

NORTH SLAVE MÉTIS ALLIANCE

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Re: Request for ruling that Crown Consultation has not been adequate.

The North Slave Métis Alliance asserts existing treaty and aboriginal rights to harvest caribou for food and other purposes. Section 35 of the Constitution Act¹ recognizes and affirms these rights.

Constitutional Rights cannot be infringed without justification. Justification, in the case of Aboriginal Peoples involves adequate Crown Consultation and Accommodation.

We refer to the following cases:

- ∞ **R. v. Sparrow**, [1990] 1 S.C.R. 1075
- ∞ **Haida Nation v. British Columbia (Minister of Forests)**, [2004] 3 S.C.R. 511, 2004 SCC 73
- ∞ **Guerin v. The Queen**, [1984] 2 S.C.R. 335
- ∞ **R. v. Powley**, 2003 SCC 43, [2003] 2 S.C.R. 207

The NSMA is of the opinion that the Crown has not adequately consulted the NSMA regarding the proposed infringement of our aboriginal rights, and requests the WRRB to require Canada, or its delegate, ENR, to conduct adequate consultation with the NSMA.

Respectfully submitted by,

Sheryl Grieve
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¹ <http://www.canlii.org/en/ca/const/const1982.html#II>