Uniting for UNDRIP

Gitxaała Nation's legal action to safeguard ecosystems

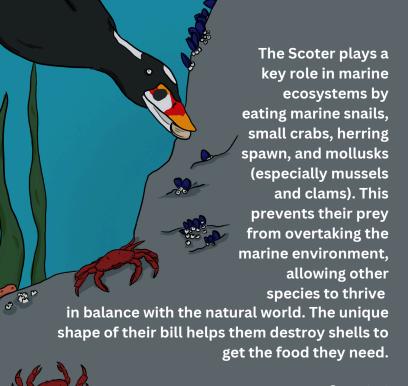


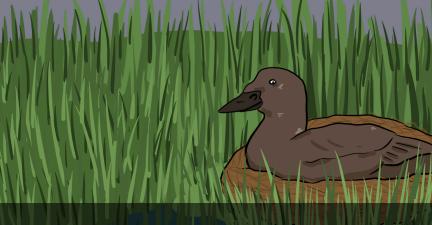
Written by Levin Chamberlain Illustrated by Jamie-Leigh Gonzales



The Surf Scoter migrates all the way from Mexico to the Arctic every year. Gitxaala Nation's territory has been identified as a Key Biodiversity Area for the Surf Scoter as a large number of individuals stop by there on their way to the Arctic to mate.







When Scoters lay their eggs, they nest in well-concealed areas beneath tree branches or fallen down trees, typically a short distance away from a lake or marsh. Their diet will change from eating sea creatures to invertebrates and vegetation near the lake or marsh they choose to nest by. This makes their habitat needs very specific. Once their eggs hatch, they begin their journey south across North America for the winter.

Unfortunately, the Surf Scoter's population is declining because of pollution in important breeding habitats, and climate change causing significant impacts in northern climates. That's why pollution of waterways – as seen by the Yellow Giant Gold Mine when they polluted a creek, pond, and wetland on Gitxaała's territory in 2015 – is incredibly important to stop for the Surf Scoter.



After the severe harm caused by the Yellow Giant Gold Mine, Gitxaała Nation knew they had to change the system. They took to the courts to argue for the right to say no to all mineral claims being staked on their territory, discontinuing the unjust practice of mining rights overriding Indigenous rights that led to the Yellow Giant Gold Mine disaster in the first place.



In 2023, they received a decision that found that Indigenous Nations in B.C. weren't being consulted over mineral claims on their territories, which violated the duty to consult and accommodate. This was a huge legal victory for mining justice in B.C. Now the Province must work with Indigenous Nations to create a new framework for granting mining rights, and the B.C. government made orders that prevent new mineral claims on much of Gitxaała's territory, and on Ehattesaht First Nations' territory, for a period of time, and hopefully until the new framework is in place.





Gitxaała Nation also argued that B.C.'s system of granting mineral rights without consultation or consent was inconsistent with *UNDRIP* and that B.C.'s *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*, should require B.C. to reform its regime to align with *UNDRIP*. The BC Supreme Court didn't agree with Gitxaała's arguments – it found *DRIPA* didn't implement *UNDRIP* into domestic law, and that section 3 of *DRIPA* doesn't create justiciable rights for Gitxaała. But Gitxaała Nation appealed, taking their pursuit for justice to the BC Court of Appeal on January 20th, 21st, and 22nd, 2025.

What would a victory in court mean? Currently, many B.C. laws don't align with *DRIPA*. It's seen as a "guiding framework" for politicians to use in lawmaking, not something that is binding in court for B.C. A victory would hold B.C. accountable to ensuring laws are in line with this historic piece of legislation.



In other words, a legal victory for Gitxaała Nation would force B.C. to respect Gitxaała Nation's decision-making instead of making laws with the best interests of industry in mind, who want to tear up Gitxaała's territory for profit. It would better protect vulnerable species, like the Surf Scoter, from going down a path to extinction.



The future is bright for Indigenous rights, especially if Gitxaała Nation's case is successful. Even if it doesn't see *DRIPA* as enforceable in court, Nations like Gitxaała will continue to resist the status quo that is taking us on a path toward climate destruction. They will lead us in protecting the life we have now, revitalizing what has been lost, and bringing a bright future for all of us, together, alongside the Surf Scoter.



Who is RAVEN?

RAVEN has a goal to provide Indigenous Nations with access to justice.

Supporting the assertion of the inherent and constitutionally protected rights of Indigenous Peoples is a powerful pathway toward reconciliation and environmental justice. Working together we've raised millions of dollars to back some of the most groundbreaking legal challenges of our time.

RAVEN has supported Indigenous Nation partners who have halted mines, stopped pipelines, and created better laws.

Together, we are a part of the movement for Indigenous justice.

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