Algonquins of Ontario

Renewed Hope – A Journey of Survival, Rebuilding and Self Sufficiency

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WHO ARE THE ALGONQUINS OF ONTARIO?

- This conference is taking place on unceded Algonquin Territory
- Canada's national capital is built on **unceded** Algonquin Territory
- Algonquins lived in present-day Ontario for thousands of years before Europeans arrived
- Today, the Algonquins of Ontario are comprised of ten Algonquin communities located across the land claim area

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ALGONQUIN TREATY NEGOTIATIONS

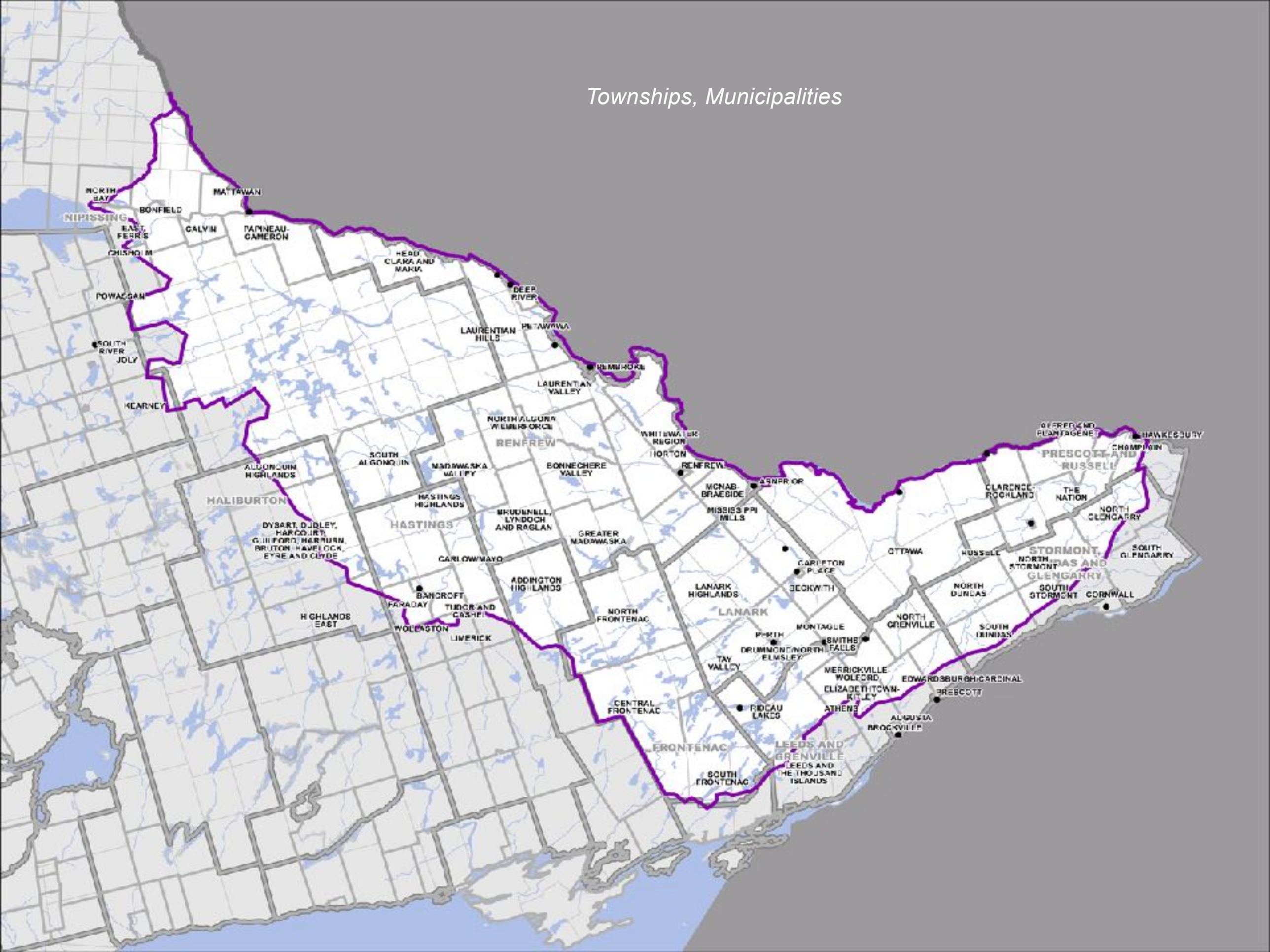
- Algonquins occupied the Ottawa Valley since long before the arrival of the first European, Samuel de Champlain, in the early 1600s
- Algonquin petitions to the Crown seeking recognition and protection for Algonquin land and rights date back to 1772
- Algonquin territory was gradually settled but the Algonquin were never given the opportunity to enter a treaty with the Crown
- Algonquin territory in the Ottawa Valley was actually surrendered by another nation
- The Algonquins of Golden Lake (now Pikwakanagan First Nation) commenced the modern treaty negotiations by formally submitting the most recent petition in 1983
- Negotiations began in 1991

