



United Nations Committee on the Elimination of Racial Discrimination 80th Session, Review of Canada's 19th and 20th Periodic Reviews,

Oral Intervention by the International Indian Treaty Council, February 20th, 2012

Presented by Ron Lameman and Chief Bill Erasmus

Thank you Mr. Chairman. Respectful greetings to the CERD members and to all delegations.

In its concluding observations on Canada's seventeenth and eighteenth periodic reports in 2007 the Committee recognized **“the importance of the right of indigenous peoples to own, develop, control and use their lands, territories and resources in relation to their enjoyment of economic, social and cultural rights, [and] regrets that in its report, the State party did not address the question of limitations imposed on the use by Aboriginal people of their land, as previously requested by the Committee.”**

The Committee recommended that: **“In light of article 5 (e) and of general recommendation no. 23 (1997) on the rights of indigenous peoples, the Committee urges the State party to allocate sufficient resources to remove the obstacles that prevent the enjoyment of economic, social and cultural rights by Aboriginal peoples. The Committee also once again requests the State party to provide information on limitations imposed on the use by Aboriginal people of their land, in its next periodic report...”**

A glaring abuse of Indigenous Peoples rights is taking place through the Canada's the Province of Alberta's support for and licensing of corporations to carry out oil extraction from “tar sands” in Northern Alberta. **Tar sands** (also referred to as oil sands) are a combination of clay, sand, water, and **bitumen**, a heavy black viscous oil. Tar sands are mined and processed to extract the oil-rich bitumen, which is then refined into oil. The bitumen in tar sands cannot be pumped from the ground in its natural state; instead tar sand deposits are mined, usually using strip mining or open pit techniques, or the oil is extracted by underground heating, the injection of hot water and steam, with additional toxic chemicals added to the mix. About 2 tons of tar sands are required to produce 1 barrel of oil, requiring several barrels of water for every barrel of oil produced. The extracting the oil from sand and clay is a highly industrialized process infecting very large areas of land, resulting in the destruction of entire ecosystems. Tar sands mining is a major source of greenhouse gas emissions and a major contributor to climate change and global warming. The greenhouse gas emission (GHG) in the production of conventional oil is greatly exceeded by tar sands production. Tar Sands Oil development also requires large amounts of fresh water and produces large amounts of toxic wastes.

The area of north-eastern Alberta within the Treaty No. 6 and Treaty No. 8 territories known as the “Tar Sands” continues to be a national sacrifice area as it pertains to the Indigenous Peoples affected by this, the most destructive project on earth. Although the Chiefs of Treaty No. 6,

Treaty No. 7 and Treaty No. 8 (Alberta) through their All Chiefs Assembly known as the AoTC (Assembly of Treaty Chiefs) have called for a moratorium on any further expansion of this development, the government of Alberta continues to grant leases, licenses and permits to the extraction companies.

Our Treaty partner, the federal Crown, sits back and does nothing to support the actions and concerns of the Indigenous Treaty Nations of this part of Canada. There is growing opposition locally, nationally and globally to any further expansion until such time the multinational and transnational corporations can show the world that this resource can be extracted in a sustainable manner that does not threaten the very delicate ecosystem in the affected area. At present there are numerous problems that have been attributed to continued unabated extraction activities of a majority of the oil companies that have converged on this sensitive ecosystem from all parts of the globe. A few examples include increased cancer rates amongst Indigenous peoples who are downstream from the project; huge toxic tailings ponds leaching poison, including arsenic, into the environment and water sources; the diversion of water from the Athabasca River on a daily basis with no thought about the short or long term effects on the health of one of the most pristine rivers in the world; destruction of wildlife habitat, pollution of lakes and streams by the ever expanding nature of the exploration and extraction activities of the oil companies, 24 hours a day, 7 days a week, 365 days a year; and total disregard for the Treaty Rights to fish, gather, hunt and trap of the Indigenous Treaty Peoples within the Tar Sands area as this activity is going ahead without the free, prior and informed consent of the Indigenous Treaty Nations concerned. The tar sands developments have effectively placed significant limitations on our ability as Indigenous peoples to exercise our economic, social and cultural rights in our lands and territories, which is not only an immediate impact but will stretch far into the future and the livelihoods of future generations.

On September 16th, 2011 the Dene Nation along with other First Nations, tribal leaders and property owners from the United States and Canada worked together to draft the *Mother Earth Accord*, attached to our Joint Indigenous Alternative Report (submitted by International Indian Treaty Council). The *Mother Earth Accord* has over 60 pages of supporting documentation representing numerous endorsements from all over North America. The Accord lays out reasons for opposing the proposed Keystone XL pipeline, which would transport tar sands crude oil from Alberta to refineries in the southern US. Among other things, the Accord calls for a moratorium on tar sands developments, full consultation under the principles of Free, Prior and Informed Consent, and a rejection by the Whitehouse of the Presidential Permit required to construct the pipeline.

Recently, documents obtained by Greenpeace Canada under the Access to Information Act revealed that the federal government had, in an internal document, labeled Aboriginal Peoples and “green groups” or environmental non-governmental organizations as “adversaries” of the Canadian government with respect to the Tar Sands developments – this is a violation of ICERD Articles 2 and 5, as well as UN *Declaration on the Rights of Indigenous Peoples* Articles 1, 2, 7, 8, 10 and 21.

These developments demonstrate the failure by Canada to implement the CERD’s previous recommendation and we respectfully encourage the Committee to reiterate its previous request for Canada provide information at this session regarding any steps it has taken to implement this vitally important recommendation. Thank you.