

November 18, 2008

Open Letter to the Government of Canada and the Government of Alberta: Uphold United Nations Recommendations on the Rights of the Lubicon Cree

The United Nations' repeated, unheeded calls for a just resolution of the long standing Lubicon Lake Cree land dispute in northern Alberta highlight Canada's disturbing double standard on upholding international human rights laws and standards.

Over the past two decades United Nations human rights bodies have repeatedly raised concerns over Canada's failure to respect and uphold the Lubicon people's rights in the face of large-scale oil and gas development on their unceded lands.

Most recently, in an August 15th letter to Canada's representative to the United Nations in Geneva, the UN Committee on the Elimination of Racial Discrimination questioned whether TransCanada Corporation's billion dollar gas pipeline across the Lubicon traditional territory can be legitimately authorized by the Government of Alberta or the Alberta Utilities Commission without prior Lubicon consent.

Yet, on October 10, the Alberta Utilities Commission approved the building of the massive TransCanada gas pipeline through Lubicon territory despite the absence of any agreement between the company and the Lubicon.

Our organizations share the United Nations' concern with this well-documented and longstanding Canadian human rights tragedy.

The Lubicon Cree are an Indigenous nation of some 500 people in northern Alberta. The Lubicon were overlooked when the federal government negotiated treaties with other First Nations at the end of the 19th Century. Despite having failed to negotiate any legal access to Lubicon lands, the federal and provincial governments have insisted on treating Lubicon land as Crown land. Government licensing of large-scale oil and gas development on Lubicon land starting in the late 1970s led to the rapid collapse of the traditional economy and ways of living on the land. The result has been widespread impoverishment and devastating levels of disease and illness associated with poverty.

In 1990, after a long and extensive review of a complaint brought forward by the Lubicon, the UN Human Rights Committee found that the failure to reach a land settlement with the Lubicon constituted an ongoing violation of fundamental rights protected under binding international law.

The Human Rights Committee repeated its concern about the plight of the Lubicon when reviewing Canada's human rights record in 2005. The UN Committee on Economic, Social and Cultural Rights, the UN Committee on the Elimination of Racial Discrimination and the UN Special Rapporteur on Housing have since repeatedly expressed concern about the failure to reach a negotiated resolution of this dispute and the continuing licensing of additional oil and gas exploitation within Lubicon lands.

Despite the urging of these bodies, there have been no real negotiations between the federal government and the Lubicon since the last round of talks broke down in 2003, and the licensing of additional oil and gas exploitation within Lubicon lands has proceeded without pause.

The persistent failure of Canadian officials to respect the rights of the Lubicon is one of the most egregious examples of Canada's double standard in respect to UN human rights mechanisms. While Canada has long championed the UN human rights system, Canadian officials have all too often chosen to ignore the UN's findings of human rights abuses within Canada. There is no clearer example than the ongoing failure to reach a just resolution to the Lubicon land dispute.

Canada has long played a powerful role at the United Nations holding other nations to account for their violations of international human rights standards. This important moral leadership is drastically undermined by Canada's failure to uphold those same standards at home.

Our organizations urge the Government of Canada to uphold its obligations under international human rights law by immediately committing to returning to negotiations with the Lubicon Cree with the intention of ensuring that their rights are fully respected and upheld.

We also remind the Government of Alberta that provincial governments also have a duty to respect and uphold international human rights laws and standards. Therefore we urge the Government of Alberta, consistent with UN recommendations, to ensure that no further development takes place within the Lubicon land claim area without the free, prior and informed consent of the Lubicon Nation, including the proposed TransCanada pipeline.

Submitted by:

Aboriginal Rights Coalition Atlantic
(ARCA)

Aktionsgruppe Indianer &
Menschenrechte e.V., Germany

Action Canada for Population and
Development (ACPD)/Action
Canada pour la population et le
développement

Alberta Federation of Labour

Alberta Public Interest Research
Group (APIRG)

Amnesty International Canada	Council of Canadians – Edmonton Chapter
Amnesty International Netherlands	
Amnesty International United Kingdom	Council of Canadians - Lethbridge Chapter
Andrea Bear Nicholas, Chair in Native Studies St. Thomas University, Fredericton	Council of Canadians - Peace Region Chapter
Arbeitskreis Indianer Nordamerikas (AKIN), (North American Indian Working Group) Austria	Council of Canadians – Red Deer Chapter
Association for the Support of North American Indians (ASNAI) e.V., Germany	David Suzuki Foundation
L'Association québécoise des organismes de coopération internationale (AQOCI)	Earthlink e.V., Germany
Atlantic Regional Solidarity Network	L'Entraide missionnaire, Montréal
Canadian Association of Elizabeth Fry Societies	Friends of the Lubicon
Canadian Centre for Victims of Torture (CCVT)	Friends of the Lubicon Alberta
Canadian Friends Service Committee (Quakers)	Greenpeace Canada
Canadian HIV/AIDS Legal Network	INCOMINDIOS (International Committee for the Indigenous Peoples of the Americas), Switzerland
Citizens for Public Justice/Citoyens pour une Politique Juste	KAIROS: Canadian Ecumenical Justice Initiatives
Coalition Québécoise sur les impacts socio-environnementaux des transnationales en Amérique Latine.	Keepers of the Athabasca
Council of Canadians - National Office	Lethbridge Public Interest Research Group (LPIRG)
	Maritimes-Guatemala Breaking the Silence Network
	Peggy Mason, Former Canadian Ambassador for Disarmament to the United Nations, Senior Fellow, NPSIA
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Native Women's Association of
Canada (NWAC)

National Union of Public and
General Employees

Oil Sands Truth

Ontario Public Interest Research
Group (OPIRG) – Carleton
University

Ontario Public Interest Research
Group (OPIRG) – Kingston

Ontario Public Interest Research
Group (OPIRG) – Peterborough

Ontario Public Interest Research
Group (OPIRG) - University of
Ottawa

Oxfam Canada

Oxfam Prairies

Most Reverend Gerard Pettipas,
C.Ss.R.m Archbishop of Grouard-
McLennan, Alberta

Bruce Porter, Social Rights
Advocacy Centre

Prince George Public Interest
Research Group

Pro Regenwald e.V., Germany

Quebec Native Women's
Association

Quebec Public Interest Research
Group at McGill University

Rainforest Action Network

Safe Drinking Water Foundation

Scarboro Missions

Sierra Club Canada

Sierra Club Canada - Prairie
Chapter

Sierra Youth Coalition

Sierra Youth Coalition - Prairies
Region

Simon Fraser Public Interest
Research Group (SFPIRG)

Society for Threatened Peoples,
Germany

Vancouver Island Public Interest
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