THE DEVELOPMENT OF ALGONQUIN TERRITORY

- The following slides demonstrate how Algonquin traditional territory in Ontario has been encroached upon
- Settlers have arrived to farm the land
- Municipalities have been created
- Including Ottawa and all the institutions of national government
- Algonquin Park was created
- A host of other government and private developments have occurred
- All the while, Algonquin rights have been largely ignored

Pre-Contact

Townships, Municipalities



Townships, Municipalities

Crown Land

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Crown Land

Transportation Routes

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Crown Land

Transportation Routes

Protection

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Public Infrastructure and Power Generation

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Protection

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Public Recreation

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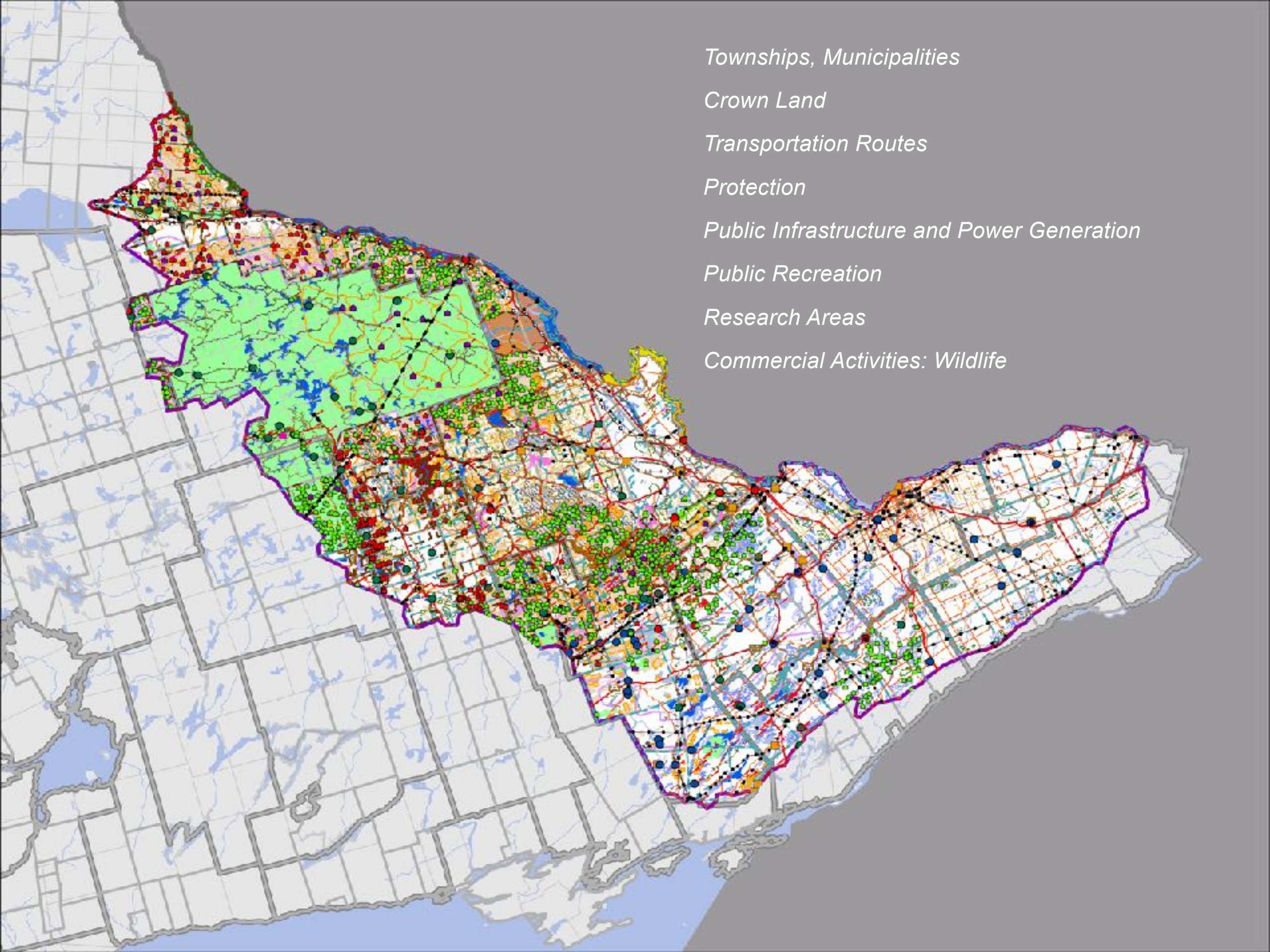
Public Recreation

