

# OUR LAND IS OUR FUTURE

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## News Release

July 2, 2020

### Supreme Court of Canada's Dismissal of Leave to Appeal *Coldwater* Decision Fails to Uphold Indigenous Title and Rights

((Xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səliłwətaʔt̓/sełilwitulh (Tseil-Waututh)/Vancouver, B.C. – July 2, 2020)

Today the Supreme Court of Canada dismissed the Squamish Nation, Tseil-Waututh Nation, and Coldwater Band's application for leave to appeal the February 4, 2020 Federal Court of Appeal decision *Coldwater First Nation v. Canada* (*Coldwater* decision). The Union of BC Indian Chiefs (UBCIC) is deeply disappointed by the court's decision to deny Indigenous Title and Rights, effectively continuing to greenlight the expansion to the Trans Mountain pipeline (TMX). The ongoing construction of TMX is a violation of Indigenous Title and Rights and poses considerable risk to the environment and climate. The expansion will also increase the number of man camps that directly threaten the safety and security of Indigenous women and girls. On June 13<sup>th</sup>, a section of the Trans Mountain pipeline spilled an estimated 150,000 liters of light crude oil near the Sumas pump station, the fourth such spill to occur on the Sumas First Nation's land in the past 15 years.

"UBCIC strongly disagrees with the Supreme Court of Canada's decision to dismiss this application and deny Indigenous Nations their right to free, prior, and informed consent," stated Grand Chief Stewart Phillip, President of UBCIC. "The Crown has failed to adequately consult with Indigenous peoples on the TMX project, and the court has today failed to hold the Crown accountable to its constitutional duties. The FCA's ruling in the *Coldwater* decision was based on discriminatory foundations and has severely weakened the constitutional duty to consult. We remain committed to asserting our inherent Indigenous Title and Rights and to protecting the lands and waters in our territories."

Chief Don Tom Vice-President of UBCIC stated, “The court’s decision to dismiss this application for appeal is a continuation of Canada’s adversarial approach to Indigenous peoples and our rights. It is disheartening that the federal government has fought Indigenous Nations in court at every turn in order to build an oil pipeline during a global climate emergency. Cabinet’s commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples* rings hollow when they force Indigenous Nations to defend their lands and their rights in a courtroom year after year. TMX represents a considerable environmental liability, and comprehensive studies on the project’s risks were not completed before it was approved. The existing line leaked over 100,000 liters of crude earlier this month – who benefits from the risks that Indigenous peoples are exposed to by this project? “

“This dismissal is not a defeat in the fight against TMX, but a rallying cry to renew our resistance to this project and to continue supporting Indigenous Nations asserting their rights,” continued Kukpi7 Judy Wilson, Secretary-Treasurer of UBCIC. “Canada and British Columbia have committed to uphold the United Nations Declaration on the Rights of Indigenous Peoples, yet they proceed with energy and infrastructure projects that do not have our consent. Our rights are inherent – they do not come and go at the Crown’s convenience. Indigenous peoples and our allies across the country are committed to environmental justice and the development of clean, sustainable energy that doesn’t violate the Title and Rights of Indigenous peoples”.

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*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](http://www.ubcic.bc.ca)