



First Nation Wins Advance Costs in Treaty Infringement Trial

For Immediate Release

Lac La Biche/Edmonton, September 30 - TODAY the Alberta Court of Queen's Bench granted advanced costs to Beaver Lake Cree Nation to allow it to proceed with its Treaty 6 infringement litigation against Canada and Alberta.

The litigation deals with the cumulative effects of the "taking up" of land in Beaver Lake traditional territory and the damage done to the way of life of members of the Beaver Lake Cree Nation by industrial development, including oil and gas expansion from fracking and in-situ oil sands extraction. At its core, the case is about whether or not the Numbered Treaties, and in particular Treaty 6, provide constitutional protection for Indigenous culture and way of life.

With the advance cost award, Beaver Lake Cree Nation will have the financial resources to pursue a case which could be a game-changer in terms of how projects approvals are granted in Alberta's oil sands.

As the country in the spirit of reconciliation recognizes and honours Residential School Survivors, the Courts also "provide some important steps along the road to reconciliation" by way of this ruling.

Beaver Lake Brought this Case Out of Necessity to Protect its Culture

Beaver Lake Cree Nation brought this case in 2008 out of its profound concern for the increasing industrial development authorized by the Crown in its traditional lands. Crown consultation and government legislation has not been directed toward, or effective in, protecting Beaver Lake's way of life and culture. Generations of Indigenous Peoples in the region have seen their treaty rights rendered increasingly meaningless as the land, air and water upon which they depend have been degraded by pollution and development.

Beaver Lake brought this action out of necessity to keep its culture alive. It fears irreversible damage to its culture and way of life as a result of unchecked industrial development.

Beaver Lake can No Longer Fund the Litigation

As noted by the Court, Beaver Lake has committed substantial funds to the litigation over the past ten years. But it can no longer fund the litigation at the rate required to bring it to trial.

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Chief Anderson stated:

We have dedicated our scarce resources to the case because we felt we had no choice. Beaver Lake would rather not have to litigate. It would rather work with the Crown directly to arrive at a mutual understanding of how to properly implement the Treaty promises, and protect its culture and way of life. However, those discussions have not occurred, and Canada and Alberta have continuously denied that our Treaty affords us protection against cumulative effects.

The Court noted: "Beaver Lake has funded this litigation for 10 years through its own sources. It cannot fund the litigation at the rate required to bring it to trial. I am satisfied that it would be impossible for this to proceed if the requested order is not made. (...) A resolution of this matter is important and compelling within a reasonable period of time as the cumulative effects continue to worsen over time. (...) It would be manifestly unjust to either compel Beaver Lake to abandon its claim or force it into destitution in order to bring the claim forward."

Beaver Lake Granted Advanced Costs

In the result, the Court ordered that Beaver Lake must continue to contribute to the lawsuit as before and that Canada and Alberta shall provide an equal amount per year until the trial is concluded or the litigation resolved.

Beaver Lake is thrilled that the Court recognized the importance of the litigation, and that denying Beaver Lake advanced costs would deny them access to justice, and the ability to enforce their inherent and Treaty rights. Beaver Lake welcomes the ability to move the case forward to trial.

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