

February 5, 2020

Hon. Justin Trudeau, Prime Minister of Canada
Office of the Prime Minister, 80 Wellington Street, Ottawa, Ont. K1A 0A2

Hon. John Horgan, Premier of British Columbia and President of the Executive Council
West Annex Parliament Buildings, Victoria, B.C. V8V 1X4

**Re: Wet'suwet'en opposition to Coastal GasLink
and the federal, B.C. governments' approaches to issues of Indigenous rights and title**

Dear Prime Minister Trudeau and Premier Horgan,

We write in part regarding the Coastal GasLink LNG pipeline project and the opposition raised by Wet'suwet'en hereditary chiefs and some band members. We also wish to draw attention to the wider issues around Indigenous rights and title that this case illustrates.

We congratulate the federal and B.C. governments on your commitments to the UN Declaration on the Rights of Indigenous Peoples, to the principles set out by the Truth and Reconciliation Commission and to implementing the 2014 Supreme Court of Canada decision granting Aboriginal title to the Tsilhqot'in people. However, **in the case of the Wet'suwet'en, we believe both levels of government are failing to live up to the high bar suggested by your public commitments.**

The issue of who appropriately represents the territorial title and rights of the Wet'suwet'en remains unresolved. To obtain consent of titleholders as set out in the Tsilhqot'in decision and UNDRIP means true consultation must take place. For that to occur, the Crown must ensure that such consent is obtained from the appropriate titleholders and truly represents the will of the people. This requires a better understanding of each individual nation's governance and leadership roles. This process has not been completed with the Wet'suwet'en.

The key in this and other current and future cases is for both governments to **work with Indigenous nations to understand and resolve the issues around who are the appropriate titleholders and what is the process by which those titleholders, and the nations they represent, reach governance decisions.** Only then can consent be meaningfully established in the sense laid out in the Delgamuukw and Tsilhqot'in decisions. Pushing through major development projects where there remain unresolved issues over title, governance, representation and decision-making does not uphold the honour of the Crown.

Crown advocacy for major development projects can put government in positions of conflict regarding its responsibility to protect the interests of First Nations. Resource-project agreements whereby money is given to elected band councils in a process that is not always transparent or in keeping with laws dating back to the Royal Proclamation of 1763 can't be seen as "free, prior and informed" consent. The Royal Proclamation itself was intended in part to prevent "frauds and abuses" in agreements with First Nations, which we assert includes selling their future for short-term promises.

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Mining, forestry and oil and gas development threaten the integrity of Indigenous rights throughout B.C. Short-term economic gain from resource projects can put at risk important long-term interests, such as protecting traditional lands and territories from severe ecological damage that can compromise food, culture and rights. Despite commitments to new enlightened principles, the B.C. government appears to be stuck in the past when it comes to negotiating tactics with Indigenous Peoples.

The federal and B.C. governments need to actively apply the principles they have agreed to under UNDRIP, TRC and court decisions, and offer meaningful opportunities for negotiations with Indigenous Peoples. Doing so would reaffirm your commitments to the benefit of not just Indigenous Peoples but of all people in Canada and the natural environment that sustains us.

Both your governments should jointly work to resolve issues around Indigenous rights and title and respect for Indigenous law. The place to start is to **put on hold all major resource development projects where questions remain about Indigenous rights and title and leadership**, and to begin a meaningful, respectful and non-aggressive dialogue and process to move forward on a path of true reconciliation.

Thank you for your time and consideration. We are happy to discuss this further at your convenience.

Sincerely,



Stephen Cornish
CEO



Jay Ritchlin
Director-General, Western Canada

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