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'Get off our property!'

Lawsuit seeks to halt expansion of Athabasca tar sands into Cree territory

Alex Ross

In May 2008, the Beaver Lake Cree launched a lawsuit against the government of Canada and the province of Alberta to prevent the expansion of the tar sands into their territory, located in Lac La Biche, Alberta. According to the lawsuit, an 1876 treaty between the Cree and Alberta states that "in exchange for the surrender of land," the Cree have "the right to hunt and fish through the tract surrendered." But development of the tar sands will render the land uninhabitable, the Cree say. Jack Woodward, who represents the Beaver Lake Cree, spoke Tuesday evening at the George Ignatieff Theatre, hosted by the group Environmental Defence.

"What this case is about, for the Cree People, is protecting the integrity of their land, and protection of the land in which they hunt and fish. And they are guaranteed that right to hunt and fish in their treaty," said Woodward.

According to the lawsuit's 745-page statement of claim, Alberta has granted over 16,000 permits for companies to extract oil from the Beaver Lake Cree's traditional territory, with the permits representing infringements on this treaty right. The method of extraction, called steam-assisted gravity drainage, destroys large swaths of boreal forest and releases toxins that seep into the land.

The Canadian Constitution enshrines Aboriginal treaty rights, which, according to Woodward, means no statute of Canada or Alberta can infringe on these rights. In a 2005 decision, the Supreme Court ruled in favour of the Mikisew Cree when they sued the Canadian government, ruling that the construction of a winter road through their reserve in Alberta infringed upon their treaty right to hunt, fish, and trap. "This is an exercise of the most potent environmental law available in the Canadian legal system," Woodward said.

Neither Canada nor Alberta have issued a statement of defence, although they are required to do so within three weeks of the statement of claim being filed. The Attorney General in Ottawa declined to comment for this article, as did representatives of BP Canada Energy, Canada Natural Resources Ltd., Conoco Phillips, Devon Corporation, and Husky Energy.



'What this case is about, for the Cree People, is protecting the integrity of their land,' lawyer Jack Woodward tells the audience at the George Ignatieff Theatre on Tuesday evening. Alex Nursall

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This article was published on Oct 29, 2009 in the **News section**

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"It's very, very difficult to do what Beaver Lake Cree are doing, what my community is doing, and what hundreds of other [aboriginal communities] are doing," said Ron Plain, program manager of Environmental Defence's aboriginal program. Plain said that departments in the Canadian government are set up to work in the best interest of the Crown, and highlighted the personal struggles that community members go through.

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