

THE ALGONQUIN LAND CLAIM

DRAWING BOUNDARIES

What's at stake for the province's anglers and hunters?
There are few answers from provincial negotiators.

BY ASSISTANT EDITOR STEVE GALEA

It will impact hunting and fishing opportunities. It will alter the way resources are managed and moose tags are allocated. It will affect public access to crown land, as well as the ownership of some provincial parks. It might also pressure our natural resources and impact our local, provincial, and national economies.

How, you ask? Well, we'd tell you, if we knew. That, in a nutshell, is the problem with the Algonquin Land Claim. There's simply no meaningful public consultation regarding it. Instead, negotiations are conducted behind closed doors and no one's talking about what's on the table.

Sure, there are Web sites and literature with general statements regarding the process. But, when you ask representatives of the province detailed questions about time lines and what's actually being negotiated, scheduled interviews are cancelled and you're referred to a Ministry of Aboriginal Affairs media-relations officer, who takes your questions and replies with a terse e-mail that begins with "The current negotiations between the parties are considered confidential..."

What follows is an assurance that we're headed towards a "win-win" situation and a statement that the province is "committed to consulting with the public and stakeholders on an ongoing basis to ensure that their concerns and interests are understood and considered fully as part of these negotiations."



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It's astoundingly vague, when you consider that the area in question is larger than New Brunswick and home to 1,400,000 residents of eastern Ontario. Or that the claim's boundaries, which encompass more than 13,896 square miles (36,000 square kilometres), contain the City of Ottawa, Algonquin Provincial Park, CFB Petawawa, and a host of picturesque towns.

Outdoors enthusiasts know the region for its fine fishing, hunting, and recreational opportunities. So, too, do the 10,000 or so Algonquins who say they own it.

That last salient point is what brought our federal and provincial governments to the negotiating table. There they sit across from the Algonquins of Ontario to settle perhaps the most complex and guarded treaty negotiation that Canada, and certainly Ontario, has ever known – the Algonquin Land Claim.

A Very Brief History

These days, few would deny the claim's foundation. Historical records show that descendants of Ontario's Algonquins hunted and gathered throughout the region long before European settlement began, some 200 years ago. Yet, despite petitions by them as early as 1772, a treaty regarding the region was never negotiated.

In 1983, however, the Golden Lake (Pikwakanagan) band presented the Government of Canada with a claim asserting aboriginal rights and title within Ontario's portion of the Ottawa and Mattawa River watersheds – an ancestral homeland, they argued, that had never been surrendered by treaty, sale, or conquest. This time, they had the Constitution Act of 1982 on their side.

Their claim, which stated continuing ownership of the territory, was handed to the Government of Ontario in 1985. After assessing its historical and legal

merit, Premier Bob Rae thought it best to enter into negotiations with the Algonquins in 1991. The federal government joined a year later.

Now, after a long period of relative inactivity, negotiations appear to be gaining momentum. The province, in fact, is pushing for the signing of an agreement-in-principle (AIP), a document meant to lay the groundwork for an Algonquin treaty, by the spring of 2011. Chief Federal Negotiator Lee Grigas is not so sure this can be achieved. Still, this tight deadline and the lack of accompanying information is causing concern.

A Disagreement in Principle

Robert Potts, the principal negotiator and senior legal counsel for the Algonquins, says an AIP can be modified after the fact. "It's a nonbinding, non-legal impact document... a benchmark to reflect that people are, at least, in agreement on the direction we're heading," he said.

Ontario Federation of Anglers and Hunters (OFAH) Manager of Government Affairs and Policy Greg Farrant disagrees. "AIPs are complicated, lengthy documents, and

to say that they can be easily changed or modified is misleading," he said. "What's disturbing is that, right now, the province is only committing to public consultation after the AIP is signed. If the agreement is as detailed as we've seen in other cases, that's sort of like closing the barn door after the horse is out."

Worse still, no one is actually sure what the horse looks like. We get a sense of it from the Algonquin negotiators, however, as they've been considerably more open with the people they represent.

First off, Potts said, "They (the Algonquins) want certainty and a resolution of their rights, and that includes a whole variety of things being discussed, like land, capital transfers, involvement in the management of resources, and that type of thing. There's a list of items that, frankly, at this juncture is not really something we should get into..."

Crown land is one such item. "There's a certain element of the claim that deals with the acquisition of lands as part of the treaty settlement, and the crown lands are part of that," said Potts.

Although he declined to go into detail, he also acknowledged that a discussion about the possible transfer of some provincial parks is in process. Ditto regarding the management of some of the region's natural resources.

Moose, an important part of Algonquin culture, are also being discussed in detail. "In the future," said Potts, "there will be - no question - a part of the treaty that will be a harvesting chapter... What we will attempt to do is to work out an arrangement that will be mutually satisfactory to all people... The key is not to threaten our neighbours, but to work with them, and the mutual intention is to preserve that herd."

