



UNION OF BC INDIAN CHIEFS

OUR LAND IS OUR FUTURE

News Release

December 8, 2025

UBCIC Intervenes in Supreme Court of Canada hearing of *Nisga'a Nation v. Malii*

(xʷməθkʷəyəm (Musqueam), Skwxwú7mesh (Squamish) and səliwətał (Tseil Waututh)/ Vancouver, B.C. – December 8, 2025) The Union of B.C. Indian Chiefs (UBCIC) is intervening in this week's Supreme Court of Canada's hearing of *Nisga'a Nation v Malii* to advocate for the many B.C. First Nations who are pursuing or may one day need to pursue an Aboriginal title declaration in court. UBCIC will be opposing the argument by the Nisga'a Nation, B.C. and Canada that First Nations with modern treaties have a blanket right to join and defend any Aboriginal title claim that could have any impact on their treaty rights, no matter how small.

For decades, British Columbia's treaty process has fueled territorial boundary disputes by conferring land-based treaty rights that infringe the Aboriginal title of neighbouring First Nations. The Crown negotiated a treaty with the Nisga'a Nation that significantly overlaps with the Gitanyow Nation's Territory and infringes their Aboriginal title and rights. Now, the Crown is also backing the Nisga'a Nation's attempt to join the Crown in defending the Gitanyow Nation's title claim, which would inevitably drive up the costs and length of the trial.

Proving Aboriginal title in court is already inherently challenging and extremely expensive. First Nations only take this route when they see no other pathway to protecting their Aboriginal title. If the Supreme Court of Canada overturns the two lower courts, and guarantees modern treaty First Nations the right to defend the Aboriginal title claims their Indigenous neighbours, this will further impede access to justice for First Nations who seek recognition of their inherent rights and drive up the costs of litigation on both sides. A victory by the Nisga'a Nation in this appeal would also encourage the Crown and First Nations who are negotiating modern treaties to keep punting credible territorial boundary disputes down the road, to the courtroom, instead of resolving or avoiding them during treaty-making.

Grand Chief Stewart Phillip, UBCIC President stated, "The B.C. treaty process has produced only a handful of treaties at tremendous public expense, and it has actively fueled territorial boundary disputes between First Nations. Where modern treaties infringe the Aboriginal title of neighbouring nations, the Crown now seeks to compound that injustice by making Aboriginal title litigation even more protracted. The Crown continues to prioritize its relationships with modern treaty nations at

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the expense of non-treaty First Nations. This is dishonourable, and unfortunately for British Columbians, it will also impede the resolution of outstanding Aboriginal title claims.”

The UBCIC Chiefs Council unanimously passed Resolution 2025-41 in June, 2025, directing UBCIC to intervene at the Supreme Court of Canada to support the Gitanyow in their title case.

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UBCIC is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

For more information, please visit www.ubcic.bc.ca

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