

BACKGROUND

HISTORY OF RIO TINTO (IOC) IN INNU TERRITORY

The Innu of Uashat mak Mani-Utenam and Matimekush-Lac John share common ancestors but now form two distinct communities and societies within the larger Innu Nation. Their traditional territory, called “Nitassinan” in the Innu language, covers a significant area of Labrador and Northeastern Quebec. Like their ancestors, these two First Nations occupy and inhabit their traditional territory and practice their Innu way of life, particularly, hunting, fishing, trapping and gathering.

The arrival of Rio Tinto (IOC) in Innu Territory

In the late 1940s, it was in the Nitassinan of the Innu of Uashat mak Mani-utenam and Matimekush-Lac John that the Iron Ore Company of Canada, now majority-owned as well as operated by the mining giant Rio Tinto, started the construction of the IOC iron ore mining megaproject. This megaproject includes:

- 20 abandoned mines in the Schefferville area;
- 9 mines at its mining complex currently operating in Labrador City;
- the QNS&L railway;
- the 3 hydroelectric dams of Menihék, Twin Falls (replaced by Churchill Falls) and Sainte-Marguerite 2; and
- the IOC port facilities in Sept-Îles.

The “IOC megaproject” permanently devastated the Innu’s Nitassinan and forced the eviction of Innu families from their homeland while illegally dispossessing them of what was the essence of their traditional way of life.

Rio Tinto is in the process of increasing its production capacity at the “IOC megaproject” from 18 to 23 million tonnes of iron ore concentrate and is seeking to open a 10th mine in Labrador City called “Wabush 3”.

Efforts by the Innu to make peace with Rio Tinto (IOC)

For over 4 years now, the two Innu communities have shown great openness and a genuine desire to find an honourable way to settle their conflict with Rio Tinto (IOC), including attempting to negotiate an Impact and Benefits Agreement (IBA) in good faith with representatives of Rio Tinto (IOC), just as they have successfully done with the four other mining companies which operate in their Nitassinan (one of which, ArcelorMittal, has been operating in Innu territory since the 1960s).

Partnership agreements (often called “impact and benefits agreements” or “IBAs”) between natural resource industries and First Nations are now an integral part of the modern economic landscape in Canada. These agreements allow First Nations to address the glaring socio-economic needs in their communities while allowing industry to avoid the costs and risks associated with projects which are subject to unsettled rights claims.

Rio Tinto (IOC) is trying to do everything it can to resist this new reality, which after all, ensures an orderly development of natural resources in Canada, to the benefit of all Canadians. In fact, the behaviour of Rio Tinto (IOC) in this matter is all the more surprising considering the clear and unequivocal message that the Supreme Court of Canada delivered to governments, as well as to natural resource developers, in the *Tsilhqot’in* judgment out of British Columbia (in a case similar to that of the

Innu against IOC at the Superior Court of Quebec). Indeed, in this historic and highly publicized judgment, the Supreme Court reminded governments and developers that they cannot ignore the rights of First Nations to their traditional lands and to their natural resources.

Legal action instituted and authorized against Rio Tinto (IOC)

It is in these circumstances that the Innu of Uashat mak Mani-Utenam and of Matimekush-Lac John filed their legal proceedings against Rio Tinto's subsidiary, IOC, on March 18, 2013 at the Superior Court of Quebec in Montreal. In such proceedings, the Innu invoke their Aboriginal title with regard to the "IOC megaproject" sites, in the same way the Tsilhqot'in First Nation successfully did regarding forestry operations in their historic victory in the Supreme Court on June 26, 2014. The Innu motion seeks to stop the "IOC megaproject" in Quebec and in Labrador and also seeks compensation for the damages caused by IOC, which are evaluated at \$900 million.

IOC tried to have the case dismissed before trial by arguing that the Innu should have gone after the governments rather than the company. However, on September 19, 2014, the Superior Court judge at first instance rejected IOC's motion, and on January 6th, 2015, the Quebec Court of Appeal refused to hear an appeal by IOC on the matter. IOC is now asking for permission from the Supreme Court of Canada to hear its appeal of the two judgements.

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