

RAVEN

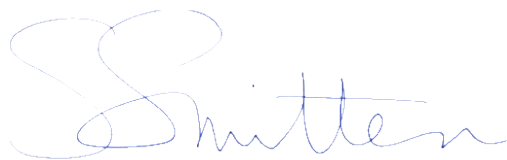
2011 Annual Report



REPORT FROM THE EXECUTIVE DIRECTOR

2011 has been an important year for building relationships, with one significant 'win' in the form of a court judgment for our Save the Caribou, Stop the Tar Sands program. We also reeled after discovering a win (when it's a First Nations land issue) is not always a win. Especially when the government moves the finish line. The Tsilhqot'in Nation's effort to protect Teztan Biny was supposed to be one of those programs we get to write about in the past tense as an example of what can happen when energy works toward a clear, positive outcome. As it turns out, we must renew that effort. Fundraising plateaued somewhat over 2011, however there are many new relationships being developed with a view to raising the funds our programs need.

I would like to thank the hundreds of donors, supporters, volunteers, allies and activists who have helped us to achieve another successful year and we embrace what 2012 brings.



Susan Smitten
RAVEN Executive Director

Here is a list of noteworthy 2011 accomplishments:

- We launched the RAVEN Facebook and Twitter sites, allowing us to use the most popular of the social media sites and keep people updated daily on both our programs and related issues. There are now nearly 2000 followers for the RAVEN FaceBook page and nearly 800 followers for RAVEN's Twitter feeds. These people actively forward our information – and one person has used the information to inform an investor's group and advise against investing in Taseko Mines Ltd.



- RAVEN staged two successful informational events early in 2011:
 - **Truth, Trials and Tar Sands: Beaver Lake Cree Nation's Fight to Save the Boreal** at the G2 Gallery on March 19th in Venice, California. This was in conjunction with a photographic display of tar sands and boreal forest imagery by world-renowned photographer Garth Lenz. Beaver Lake Cree Nation band member Ron Lameman and lawyer Jack Woodward spoke at the afternoon event, alerting the U.S. audience to the growing issues presented by the expansion of the tar sands industries.
 - **Climate Change, Kids and Caribou: How living systems in our connected world are endangered – and what we need to do about it**, took place on March 26th on Salt Spring Island. Three brilliant minds joined forces for an enlightening discussion on the most pressing issue of our time. The challenges – global warming, habitat destruction and our children's futures. Dr. Andrew Weaver, O.B.C., team member of the Nobel Prize-winning intergovernmental Panel on Climate Change provided insights from his new book *Generation Us: The Challenge of Global Warming*. Raffi Cavoukian, O.B.C., shared passages from his new essay, *The Right To A Future*, as well as thoughts on his recent meetings with climate campaigner Lester Brown and climate scientist James Hansen. Jack Woodward provided details of the court cases aimed at saving the Woodland Caribou and stopping the tar sands from wreaking further havoc. The three spoke to a full house and met with the audience afterward for lively discussion.

Neither event earned much revenue, however many important contacts and supporters were gained, and relationships are being developed with many people poised to assist in the future.

- May 2011 – RAVEN participated in the 10th annual International Funder's of Indigenous Peoples (IFIP) conference in Syracuse, NY. This was an opportunity to renew developing relationships, re-acquaint with ongoing funders and share with an international audience the work that we are doing.
- June 8 – 12 – RAVEN participated in the Social Change Institute at Hollyhock on Cortes Island. This event brought together change makers from across North America and Europe and helped people find both common ground and language for the work they are doing. This was extremely beneficial from both a relationship-building standpoint, and from a morale-building place, as it became clear that there are many like-minded individuals often working long hours in isolation but all for similarly worthy causes.



