



BRITISH COLUMBIA
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NEWS RELEASE

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Court of Appeal decision a wakeup call

(Lheidli T'enneh Territory, Prince George, BC – Aug 31, 2018) – Yesterday the Federal Court of Appeal quashed the decision by the Trudeau government that approved the Kinder Morgan TransMountain Expansion Pipeline. It is an important decision for First Nations who have been fighting a flawed National Energy Board process, and a broader issue of First Nations exclusion from meaningful decision-making about projects that impact their rights.

“This is a wakeup call to all levels of government in Canada. First Nations have been winning legal battles in the courts for decades to protect their rights as true decision-makers and partners in Canada. Yesterday’s decision by the Federal Court of Appeal, is yet another one that shows First Nations must be meaningfully involved in decision-making consistent with their inherent and Treaty rights, protected by Canada’s constitution, and international laws including the United Nations Declaration on the Rights of Indigenous Peoples”, stated Regional Chief Terry Teegee. He added, “Both the province of BC and federal government are modernizing environmental assessment review processes. These new processes and laws must reflect consent-based decision-making, and will show the way to implement the UN Declaration. First Nations will continue to fight and win these cases until the Crown wakes up. First Nations will never give up. This fight is not over.”

This decision also demonstrates that there are cracks in the federal governments’ approach to reconciliation with First Nations. The Crown is failing on implementing and addressing various court cases won by First Nations, including the Tshilqot’in case on Aboriginal title. The Truth and Reconciliation Commission’s 94 Calls to Action provides a framework for concrete actions to address the harms of colonization to First Nations in Canada. First Nations continue to rebuild their languages, cultures and governing structures, including processes to review and assess projects that impact their territories.

Regional Chief Teegee stated, “New laws for project reviews must include provisions for First Nations processes and decision-making. Such provisions will create greater certainty for First Nations, investors and the Crown, so long as they are consistent with attaining First Nations free, prior and informed consent. We must beyond mere consultation – we are in the era of consent-based decision-making”

More information:

Court of Appeal decision: Tseil Waututh Nation v. Canada (Attorney General) – <https://decisions.fca-cf.gc.ca/fca-cf/decisions/en/item/343511/index.do>

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