

City of Richmond
Council Member Motion
For the General Purposes Committee Meeting

Date: February 18th 2020
From: Councillor Wolfe
Subject: Declaration of Solidarity with Wet'suwet'en People

Recommendation:

That Council endorse the following resolution and request that Mayor and Council send a copy to the Prime Minister of Canada, Premier of BC, Solicitor General of BC, Richmond MPs, Richmond MLAs, and member local governments of the UBCM.

Resolution:

The City of Richmond calls on the Governments of British Columbia and Canada to end any attempt at forced removal of non-violent Wet'suwet'en People from their traditional territories, suspend permits authorizing construction of the Coastal GasLink pipeline and commence good-faith consultation with the Wet'suwet'en People;

Rationale:

The Wet'suwet'en Hereditary Chiefs, whose representative role is recognized by the Supreme Court of Canada, have indicated a lack of consent for the Coastal GasLink pipeline through their unceded territory. Significant RCMP resources are currently being deployed away from municipal operations. The City Council in both Victoria and Port Moody have passed similar resolutions. Many of our residents are members of large unions: BCGEU and NUPGE, and/or large organizations: Council of Canadians and Sierra Club of BC, which have also declared solidarity. The United Nations Committee on the Elimination of Racial Discrimination and the BC Human Rights Commissioner have called on the Governments of British Columbia and Canada to respect Wet'suwet'en law, rights and title by suspending permits authorizing construction of the Coastal GasLink pipeline until they grant their free, prior and informed consent, following the full and adequate discharge of the duty to consult. Canada has endorsed the United Nations Declaration on the Rights of Indigenous People, which includes a commitment to "... consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."



To: Mayor and Councillors
From: Jason Kita
Director, Corporate Programs Management Group
Date: February 25, 2020
File: 01-0103-01/CL Vol. 02
Re: **Declaration of Solidarity with Wet'suwet'en People**

This memorandum provides factual information but does not include a recommendation or suggestions for action for the City of Richmond regarding Councillor Wolfe's proposed motion on the "Declaration of Solidarity with Wet'suwet'en People". This memorandum has been prepared to update the Chief Administrative Officer and Senior Management Team and at the Mayor's request, has also been provided to Mayor and Councillors for information purposes only.

Background

- Hereditary Chiefs in the Wet'suwet'en First Nation oppose the Coastal GasLink natural-gas pipeline through their traditional territory. Protests in support of the Wet'suwet'en Hereditary Chiefs have shut down the CN rail network in eastern Canada, suspended most Via Rail passenger service, and temporarily blocked traffic on streets and bridges and at ports in multiple cities, including cities in the Metro Vancouver region.
- The jurisdiction on the pipeline project lies with the Province of BC. Starting in Dawson Creek, BC, the pipeline's route crosses through the Canadian Rockies and other mountain ranges to Kitimat, BC.
- Councillor Wolfe has brought forward a motion to support the Wet'suwet'en people that will be considered at the March 2, 2020 General Purposes Committee meeting.

First Nations Consultation

- According to Coastal GasLink, from 2012 to 2014, during the course of project development, Coastal GasLink consulted with First Nations, communities, landowners and other stakeholders regarding the routing of the pipeline.
- The overall Indigenous consultation record for Coastal GasLink, which included 5,000 interactions with Indigenous people impacted by the pipeline, was submitted to the Environmental Assessment Office (EAO) as part of the January 2014 application, and was accepted by the EAO and ultimately approved on the issuance of the Environmental Assessment Certificate (EAC).
- During the period prior to EAO application submission, Coastal GasLink consulted with the Office of the Wet'suwet'en (OW) Hereditary Chiefs on issues relevant to the proposed pipeline project and route.

- The consultation record of this engagement was submitted to the EAO as part of the 2014 application; an application that also included mitigation measures to address concerns raised by the OW.
- All 20 elected band councils along the route, including five elected Wet'suwet'en band councils, have reached benefit agreements with Coastal GasLink. Those councils were created under the Indian Act and have authority over federal First Nations reserves.
- In the Supreme Court of British Columbia, the Wet'suwet'en Hereditary Chiefs claim that the Wet'suwet'en people, as represented by their traditional governance structures, have not given permission to Coastal GasLink to enter their traditional unceded territories. Despite the position advanced by the Hereditary Chiefs, the Supreme Court of British Columbia ruled in favour of Coastal GasLink and issued an injunction with enforcement provisions.
- The Wet'suwet'en Nation is organized into five hereditary clans (each with a Hereditary Chief) and 13 houses, or subgroups. Each of those subgroups has the position of house chief, also known as head chief, and secondary leaders known as subchiefs.
- On February 23, 2020, a second Wet'suwet'en hereditary subchief denounced the hereditary leaders publicly and said that they do not speak for the Wet'suwet'en and are neither following nor abiding by Wet'suwet'en law.

