

KITCHENUHMAYKOOSIB INNINNUWUG



NEWS RELEASE

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ONTARIO FORCES KI TO WITHDRAW FROM LEGAL PROCESS

THUNDER BAY, ON Thursday October 25, 2007: Kitchenuhmaykoosib Inninuwug (KI) spokesperson John Cutfeet today delivered a statement to Ontario Superior Court Justice Patrick Smith withdrawing the remote fly-in community from a court process it's been engaged in since mining exploration company Platinex Inc. sued the community for \$10 billion after KI requested drilling equipment be removed from their traditional territory February 2006.

“Due to the refusal of our treaty partner, the Government of Ontario, to deal seriously with the funding and compensation aspect of previous Superior court rulings, KI is no longer able to continue the court process, as legal and consultation costs are impacting community programming,” said Cutfeet.

Cutfeet's statement to withdraw comes after almost two years of court proceedings to ensure the Crown's (Government of Ontario) obligation with regard to consultation and accommodation is upheld as outlined in sec. 35 of the Canadian Constitution and former Supreme Court decisions, including Mikisew (2005).

Negotiations have been ongoing since the Government of Ontario was ordered by Ontario Superior court July 2006 to develop a Memorandum of Understanding (MOU) with KI and Platinex Inc. that would include Ontario's obligation to consult with KI prior to development.

In addition to legal and community consultation costs, this negotiation process has cost the community over \$600,000, seriously affecting other community programming.

“Ontario and Platinex have developed a deliberate legal strategy designed to increase KI's legal costs, thereby denying our community's access to justice,” said KI Councillor Sam McKay. “We just don't have the money to answer Ontario and Platinex's legal maneuvers and they've joined together using legal tactics to bankrupt our community.”

“This is not the first time the Province of Ontario has used a legal tactic designed to make it too expensive for First Nation communities to use the courts to get justice,” said Nishnawbe Aski Nation Deputy Grand Chief Alvin Fiddler who represents 49 First Nation communities in James Bay Treaty 9 and Treaty 5 – an area covering two-thirds of Ontario. “The Government of Ontario is forcing us into confrontations on our land and we all saw what that led to at Ipperwash.”

A hearing on costs is scheduled for Ontario Superior Court in Thunder Bay December 2008.

A 2001 community declared moratorium on exploration and development continues in KI traditional territory, pending resolution of a treaty land entitlement claim and fulfillment of the Government of Ontario's legal obligation to consult and accommodate mandated by the Supreme Court of Canada.

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For more information please contact *John Cutfeet, KI spokesperson at (807) 627 9062 or Jenna Young, Nishnawbe Aski Nation Director of Communications at (807) 625 4952.*