

# First Nations Summit

## STATEMENT

**FOR IMMEDIATE RELEASE:**

**AUGUST 30, 2018**

### **Federal Court of Appeal decision a clear victory for all Indigenous communities in BC**

**Coast Salish Territory/Vancouver, BC** — The First Nations Summit is applauding today's Federal Court of Appeal court unanimous decision which quashed the federal government's approval of the Trans Mountain expansion project.

The court indicated in its ruling that the federal government failed to adequately consult First Nations whose rights are impacted by the pipeline expansion and also that the National Energy Board failed to properly consider the impact of increased tanker traffic that would result from the pipeline expansion.

Today's decision clearly reinforces the obligation and need for governments' to adequately consult and accommodate First Nations' interests prior to approving major resource projects, such as the Trans Mountain Pipeline expansion. This project is yet another example, similar to the failed Enbridge pipeline proposal, of a clear failure to properly recognize BC First Nations' constitutionally protected Title and Rights, as well as a failure to undertake proper consultation and accommodation and environmental assessment processes.

It is critical to note that the necessary consultation standard for any development project in BC remains as outlined in Articles 19 and 32 of the UN Declaration on the Rights of Indigenous Peoples, officially endorsed by Canada, which states;

*Article 19*

*States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.*

*Article 32*

- 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.*
- 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.*

3. *States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.*

The federal government has committed to the implementation of the UN Declaration on the Rights of Indigenous Peoples as well as to engaging in a renewed nation-to-nation relationship with Indigenous Peoples in Canada. These commitments will continue to ring hollow if they choose to skirt their obligations and ignore First Nations' Title and Rights in the name of development. And as such, the First Nations Summit will stand in support of any First Nation that feels its inherent Title and Rights have been ignored for the sake of pushing through any natural resource development projects in BC.

Finally, the First Nations Summit congratulates and raises our hands in appreciation for the efforts of all of the First Nations, local governments and organizations that brought these important arguments forward which resulted in today's decision.

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*The First Nations Summit speaks on behalf of First Nations involved in treaty negotiations in British Columbia. The Summit is also a NGO in Special Consultative Status with the Economic and Social Council of the United Nations. Further background information on the Summit may be found at [www.fns.bc.ca](http://www.fns.bc.ca).*

For further information:

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