



Press Release: BC First Nations highlight human rights concerns to United Nations Special Rapporteur on the Rights of Indigenous Peoples, seeking resolution through UN mechanisms.

(xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səliłwətał (Tsleil-Waututh) Territory/Vancouver, B.C. (March 10, 2023) This week, the United Nations Special Rapporteur on the Rights of Indigenous Peoples (SRRIP), Francisco Calí Tzay met with various First Nations and Indigenous organisations in BC, including representatives of the Tsleil-Waututh Nation, the Office of The Wet'suwet'en, former Chief of Neskonlith Indian Band, Judy Wilson, and the First Nations Leadership Council. The mandate of the Special Rapporteur includes reporting on the human rights of Indigenous Peoples worldwide and addressing specific alleged cases of violations of Indigenous rights. Special Rapporteur Calí Tzay is on a ten day visit to Canada to hear from Indigenous peoples on a range of issues including how the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP") is being implemented in Canada.

While the Canadian federal government has committed to reconciliation with Indigenous Peoples and passed the UNDRIP Act, Canada continues to approve and support projects, legislation, policy and programs that have adverse effects for Indigenous peoples and communities without seeking their free, prior and informed consent. With increasing frequency, Canada is relying on the Royal Canadian Mounted Police (RCMP) and its Community-Industry Response Group (C-IRG) to criminalize and forcefully remove Indigenous peoples asserting their rights to defend their Indigenous homelands.

The United Nations Committee on the Elimination of Racial Discrimination (CERD) has sent Canada a series of three letters since 2019 stating its concerns about Canada's escalated use of force, surveillance, and criminalization against land defenders and peaceful protesters, and for Canada's failure to obtain the free, prior, and informed consent (FPIC) from First Nations for the Coastal GasLink project and the Trans Mountain Pipeline Expansion Project (TMX). In spite of these rebukes, little has changed for First Nations in the path of resource projects, in fact, instances of force, surveillance, and criminalization have actually increased since the first letter was sent.

Policing is a part of the broken system of colonial justice in Canada. First Nations people are overpoliced, overcharged and overincarcerated in the criminal justice system in Canada. From the criminalization of Indians under the Indian Act, to the criminalization of parents who did not want to send their children to residential schools, to the criminalization of parenting, resulting in the 60s and millennial scoops, Canadian laws have harmed First Nations families and communities. These harms are exacerbated when First Nations defend their inherent title and rights. The criminal justice system and First Nations title and rights must be brought into line with UNDRIP to ensure that First Nations rights are respected, upheld and implemented.

These meetings have provided each of us an opportunity to convey our concerns to Special Rapporteur Calí Tzay regarding the ongoing infringements of our human rights, Canada's failures to procure Indigenous consent, and concerns with the implementation of UNDRIP in Canada. Mr. Calí Tzay recommended several UN mechanisms to pursue and expressed support in our efforts. We were honoured to meet with Mr. Calí Tzay and we thank him for taking this time. The Special Rapporteur will be holding a press conference to share his preliminary findings and recommendations from this visit on Friday March 10th in Ottawa.

Tsleil-Waututh Nation Sacred Trust spokesperson and TWN Councillor Charlene Aleck:

“Our nation conducted an independent review of the [Trans Mountain Pipeline Expansion] project, grounded in our unextinguished Indigenous laws and backed by cutting-edge science, and found that [the project] threatens our very identity as ‘people of the inlet’. On that basis we have denied our free, prior and informed consent. However, Canada continues to force the project through our territories, in spite of their commitments to reconciliation and UNDRIP. Our Tsleil-Waututh members have been harassed and criminalized for opposing the project, which is a major threat to our ongoing work to steward the Burrard Inlet – the birthplace of our ancestors.”

Chief Na'Moks, Wet'suwet'en Hereditary Chief:

“Our visit with the UN Special Rapporteur was to highlight the violence, abuse, incarceration and unlawful removal of our people and supporters from our lands, illegally. The extent of force and surveillance used on us on a daily basis must be brought to the world's attention. The myth that Canada is a safe and free country for all, truly is a myth. We tell our truth, the truth is that if you do not stand with elected officials who support industrial destruction of clean water, freedoms and food security, then you will be arrested and harassed beyond Indigenous and Human Rights laws and obligations. The truth must be told, the truth must be made public.”

Grand Chief Stewart Phillip, President, Union of BC Indian Chiefs:

“We are thankful to Mr. Francisco Calí Tzay for his time and commend him on his efforts to hold Canada to account. Canada continually leads and misleads people to believe that Indigenous peoples in Canada are respected and there is enormous progress being made in our relations. The truth is, Canada does not follow through with their promises on the ground; there are no resources and no serious engagement for First Nations to improve our way of life. Canada put us in a dire position and left it to us to clean up. Our people are dying at alarming rates due to the opioid crisis, COVID-19, crushing poverty, and youth suicides. We are more than just speaking notes on the campaign trail; we need adequate resources and a commitment to a viable and actionable plan.”

Regional Chief Terry Teegee, BC Assembly of First Nations:

“Despite commitments to implement the UN Declaration at the federal, provincial and even local level, we are challenged by a reluctant and rigid colonial system which actively resists the cultural and procedural change necessary to fully recognize Indigenous peoples' title and rights to land, self-government, self-determination and free, prior and informed consent,” stated BCAFN Regional Chief Terry Teegee. “The BCAFN is hopeful that with the aid of UN Special Rapporteur Francisco Calí Tzay, we will be able to bring to light the ongoing human rights abuses and discrimination faced by Indigenous

peoples and to propose and implement the actions required for First Nations to begin governing ourselves and our own affairs without interference or discrimination.”

Cheryl Casimer, Political Executive, First Nations Summit:

“We appreciate Special Rapporteur Cali taking the time to visit British Columbia on his country visit to Canada and to discuss important issues such as MMIWG, over incarceration of Indigenous peoples and implementation of UNDRIP”, said Cheryl Casimer of the First Nations Summit Political Executive. “During our discussions, we stressed to Mr. Cali that while we are pleased that the federal and provincial governments are working to implement UNDRIP, it will be a hollow process if First Nations do not receive the necessary supports to fully engage on a government-to-government basis. BC First Nations and our provincial organizations are severely understaffed and under resourced. This must be addressed in the short term to ensure proper and fulsome engagement towards collective implementation of this important human rights mechanism.”

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