TEZTAN BINY (FISH LAKE) PROGRAM:

The fight to save Teztan Biny (Fish Lake) is on again in earnest. Taseko Mines resubmitted a plan at the outset of 2011 - a worse option than the one that was rejected - and it is now going to be reviewed by the Canadian Environmental Assessment Agency (CEAA). This process will take roughly one year. In addition, the province recently issued permits to allow Taseko to go in and build roads and drill at 59 sites, in advance of the federal EA. So now the Tsilhqot'in were in court on November 28, 2011 trying to get injunctions to prevent this from occurring and fighting legal action from Taseko aimed at preventing the Tsilhqot'in National Government and Xeni Gwet'in First Nation members from protecting their land.

The costs for this, from preparing legal arguments to having a lawyer stand in court, to hiring appropriate experts to research and write the scientific reports needed for the hearing, to getting the elders in to the hearings to testify cost money that must be paid by the Tsilhqot'in. **They bear this burden alone.** There is no legal aid. Government does not pay for this, aside from a small fee to participate.

As a result, RAVEN launched a second round of calls for help for the Tsilhqot'in - setting up a legal defence fund and raising the much needed funds to cover both the court applications and the experts and reports that will be needed for the upcoming CEAA review.

In a spectacular victory at the end of 2011, Xeni Gwet'in Chief Marilyn Baptiste was granted an injunction on December 2nd to stop exploration at the proposed "New Prosperity" mine. At the same time, Justice Christopher Grauer also rejected Taseko Mines Ltd.'s (TML) application for an injunction preventing the Tsilhqot'in from blockading the road.

The injunctions were filed after TML attempted to enter Tsilhqot'in territory to conduct "exploratory work" based on its receipt of work permits from BC's Ministry of Energy and Mines. Chief Baptiste and other TNG members met the trucks and asked them to turn around. In court, Jay Nelson, the lawyer representing Chief Baptiste, argued that BC failed to properly consult the Tsilhqot'in, a pattern that has played out since the province's initial approval of the low-grade gold-copper mine.

Justice Grauer agreed that the record raised serious issues about the Crown's breach of consultation duties. The court also found the balance of convenience favoured Chief



Baptiste, dismissing TML's claim that delaying the work caused irreparable harm to the firm. Justice Grauer instead ruled that without the injunction, the Tsilhqot'in would lose their right to be meaningfully consulted forever, and that "preservation of the area is vital" while the "gold and copper is not going anywhere."

In the final analysis, the judge concluded that the harm to the Tsilhqot'in if the work went ahead would be far more significant than any harm to TML if the work were delayed. The injunction is for 90 days, during which time the courts will hear a judicial review of the company's work permits. It also gives the government time to properly negotiate with the Tsilhqot'in people.

From RAVEN's perspective, this was an *expensive* educational exercise. On this land that the Tsilhqot'in have defended for as long as anyone can remember, they once again show the strength of their convictions in protecting the land from inappropriate activities like open pit mining and logging. It is more than a surface conviction, but like the ore bed, it is buried deep in their understanding of what it means to be a 'caretaker' of the land.

And although Taseko was quick to put a brave front on the ruling, dismissing it as a "slight delay," the company must now face again the fact that they are up against warriors.

SAVE THE CARIBOU, STOP THE TAR SANDS

June 2011 – The caribou judicial review went to court. With funds raised from the Swift Foundation, the Athabasca Chipewyan First Nation, Beaver Lake Cree Nation and Enoch Cree First Nation launched a judicial review at Federal Court in Edmonton, Alberta to save woodland caribou habitat. The judicial review used the results of a scientific study produced by University of Alberta caribou expert Dr. Stan Boutin. The final report, entitled *Expert report on woodland caribou [Rangifer tarandus caribou] in the Traditional Territory of the Beaver Lake Cree Nation*, contained evidence that the herds are on the verge of regional extinction if no action is taken soon to protect their habitat. That report was funded by the UK-based Co-operative Bank, through RAVEN.

Lawyers from Rosenberg and Rosenberg and from Woodward and Company LLP represented the three First Nations in a two day hearing.



