

COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

Hundredth session  
25 November -13 December 2019

ADVANCE UNEDITED VERSION

**PREVENTION OF RACIAL DISCRIMINATION, INCLUDING  
EARLY WARNING AND URGENT ACTION PROCEDURE**

Decision 1 (100)

*The Committee on the Elimination of Racial Discrimination*, meeting in Geneva at its hundredth session, from 25 November 2019 to 13 December 2019,

*Acting* under its Early Warning and Urgent Action Procedure;

*Concerned by* the refusal to consider free, prior and informed consent as a requirement for any measure, such as large-scale development projects, that may cause irreparable harm to indigenous peoples rights, culture, lands, territories and way of life;

*Concerned by* the continuation of construction of the Site C dam and the approval of the Trans Mountain Pipeline Extension project without free, prior and informed consent by all the indigenous peoples affected;

*Concerned by* the approval of new large-scale development projects on indigenous peoples traditional lands and territories without the free, prior and informed consent of affected indigenous peoples, such as the Coastal Gas Link pipeline in the territory of the We'suwet'en people;

*Disturbed by* forced removal, disproportionate use of force, harassment and intimidation by law enforcement officials against indigenous peoples who peacefully oppose large-scale development projects on their traditional territories;

*Alarmed by* escalating threat of violence against indigenous peoples, such as the reported violent arrest and detainment of a Secwepemc defender against the Trans Mountain Pipeline Expansion project, on 19<sup>th</sup> October 2019;

*Recalling* its previous concluding observations of 2017 on Canada (CERD/C/CAN/CO/21-23) and its general recommendation No. 23 (1997) on the rights of indigenous peoples, the Committee:

**Calls upon** the State party to immediately cease construction of the Trans Mountain Pipeline Expansion project and cancel all permits, until free, prior and informed consent is obtained

from all the Secwepemc people, following the full and adequate discharge of the duty to consult;

**Calls upon** the State party to immediately suspend the construction of the Site C dam, until free, prior and informed consent is obtained from West Moberly and Prophet River Nations, following the full and adequate discharge of the duty to consult;

**Calls upon** the State party to immediately halt the construction and suspend all permits and approvals for the construction of the Coastal Gas Link pipeline in the traditional and unceded lands and territories of the Wet'suwet'en people, until they grant their free, prior and informed consent, following the full and adequate discharge of the duty to consult;

**Recommends** that the State party establish, in consultation with indigenous peoples, a legal and institutional framework to ensure adequate consultation with the view to obtain free, prior and informed consent regarding all legislation affecting indigenous peoples;

**Urges** the State party to take the necessary steps to incorporate free, prior and informed consent in domestic legislation, in consultation with indigenous peoples, in compliance with international human rights obligations and jurisprudence, taking into account the Committee's general recommendation No. 23 on the rights of indigenous peoples;

**Urges** the State party to freeze present and future approval of large-scale development projects affecting indigenous peoples that do not enjoy free, prior and informed consent from all indigenous peoples affected;

**Urges** the State party to immediately cease forced eviction of Secwepemc and Wet'suwet'en peoples;

**Urges** the State party to guarantee that no force will be used against Secwepemc and Wet'suwet'en peoples and that the Royal Canadian Mounted Police and associated security and policing services will be withdrawn from their traditional lands;

**Also urges** the State party to prohibit the use of lethal weapons, notably by the Royal Canadian Mounted Police, against indigenous peoples;

**Encourages** the State party to seek technical advice from the United Nations Expert Mechanism on the Rights of Indigenous Peoples.

*2801<sup>st</sup> Meeting  
13 December 2019*