



Tłıchǫ Government

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MEDIA RELEASE

Tłıchǫ Government Secures Court Injunction Against Canada's Change to the *Mackenzie Valley Resource Management Act*

Wek'èezhìi Land and Water Board and the Land and Water
Co-Management Regime in the Northwest Territories Protected

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For Immediate Release

BEHCHOKǫ, NT – The NWT Supreme Court has granted the Tłıchǫ Government an injunction stopping Canada from implementing its amendments to the *Mackenzie Valley Resource Management Act* (“MVRMA”). The MVRMA amendments sought to dismantle the successful and long-standing system of regional land and water boards throughout the Mackenzie Valley.

This unique co-management system in the NWT flows from the modern day land claims agreements that were entered into with the Tłıchǫ Government and other Aboriginal groups. The injunction protects the regional board in the Tłıchǫ management area—the Wek'èezhìi Land and Water Board—while the Tłıchǫ Government's lawsuit against Canada's changes to the MVRMA proceeds. The injunction also preserves the Gwich'in and Sahtu regional boards.

“This decision is a huge win for the Tłıchǫ and for all of the Aboriginal peoples in the NWT. The court recognized the potentially disastrous effects of Canada's actions, and exercised its jurisdiction to protect our constitutionally-protected rights as set out in the Tłıchǫ Agreement while our lawsuit proceeds,” said Tłıchǫ Grand Chief Eddie Erasmus.

Grand Chief Eddie Erasmus added, “The court's statement is clear: our modern day treaty and the promises within it cannot simply be ignored by Canada. This injunction ensures Tłıchǫ will be able to continue to protect Wek'èezhìi and play our constitutionally-protected role in water and land management in our territory. We could not be happier with the ruling.”

In her reasons for judgment, Justice Karan Shaner held that Tłıchǫ Government's lawsuit raises “a serious constitutional issue to be tried” and that Canada's claim that its actions are constitutional “is far from a foregone conclusion.” The court explained that, “the Tłıchǫ Government will suffer irreparable harm should injunctive relief not be granted” and that the Tłıchǫ lawsuit “raised a reasonable possibility that Canada has overstepped the bounds of what it is permitted to do under the Tłıchǫ Agreement”. Justice Shaner concluded by finding that granting the injunction sought by the Tłıchǫ Government was “most certainly in the public interest.” A copy of the court's decision is available at www.tlicho.ca.

This injunction was a critical step in the lawsuit that was filed by the Tłıchǫ Government in May 2014 following the passage of Canada's changes to the MVRMA. If implemented, Canada's MVRMA changes would almost eliminate the Tłıchǫ role in the protection and management of Wek'èezhìi, which lies in the heart of Tłıchǫ traditional territory and is identified as the Tłıchǫ management area under the Tłıchǫ Agreement. The lawsuit seeks to stop Canada's creation of a "superboard" and elimination of the Wek'èezhìi Land and Water Board.

Tłıchǫ Grand Chief Erasmus concluded, "We are optimistic that Canada will read this decision and recognize that we must begin to work together to find solutions that work for all treaty partners. The days of unilateral action by Ottawa are over. Our door is always open to respectful negotiations and finding mutually beneficial solutions."

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Quick Facts

- The Tłıchǫ are an Aboriginal people whose traditional territory is situated from north of Great Slave Lake to south of Great Bear Lake in the NWT. There are approximately 4,000 Tłıchǫ citizens living primarily in the four Tłıchǫ communities of Behchokò, Whatì, Gamètì and Wekweètì.
- In 2003, the Tłıchǫ entered into a land claims and self-government with Canada called the Tłıchǫ Agreement. This agreement recognizes the Tłıchǫ Government and its law-making and self-government jurisdiction in relation to Tłıchǫ Lands—an area of approximately 39,000 square kilometers that Tłıchǫ collectively own. Tłıchǫ Lands are roughly the same size as Switzerland.
- The Tłıchǫ Agreement also recognizes Tłıchǫ self-government through a guaranteed co-management role in relation to Wek'èezhìi—as an area that lies in the heart of Tłıchǫ traditional territory and is approximately 160,000 square kilometers in size (double the size of New Brunswick). The Wek'èezhìi Land and Water Board, which oversees land and water management in this region, has 50% of its members appointed by the Tłıchǫ Government.
- Canada's changes to the MVRMA eliminate the Wek'èezhìi Land and Water Board to create a "superboard" where Tłıchǫ only appoint 1 out of the 11 members. Further, this new structure may result in the Tłıchǫ appointee having absolutely no role in decisions made with respect to Wek'èezhìi. This system eliminates Tłıchǫ co-management in Wek'èezhìi in violation of the Tłıchǫ Agreement.

- Following the passage of Canada's changes to the MVRMA, the Tłıchǫ Government filed a lawsuit in May 2014 alleging these changes were unconstitutional because they were inconsistent with the Tłıchǫ Agreement and breached Tłıchǫ rights. It also applied for an injunction to stop Canada from implementing its MVRMA changes until the Tłıchǫ lawsuit was heard. The NWT Supreme Court heard the injunction application in December 2014.
- On February 27, 2015, the NWT Supreme Court issued an injunction stopping Canada from implementing its changes to the MVRMA that would eliminate the Wek'èezhii Land and Water Board and other regional boards in the NWT. This injunction will remain in place until the Tłıchǫ lawsuit is complete.