Research Areas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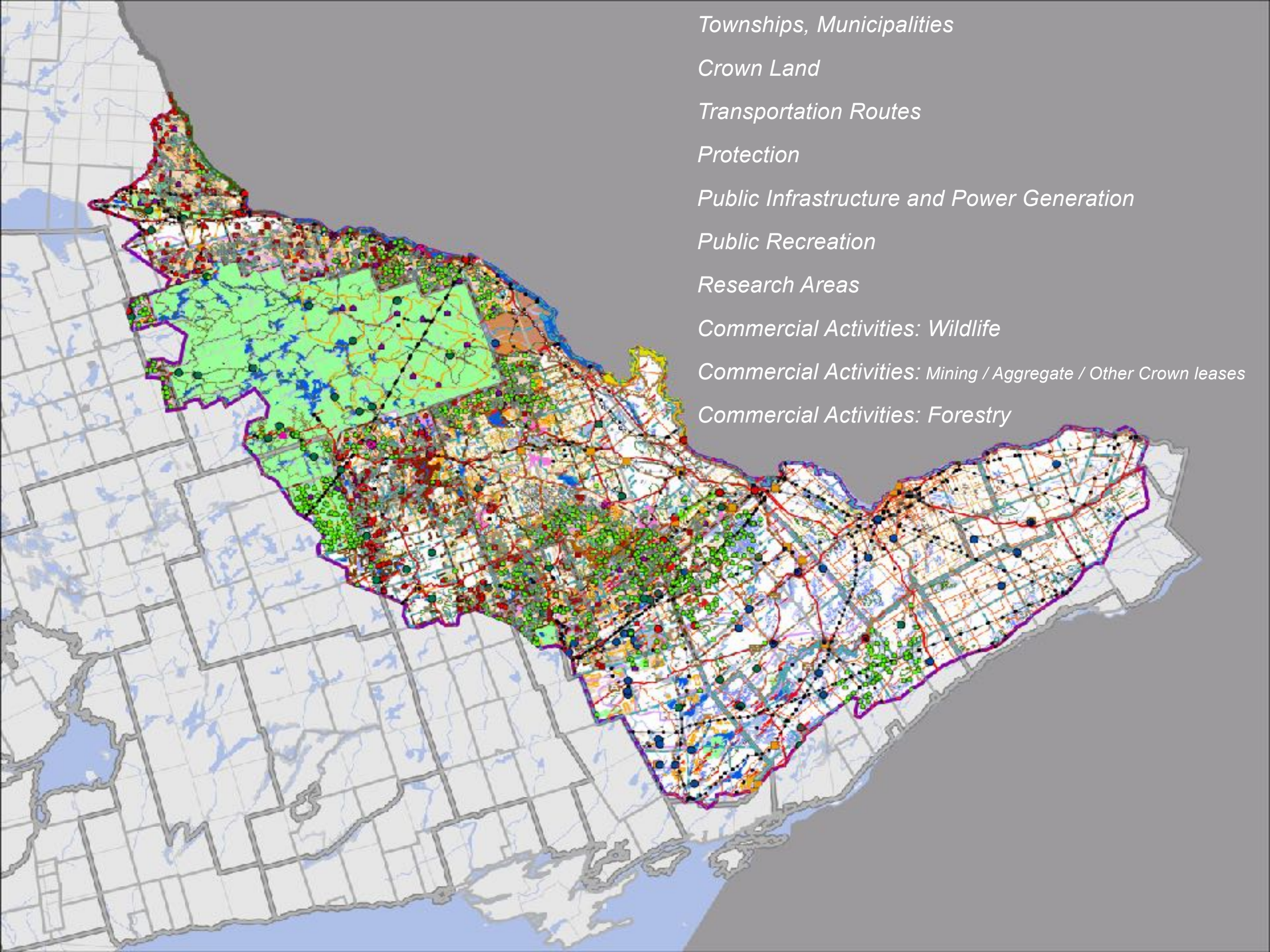
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Townships, Municipalities

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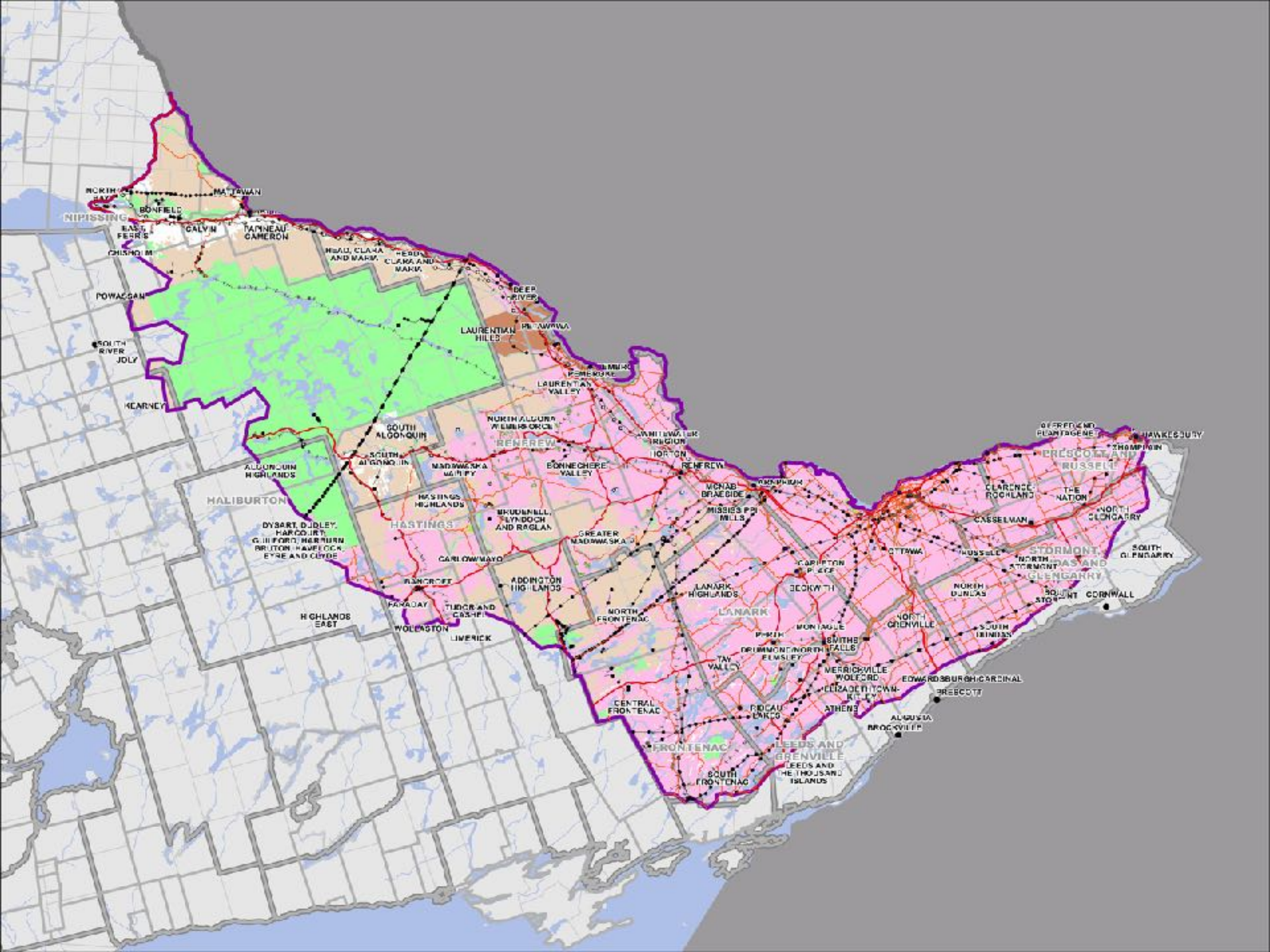
Hazards