BC City Council Motions

- On January 23, 2020, the City of Victoria endorsed the resolution: Declaration of Solidarity with the Wet'suwet'en People. In response, the First Nations LNG Alliance, a collective of First Nations in support of LNG, has publicly expressed disagreement with the City of Victoria commenting on the democratic processes of First Nations.
- On February 11, Port Moody City Council passed a motion calling on the federal and provincial governments to end any attempt at forced removal of non-violent Wet'suwet'en people from their traditional territories.
- On February 18, 2020, Gibsons passed a "general" motion in support of the rights of Indigenous Peoples to determine the uses of land on their unceded territories.

Union of BC Municipalities (UBCM)

- UBCM, with over 160 member municipalities, does not have directly relevant policy and has not commented publicly. They are continuing to monitor the issue. The mandate of UBCM includes securing united action among members in dealing with all matters of common municipal interest. Municipalities, as creatures of the Province, receive their legislative authority from the provincial government.
- To date, only three member municipalities have commented publicly on the issue.

Federal Responses

- On February 21, 2020, Prime Minister Trudeau said in a press conference "every attempt at dialogue has been made but discussions have not been productive. We cannot have dialogue when only one party is coming to the table. The fact remains: the barricades must now come down. The injunctions must be obeyed and the law must be upheld."
- As of February 21, 2020, offers from the Minister of Crown-Indigenous Relations Carolyn Bennett and the Minister of Indigenous Services Marc Miller to meet with

Wet'suwet'en Hereditary Chiefs to address immediate and long-term issues had not yet been accepted.

- On February 21, 2020, the Minister of Public Safety and Emergency Preparedness Bill Blair emphasized the critical importance of police independence to ensure trust in our institutions. With RCMP Commissioner Brenda Lucki, Minister Blair updated the Prime Minister and ministers on current RCMP operations, including their offer to withdraw from Wet'suwet'en territory to encourage an open dialogue.

Provincial Responses

- On February 21, 2020, Premier John Horgan responded to media saying the Coastal GasLink project will not be halted or cancelled.
- On February 20, 2020, Provincial premiers held a teleconference with Prime Minister Trudeau to discuss the disruptions to infrastructure across the country caused by blockades, and their impacts on Canadian farmers, businesses, families, and workers. The Prime Minister spoke with the Premiers about the importance of ending the blockades as quickly as possible and reaching a peaceful and lasting resolution, in a way that builds trust and respect among all parties involved. To that effect, the Prime Minister highlighted the close collaboration between his Government and the BC Government on this complex issue.
- On February 17, 2020, the BC Minister of Indigenous Relations and Reconciliation Scott Fraser and the Federal Minister of Crown-Indigenous Relations Carolyn Bennett reached out through a joint letter to the Wet'suwet'en Hereditary Chiefs about meeting at the earliest opportunity to work together to establish a process for ongoing and constructive dialogue and action to address the issues at hand.

Court Issued Injunctions

- On December 31, 2019, a BC Supreme Court judge issued an injunction against members of the Wet'suwet'en Nation blocking access to the pipeline project inside their traditional territory and empowered RCMP to enforce the injunction.
- On February 13, 2020, the BC Legislature was granted an injunction to prevent protesters from blocking doorways and preventing the everyday work at the Legislature.
- On February 15, 2020, BC Ferries was granted a pre-emptive court injunction to prohibit Wet'suwet'en solidarity protesters from blocking any of its terminals.
- On February 19, 2020, TransLink was granted an injunction to block protesters from all SkyTrain platforms. The injunction will not prevent protests from blocking municipally and provincially owned roadways. "While TransLink supports the right to peaceful protest, the safety of our customers and our staff is our priority and we must protect the hundreds of thousands of people who rely on the Expo, Millennium, and Canada Lines," said the agency in a media release.
- On February 24, 2020, Ontario Provincial Police moved to enforce an injunction aimed at clearing the rail blockade in Ontario.

City of Richmond RCMP

- The RCMP in Richmond has sent one member to assist with the Province's RCMP operations, during the first week of the blockade. No RCMP Richmond members are currently deployed, and the RCMP does not foresee any further deployment in the near

term. Members will only be deployed if service delivery in the community is not impacted.

City of Richmond Relationships with Federal and Provincial Governments

- If the motion is interpreted by the federal and/or provincial governments to imply that senior levels of government are not handling the issue properly and that the government should halt the project and consult with the Wet'suwet'en people, this could create friction between senior levels of government and the City of Richmond. Consultation by Coastal GasLink was conducted during the planning phase of the project, and the project was accepted by all 20 elected band councils along the route. Determining which parties have authority to give approval to the project is outside of municipal scope and jurisdiction.
- Furthermore, there is no direct impact to the City of Richmond and its residents should the pipeline proceed.
- Adopting an opposing position to construct the pipeline (endorse the motion) could impede the City of Richmond from taking necessary positions in the future and could have direct impacts on the community.
- Public comment on the conduct of the federal and provincial governments on matters outside of the City of Richmond's direct interest and jurisdiction may negatively impact the City's relationship with its provincial and federal partners and could result in serious consequences when applying for future senior levels of government funding.



Jason Kita
Director, Corporate Programs Management Group
604-276-4091

JK:jl

pc: SMT
Anthony Capuccinello Iraci, City Solicitor