



Supreme Court of Canada Approves MiningWatch Intervention in Gitxaala Challenge of Mining Claim Law

(Ottawa, October 16, 2026) The Supreme Court of Canada (SCC) announced Wednesday it has granted MiningWatch Canada leave to intervene in the Gitxaala Nation's historic challenge of British Columbia's mining claim regime. The SCC case is the culmination of Gitxaala's ground-breaking legal challenge against British Columbia's "free entry" mineral claim staking regime and mineral claims granted by the B.C. government in Gitxaala territory.

The SCC is set to hear the B.C. government's appeal of the B.C. Court of Appeal ruling that B.C.'s own law implementing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA), is enforceable, and that the province's "free entry" mining claims rules under the *Mineral Tenure Act* violate the requirement for consent.

The Court granted leave to most of the intervenor applicants, including several provinces as well as many First Nations and Indigenous organizations, a number of human and civil rights organizations, and mining companies. MiningWatch Canada will provide a unique perspective to the Court, as MiningWatch has deep expertise in mining law and policy reform, and will be representing the overall public interest.

"Affirming the justiciability of DRIPA and UNDRIP is absolutely in the public interest," says Jamie Kneen, National Program Co-Lead with MiningWatch Canada and Co-Chair of the BC Mining Law Reform network, adding that efforts to get governments to reform their mining laws to respect and protect Indigenous rights have made little progress over many years.

"We have worked for more than two decades to try to reform B.C.'s colonial era mineral staking regime, which, like too many other provinces and territories, runs roughshod over Indigenous rights and territories," Kneen says. "Indigenous Nations have had to go to court repeatedly to defend their constitutional right to consultation and accommodation. Even the adoption of UNDRIP and DRIPA, with the commitment to free, prior, informed consent, has failed to bring the government to make the needed reforms."

MiningWatch, the BC Mining Law Reform network, and public interest advocacy groups across Canada, have long advocated for mining claims and activities to require land use planning, community agreement, and – as per UNDRIP – the free, prior, informed consent of Indigenous Peoples.

Nikki Skuce, Co-Chair of the BC Mining Law Reform network, says, “The mining industry claims it wants certainty, but instead of seeking consent agreements and supporting reforms, the industry insists on continuing to make mining the highest priority land use, overriding all other interests and creating unnecessary conflict and uncertainty.”

"Indigenous rights and government commitments to 'reconciliation' are far too often treated as a political football – subject to pressure from special interest groups – as in the current B.C. election," Kneen adds. "We need the courts to hold the province to its word. We thank Gitxaala for their leadership on this issue and are honoured to be able to bring a public interest perspective to support this case."

For more information:

- Jamie Kneen, MiningWatch Canada and Co-Chair of the BC Mining Law Reform network, jamie@miningwatch.ca, +1 (613) 761-2273
- Nikki Skuce, Co-Chair of the BC Mining Law Reform network, nikki@northernconfluence.ca, +1 (778) 210-0117