

# Trans Mountain pipeline halted after Canadian court overturns approval

Monday 3 September 2018, by [KASSAM Ashifa](#) (Date first published: 30 August 2018).

**In a unanimous decision, the federal court of appeal said the government failed to consider the concerns of some First Nations**

A Canadian court has overturned Ottawa's approval of a hotly-contested pipeline project – throwing plans to nearly triple the flow of Alberta's landlocked bitumen to the west coast into limbo – in a ruling hailed by environmentalists and Indigenous groups.

[In a unanimous decision released on Thursday](#), the federal court of appeal said the Liberal government – led by Justin Trudeau – failed to adequately consider the concerns of some First Nations regarding the Trans Mountain expansion project.

The ruling also found that the country's energy regulator, the National Energy Board, did not properly consider the impact of increased tanker traffic due to the project.

[The scheme had been a crucial test for Trudeau and his government](#), who swept into office in 2015 on promises of striking a balance between economic growth, environmental concerns and repairing the country's fraught relationship with Indigenous peoples.

While the project could allow Alberta to get its bitumen to markets in Asia and reduce its reliance on the US market, there has been opposition over the potential for oil spills and the impact that a dramatic rise in tanker traffic could have on the region's southern resident killer whales, [a population already on the knife edge of extinction](#).

The court ruling will halt construction of the 1,150km project, spearheaded by Texas-based Kinder Morgan, until the energy regulator and government can show they have complied with the court's demands – a process that could take years.

Several Indigenous groups and environmentalists applauded the ruling, which emerged from a legal challenge backed by more than a dozen groups, including the city of Vancouver, several First Nations and environmental organisations.

"Thankfully, the court has stepped in where [Canada](#) has failed to protect and respect our rights and our water," Coldwater Indian Band chief Lee Spahan said in a statement.

Recent months [have seen increased Indigenous-led protests against the project](#), with thousands of people demonstrating in the streets. Hundreds – [including two federal MPs](#) – have been arrested for blocking the entrance of a facility belonging to Trans Mountain.

The federal government, [who earlier this year announced it would spend \\$4.5bn](#) to purchase the pipeline in a bid to push the expansion forward, said it was reviewing the decision.

“We are absolutely committed to moving forward with this project,” Bill Morneau, Canada’s finance minister, told reporters on Thursday, saying that the government had yet to decide whether it would appeal.

The court’s decision was announced minutes before Kinder Morgan shareholders voted to approve the sale of the pipeline to the Canadian government. Morneau defended the purchase, describing it as a “sound investment”, given that any private sector company would have found it difficult to bear the risks involved with the project.

“We believe this project is in the national interest, we believe that it’s critically important for our economy, critically important to allow us ... to get to international markets,” said Morneau.

Thursday’s ruling puts the government in a difficult position, said Stewart Phillip, grand chief of the Union of British Columbia Indian Chiefs. “They actually bought the pipeline that nobody wanted,” he said. “And they paid too much for it.”

The ruling also exposes the federal government’s [shortcomings when it comes to meaningful dialogue](#) with Indigenous peoples – despite Trudeau’s oft-repeated promises to do better. “Clearly the eloquent words of Prime Minister Trudeau do not reconcile with his actions on the ground,” said Phillip.

Describing the decision as a “massive victory”, Greenpeace Canada noted that the ruling offers the federal government a second chance of sorts. “Now it’s time for Prime Minister Trudeau to read the writing on the wall, dump this pipeline and shift the billions of public dollars slated for this problem-plagued project into Canada’s renewable energy economy,” Mike Hudema of the organisation said in a statement.

He added: “This summer’s fires, floods and choking smoke make it impossible to ignore the rising costs of climate inaction, so the prime minister should welcome the opportunity created by today’s ruling to get on the right side of history.”

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