



#WeAreTheStronghold

Take a Stand for Wet'suwet'en Yintah

Wet'suwet'en Houses, through their Hereditary Chiefs, have launched two legal challenges over Canada's approval of multiple fossil fuel projects in their territory - a sophisticated legal strategy that combines short-term and long-term goals. In the immediate term, the application for a Judicial Review seeks the cancellation of Coastal Gas Link's environmental approval. The other action, a Constitutional and Charter of Rights challenge, is an ambitious, long-term legal challenge seeking a comprehensive overhaul of Canada's environmental legislation to enable urgent action on climate change.

About the Judicial Review:

This legal action seeks a Judicial Review of a project extension for Coastal Gas Link's pipeline, granted by the BC Environmental Assessment Office in October 2019 for another 5 years.

The action argues that the B.C. Environmental Assessment Office had a duty to assess new evidence of the project's harms, which in this case means the recent findings of the Inquiry on Missing and Murdered Indigenous Women and Girls, which found direct links between extractive industries, "man camps" and increased violence against Indigenous women. The BCEAO was also required to take into account Coastal Gas Link's record of non-compliance (over 50 instances!).

This legal challenge comes at a time when Canadians at large are increasingly concerned about the growing epidemic of violence against Indigenous women. The final report of the National Inquiry into MMIWG urged immediate action to address Canada's "race-based genocide of Indigenous peoples," and found that "work camps, or 'man camps,' associated with the resource extraction industry are implicated in higher rates of violence against Indigenous women at the camps and in the neighbouring communities."

About the Constitutional and Charter challenge:

In this visionary, sweeping action puts forward the argument that Canada has a constitutional duty to protect its citizens from climate catastrophe, and draws a line against reckless fossil fuel developments that will push us past the tipping point. The action is being brought by two Houses of the Likhts'amishy (Fireweed) Clan through their House Chiefs.

The action invokes Constitutional provisions about "peace, order and good government" as well as the equality rights of Wet'suwet'en young people and future generations under the Canadian Charter of Rights and Freedoms.

The case specifically names Coastal Gas Link and Pacific Trails fracked gas pipelines along with LNG export facilities in Kitimat as particularly high-emitting fossil fuel projects that are likely to breach Canada's (already inadequate) emissions targets. In the name of future generations, the legal challenge argues that Canada's failure to do its fair share to avert a climate catastrophe would breach the equal protection of the law guaranteed by the Canadian Charter of Rights and Freedoms.

RAVEN : Respecting Aboriginal Values and Environmental Needs

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"The climate crisis is already hitting our House territories hard. You only have to look at the shrinking Hudson Bay Mountain glacier and count the salmon. If Canada is allowed to continue approving infrastructure for fracked gas projects on a 40-year timeline, our territories will become a wasteland before the project licenses expire."
—Dini Ze' Lho'imgin (Alphonse Gagnon).

If successful, the Wet'suwet'en claim could lead to far-reaching changes to Canada's environmental legislation. It would enable the federal government to cancel previously given approvals to fossil fuel projects such as the LNG export facilities and pipelines proposed for Wet'suwet'en Territories. The cancellations would kick in when it can be proven that, should projects proceed, Canada will fail to meet its Paris obligations to keep the country's greenhouse gas emissions to less than 2 °C above pre-industrial levels.

A word on hereditary leadership: The Wet'suwet'en governance system, dating back for thousands of years, is based on Houses and Clans. The Feast is central to Wet'suwet'en government, law, social structure and world view. Dini ze' and Ts'akē ze (Hereditary Head Chiefs and Wing Chiefs of each House) draw their legitimacy neither through elections, nor through birthright alone (as in European monarchies) but through the Feast House process. The feast validates the chiefs' authority and legitimacy according to Wet'suwet'en law. Before any feast, there are many informal and semi-formal meetings at which ideas are introduced, discussed and a consensus built within the host House and among the other Wet'suwet'en Houses. The English term "hereditary leadership" doesn't really convey the complexity of this highly participatory governance system.

Canadian law recognizes Indigenous governance in general and the Wet'suwet'en House and Clan system in particular. This was very clearly stated by the Supreme Court of Canada in its 1997 Delgamuukw decision. In that decision, the court found that it was the authority of Wet'suwet'en and Gitksan hereditary chiefs to govern in their traditional territories. The two legal challenges RAVEN is currently supporting were brought by Wet'suwet'en Hereditary Chiefs representing all Wet'suwet'en Clans.^a

Where we all come in:

RAVEN has joined forces with Wet'suwet'en leadership to find backers for two ambitious, game-changing — and costly — legal challenges. As the only charitable organization in Canada solely dedicated to fundraising for Indigenous Nation's access to justice, we are honoured to fundraise on behalf of Wet'suwet'en. It's time to stand with Indigenous peoples whose visionary legal actions are carving out a way forward in the midst of a climate and human rights crisis.

THREE WAYS TO HELP:

- 1. Donate to the legal fund.** Contributions are tax deductible and go directly to provide access to justice for Wet'suwet'en leaders. <https://fundraise.raventrust.com/wetsuweten>
- 2. Join the Virtual Round Dance.** Set up a peer-to-peer crowdfunding page and reach out to your friends and family for contributions. Our easy online platform makes it quick and effective to make a profile, tell your story, and start fundraising. <https://fundraise.raventrust.com/campaign/wetsuweten/c269632>
- 3. Organize an Event.** Interested in organizing an event in your community in support of RAVEN's Wet'suwet'en justice fund? People have organized concerts and pancake breakfasts to raise funds and bring people together in solidarity. Sign up to organize here: <https://raventrust.com/sign-up-to-organize-for-wetsuweten/>