative impact of these measures on the human rights of the Gwich'in People, and that the United States has continually failed to consult with the Gwich'in or to seek their free, prior and informed consent.

His Excellency Mr. Andrew Bremberg
Permanent Representative of the United States of America
to the United Nations Office
Geneva
Email: GenevaUSmission@state.gov

The information received also alleges that in the context of recovering from the impact of the COVID-19 pandemic, the United States Government is removing existing regulations and forging ahead with oil and gas development in the Coastal Plain and other energy projects, which directly and disproportionately impact indigenous peoples.

The Committee recalls its General Recommendation No. 23 (1997) on the rights of indigenous peoples and its previous concluding observations (CERD/C/USA/CO/7-9).

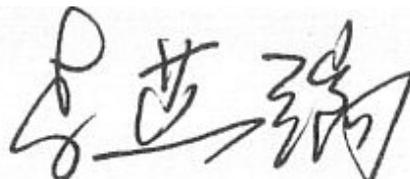
Accordingly, the Committee would be grateful to receive a response to the request of information contained in its letter of 7 August 2020 and to these additional allegations, including information on:

- (a) The status of the proposal to develop oil and gas in the Coastal Plain and if a final administrative decision has been taken to move forward with a lease sale to oil and gas companies;
- (b) The mechanisms available that would allow to reassess the options proposed in the Final Environmental Impact Statement regarding the oil and gas projects in the Coastal Plain;
- (c) The concrete measures taken to protect the Coastal Plain, its wildlife and the indigenous peoples who live in there, including measures to implement the commitments under the Agreement Between the Government of Canada and the Government of the United States of America on the Conservation of the Porcupine Caribou Herd;
- (d) The measures adopted to incorporate the United Nations Declaration on the Rights of Indigenous Peoples into domestic law;
- (e) The measures adopted to ensure that isolated indigenous communities are protected from the effects of COVID-19, in consultation with them.

In accordance with Article 9(1) of the Convention and article 65 of its Rules of Procedure, the Committee would be grateful to receive a response to the above allegations and concrete measures taken in this regard before 31 March 2021. The Committee also urges the State party to submit its 10th to 12th periodic report without further delay, which was due on 20 November 2017.

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

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination