



**SUMMARY OF
ALGONQUINS OF OTTAWA RIVER WATERSHED
(Quebec & Ontario)
EARLY WARNING URGENT ACTION SUBMISSION
UNITED NATIONS
COMMITTEE ON ELIMINATION OF RACIAL DISCRIMINATION
May 3, 2016**

1. Our ancestors were traditionally allied to the French and we played an important role in their struggle with the English because we controlled the Ottawa River, which was a strategic transport corridor between the St Lawrence and the upper Great Lakes. Beginning in 1760 the Algonquins entered into a number of treaties with Great Britain: at Swegatchy and Kahnawake in 1760, and at Niagara in 1764. They were not land surrender treaties: these agreements assured the British of our alliance, and in turn the British promised, among other things, to respect and protect our Aboriginal title and rights. In addition, the Royal Proclamation of 1763 applies to our traditional territory: it guaranteed that our lands would be protected from encroachment, and that they would only be shared with settlers if and when we had provided our free and informed consent through treaty.
2. Unfortunately, despite these commitments, the British Crown, and later the Canadian government, took our lands by force, without our consent, and without any compensation. Sixty years after the Royal Proclamation of 1763 had been given to them, our Chiefs still had their original copies, which they presented to government along with petitions for protection of their lands and just compensation. Instead of dealing with them honestly, government ignored its commitments and continued to take the land without treaty and without consent. Our people suffered greatly as a result, even as those around them became rich from the furs, timber, minerals and other resources. Our Aboriginal rights and title have never been extinguished and exist to this present day.
3. Traditional Algonquin territory straddles the Ottawa River watershed on both sides of the Ontario - Quebec border. There are eleven federally recognized Algonquin communities - two in Ontario and nine in Quebec. At least five of these communities assert Aboriginal title in Ontario, and most or all of them assert some form of Aboriginal rights in that province. In 1991-92, Canada & Ontario began negotiating a land claim solely with the Algonquins of Golden Lake (now Pikwakanagan) to deal with Algonquin title on the Ontario side. Over the years, they have expanded the definition of who is entitled to participate in these negotiations, to the point where Pikwakanagan is now outnumbered by nine groups made up of mostly unregistered individuals who claim some Algonquin ancestry or connection. Out of the 7,714 people on the AOO eligibility list, some 3,016 (39%) have had no intermarriage with anyone of Algonquin ancestry for 200, and in some cases over 300 years. At least hundreds more have had no intermarriage with anyone of Algonquin ancestry for between 100 and 200 years. In contrast, the registered members of Pikwakanagan make up less than 10% of the eligibility list for voting in a referendum on an Agreement-in-Principle. These large numbers of “instant Algonquins” undermine the legitimacy of the AOO negotiations and threaten the interests of legitimate rights-holders. The AOO land claim involves outstanding Algonquin Aboriginal title and rights to 3.6 million hectares of land in eastern Ontario, including Parliament Hill. The Algonquin First Nations of Timiskaming, Wolf Lake and Kebaowek (Eagle Village) have overlapping interests in almost 900,000 acres of that territory, but are not party to the negotiations between the AOO, Canada and Ontario. We continue to object to Canada and Ontario proceeding with Final Agreement negotiations under this prejudicial process. These governments need to engage with the rights-holders, including our Algonquin communities, to properly address outstanding Aboriginal title and rights in the territory.
4. We ask that the United Nations Human Rights Committees question Canada on their response to the Assembly of First Nation’s Special Chiefs’ Assembly Resolution 47/2015 “**Develop a Federal Comprehensive Land Claims Policy Based on the Full Recognition of Aboriginal Title**”.

TITLE: Develop a Federal Comprehensive Land Claims Policy Based on the Full Recognition of Aboriginal Title

SUBJECT: Aboriginal Title and Rights

MOVED BY: Chief Harold St-Denis, Wolf Lake First Nation, QC

SECONDED BY: Chief Judy Wilson, Neskonlith Indian Band, BC

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) contains many articles relevant to land rights, including:
- i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
 - ii. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - iii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems .
 - iv. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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- v. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
 - vi. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. The federal implementation of Canada's Comprehensive Claims Policy (CCP) has led to three classes of Aboriginal Title First Nations:
- i. First Nations that have entered in final comprehensive claims agreements;
 - ii. First Nations that were or have been in comprehensive claims negotiations; and,
 - iii. First Nations that have never agreed to negotiate under the federal CCP.
- C. The September 2014 interim policy, *Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights*, was unilaterally issued by the Harper government and was the basis of the Douglas Eyford "engagement" process.
- D. This federal "interim" policy does not acknowledge the Supreme Court of Canada *Tsilhqot'in Nation* decision of June 2014. In addition, Mr. Eyford's report gives little substantive weight to the game-changing impact of the *Tsilhqot'in Nation* decision. Aboriginal Title holders, who in some instances have been waiting over 250 years to have their Rights and Title addressed, find this deeply troubling.
- E. Despite the gap between Canadian jurisprudence (*Haida, Delgamuukw, Tsilhqot'in Nation*) and the federal "interim" CCP, as well as the failure of the Eyford "engagement" process to address the *Tsilhqot'in Nation* decision, the Liberal Party of Canada 2015 federal election platform endorsed all of the Eyford Report's recommendations.
- F. Resolution 30/2015, *Rejecting Canada's Process for Comprehensive Claims Policy Reform*, rejected Canada's process for comprehensive claims reform, calling instead on the federal government to undertake a fundamental overhaul of the CCP jointly with First Nations, including those not currently in negotiations under the CCP. The resolution also required that this work be carried out in light of the *Tsilhqot'in Nation* decision, as well as international legal norms, including the UN Declaration.
- G. During the 2015 federal election the Liberal Party of Canada made a number of promises, including:
- i. Immediately re-engage in a renewed nation-to-nation process with Indigenous Peoples to make progress on the issues most important to First Nations.
 - ii. Prioritize developing (in full partnership with First Nations) a Federal Reconciliation Framework. This framework will include mechanisms to advance and strengthen self-government, address outstanding land claims, and resolve grievances with both existing historical Treaties and modern land-claims agreements.

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- iii. Enact the 94 recommendations of the Truth and Reconciliation Commission of Canada, including the adoption of the UN Declaration.
- iv. Recognize and respect Aboriginal Title and Rights in accordance with Canada's Constitutional obligations, and further those enshrined in the UN Declaration.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call upon the Government of Canada, on a Nation-to-Nation basis, in direct consultation with Aboriginal Title First Nations, to undertake a process to replace the federal Comprehensive Claims Policy (CCP) with a policy that recognizes and respects Aboriginal Title and Rights in accordance with Canada's Constitutional obligations, the *Tsilhqot'in Nation* decision, and consistent with the United Nations Declaration on the Rights of Indigenous Peoples.
2. Call on the Government of Canada to forgive all outstanding loans incurred by First Nations as a result of negotiating under the federal CCP.
3. Call on the Government of Canada to exclude all areas that are subject to overlapping Aboriginal Title and Rights claims from Comprehensive Land Claims Agreement-in-Principle negotiations and to assist, where possible, and when requested by First Nations, the negotiation of shared territory agreements between First Nations.

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