

‘Great Victory for Indigenous Communities Everywhere’: Canadian Court Rescinds Trans Mountain Approval

By [Jon Queally](#)

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*“This is the consequence of the unholy alliance between the federal government and corporations taking shortcuts through consultation,” declared **Grand Chief Stewart Phillip**. “My faith in the judicial system is somewhat restored today.”*

Indigenous peoples and climate campaigners scored a major victory in Canada on Thursday as the Federal Court of Appeals ruled that the government’s review of the controversial Trans Mountain Pipeline, a project of Kinder Morgan, did not adequately consult with First Nations before greenlighting the project.

The ruling comes after ongoing and mass opposition to the project, and members of the Tsleil-Waututh, Squamish and Musqueam First Nations—committed to fight the pipeline with every means necessary—have said they never consented to the pipeline passing through their lands and amid vital waterways.

This is the consequence of the unholy alliance between the federal government and corporations taking shortcuts through consultation. My faith in the judicial system is somewhat restored today. – Grand Chief Stewart Phillips on the [#TransMountain](#) court decision today [#cdnpoli pic.twitter.com/kyEPBAAHUX](#)

— Wilderness Committee (@wildernews) [August 30, 2018](#)

In [a statement](#) on Twitter, the Sacred Trust of the Tsleil-Waututh Nation said it was glad the FCA “has recognized our inherent governance rights.”

[#BREAKING](#) Canada's Federal Court of Appeal has rejected [@JustinTrudeau](#) govt's approval to build the [#TransMountain](#) expansion project. This is an huge [#victory](#) for [#Indigenous](#) groups & people across [#Canada](#) who have stood against this pipeline. RT their success!! [#NoTMX](#) [#cdnpoli pic.twitter.com/rpzSkmvnwb](#)

— Greenpeace Canada (@GreenpeaceCA) [August 30, 2018](#)

“Today’s decision is a major win for Indigenous Nations and for the environment,” said Greenpeace USA tar sands campaigner **Rachel Rye Butler**. “It has long been obvious that the Trans Mountain Pipeline Expansion Project violates Indigenous sovereignty and would cause irreparable harm to our environment and the health of people; while threatening the extinction of the Southern Resident orca. It’s time to pull the plug on this project once and for all.”

As the *Financial Post* [reports](#):

The decision means the National Energy Board will have to redo its review of Kinder Morgan Canada’s project. In a written decision, the court says the energy board’s review was so flawed that the federal government could not rely on it as a basis for its decision to approve the expansion.

The court also concludes that the federal government failed in its duty to engage in meaningful consultations with First Nations before giving the green light to the project. That decision means the government will have to redo part of its consultations with Indigenous groups.

“This is a great victory for Indigenous communities everywhere fighting against destructive projects being imposed upon their territories,” said Patrick McCully, climate and energy program director at Rainforest Action Network, after the ruling. “It signals that governments, corporations, and funders must all respect Indigenous Peoples’ right to Free, Prior, and Informed Consent.”

Though the widely criticized effort by the government of **Prime Minister Justin Trudeau** to purchase the pipeline from Kinder Morgan has not been completed, company shareholders [officially approved the sale](#) barely an hour after the Federal Court of Appeals ruling was made public.

“The Liberal government has bought a \$7.4 billion (and rising) pipeline expansion project that will now be forced into years of further review and delay,” said **Andrea Harden-Donahue**, energy and climate justice campaigner with the Council of Canadians. “Prime Minister Trudeau knew the Harper-era NEB process was broken and its band-aid attempts to fix it clearly failed. It is time for real political leadership that truly respects Indigenous rights, does not bow to the interests of Big Oil, and prioritizes all of our interests in setting us on a path to a sustainable economy and environment. It is time to put a stop to the Kinder Morgan buy-out.”

UNBELIEVABLE! The Court of Appeal just quashed the approval of the TransMountain pipeline meaning years of delays. Yet, [@JustinTrudeau](#)'s gov't is still saying they want to buy the project.

How much money are they willing to burn? [#cdnpoli](#) [#bcpoli](#) [#NoTMX](#) [#WrongSideOfHistory](#) [pic.twitter.com/dWappUvj9T](#)

— Mike Hudema (@MikeHudema) [August 30, 2018](#)

And as **Grand Chief Stewart Phillip**, president of the Union of B.C. Indian Chiefs, said in response,

“No matter who owns this pipeline and tanker project, it will be stopped.”

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