



**COASTAL
FIRST NATIONS**
GREAT BEAR INITIATIVE

Tuesday, May 28, 2019

Dear Senators and Members of Parliament:

As First Nation leaders, we are accustomed to elected politicians not living up to the promises they make to our nations and communities. We need not itemize the list, which spans generations and includes dark chapters of Canadian history.

But when a group of unelected senators moved recently to overturn a government election pledge banning oil tankers on Canada's sensitive north Pacific coast, we realized that we had a different kind of fight on our hands.

At the ballot box, First Nations like our own have at least had the opportunity to choose and defeat MPs through the electoral process. But we can't replace appointed Senators through the use of the vote, even if their decisions run counter to what the Canadian electorate has decided, and to what the House of Commons has approved.

So we are asking you in this letter to abide by the wishes of the electorate and, moreover, to respect your own traditions and practices as an appointed chamber. Please defer to the will of the people and pass into law the oil tanker ban.

On June 29th, 2015, the Liberal Party of Canada promised as part of its ocean protection policy to formalize the moratorium on oil tanker traffic on Canada's north Pacific coast and shield the sensitive environment and fisheries from the devastation synonymous with the Exxon Valdez disaster. This unique region of the world is our traditional territory – our peoples' home for thousands of years – and includes the irreplaceable Great Bear Rainforest. For those senators who have argued that it was not such an important promise, the Liberal Party thought enough of it at the time to write it down in black and white, and for the current Prime Minister to discuss it at length at the news conference when it was announced. This environmental commitment most assuredly moved votes in British Columbia and, we're certain, in other parts of Canada.

Imagine our alarm, then, when a group of five Conservative Senators, joined by an independent member from Alberta, decided in committee to overturn the will of Canadians and recommend that Bill C-48 be defeated.



Thank goodness that decision isn't final, and that the full Senate can overturn it – a course of action that we urge you to take.

If, however, the full Senate disagrees, then Coastal First Nations – and other Canadians – will be left wondering whether promises made during an election campaign mean anything at all.

Let's say, for example, that the bill is overturned and Prime Minister Trudeau promises during the next campaign to resurrect the promise of a ban. Even if the Liberals were to win, how can we count on the unelected Senate to follow through?

And what does this mean for an issue like Pharmacare, or promises to implement the recommendations of the Truth and Reconciliation Commission? Will unelected senators hold the final say in these circumstances, as well? Does this mean that the promises our democratically elected leaders make during the next election must first be vetted with the unelected Senate?

Besides, who exactly are appointed senators to choose which election commitments are important?

For the record, we're quite aware that the Senate has changed, and we believe for the better. An increase in independence has allowed the Senate, for example, to bring greater scrutiny to legislation (as it has to Bill C48). We also agree the Senate can make amendments to bills, provided those amendments don't violate the principle of proposed legislation.

But we don't agree that senators have a democratic mandate, and therefore the legitimacy, to kill this bill. Indeed, even your own institutional guidelines say you shouldn't. One of the doctrines under which you operate holds that the upper house should not overturn any bill which was part of a party's campaign platform. Aside from the fact that the Liberal Party won a majority government, fully 62.7 per cent of Canadians cast a democratic vote for a party promising to legislate a ban, while 229 ridings elected representatives of a party promising to bring forward such legislation. The House of Commons voted for the bill by a margin of 119 votes – 204 to 85.



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A final issue senators should keep in mind is how their vote might affect the relationship between Canada and Indigenous nations as a whole.

As mentioned at the beginning of our letter, violating this particular promise would add another broken commitment to a long list that predates Confederation. Sadly, there's nothing new there.

What is new is that killing C-48 will now be seen in the context of other pledges made in an effort to build a new relationship between Indigenous nations and Canada. We ask Senators to please not put a stain on this good work by overturning a bill that we all believed had been decided upon by the people in 2015.

Signed yours truly,

Chief Marilyn Slett

President, Coastal First Nations