Letter in support of Wet’suwet’en people and law

We write this letter in support of the Wet’suwet’en people and in condemnation of any force used to gain access to their unceded land, or against Indigenous people who are standing in solidarity with the Wet’suwet’en all across the country. We also support Wet’suwet’en Hereditary Chiefs and call for the RCMP to immediately withdraw their tactical forces from Wet’suwet’en lands. As faculty at Dalhousie University, a university which sits on the unceded territory of the Mi’kmaq, we call on all levels of government in Canada to respect Indigenous law and follow Free, Prior, and Informed Consent, as set out in the United Nations Declaration on the Rights of Indigenous Peoples.

We support the Wet’suwet’en Hereditary Chiefs whose position as proper Title-holders over their traditional territories has been affirmed by the Supreme Court of Canada in Delgamuukw vs. British Columbia (1997). Further, we note that the 2014 SCC Tsilhqot’in Decision sets out standards for obtaining Consent from proper Title holders when the Crown advances developments on their unsurrendered territories. The Wet’suwet’en Hereditary Chiefs have not given their consent for the Coastal Gas Link Pipeline through their territories. Likewise in that same decision, the very fact of Indigenous Peoples’ occupation and defense of their unceded territory not only asserts Wet’suwet’en law, in this instance, but is also an action fulfilling the test for Title under s.35 law overall.
Canada’s and British Columbia’s actions, as such, violate Canada’s own constitutional legal obligations.

The United Nations Committee on the Elimination of Racial Discrimination recently called for Canada to immediately halt the Coastal Gas Link pipeline, the Site C Dam, and the Trans Mountain Pipeline because these projects have not received the Free, Prior and Informed Consent of the Indigenous peoples whose lands they would pollute. We also agree with the numerous Indigenous and Human rights organizations which have also condemned BC, Canada, and the RCMP in their actions which violate the Canadian Charter, Press Freedoms, and Indigenous Rights. These groups include, among others, the Union of BC Indian Chiefs, the BC Civil Liberties Association, Amnesty Canada, and the Council of Canadians.
We ask that Canada and the various governments operating within the political boundaries of Canada, respect Indigenous self-determination and unsurrendered sovereignty, which requires respecting living laws that have existed long before Canada or any of its provinces and territories came into being. Exercising police force on unceded territories is akin to sending armed Canadian police into another sovereign country, which any government would agree is a reckless violation of sovereignty. Accordingly, we ask that governments and police halt any and all use of force, withdraw from Wet’suwet’en lands immediately, and abide by Wet’suwet’en law by respecting the decisions made by the Hereditary Chiefs. We also ask the government to enter into good faith negotiations based on the very reasonable terms put forward by the Hereditary Chiefs, to defuse the situation and end the crisis caused by decades of Canada’s neglect in addressing Indigenous Peoples’ rights to their Lands.

Sincerely,

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