

News Release

Yukon First Nations File Petition in Yukon Supreme Court To Reverse Amendments to YESAA

October 14, 2015

For immediate release:

Whitehorse, Yukon – This morning Self-Governing Yukon First Nations filed a Petition for the Yukon Supreme Court to declare Bill S-6 amendments to the *Yukon Environmental and Socio-economic Assessment Act* (YESAA) invalid.

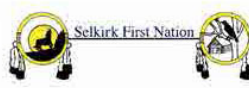
“Our Petition states that the amendments through Bill S-6 undermine or weaken Yukon’s development assessment process and our role as Yukon First Nation governments,” said Chief Carl Sidney of Teslin Tlingit Council. “Therefore, they are a clear breach of our Final Agreements.”

The Petition states the Government of Canada also failed to meet the steps required in Yukon First Nation Final Agreements, which is also a breach of the First Nation treaties. The Petition names the governments of Canada and Yukon as parties to the case because both governments are signatories to the Umbrella Final Agreement and the individual First Nation Final Agreements.

“We hold both governments responsible for upholding the honour of the Crown and the treaty obligations identified in our Constitutionally-protected Agreements,” said Chief Eric Fairclough of Little Salmon/Carmacks First Nation. “The current government seems determined to undermine or repeal environmental legislation throughout Canada, but Yukon First Nations’ rights to effective legislation were constitutionally guaranteed under our Final Agreements.”

“First Nations support responsible development in our traditional territories and want relationships with industry, but we have to protect our agreements,” said Champagne and Aishihik First Nations Chief Steve Smith. “We are forced to take legal action to bring certainty and clarity back to Yukon’s development assessment process.”

The Petition was filed by the Champagne and Aishihik First Nations, Little Salmon/Carmacks First Nation and the Teslin Tlingit Council, but is part of a coalition of several Self-Governing Yukon First Nations to overturn problematic changes to YESAA.



“Though three First Nations are named as the plaintiffs on the Petition, we are working with each other as Self-Governing Yukon First Nations,” said Chief Roberta Joseph of Tr’ondëk Hwëch’in. “This is simply a mechanism to move the case forward in partnership with the other First Nations.”

The Petition was accompanied by affidavits from the leaders of several affected First Nations to establish the facts of the case against the governments of Canada and Yukon.

“It is very unfortunate that Yukon First Nations are forced to bring this matter to the courts. But after numerous overtures to the Harper Government resulting in no compromise or real effort to accommodate First Nations’ interests, Yukon First Nations are left with no choice but to defend our rights and established treaty processes,” said Grand Chief Ruth Massie. “This Petition has broad based support, but we hope the case won’t have to go the distance once a friendlier federal government assumes power in the coming weeks.”

Gregory McDade, Q.C. of the B.C. legal firm Ratcliff & Company, has been retained as the litigator. Mr. McDade has extensive experience with working with First Nations across Canada and Ratcliff & Company’s practice focuses on Aboriginal rights and title litigation. Mr. McDade has been legal counsel before the Supreme Court of Canada in a number of recent ground-breaking Aboriginal cases.

For more information on YESAA and the amendments through Bill S-6 please visit www.cyfn.ca/services/yesaa.

- 30 -

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