



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

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10 May 2019

Excellency,

I refer to your communication received on 17 April 2019 containing information in response to the Committee's letter of 14 December 2018 regarding the Trans Mountain Pipeline Expansion Project in Canada, adopted under its early warning and urgent action procedures, in accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure.

In its letter, the Committee specifically raised concerns about the realization of the Trans Mountain Pipeline Expansion Project without free, prior and informed consent that would permanently affect the traditional lands of Secwepemc indigenous peoples and, as a result, would infringe their rights under the International Convention on the Elimination of All Forms of Racial Discrimination.

The Committee is concerned about the impact of such project that may cause irreparable harm to indigenous peoples and their rights over traditional lands. The Committee welcomes the information provided by the State party on the Re-initiation of Phase III consultation on the Trans Mountain Pipeline Expansion Project, including with the Secwepemc indigenous peoples.

However, the Committee remains concerned about the lack of consideration given to the Committee's General Recommendation No. 23 on the rights of indigenous peoples (1997) to ensure that no decisions directly relating to indigenous peoples' rights are taken without their free, prior and informed consent.

The Committee is also concerned about information indicating that the consultation process of Phase III would have not been agreed upon with the Secwepemc indigenous peoples and that consultation seems not to be undertaken with all the communities pertaining to Secwepemc indigenous peoples. Moreover, the Committee is concerned about the lack of information about the measures taken for obtaining free, prior and informed consent.

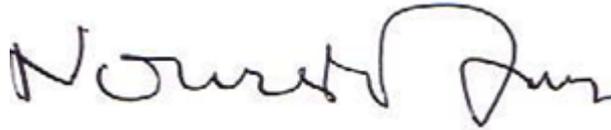
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Therefore, the Committee urges the State party to ensure that no decisions about the Trans Mountain Pipeline Expansion Project are taken without the free, prior and informed consent of the Secwepemc indigenous peoples. Moreover, the Committee urges the State party to establish preconditions for achieving effective free, prior and informed consent, including building trust, good faith and culturally appropriate methods of negotiation and recognition and respect for indigenous peoples' inherent rights.

Finally, the Committee reiterates its request of information about the construction of the Site C dam, as stated in its letter addressed to the State party that were adopted at the Committee's 97th session under its early warning and urgent action procedures.

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,



Nouredine Amir  
Chair

Committee on the Elimination of Racial Discrimination