

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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## **Statement**

December 11, 2021

### **UBCIC Celebrates the 24<sup>th</sup> Anniversary of the SCC's Historic *Delgamuukw-Gisday'wa* Decision and Calls on Crown to Uphold**

(X<sup>w</sup>məθk<sup>w</sup>əyəm (Musqueam), S<sup>k</sup>wxwú7mesh (Squamish) and səlilwətał (Tsleil Waututh)/Vancouver, B.C. – December 11, 2021) Today the Union of BC Indian Chiefs (UBCIC) marks the 24<sup>th</sup> anniversary of the Supreme Court of Canada's ground-breaking *Delgamuukw-Gisday'wa* decision, which confirmed the continuing existence of the Wet'suwet'en and Gitxsan Title and Rights, contrary to provincial claims that their Title, if it had existed, had been extinguished.

The Gitxsan and Wet'suwet'en struggle for recognition of their Title and Rights began in 1984 when 35 Gitxsan and 13 Wet'suwet'en Hereditary Chiefs instituted proceedings against the Province of British Columbia, claiming individually and on behalf of their respective Houses ownership and jurisdiction over their territories in northwest British Columbia. Following BC Supreme Court Chief Justice McEachern's vehemently racist ruling dismissing the claims to Aboriginal Title, self-government, and Rights in their territories, the Hereditary Chiefs appealed. In 1997 the majority of the BC Court of Appeal rejected Justice McEachern's finding of "blanket extinguishment" but stopped short of recognizing the Wet'suwet'en and Gitxsan land Title and resulting right to govern according to their own respective laws. Both the Nations and the Province of BC were granted leave to appeal to the Supreme Court of Canada (SCC) in 1994, and after a period of unsuccessful negotiations, the SCC heard arguments in June 1997, releasing its decision on December 11, 1997. The six members of the Court taking part in the judgment were unanimous in their conclusions that the Gitxsan and Wet'suwet'en Title and Rights were never extinguished by Crown occupation, and recognized Gitxsan and Wet'suwet'en Title as inalienable, collective rights, based on their continuing use and occupation of their territories.

On the 24<sup>th</sup> anniversary of this landmark ruling, the UBCIC continues to stand in support of members of the Gidimt'en clan to peacefully assert and safeguard their inherent Title and Rights, and to uphold their sovereignty and jurisdiction over unceded Wet'suwet'en territory in stopping

Coastal Gaslink's (CGL) Liquefied Natural Gas (LNG) expansion. Since 2019 the RCMP have used force, aggression, and intimidatory tactics against Wet'suwet'en Nation members and allies, and UBCIC notes that while the CGL pipeline has been approved by both provincial and federal governments, it has come under criticism from Amnesty International, B.C.'s Human Rights Commission and the UN Committee for the Elimination of Racial Discrimination, who say all First Nations affected by the pipeline should give free, prior and informed consent before it can proceed.

The governments of Canada and British Columbia continue to openly ignore the Supreme Court of Canada's precedent-setting *Delgamuukw* decision, greenlighting the RCMP to engage in whatever violent tactics it deems appropriate to remove peaceful land defenders from their territories. Hon. Mike Farnworth, B.C. Deputy Premier and Minister of Public Safety and Solicitor General, is being disingenuous when he says his government doesn't direct the RCMP, when evidence has emerged his government re-deployed millions of dollars for RCMP operations on Wet'suwet'en Aboriginal Title land based on a December 2019 injunction that dismissed Wet'suwet'en law after Bill 41 was adopted into B.C. law in November 2019. Prime Minister Trudeau's avoidance of addressing Wet'suwet'en Title and Rights is also disingenuous- he says it's a provincial matter yet Bill C-15 was proclaimed into law on June 21, 2021. UBCIC also notes that in 2020 the governments of Canada and B.C. signed an MOU with the Wet'suwet'en Hereditary Chiefs which included:

- Canada and B.C. recognize that Wet'suwet'en rights and title are held by Wet'suwet'en houses under their system of governance.
- Canada and B.C. recognize Wet'suwet'en Aboriginal rights and title throughout the Yintah.
- Legal recognition that the Wet'suwet'en Houses are the Indigenous governing body holding the Wet'suwet'en Aboriginal rights and title in accordance with [their] Inuk Nuatden.
- Legal recognition of Wet'suwet'en title as a legal interest in land by Canada and B.C.

The UBCIC calls on Canada and BC to uphold the landmark *Delgamuukw-Gisday'wa* decision and federal and provincial legislation to implement the UN Declaration, and stop any violent or discriminatory practices against Wet'suwet'en land defenders defending their unceded territories.

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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)