On July 29, 2011, the Court ruled in favour of the First Nations. Here is the press release that was issued by the law firm who represented the three First Nations:

First Nations respond to victory in Federal Court caribou case

Court finds federal environment Minister acted unlawfully in refusing to recommend emergency order for woodland caribou

July 29, 2011 – Victoria, BC - Athabasca Chipewyan First Nation, Beaver Lake Cree Nation and Enoch Cree Nation received a favourable judgment from the Federal Court of Canada late yesterday afternoon.

Mr. Justice Paul Crampton held that federal environment Minister Peter Kent “clearly erred” in refusing to recommend an emergency order for boreal caribou in northeastern Alberta. The Court wrote: “... the Minister clearly erred in reaching his decision by failing to take into account the First Nations Applicants’ Treaty Rights and the honour of the Crown in interpreting his mandate under [the federal Species at Risk Act].”

The Court set aside (or overturned) the Minister’s decision, and sent the matter back to the Minister for reconsideration in light of the Court’s reasons.

The Court noted the federal government’s various concessions in the case, including that: caribou are threatened by habitat loss; all 13 herds of caribou in Alberta are at elevated risk of local extinction (largely because of industrial development in their habitat); the population and habitat conditions of all the herds in northeastern Alberta are “insufficient for those herds to be self sustaining”; there is a developing gap in caribou distribution in Canada centred around northeastern Alberta (the area of intensive tar sands activity); and Alberta’s failure to protect caribou will likely have consequences for the national population of the species.

The Court then went on to say: “I acknowledge that it is not immediately apparent how, given the foregoing facts, the Minister reasonably could have concluded that there are no imminent threats to the national recovery of boreal caribou.”

The federal government conceded in the Court case that it was more than four years past the mandatory statutory deadline for completing a recovery strategy for boreal caribou.



Further relief may follow from the Federal Court if the environment Minister does not complete a proposed recovery strategy by September 1st of this year.

“We’re pleased the court recognized the importance of the Species at Risk Act,” stated Ron Lameman, advisor to Beaver Lake Cree Nation Chief and Council. “And in issuing this judgement has required the federal environment minister to properly reconsider the looming crisis for the woodland caribou – an animal vital to our livelihood.”

After Canada was pushed to protect the endangered woodland caribou herds by the legal action brought forward by Beaver Lake Cree Nation, Enoch Cree First Nation and Athabasca Chipewyan First Nation (sponsored by RAVEN), it came up with a draft ‘recovery’ plan that consists of killing thousands of wolves, with absolutely no thinking about protection or enhancement of caribou habitat. That, says Minister Peter Kent, will ensure the numbers of the fragile herds don’t drop any further. In addition, the minister refused to issue an Emergency Order which would require industrial activity to stop until the recovery plan is in place. So, the issue continues before the courts.

BEAVER LAKE CREE NATION vs CANADA AND ALBERTA

The case launched in May 2008 by Beaver Lake Cree Nation continues to work its way through the courts. RAVEN has successfully helped to fund it – through donations of both funds and *pro bono* work to keep it alive despite efforts by the Crowns to shut it down.

On Monday, June 27, 2011, an Alberta judge turned down an application for a team of UK lawyers to work for free to assist the Beaver Lake Cree Nation in its massive and *costly* fight to prevent the tar sands industries from destroying their traditional lands and decimating the animals and fish that sustain them. [In issuing his judgment,](#) Mr. Justice Yamauchi opted to follow the government's line of thinking - that Michael Mansfield, Q.C. is not a member of the Alberta Law Society and therefore does not have the right to appear in an Alberta court room.

Michael Mansfield commented on Canada's justice system. "It's hugely disappointing when a court cannot see its way to exercise its inherent jurisdiction to permit lawyers from the UK willing to act *pro bono* rights of audience. The case raises enormous issues of local, national and international importance. The environment and the way of life of First Nations living in Alberta is being dramatically affected by the activities of multinational oil companies,



banking institutions and government agencies. They have already lost hundreds of thousands of square kilometers of land, had water resources depleted and contaminated, air polluted, and wildlife decimated.