NIPISSING
BONFIELD
EAST FERRIS
CALVIN
MATTAWAN
TAPINEAU CAMERON
CHISHOLM
POWASSAN
SOUTH RIVER
JOLY
KEARNEY
ALGONQUIN HIGHLANDS
HALIBURTON
SOUTH ALGONQUIN
MADAWASKA VALLEY
HASTINGS HIGHLANDS
DYSART, DUDLEY, HARCOURT, GUILFORD, HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE
HASTINGS
BRUDENELL, LYNDOCH AND RAGLAN
CARLOW/MAYO
BANCROFT
FARADAY
TUDOR AND CASHEL
WOLLASTON
LIMERICK
HIGHLANDS EAST
ADDINGTON HIGHLANDS
NORTH FRONTENAC
CENTRAL FRONTENAC
FRONTENAC
SOUTH FRONTENAC
GREATER MADAWASKA
HEAD, CLARA AND MARIA
LAURENTIAN HILLS
DEEP RIVER
PETAWAWA
PEMBROKE
LAURENTIAN VALLEY
NORTH ALGONA WILBERFORCE
RENFREW
BONNECHERE VALLEY
WHITEWATER REGION
KILLALOE, HAGARTY AND RICHARDS
ADMASTON/BROMLEY
RENFREW
MCNAB/BRAESIDE
MISSISSIPPI MILLS
CARLETON PLACE
BECKWITH
LANARK HIGHLANDS
LANARK
PERTH
DRUMMOND/NORTH ELMSLEY
TAY VALLEY
MONTAGUE
SMITHS FALLS
MERRICKVILLE-WOLFORD
ELIZABETHTOWN-KITLEY
ATHENS
RIDEAU LAKES
LEEDS AND GRENVILLE
LEEDS AND THE THOUSAND ISLANDS
EDWARDSBURGH/CARDINAL
PRESCOTT
ALEXANDRIA
BROCKVILLE
OTTAWA
RUSSELL
CLARENCE-ROCKLAND
CASSELMAN
THE NATION
CHAMPLAIN
PRESCOTT AND RUSSELL
HAWKESBURY
NORTH GLENGARRY
SOUTH GLENGARRY
NORTH STORMONT
STORMONT, DUNDAS AND GLENGARRY
CORNWALL
NORTH DUNDAS
SOUTH DUNDAS
NORTH GRENVILLE

