

October 19th, 2021

Dear Investors and Financiers of Coastal GasLink and LNG Canada,

We are writing with respect to your company's investments in the Coastal GasLink (Coastal GasLink) pipeline and LNG Canada projects and hereby formally demand you divest and withdraw all financial support.

As you may be aware, in British Columbia, Canada, we are currently resisting the illegal construction of the Coastal GasLink pipeline slated to cut through our territories at huge environmental, social, and economic cost. This 670-kilometer-long pipeline would carry fracked gas from northeast BC to a future liquefied natural gas (LNG) terminal on the coast, the largest of its kind ever proposed in Canada. The pipeline cuts through Wet'suwet'en territory, which is divided into 5 clans and 13 house groups, and stretches over 22,000 square kilometres, wherein each clan has full jurisdiction to control access to its territory. We are writing to inform you that we have maintained our land use, occupancy, hereditary governance system, and are the title holders with the authority and jurisdiction to make decisions about unceded lands, including the land where the pipeline is scheduled to be built.

With respect to the law, we have re-asserted our right to jurisdiction over our lands, to determine access and prevent trespass under 'Anic 'niwh'it'én (Wet'suwet'en law), and to free, prior and informed consent (FPIC), as enshrined in the United Nations Declaration on the Rights of Indigenous People (UNDRIP). The Coastal GasLink project is in violation of UNDRIP, adopted at both the provincial and federal level in Canada.

*"Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous peoples." Article 10 - UNDRIP*

According to UNDRIP, states and third parties should consult and cooperate with Indigenous peoples "through their own representative institutions" and "in accordance with their own procedures." Related, the [UN Committee on the Elimination of Racial Discrimination](#) has called on the Canadian government "to immediately halt the construction and suspend all permits and approvals for the construction of the Coastal Gas Link pipeline in the traditional and unceded lands and territories of the Wet'suwet'en people, until they grant their free, prior and informed consent, following the full and adequate discharge of the duty to consult."<sup>1</sup>

**Wet'suwet'en rights and title are being infringed upon by construction of the Coastal Gaslink pipeline**

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<sup>1</sup> [UN Committee on the Elimination of Racial Discrimination](#), December 2019 Decision. Prevention of racial discrimination, including early warning and urgent action procedure.  
[https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CAN/INT\\_CERD\\_EWU\\_CAN\\_9026\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CAN/INT_CERD_EWU_CAN_9026_E.pdf)

We are responsible for decisions regarding our land, and the decision of TC Energy to construct the Coastal GasLink pipeline without our consent is an infringement of our title and rights, also protected under section 35 of the Canadian Constitution. In 1997, the Wet'suwet'en Hereditary Chiefs (and the Gitksan Nation) fought and won the most important case on aboriginal title in Canada in the [Delgamuukw decision](#), wherein the Supreme Court of Canada (SCC) recognized that, where treaties have not been signed, underlying title continues to rest with the Indigenous nation. Stemming from a 1984 case launched by Wet'suwet'en and Gitksan leadership to establish jurisdiction over 58,000 square kilometres of land and water in northwest British Columbia, this SCC [Delgamuukw](#) decision recognizes our authority to govern unceded territory and establishes that our title has never been extinguished. Thus, 'Anic 'niwh'it'én, Canadian, and international law all dictate that all levels of government have the obligation to seek the consent of leaders with governing authority over the territory in question, and that failure to do so is in direct violation of Indigenous peoples' rights. In summary, the Coastal GasLink pipeline contravenes Wet'suwet'en, federal, and international laws. **It is an illegal project.**

For over ten years, we have been asserting our sovereignty to stop fossil fuel companies from trespassing on our lands, leading to the cancellation of Enbridge's Northern Gateway oil pipeline and Chevron's divestment from the Pacific Trails Gas Pipeline.

One focal point of the Wet'suwet'en resistance is through our neighbours and the Unist'ot'en Healing Centre, a million-dollar community project built in the path of the proposed pipeline. This is not a protest or demonstration. Rather, Wet'suwet'en clans are occupying and using our traditional territory as we have for centuries. Our free, prior, and informed consent protocol is in place as an expression of our jurisdiction and our inherent right to both give and refuse consent. The Unist'ot'en infrastructure is an expression of our connection to our territory and an example of the continuous use and occupation of our territory. Our traditional structures of governance continue to dictate the proper use of and access to our lands and water, while our traditional indigenous legal systems remain intact and govern our people and our lands. However, to date, TC Energy / Coastal GasLink have refused to listen to us or withdraw.

### **Coastal GasLink does not have our free, prior and informed consent**

On January 4, 2020, the Hereditary Chiefs of the Wet'suwet'en, representing all five clans issued an eviction notice to Coastal GasLink, which still stands. Access to Cas Yikh house group territory was shut down. On January 13, 2020, the Royal Canadian Mounted Police (RCMP) set up an "exclusion zone" and began to block media, Wet'suwet'en people, and food from entering our territory. Following this, on February 6, 2020, militarized police conducted a five-day military raid on the resistance camps on Cas Yikh and Unist'ot'en land and illegally evicted us and our matriarchs and land defenders. The police used assault rifles, snipers, dogs, sound cannons, and helicopters on Indigenous elders and youth. The militarized police presence on our territory continues to this day.

Nevertheless, despite these outrageous attempts to criminalize and impede us from asserting our jurisdiction and sovereignty, resistance to the Coastal GasLink project has continued to spread, including rail blockades, port shutdowns, government office occupations, sit-ins at legislatures across the country and at banks investing in the illegal pipeline project. It is becoming inarguably clear that projects lacking free, prior and, informed consent from Indigenous communities should not and can not be built.

