

OIL

First Nation sets pipeline precedent

Sioux community and allies win a reprieve on proposed expansion of TransMountain project

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Rueben George of B.C.'s Tsleil-Waututh First Nation celebrated with the aboriginal protesters at the Standing Rock Sioux reservation last week when the Obama administration delayed a \$3.7-billion (U.S.) oil pipeline project that would run past the community straddling the North and South Dakota border.

Mr. George is manager of the band's Sacred Trust – formed to oppose Kinder Morgan Inc.'s proposed expansion on the Trans-Mountain pipeline – and visited Standing Rock last week with a ceremonial totem to show the support of his West Coast people for their fight.

He wasn't alone. From across Canada and the United States, aboriginal leaders rallied to the cause of the Sioux community, which argued the proposed pipeline would disrupt burial grounds and threaten the reservation's water supply.

The standoff at the Missouri River is the latest hot spot in a continent-wide struggle between indigenous communities and an oil industry eager to build additional pipelines to move crude to global markets, or to carry it from recently developed fields like North Dakota's Bakken.

The Sioux and their allies won a reprieve on Friday when the U.S. Justice Department and Army Corps of Engineers announced no work would continue until the government could consult more fully with the aboriginal opponents.

The widely watched protest and the victory – even if it is temporary – will fuel the determination of aboriginal leaders to defend their rights, whether in the courts or in direct action.

In Canada as well as in the United States, First Nations are asserting the right to approve or reject pipeline projects that traverse their traditional territory and demanding to be treated as full partners by industry sponsors and governments. In Canada as well as in the United States,

governments are struggling to recognize the United Nations principle of free, prior and informed consent without handing every First Nation that could be impacted by a resource project a veto of its fate.

In a statement issued last week, the Assembly of First Nations supported the Standing Rock Sioux, as AFN regional chief Kevin Hart joined the protesters.

“No pipeline construction should ever begin until ... the indigenous peoples [who are impacted] have provided their free, prior and informed consent consistent with the United Nations declaration on the rights of indigenous people,” AFN National Chief Perry Bellegarde said.

The Liberal government has endorsed the UN declaration but is more guarded with regards to the issue of consent and whether it essentially confers on aboriginal communities a veto over resource projects.

The Supreme Court of Canada has ruled indigenous people should be “consulted and accom-

modated” when projects would impact their rights – a standard that industry leaders argue falls short of a veto.

Asked about Chief Bellegarde's declaration, National Resources Minister Jim Carr stressed the need for “consultation,” but dodged the question of consent.

In projects such as Enbridge Inc.'s Northern Gateway, Kinder Morgan's TransMountain and TransCanada Corp.'s Energy East, industry proponents claim support – and even partnership – from some aboriginal communities and question the right of a few opponents to block the interest of those who support it.

But clearly, some communities have more at stake than others. The Tsleil-Waututh are based in Burrard Inlet where the Trans-Mountain pipeline ends – their name means “People of the Inlet.”

As the Liberal government weighs later this fall whether to approve the expansion of the TransMountain project, ministers will have to consider the precedent of Standing Rock.