CONSULTATION PROCESS INTERIM MEASURES AGREEMENT

- Entered into by the AOO, Ontario and Canada in 2009 to create a one window approach for Canada and Ontario to consult with the Algonquins of Ontario on proposed activities or projects in Algonquin Territory while our negotiations are ongoing
- Establishment of the Algonquins of Ontario Consultation Office in Pembroke, Ontario
- Over 850 consultation requests have been received since 2006 (including an increase of over 400 requests since August 2012). Of that, over 175 new consultations have been initiated since January 2013, and over 200 projects are currently active.

AGREEMENT-IN-PRINCIPLE (AIP)

- The AIP was submitted to Algonquin Voters in February/ March 2016 and they authorized the Algonquin Negotiation Representatives to sign it
- On October 18, 2016 formal signing of the AIP was carried out on Parliament Hill with Ministers, Bennett and Zimmer doing so on behalf of their respective governments

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KEY ELEMENTS OF THE AGREEMENT-IN-PRINCIPLE

- $300 million (2011 dollars) to be transferred at Effective Date to the Algonquins of Ontario to a tax free Settlement Trust account
- Transfer of not less than 117,500 acres of provincial Crown land (over 250 parcels) to Algonquin ownership plus some, as yet unspecified, Federal Crown land
- Recommended approaches to address:
  - Algonquin harvesting rights, including the right to harvest wildlife, fish, migratory birds and plants
  - Forestry
  - Parks and Protected Areas
  - Algonquin heritage and culture
  - Algonquin eligibility and enrolment
  - Self-government for Pikwakanagan First Nation
  - Other matters

MOVING FORWARD IN THE NEGOTIATION PROCESS

- Negotiations are underway towards reaching a final Agreement
- Refinement of beneficiary criteria
- Development of AOO constitution (interim and then final)
- Consultation continues with:
  - Algonquins of Ontario
  - Legal interests and stakeholders
  - Public
- Second Algonquin Ratification Vote by “Beneficiaries”
- Approval by Governments of Canada and Ontario
- Legislation to give legal effect to the Treaty
- Implementation

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WHO ARE THE ALGONQUINS?

- A major concern is to refine the preliminary eligibility criteria in the AIP
- And to come up with an accurate and defensible set of criteria for Algonquin Citizenship
- And a process to gather the proof necessary to determine whether applicants meet those criteria
- The criteria and process must be both rigorous and flexible

LIMITED CASE-LAW

- The Courts have not dealt in a comprehensive way with the identification of Aboriginal rights holders for First Nations
- *Powley* deals with Metis rights-bearing communities
- Other cases deal with individual claims to section 35 rights
- No case to date comprehensively describes the identification of Aboriginal rights-holders who are non-status Indians

ALGONQUIN DIASPORA

- The failure of the Crown to recognize the Algonquin Nation and to enter into treaty relations has led to a diaspora
- Only one *Indian Act* band was recognized in Ontario
- But other communities persisted, largely out of public and government awareness
- Reserves were planned in at least two locations but the plans fell apart
- We have to determine now who has section 35 Aboriginal rights as Algonquins in Ontario

CHALLENGES

- Meanwhile, we are surrounded by challenges
- Assertions of Aboriginal rights by self-described Metis groups
- *Daniels* case
- *Descheneaux* amendments
- Skepticism by Algonquins on the Quebec side with respect to non-status Algonquins as rights-holders
- Internal tensions between status and non-status Algonquins

A TRUE POST-*INDIAN ACT* TREATY

- The AOO Treaty negotiations include an *Indian Act* "Band"
- But also communities that have never been recognized under that Act
- Status will not be conferred or taken away by the Treaty
- The negotiations are creating a true post *Indian Act* Treaty
- It will achieve reconciliation and coexistence
- It may pave the way for others in the future

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FOR MORE INFORMATION…

- Visit the Algonquins of Ontario website: www.tanakiwin.com

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