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VIA EMAIL

Deputy Commissioner Butterworth-Carr
RCMP
"E" Division
14200 Green Timbers Way,
Surrey, B.C. V3T 6P3

R. Kyle Friesen
Counsel, Legal Advisory Section (RCMP Pacific Region), Dept. of
Justice Canada, British Columbia Regional Office

Dear Deputy Commissioner Butterworth-Carr and Mr. Friesen,

We write in relation to the injunction granted to Coastal GasLink in
connection with the use of Wet'suwet'en territories.

As we wrote to the RCMP on August 27 2015, no treaty has been
concluded between the Crown and the Unist'ot'en or any of the
Wet'suwet'en in relation to their territories, and their land rights
therefore continue unextinguished (*Calder v. British Columbia*, [1973]
S.C.R. 313). As has been recognized in a chain of Supreme Court of
Canada cases, including the case of *Gisday'wa and Delgamuukw v.
British Columbia*, [1997] 3 SCR 1010 brought by the Wet'suwet'en and
Gitx'san peoples, and the recent decision in *Tsilhqot'in Nation v. British
Columbia*, [2014] 2 SCR 256, Aboriginal Title includes the right to use,
manage, possess land, and to decide how the land will be used.
Aboriginal Title also means that Crown governments and others must

obtain consent to use the land and that First Nations can exclude people from their land, and that to do otherwise would infringe on that constitutionally-protected right.

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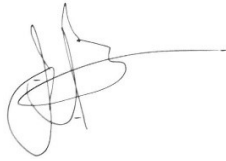
We understand from people in Smithers that there has been an influx of RCMP members into the town. People that we hear from believe there is about to be a possibly large-scale enforcement action. As we stated in our letter to the RCMP of August 2015, we remain deeply concerned about the constitutionally-protected Rights and Title of Wet'suwet'en peoples, and the rights under the Canadian constitution including the Charter of Rights and Freedoms. In any enforcement activities, the police, as agents of the Crown, must be respectful of the constitutional rights of First Nations in relation to their territories. We know that the Unist'ot'en have adopted, according to Wet'suwet'en law, the Unist'ot'en Declaration that is direct evidence of the continuous governance and control of the territory by Wet'suwet'en people.

In addition, Canada has endorsed the United Nations Declaration on the Rights of Indigenous Peoples. Article 32 of the UN Declaration states that governments "shall consult and cooperate in good faith with the indigenous people concerned through their own representative institutions to obtain their free and informed consent prior to the approval of any project affecting their lands or territories or resources" (GA Res. 61/295, UN GAOR, 61st sess., Supp. No. 49, UN Doc. A/RES/61/295 (2007)). Besides the UN Declaration, Canada is also bound, as a member of the Organization of American States, by the international law of the Inter-American system. This requires Canada to respect the right of Indigenous peoples to control and to own their territories and resources (*Mary and Carrie Dann v. United States*, Inter-Am. C.H.R. Report No. 75/02 (2002), and *Maya Indigenous Communities v. Belize*, Inter-Am. C.H.R. Report No. 96/03 (2003); *Hul'qumi'num Treaty Group v. Canada*, Inter-Am. C.H.R. Report No. 105/09 (2009) at para 27; See also Prof. S. James Anaya, *Indigenous Peoples in International Law* (2nd ed.) (Toronto: Oxford University Press, 2004) at p. 148).

In our view, in considering its actions in relation to the suit brought by Coastal GasLink, the Crown and the RCMP should consider themselves bound by the law above, and proceed with the interests of respect for the constitutionally-protected title of the houses of the Wet'suwet'en, UNDRIP, and the goal of genuine and meaningful respect and reconciliation between the Crown and Indigenous governments foremost in mind.

Sincerely,

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A handwritten signature in black ink, appearing to read 'JP', with a long horizontal line extending to the right.

Josh Paterson
Executive Director / Barrister & Solicitor

CC: Office of the Wet'suwet'en Hereditary Chiefs
BC Minister of Forests, Lands and Natural Resource Operations
BC Minister of Energy, Mines and Petroleum Resources