

## **Ontario attacks Aboriginal and treaty rights in Kitchenuhmaykoosib Inninuwug (KI) Litigation January 29, 2007**

THUNDER BAY, ON, Jan. 29 /CNW/ - Nishnawbe Aski Nation (NAN) Deputy Grand Chief Alvin Fiddler and Kitchenuhmaykoosib Inninuwug (KI) spokesperson John Cutfeet are outraged by the Government of Ontario's attack on Aboriginal and treaty rights during Friday's court proceeding in the case of KI vs. Platinex.

"Ontario's legal argument dismisses constitutionally protected Aboriginal and treaty rights based on First Nation culture and spiritual connection to the land," said KI spokesperson John Cutfeet after the third court proceeding since Toronto-based mining company Platinex sued his northern First Nation community for \$10 billion after they requested drilling equipment be removed from their traditional territory last Spring. "The mining act is an outdated piece of legislation, whereby the McGuinty government grants permits without consulting the First peoples where lands will be affected by the various impacts of mining. The McGuinty government claims the provincial mining act trumps all constitutionally protected rights recognized under section 35 of the Canadian constitution for all First Nations."

Government of Ontario lawyer Owen Young argued for intervener status in Thunder Bay's Ontario Superior Court Friday January 26, 2007.

"It's clear the McGuinty government has a twisted interpretation of the spirit and intent of James Bay Treaty 9, not to mention sixteen years of Supreme Court decisions that have ruled for consultation and accommodation with First Nations prior to land exploration, let alone drilling," said NAN Deputy Grand Chief Alvin Fiddler.

Despite a community declared moratorium on resource development recent Supreme Court rulings to consult and accommodate, including Mikisew (November 2005), Platinex received permission from the Government of Ontario to drill in KI territory February 2006.

KI brought a constitutional challenge to the Ontario Mining Act June 2006, claiming the Act fails to prioritize Aboriginal and Treaty rights deeming it unconstitutional.

In July an Ontario Superior Court decision halted Platinex from drilling in KI territory until the mining company and Province of Ontario fulfil obligations to consult with the First Nation community. In this decision, Justice Patrick Smith specifically referenced the impacts of mining on not only the right of First Nations to fish, hunt, and trap, but also on impacts to the cultural and spiritual connection to the land.

The next scheduled date for court proceedings is April 2, 2007 in Thunder Bay.

KI is a signatory to the 1929 adhesion of James Bay Treaty 9. The community is located approximately 600 km north of Sioux Lookout.

For further information: Jenna Young, NAN Director of Communications at (807) 625-4952; or John Cutfeet, KI Spokesperson at (807) 627-9062