While we are currently in negotiations with federal and provincial government ministers to have our land rights and title recognized and upheld, this does not mean there is agreement with respect to Coastal GasLink. We remain unequivocally opposed to oil and gas pipelines on our territories and are determined to continue to protect our lands, air, and water. For us, neither fracked gas nor any other fossil fuels is part of a just climate strategy.

### **Coastal Gas Link and LNG Canada are financially risky**

Over the last decade, more than 20 LNG projects have been proposed in Canada but volatile markets, a lack of consent from communities, and a failure to address the climate crisis has resulted in only LNG Canada and Coastal GasLink moving forward. Most recently the [\\$14 billion LNG Quebec](#) project which sought to build a terminal, port and pipeline for gas export was denied by the Quebec government and cancelled. Several Innu communities expressed opposition to this project this year.

Over the past decade, the global transition to clean energy has heavily relied on LNG. However, as major economies commit to their carbon emissions targets and green energy goals ahead of 2050, many are questioning whether or not LNG is still a viable, and worthwhile, alternative. Just last year, the [European Investment Bank](#) issued a report that labeled investments in LNG assets as an unacceptable risk. Vice president Andrew McDowell called investing in LNG terminals an “increasingly economically unsound decision”. The Swedish Pensions Agency also declared that LNG investments should be avoided as LNG infrastructure faces [serious risk](#) of becoming stranded assets due to rising concerns about climate change and subsequent delays to financing. The rapidly declining cost for renewable energy also demonstrates that long-term [pricing has shifted](#) in favor of renewables.

Like other cancelled projects, the \$6.6 billion (CAD) Coastal GasLink project remains a high risk investment and faces increasing economic uncertainty, particularly in light of recent reports from the International Panel on Climate Change and the International Energy Agency both of whom have concluded that further fossil fuel expansion exacerbates climate change. Furthermore in recent weeks [financial disputes](#) between LNG Canada (owned by Shell, Petronas, KOGAS, PetroChina and Mitsubishi.) and Coastal GasLink have emerged as the Coastal GasLink construction costs balloon and delays increase. We believe the financial case for both LNG Canada and Coastal GasLink is weakening and the scant local economic benefits, particularly in the long term, are dwindling.

## **Contaminant spills and disturbance of archaeological sites**

Most recently and concerningly, TC Energy workers spilled a [1000 litres of contaminants](#) at one of their construction camps on our territory. We were not informed until several days after the spill. Furthermore, company workers have begun to disturb an identified archaeological site on our territory without our consent.

On August 6th 2021 Coastal Gaslink obtained a “Site Alteration Permit” (SAP) to destroy a protected archeological site which is 200 metres from camp.

This has resulted in the removal and destruction of our archaeological inheritance which includes the theft of 21 artifacts. Along with the failure of archaeological consultants to conduct adequate assessments, we were only made aware of the SAP and corresponding plans to enter our territory for work 13 days before the planned work.

To be clear, we do not authorize or consent to the removal of, or any “alteration” or impacts to our archaeological heritage sites. According to the United Nations Declaration of the Rights of Indigenous Peoples- a declaration implemented by the BC government under Bill C41 which states:

### Article 11

(1) Indigenous Peoples have the right to practice and revitalize their culture, traditions and customs. This includes the right to maintain, protect and develop the past, present, and future manifestations of their cultures such as archaeological and historical sites, sites designs, ceremonies, technologies and visual arts and performing arts and literature.

(2) States shall provide redress through effective mechanisms , which may include restitution, developed in conjunction with Indigenous Peoples, with respect to their culture intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Here’s a link to unjust actions from Coastal Gaslink workers and RCMP treatment to Wet’suwet’en Chiefs, Matriarchs, and Supporters

<https://www.yintahaccess.com/news/2021/10/4/wetsuweten-resistance-to-cgl-pipeline-occupation-september-2021>

## **Request to divest and stop financing Coastal Gaslink, and meet with our community leaders**

We call on you to divest and withdraw investment in the Coastal GasLink pipeline immediately. Furthermore, continued investment in this project is in open violation of Wet'suwet'en, Canadian, and international law. In no way is Coastal GasLink a responsible, profitable, secure, or morally

sound investment. Again, it is us, Cas Yikh, who are the title holders with the authority and jurisdiction to make decisions about our unceded lands.

This letter serves as your formal notice that the Coastal GasLink project lacks our necessary consent. Should you choose to invest or continue to maintain your investment in this project, you do so against the law and our express demands, and you are complicit in illegally interfering with our rightful exercise of authority and jurisdiction.

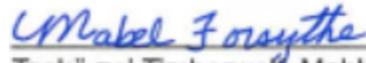
We respectfully request to meet with you at your earliest convenience to discuss the steps you will consider taking to withdraw your investments in and financing of Coastal GasLink and LNG Canada.

Awetza,



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Dini ze Weos, Frank Alec  
Cas Yikh  
Gidimt'en Clan, Wet'suwet'en



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Tsakë ze' Timberwolf, Mable Forsythe  
Cas Yikh  
Gidimt'en Clan, Wet'suwet'en



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Tsakë ze' Dūnan, Lucy Gagnon  
Cas Yikh  
Gidimt'en Clan, Wet'suwet'en



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Tsakë ze' Sleydo', Molly Wickham  
Cas Yikh  
Gidimt'en Clan, Wet'suwet'en