

FOR IMMEDIATE RELEASE

First Nations and Conservation Groups Bring Yukon Government to Supreme Court in Fight for the Peel Watershed

Professional photographs will be uploaded throughout the day at the below Dropbox link, also available at protectpeel.ca. Legal documents and background resources also available: https://www.dropbox.com/sh/mg4n4rfm6santg7/AAA_QnrKoEZOorzaV0Gj6bP-Va?dl=0

March 22, 2017 — Ottawa, ON — Today, on World Water Day, the Supreme Court of Canada heard from First Nations and conservation groups fighting to ensure the protection of one of the largest intact ecosystems in North America, the Peel Watershed in northeastern Yukon. The landmark case is the culmination of a contentious land dispute in which the previous Government of Yukon derailed the planning process mandated in the Yukon's modern-day treaties, and forced through its own plan to industrialize over 71% of the 68,000 km² Peel Watershed, to the outcry of First Nations and the public.

Renowned Indigenous rights lawyer, Thomas Berger, is representing the appellants: Tr'ondëk Hwëch'in First Nation, the First Nation of Na Cho Nyäk Dän, Vuntut Gwitchin First Nation, CPAWS Yukon, and the Yukon Conservation Society. The Gwich'in Tribal Council, the Council of Yukon First Nations, and the Government of Canada are intervening. Berger requested today that the Supreme Court of Canada set aside the previous judgment of the Court of Appeal of Yukon, and restore the judgment of the Supreme Court of Yukon. The ruling will be announced in three to nine months and will have national implications for the interpretation of modern treaties.

Chief Roberta Joseph of the Tr'ondëk Hwëch'in stated: "Two courts have ruled that Yukon government undermined the integrity of our Final Agreements. We appreciate the opportunity to have our case heard by the Supreme Court of Canada; their final decision will provide certainty for the land-use-planning-approval processes in the Territory and set a precedent for the country. We hope their decision will reverse the harm made by the Court of Appeal and ensure the intent of our Agreements is upheld."

Chief Simon Mervyn of the First Nation of Na Cho Nyäk Dän spoke to the national significance of the case: "Our Final Agreements have stood the test of time and will continue to prevail. We have been patient but it is time for us to see the commitment to act in good faith that was at the table when we signed our Final Agreements with Canada and the Government of Yukon in 1993."

Vuntut Gwitchin First Nation Chief Bruce Charlie stated: "We are proud to join with the Yukon First Nations, the Teetl'it Gwich'in of the Northwest Territories and the environmental groups in a united front and share with Canada our work to protect the wildlife, the land and our Indigenous rights."

Chris Rider, Executive Director of CPAWS Yukon, said: "There is not much true, unspoiled wilderness left in the world, and for that reason the Peel is globally significant. Yukoners made it clear over and over again that they want maximum protection in the Peel, and we are here on their shoulders to secure a conservation victory that all Canadians can be proud of."

Christina Macdonald, Executive Director of the Yukon Conservation Society, said: “If we want everyone to trust the land use planning process, if we care about shared stewardship of northern lands, if we hope to build a future together, this judgment matters.”

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Background

The Peel Watershed is the northern anchor for the Yellowstone to Yukon conservation corridor, providing increasingly crucial habitats to iconic and rare species as climate change and habitat loss threaten North American wildlife.

A seven-year planning process, laid out in the land claims agreements signed between Yukon First Nations and the federal and territorial governments, had produced a Final Recommended Plan to keep 80% of the Peel Watershed off-limits to roads and industry. However, in 2014, the Yukon Government rejected this plan in favour of its own plan to open up over 71% of the Peel Watershed to roads, mining and drilling. This move derailed the land-use planning process that is specified in the Yukon’s modern-day treaties with First Nations.

This sparked a three-year legal battle between a coalition of affected First Nations and environmental groups, against Yukon government over the future of the Peel Watershed and the integrity of the land use planning provisions in Yukon First Nation Final Agreements.

The Peel Watershed case was initially heard by the Supreme Court of Yukon in 2014 and then again by the Court of Appeal of Yukon in 2015. The interpretation of Chapter 11 of the Yukon First Nation Final Agreements is central to the case. Both Yukon courts found that the Government of Yukon failed to honour its obligations under the Final Agreements during the Peel Watershed land use planning process.

Where the courts differed was on the remedy for the Government of Yukon’s breach of the land use planning provisions in the Final Agreements. The Supreme Court of Yukon ordered that the land use planning process should be returned to the stage of final consultation with the First Nations and affected communities. Further, the ruling prevented the Government of Yukon from introducing new modifications to the Final Recommended Plan. However, the Court of Appeal of Yukon ordered that the process should be sent back to an earlier stage of consultation, which would allow the Government of Yukon to advance entirely new modifications to the Plan.

The Court of Appeal also ruled the Government of Yukon has the right, at the end of the day, to reject the entire Peel Watershed Final Recommended Plan. From the perspective of the First Nations and conservation groups, this would render the whole land use planning process under the First Nation Final Agreements meaningless. This is why, despite the newly elected Yukon government’s commitment to implementing the Peel Watershed Final Recommended Plan, the Appeal ruling has been brought before the Supreme Court of Canada.

For photographs, more background and media resources on the Peel campaign and its history:
https://www.dropbox.com/sh/mg4n4rfm6santg7/AAA_QnrKoEZOrzaV0Gj6bP-Va?dl=0