

letter related to indigenous right being ignored in site C decision , by Canada

Posted by Joan Russow
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HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH
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E-MAIL: registry@ohchr.org REFERENCE: CERD/EWUAP/Canada-Site C dam/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 Site C dam and its impact on affected indigenous peoples in the Province of British Columbia, in Canada.

According to the information received, the provincial government of British Columbia announced, in December 2017, that construction of the Site C dam would continue.

In this regard, the Union of British Columbia Indian Chiefs (UBCIC) has launched a civil suit against the construction of the dam and asked for an interim injunction, subsequently denied, to halt construction until the case is settled.

The Committee is concerned about the alleged lack of measures taken to ensure the right to consultation and free, prior and informed consent with regard to the Site C dam, considering its impact on indigenous peoples control and use of their lands and natural resources.

The Committee is further concerned that the realization of the Site C dam without free, prior and informed consent, would permanently affects the land rights of affected indigenous peoples in the Province of British Columbia.

Accordingly, it would infringe indigenous peoples' rights protected 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 suspend the Site C dam

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until free, prior and informed consent is obtained, following the full and adequate discharge of the duty to consult. Her Excellency Ms. Rosemary McCarney Permanent Representative of Canada to the United Nations Office Geneva Email: genev-gr@international.gc.ca PAGE 2 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. 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, Nouredine Amir Chair Committee on the Elimination of Racial Discrimination