

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE
209 - 345 Chief Alex Thomas Way
Kamloops, B.C. V2H 1H1
Tel: 250-828-9746
Fax: 250-828-0319



VANCOUVER OFFICE
401 - 312 Main Street
Vancouver, B.C. V6A 2T2
Tel: 604-684-0231
Fax: 604-684-5726
1-800-793-9701
Email: ubcic@ubcic.bc.ca
Web: www.ubcic.bc.ca

News Release

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Federal Court of Appeal's Ruling on TMX Brazenly Attacks Indigenous Title and Rights and Threatens Climate

((Xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səliłwətaʔ/səliłwitulh (Tsleil-Waututh)/Vancouver, B.C. – February 4, 2020) Today the Federal Court of Appeal overruled the four challenges to the federal government's re-approval of the Trans Mountain pipeline expansion (TMX). The Union of BC Indian Chiefs (UBCIC) is deeply disappointed by the court's decision in *Coldwater Indian Band et al. v. Attorney General of Canada et al.* that gives the greenlight to a pipeline project that will contribute to carbon emissions, environmental harm, and violations of Indigenous Title and Rights.

"UBCIC strongly disagrees with the decision released today and continues to stand by the Indigenous Nations who put forth their legal challenges to defend their right to free, prior and informed consent, and to hold the Crown accountable for its failure to adequately consult with Indigenous peoples," stated Grand Chief Stewart Phillip, President of UBCIC. "The court's ruling rests upon discriminatory and hypocritical foundations; their rejection of the Nations' appeal rests on the claim that when it comes to a project of public interests, 'the law does not require the interests of Indigenous peoples prevail,' and that Indigenous peoples cannot veto projects such as the TMX. Let me make clear that Indigenous peoples are not seeking a veto. We are seeking to have our human rights upheld. The so-called rule of law cannot be used to discriminately discount the Title and Rights of the Indigenous Nations that stand to be impacted by natural resource projects on their territories. Furthermore, this is about more than the superficial duty to consult process, it is about the duty to the environment and to our grandchildren. In the end, this is another day at the office, and we are resolute in our commitment to uphold inherent Indigenous Title and Rights and self-determination, and to protect the lands and waters."

Chief Don Tom Vice-President of UBCIC stated, "We are saddened that Canada and BC continue to rally around the TMX— it represents an environmental liability that we simply cannot afford in the age of climate emergency. Canada has bulldozed a pathway forward on this unsustainable

project that is in no way honorable, in the interest of the public, or aligned with its commitment to implement federal legislation on the *United Nations Declaration on the Rights of Indigenous Peoples*. Canada's adversarial approach in dealing with Indigenous Nations concerned about the still inconclusive environmental risks the TMX poses, displays an alarming lack of respect for Indigenous Title and Rights and is inconsistent with the historic Supreme Court of Canada's *Tsilhqot'in* judgement. Canada continues to ignore and minimize the severe environmental risks of the TMX: an oil leak could disastrously contaminate the main source of drinking water for the Coldwater Indian Band, and a seven-fold increase tanker traffic would raise the threat of an oil spill in sensitive habitat that lies within traditional territories of the Tsleil-Waututh and Squamish Nations."

"The fossil fuel industry is culpable in the climate crisis and represents an era of greenhouse gas emitting infrastructure that is for dinosaurs, not for a world struggling to combat climate change; Canada needs to treat this as an incontrovertible fact," continued Kukpi7 Judy Wilson, Secretary-Treasurer of UBCIC. "It is alarming that Canada is so dead-set on pursuing the TMX when oil prices are declining, forests are burning, and more and more animal species are on the edge of extinction." She concluded, "The Federal Court of Appeal stated that 'reconciliation does not dictate any particular substantive outcome.' On the contrary, reconciliation is about better outcomes for everyone, and the betterment of Indigenous lives in a nation that has marginalized and stolen their Title and Rights since colonization. The court's decision does not signal defeat; rather it signals a renewed call for all of us to collectively work together to permanently halt the project and make it clear to Canada and BC that they can't adhere to reconciliation only when it serves their interests. They must capitalize on clean, sustainable energy that doesn't come at the cost of the environment or the Title and Rights of Indigenous peoples."

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Grand Chief Stewart Phillip, President of UBCIC: (250-490-5314)
Chief Don Tom, Vice-President of UBCIC: (604-290-6083)
Kukpi7 Judy Wilson, Secretary-Treasurer of UBCIC: (250-320-7738)

UBCIC is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

For more information please visit www.ubcic.bc.ca