



Incomindios

International Committee for the Indians of the Americas

To the
Member States of the UN-General Assembly
New York, USA

May 1, 2006

Canada's candidature for a seat in the UN-Human Rights Council

Dear Madam, dear Sir:

As Swiss-based human rights organisations in consultative status II to ECOSOC, allow us to draw your attention to the following facts as to above-mentioned issue:

Since 1990, Canada has failed to implement two successive decisions of the UN-Human Rights Committee concerning the *Lubicon Lake Indian Nation* in Alberta. In the Final Report of the 85th Session October/November 2005 the UN Human Rights Committee stated among others:

"The Committee is concerned that land claim negotiations between the Government of Canada and the Lubicon Lake Band are currently at an impasse. It is also concerned about information that the land of the Band continues to be compromised by logging and full-scale oil and gas extraction, and regrets that the State party (Canada) has not provided information on this specific issue. (articles 1 and 27)
The State party (Canada) should make every effort to resume negotiations with the Lubicon Lake Band, with a view to finding a solution which respects the rights of the Band under the Covenant, as already found by the Committee (in the 1990 Committee decision finding Canada in violation of the International Covenant on Civil and Political Rights over abuse of the human rights and aboriginal land rights of the Lubicon people.) It should consult with the Band before granting licences for economic exploitation of the disputed land, and ensure that in no case such exploitation jeopardizes the rights recognized under the Covenant."

Based on their own research, Amnesty International and several European NGOs have come to the same conclusion. Some even consider the activities of multinational oil and lumber companies on Lubicon land as ethnocide – supported by the Province of Alberta and not prevented by the Federal Government of Canada.

Canada, in seeking a seat in the UN-Human Rights Council, has pledged "to actively pursue the *implementation of human rights domestically*, including with respect to racism, indigenous people and the protection of children". Together with our partners, INCOMINDIOS Switzerland is highly concerned about the fact that since 1990 Canada does not respect the aboriginal land rights of the Lubicon people and is thus violating the International Covenant on Civil and Political Rights.

In view of these facts, we would like to humbly ask you to carefully consider the required preconditions of a UN-Member State to qualify for a seat in the UN-Human Rights Council.

We thank you for your time to take notice of our reservations as to Canada's candidature to the UN-Human Rights Council, and we highly appreciated your comment in this matter.

Yours sincerely,

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INCOMINDIOS Switzerland

ORIGINAL SIGNED BY

Prof. Heinz Lippuner, Dr.phil., Board of Directors
INCOMINDIOS Switzerland

This letter is seconded by
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NGO in consultative status with the Economic and Social Council (ECOSOC) of the United Nations

over



Background: Canada must recognize and protect the rights of the Lubicon Cree

Over the last quarter century, the Lubicon Lake Cree have seen the land on which they depend transformed by logging and large-scale oil and gas extraction to which they've never consented.

- The Lubicon, an Indigenous nation of 500 people living in northern Alberta, Canada, have never surrendered their rights to their traditional lands. The Lubicon were overlooked when a treaty was negotiated with other Indigenous peoples in the region in 1899. In 1939 Canada finally made contact with the Lubicon, and promised to recognize and build a Lubicon reserve, but has never kept that promise.
- In the late 1970s, the Alberta government initiated a program of massive oil and gas development on unceded Lubicon Traditional Territory. By 2002, over 1700 oil and gas well sites and countless kilometers of pipelines were situated within their Traditional Territory. As a consequence of unbridled resource exploitation, environmental damage, and a loss of their traditional economy, their community faced skyrocketing welfare rates, serious health problems including high rates of asthma, skin rashes, birth defects and stillbirths, a tuberculosis epidemic that affected 1/3 of the community, and social problems including alcoholism and suicide.
- In March 1990, the UNHRC concluded that “historical inequities” and “more recent developments threaten the way of life and the culture of the Lubicon Lake Band”. The Committee ruled that “so long as they continue” these threats are a violation of the Lubicons’ fundamental human rights under the International Covenant on Civil and Political Rights. (CCPR/C/38/D/167/1984)
- At the time, the Canadian government assured the UNHRC that it was seeking a settlement that would protect the rights of the Lubicon. To date, however, no such settlement has been reached. In fact, it has been more than two years since there were any negotiations at all between the Lubicon and the Canadian government. In the meantime, licenses continue to be granted to allow increased resource extraction on the disputed territories.
- In October 2005, the UNHRC once again criticized the Canadian government for its failure to protect the rights of the Lubicon Cree, fifteen years after the UNHRC first asked them to do so. The Committee called on Canada to “make every effort to resume negotiations with the Lubicon Lake Band, with a view to finding a solution which respects the rights of the Band under the Covenant, as already found by the Committee. It should consult with the Band before granting licenses for economic exploitation of the disputed land, and ensure that in no case such exploitation jeopardizes the rights recognized under the Covenant.” (CCPR/C/CAN/CO/5)
- Since the UNHRC released those concluding observations, the Government of Canada has not resumed negotiations with the Lubicon people and has made no indication that it will do so at any time in the future. Nor has there been any effort to stem the resource exploitation activity that has overrun Lubicon Traditional Territory.
- Just in the six months since the UNHRC released its concluding observations the Province of Alberta has sold oil and gas leases and exploration licenses to over 65,000 hectares of unceded Lubicon Traditional Territory, approved 50 new oil and gas wells and approved almost 50 new pipelines.