

**Statement on the UPR Pre-Session on the Government of Canada
of Bay Mills Indian Community**

August 31, 2023

Introduction

[Introduction in Anishinaabemowin] My name is Whitney Gravelle, I currently serve as the President of Bay Mills Indian Community, and I am here today before the Human Rights Council representing more than 50 Tribal and First Nations across the United States and Canada in our efforts to decommission the Line 5 dual pipelines.

Canada has ratified seven major international human rights treaties and passed legislation giving the Universal Declaration on the Rights of Indigenous Peoples application in Canadian law. Under international human rights law, Indigenous peoples have a right to free, prior, and informed consent for extractive projects that impact our resources and our way of life.

During its last UPR, the Government of Canada accepted and noted recommendations from thirty-two different countries to regulate Canadian businesses to prevent the human rights impacts of their operations; promote and respect Indigenous Peoples rights, and promote and protect human rights in the context of climate change.

Yet, Canada's support for Line 5 demonstrates its failure to implement these recommendations and flies in the face of its own commitments to uphold Indigenous human rights.

Factual Background re: Line 5 Dual Pipelines

For years, my people, the Anishinaabe, have fought alongside others to dismantle Line 5, which was largely built without the knowledge or consent of the Tribal Nations in its path, which crosses from western to eastern Canada through Wisconsin and Michigan. The pipeline's Canadian parent company, Enbridge Energy Inc., faces growing opposition each day as the corroding pipeline is now in its seventieth year in existence, a full twenty years past its engineered lifespan.

As Anishinaabe People we maintain a reciprocal relationship with the natural environment where the waters, trees, animals, plants, and air are an extension of our community. This community is at the center of Anishinaabe culture and life. And as Anishinaabe, we have a solemn responsibility to preserve our homeland, environment, culture, treaty-protected resources, and distinct lifeways for future generations.

Despite living this way for centuries, our way of life is now under serious threat from Line 5, a corroding oil pipeline that carries 23 million gallons of oil and gas each day through the Straits of Mackinac, the heart of the Great Lakes and the center of creation for our people.

The Great Lakes are one of the world's largest surface freshwater ecosystems containing 84% of North America's surface fresh water and 21% of the world's supply of surface fresh water. Yet,

the Line 5 dual pipelines have spilled oil in the Great Lakes more than 30 times, resulting in more than 1.1 million gallons of petroleum products entering our waters, wetlands, and lands. An oil spill from Line 5 has and will contaminate more than 375,000 acres of land and wetlands, 450 lakes, and thousands of kilometers of shorelines and rivers.

In 2018 and 2020, Line 5 was also struck by an anchor from a traveling freighter, resulting in three large gouges in the pipeline. Line 5 has become such a dangerous liability that the State of Michigan ordered it to be shut down in 2021, which was ignored by Enbridge. More recently, a federal judge ruled that the pipeline is trespassing on the reservation of the Bad River Band of Lake Superior Chippewa in Wisconsin and ordered the pipeline be shut down in 3 years.

Yet each time a tribal or state government makes moves against Line 5, the Government of Canada has stepped in to defend it. Over the last year, it has become increasingly clear that Canada is actively interfering through legal and diplomatic channels to protect Enbridge's profits and keep the pipeline operating, most recently by invoking its 1977 Pipeline Treaty with the United States. The 1977 Pipeline Treaty was signed more than 100 years after Bay Mills Indian Community signed the 1836 Treaty of Washington with the United States, guaranteeing our right to the usual privileges of occupancy, which includes the right to hunt, fish, and gather on our traditional lands – a right that is expressly threatened by the continued existence of Line 5.

Recommendations

We ask the recommending States to recommend that the Government of Canada withdraw its invocation of the Pipeline Treaty and its positions in U.S. litigation opposing decommissioning Line 5. We also ask the Human Rights Council to support our Indigenous Tribal Nations and recommend that the Line 5 dual pipelines be decommissioned altogether.

Chi miigwetch (thank you).