



Indigenous advocates applaud ruling allowing Canada to set a minimum national carbon price

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REGINA – The Athabasca Chipewyan First Nation and Ecojustice welcomed the Saskatchewan Court of Appeal’s ruling on Friday that determined that the federal government can tackle climate change by setting a minimum national price on greenhouse gas emissions.

It means that Canada will be better able to respond to the existential threat of climate change in a unified and meaningful way.

Athabasca Chipewyan First Nation (ACFN), represented by Ecojustice and Woodward & Company, intervened on the reference case in February 2019 to ensure that Indigenous and northern perspectives were considered. The Province of Saskatchewan had asked the court whether the federal government’s *Greenhouse Gas Pollution Pricing Act* was constitutional.

The court found that federal carbon price was fully constitutional under Parliament’s power to make laws for “Peace, Order and Good Government”. More specifically, the court found that Canada’s ability to set the baseline carbon price and rules that apply to all the provinces is a matter of “national concern”.

Representatives from the Athabasca Chipewyan First Nation and Ecojustice issued the following statements in response to the decision.

Chief Allan Adam, Athabasca Chipewyan First Nation said:

“My people – and the territory we have lived in for thousands of years - are already experiencing the impacts of climate change. It is affecting our ability to hunt, trap and fish and puts our very rights and culture at risk. Unless we take real action, the impacts will only get worse. As a northern community, we will experience the effects of climate change far more severely than the rest of Canada.

Today, the court has said clearly that Premier Moe – and all premiers who deny the reality of climate change - must do a better job at addressing climate change. As people with constitutionally protected rights, we also expect politicians to consult with the Indigenous communities that are affected by their climate plans.”

Amir Attaran, Ecojustice lawyer and professor at the University of Ottawa, said:

“As expected, the majority judges (Richards, Jackson, and Schwann) found that climate change is a problem "of superordinate consequence", and that it is "doubtless an emergency in the sense that it presents a genuine threat to Canada”.

They used existing legal precedents to uphold the federal carbon price because it is, indeed, a matter of national concern that Canada is able to set the minimum rules that apply to all the provinces, so as to effectively price and thereby control greenhouse gas emissions.

There was nothing radical about the majority decision, while the dissenting decision is poorly reasoned and overlooks key scientific facts.”

About

The Athabasca Chipewyan First Nation is a Dené-speaking people whose territory centres on the Peace Athabasca Delta in northeastern Alberta, and extends across northern Saskatchewan and Manitoba, and into the Northwest Territories. ACFN are signatories to Treaty 8, which guarantees their rights to hunt, trap, and fish. ACFN's primary communities are Fort Chipewyan and Fort McMurray, and its members are spread across northern Canada.

The University of Ottawa and Ecojustice, Canada's largest environmental law charity, are partners in the uOttawa-Ecojustice Environmental Law Clinic, a problem-based educational learning course designed to help train the next generation of environmental law and policy leaders.

Woodward & Company LLP, located in Victoria, BC, is one of Canada's leading Aboriginal law firms with over 35 years of service to Indigenous clients in a wide variety of matters, including governance, regulatory proceeding, and rights and title.

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