



# BEAVER LAKE

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# CREE NATION

## PRESS RELEASE

For immediate release: June 11, 2009

### **BEAVER LAKE WILL CONTINUE TO DEFEND ITS TREATY RIGHTS**

**Lac La Biche, Alberta** - More than a full year after the Beaver Lake Cree Nation commenced our historic case against expansion of the tar sands, Canada and Alberta have finally presented pre-trial motions to the Alberta Court of Queen's Bench seeking to put a halt to the litigation. Even though neither Canada nor Alberta has filed a statement of defence in the case, they both claim that the action should be dismissed against them.

Chief Al Lameman of the Beaver Lake Cree said, "We are disappointed that these governments continue to deny their responsibility to meet the promises in the treaties for which our people have sacrificed so much."

Alberta says that the lawsuit is "unmanageable" and should be struck as an abuse of process. Calling the Beaver Lake Cree claims "frivolous," the provincial government states that Alberta should get costs "forthwith and in any event of the cause." Alberta also says that the Beaver Lake Cree Nation should have gone to the Energy Resources Conservation Board (ERCB) instead.

"We have never seen the ERCB stop a development because of a treaty right," noted Chief Al Lameman. "We believe that in a situation of such unequal power a just and fair consideration of our rights can only come from the courts."

The federal government says that it should not be named as a defendant in the case. Chief Lameman noted that part of the area subject to the lawsuit is the Cold Lake Air Weapons Range which Canada leases from Alberta, and that many of the threats to wildlife habitat come from decisions made by Canadian government officials.

Chief Lameman points out that the BLCN bases its claim on the Supreme Court of Canada's 2005 decision in the Mikisew case, in which the country's highest court said:

**The arguments of the federal and Alberta Crowns simply ignore the significance and practicalities of a First Nation's traditional territory.**

...

**The "meaningful right to hunt" is not ascertained on a treaty-wide basis (all 840,000 square kilometres of it) but in relation to the territories over which a First Nation traditionally hunted, fished and trapped, and continues to do so today. If the time comes that in the case of a particular Treaty 8 First Nation "no meaningful right to hunt" remains over *its* traditional territories, the significance of the oral promise that "the same means of earning a livelihood would continue after the treaty as existed before it" would clearly be in question, and a potential action for treaty infringement, including the demand for a *Sparrow* justification, would be a legitimate First Nation response.**

In line with this decision, the Beaver Lake Cree claim that Canada and Alberta must halt the rapid expansion of tar sands projects in their traditional territory because the rights guaranteed under the treaty are being made meaningless by the severe impact of industrial development.

According to BLCN's legal counsel, Jack Woodward, "Canada and Alberta are not honouring treaty rights. The simple fact is that the rapid expansion of the tar sands projects makes it impossible for First Nations to hunt and fish - contrary to the solemn promise in the treaty. Canada and Alberta should be forced to live up to their treaty promises."

The tar sands of Alberta and Saskatchewan are poised to become the world's largest contributor to global warming. A recent report in the medical journal *The Lancet* says that climate change has become the greatest threat to human health.

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