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# Nalcor Injunction Effectively Prohibits and Extinguishes Aboriginal Rights, NunatuKavut Appealing

Press Release: For Immediate Release – September 11, 2013

Nalcor Injunction Effectively Prohibits and Extinguishes Aboriginal Rights, NunatuKavut Appealing

St. John's, NL – NunatuKavut Community Council (NCC) is heading to the Newfoundland and Labrador Court of Appeal to appeal the permanent injunction granted to Nalcor Energy in the Fall of 2012. NCC will argue the injunction is a heavy-handed tactic by Nalcor and is not in keeping with the law and what the courts should be ordering.

"We prefer negotiation – meaningful negotiation – and we've requested it time and time again to no avail. When we demonstrate on our traditional territory, we are slapped with an unprecedented lawsuit that has the effect of permanently prohibiting and extinguishing our rights and title to that land," said Todd Russell, President of NCC.

The Lower Churchill Hydroelectric Project is located on NCC's traditional territory. NCC has been raising concerns over the project for years and last October, held a 12-hour off-site peaceful protest that lead to a permanent, ever-expanding injunction that will have serious implications to the NunatuKavut people, for every generation to come.

The injunction prevents NunatuKavut members from going within 50 meters of the "Site" which under the injunction includes any areas of land that Nalcor is authorized to use, or shall be authorized to use in the future, for the purpose of the project. Nalcor has cited safety concerns as the reason for seeking an injunction against NunatuKavut; concerns that demonstrators may be putting themselves or others at risk by protesting. Yet after the injunction was ordered, another aboriginal group stormed onto the Muskrat Falls site in pickup trucks and shut the operation down. No charges were laid, no legal action was taken and Nalcor sat and negotiated with them.

Meanwhile, NunatuKavut Elders who walked in the area with a few traps to set and a lunch bag were arrested and thrown into jail. Currently, they are being dragged

through the courts.

**CIMFP Exhibit P-02077**

"The Inuit of NunatuKavut should be afforded the same dignity as other aboriginal groups" Russell says. "The judge who granted the injunction said NunatuKavut should go to court whenever it does not agree with what Nalcor is doing. There is, by law, a consultation and accommodation process which is meant to avoid such litigation. This injunction contradicts the whole consultation and accommodation process. Our fervent hope is the Court of Appeal will overturn the earlier Court decision."

The appeal on the Injunction case is being heard at the Newfoundland and Labrador Court of Appeal in St. John's, NL beginning at 10:00am Wednesday, September 11, 2013. Todd Russell, President of the NunatuKavut Community Council will be in attendance.

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