

To: Prime Minister Justin Trudeau; Minister of Foreign Affairs Mélanie Joly; Minister of Natural Resources Jonathan Wilkinson; Minister of Environment and Climate Change Steven Guilbeault; Minister of Indigenous-Crown Relations Marc Miller

CC: David R. Boyd, UN Special Rapporteur on Human Rights and the Environment; Joseph Biden, US President; Deborah Shore, US EPA Regional Administrator for Great Lakes; Deb Haaland, US Secretary of the Interior; Stacey M. Jensen, Assistant for Regulatory and Tribal Affairs, US Army Corps of Engineers; Gretchen Whitmer, Michigan Governor; Tony Evers, Wisconsin Governor; Mike Wiggins, Chairman, Bad River Band of Lake Superior Chippewa; Elizabeth May, MP Saanich-Gulf Islands

From: The individuals and organizations named below

Date: May 15, 2023

Subject: Withdraw your invocation of the 1977 pipeline treaty; shut down Enbridge's Line 5

Dear Prime Minister Trudeau and Ministers Joly, Wilkinson, Guilbeault, and Miller:

Three weeks after the 70th anniversary of the commissioning of Enbridge's Line 5 on April 23, 2023, we demand you rescind your [invocation of the dispute settlement provision](#) of the Agreement between the Government Of Canada and the Government of the United States Of America Concerning Transit Pipelines. Twice now you have used this ploy in an attempt to thwart the will of the people of Michigan and the Bad River Band of Lake Superior Chippewa, respectively. Bad River's duly elected representatives have exercised legitimate authority to not renew Enbridge's easements to operate the decrepit and dangerous tar sands pipeline Line 5. Your most recent invocation of the pipeline treaty on August 29th, 2022 ignores:

- The inherent and sovereign rights of the Bad River Band of the Lake Superior Chippewas to evict Enbridge and make Enbridge fully decommission the section of Line 5 within their reservation;
- The inherent and sovereign rights of the Bad River and other Lake Superior Chippewa Bands and other 1842 Treaty of La Pointe signatory tribes to prevent Enbridge from constructing a new section of Line 5 within their treaty territory;
- The inherent and sovereign rights of First Nations of the Great Lakes, including the Anishinabek Nation which represents 39 First Nations in Ontario who have stated their support for the closure of Line 5 in order to protect their homelands and waters, and who stand in solidarity with their Anishinaabeg kin in the United States;
- The UN Declaration on the Rights of Indigenous People, which has the force of law in Canada as has been affirmed by Bill C-15 An Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples, and includes the rights to health, water and subsistence, sacred sites, Treaty Rights, cultural and ceremonial practices, free prior and informed consent, traditional lands and resources including water, productive capacity of the environment, and self-determination;
- The further devastation of the rich ecosystems and cultures in the Great Lakes watershed that continued operation of Line 5 and another inevitable rupture would cause;

- The further devastation of the world climate that the continued operation of Line 5 would cause;
- The misalignment with proposing to build 65 kms of new pipeline as a false solution despite the International Energy Agency and IPCC clearly stating we cannot build new fossil fuel infrastructure if we are to address the climate crisis;
- The serious national security threat posed by Line 5 to the drinking water of more than 40 million people;
- The serious biodiversity threat posed to over 3500 species within the Great Lakes. Canada made significant biodiversity commitments during COP15 towards Indigenous Protected and Conserved Areas and agreeing to the 30 by 30 targets, yet is offering up the Great Lakes to Line 5 as a sacrifice zone;
- The disavowal by 37 Canadian organizations – including one co-founded by Minister Guilbeault – of your attempt to prolong use of this obsolete pipeline (see [this letter](#));
- The notwithstanding clause in Article IV of the very treaty you invoked that clearly acknowledges the sovereign rights of governments to protect people and the environment from pipelines.

We are in full support of the April 4, 2023 [Submission to the United Nations Human Rights Council in relation to the Fourth Universal Periodic Review of Canada](#) made by more than 50 Tribal and First Nations calling on the Government of Canada to stop violating the human rights of Indigenous peoples through its support for Enbridge's Line 5 crude oil pipeline.

Your favoritism toward the fossil fuel industry mocks your own pretensions of concern for the environment. Stop impeding the efforts to shut down Line 5 by those who depend on clean water in the Great Lakes region, and uphold the inherent rights of the Indigenous Nations of the Great Lakes while honoring all of the treaties with Indigenous Nations north and south of the border that predate and precede the 1977 pipeline treaty.

Sincerely,