"This project which has been escalating since 1967 is the largest of its kind in the world and has repercussions for all of us with regard to climate change and global warming. The Cree nation in particular has taken a stand against a vast array of vested interests, who wish to continue this exploitation in the name of dirty oil. They are entitled to all the help they can garner particularly as they are a vulnerable community with limited resources.

Mr. Mansfield offered his services - and those of his team at Tooks Chambers - because the small band at the front line of the fight to curtail the ecologically disastrous expansion of the tar sands industries is - in legal terms - impecunious. In other words, they are financially tapped. Not surprising given the band's 900 members have already paid more than half a million dollars to negotiate through the legal mire put up by two levels of government.

The court hearing to see if Mr. Mansfield could work for the Beaver Lake Cree is just one example of the hurdles the band constantly faces. Canada and Alberta fought the issue rather than it being a simple procedural request. Mr. Mansfield had offered to represent the Beaver Lake Cree in this October's pre-trial motion - another legal roadblock set up by Canada and Alberta. After BLCN filed its original legal action in 2008, the next usual step is to get a statement of defence; however, Canada and Alberta filed a motion to strike (read: kill) the case outright. Their motion calls the Beaver Lake Cree's claim all kinds of interesting things like 'vexatious' and 'frivolous'. In fact, the law is on the side of Beaver Lake Cree Nation, and this is Canada and Alberta's attempt to see that the case never gets to court at all.

In an unexpected turn of events, the October 21 pre-trial motion (Canada and Alberta's motion to strike the Beaver Lake Cree legal action) was delayed to early in 2012 after a sudden change in the judge presiding over the case. Also an appeal decision is pending as to whether UK barrister Michael Mansfield will be granted permission to work in a Canadian court. Mr. Mansfield will work *pro bono* if allowed to appear on behalf of BLCN. Tooks Chambers' team will also work *pro bono* to cover the pre-trial motion costs for research and writing of the argument. The Cooperative Bank agreed to contribute to the accommodation and meals expenses for the UK team so that Tooks Chambers can send lawyers to Canada to work with the counsel of record.



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**R.A.V.E.N.
Respecting Aboriginal Values and Environmental Needs**

Statement of Financial Position

(Prepared without Audit or Review: See Notice to Reader)

as at December 31, 2011

	Assets	
	2011	2010
Current		
Cash	\$ <u>128,005</u>	\$ <u>11,910</u>
	\$ <u>128,005</u>	\$ <u>11,910</u>

	Members' Surplus	
Net Assets	<u>128,005</u>	<u>11,910</u>
	\$ <u>128,005</u>	\$ <u>11,910</u>

*The accompanying Notes are an integral part of these
Financial Statements.*

Approved on Behalf of the Board:

 Director



**R.A.V.E.N.
Respecting Aboriginal Values and Environmental Needs**

Statement of Operations & Net Assets

(Prepared without Audit or Review: See Notice to Reader)

for the year ended December 31, 2011

	2011	2010
Receipts		
Gifts from Other Canadian Charities	\$ 89,890	\$ 15,536
Donations	27,890	46,082
Gifts from outside of Canada	23,858	323,275
Fundraising Revenue	17,444	-
Interest Income	<u>20</u>	<u>41</u>
	159,102	384,934
 Disbursements		
Professional and Consulting Fees	18,764	388,083
Travel	18,603	-
Office Expense	2,835	-
Education and Training	2,067	-
Bank Charges	454	179
Advertising and Promotion	284	355
Other Expenses	<u>-</u>	<u>13,994</u>
	43,007	402,611
 Net Receipts (Disbursements) for the year	116,095	(17,677)
 Net Assets, Beginning	<u>11,910</u>	<u>29,587</u>
 Net Assets, Ending	<u>\$ 128,005</u>	<u>\$ 11,910</u>

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CONTACT US:

T. 250.383.2331

F. 250.380.6560

E. info@raventrust.com

www.raventrust.com

844 Courtney Street, 2nd floor
Victoria, BC V8W 1C4 Canada

Twitter: @RAVENtrust

[Facebook](#)

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