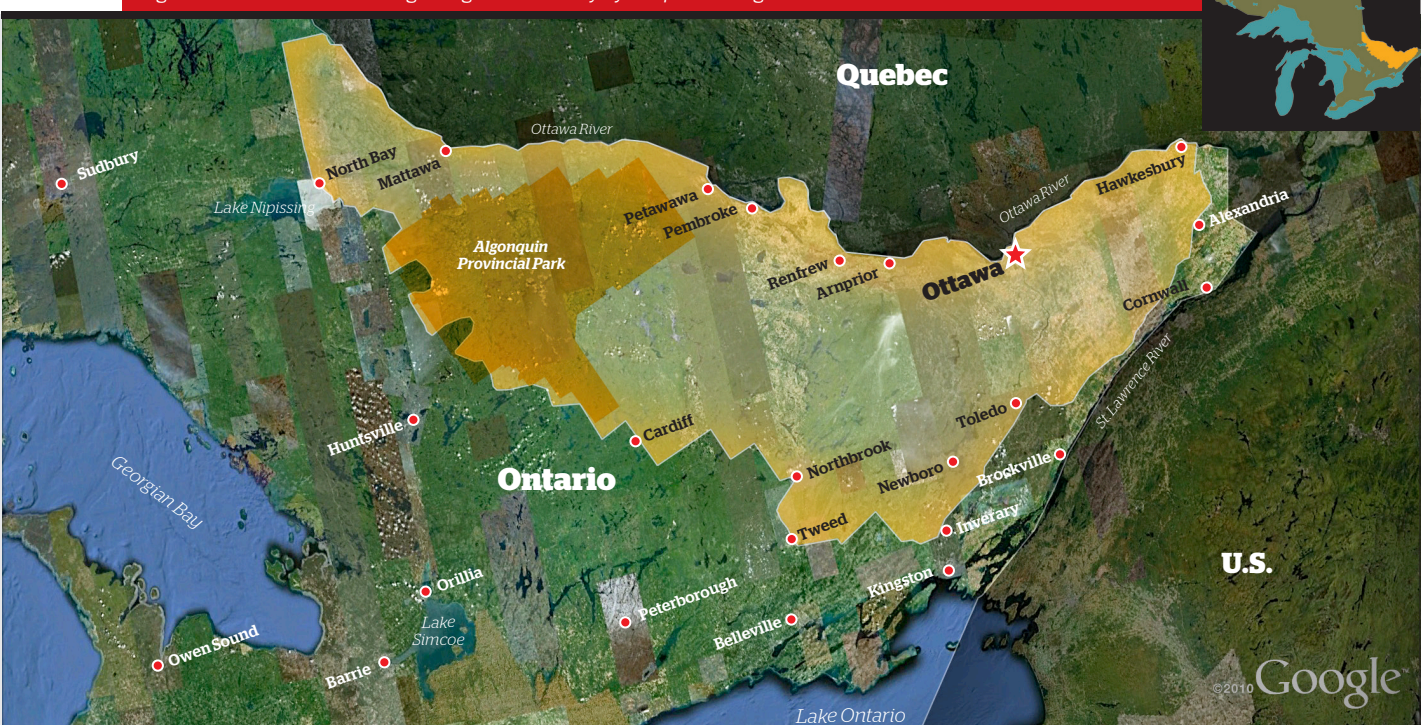
That's nice, but no one is saying how this might translate into regulations, tag allocations, and moose management for non-aboriginal hunters.

A Plethora of Interests

"Third-party interests" is the phrase sometimes used to characterize those groups, such as the 1.4 million non-aboriginal residents, who don't sit at the negotiating table. It's also a term that

A BIG PIECE OF THE PIE: The approximate area of the land claim

The yellow area on this satellite map shows the land claimed by Algonquins of Ontario. It's subject to revisions and no agreement has been made regarding this boundary by the provincial government.



This map is for illustration purposes only.

could easily describe the half-dozen other aboriginal groups whose traditional usage overlaps into the claim area.

“There is a risk of not being at that table,” said Farrant. “Obviously, if you’re not part of the process, you can’t be sure that your concerns and interests are being addressed fairly.”

This lack of inclusiveness, public consultation, and transparency is disturbing, says Farrant. “We understand that any time there’s a negotiation like this, a certain amount of behind-the-doors activity takes place.

“Having said that, there’s an obligation, as custodians of the resource... and as representatives of all Canadians and not just one particular group, to ensure that all parties ... are engaged in meaningful consultation and not just general rhetoric and vague assurances that all will be well. There needs to be serious consultation with the public, landowners, municipalities, and businesses that could be impacted upon by this settlement.

“There are 150,000 licensed hunters in the area, as well as who knows how many licensed anglers. Quite clearly, this AIP could have a potentially profound effect on non-aboriginal abilities to hunt and fish within the claim area in the future. It could also have a considerable impact on conservation of the resource. We don’t believe both of these key factors are being considered at this time.”

Two outside committees of External and Municipal Advisors are part of the process. Their purpose is to allow input and a venue for consultation.

Phil Morlock, chair of the Canadian Sportfishing Industry Association’s Government Affairs Committee and a member of the Committee of External Advisors, says these are

simply coffee-and-doughnut meetings with very little input and consultation. Furthermore, he adds that a treaty settlement doesn’t necessarily mean all the aboriginal issues in the claim area have been resolved.

“Quebec Algonquins, Ojibwa, Cree, Mohawks, Mississauga, and Chippewa also fish and hunt in this claim area,” said Morlock. “There’s no negotiation or discussion with those groups as to allocation of turkey, bear, deer, moose, walleye, bass, lake trout, etc. As we go forward over the next 10 to 20 years, those groups could conceivably step forward with their claims of aboriginal rights to the same land base on the same resource allocation and extend them over other species, besides moose... What’s going to be left for the non-aboriginal public who pays for the conservation, care, and management of the resource through licence fees?”

Nor do all Algonquins support the current process. Paul Almonthe of the Ottawa band says that about 400 or so Algonquins have decided not to participate in the treaty, because they too feel that their input is not being considered and they don’t like the process. Almonthe says his group is considering a class-action lawsuit against the proceedings.

“The AIP is politically motivated and it plays at two levels,” said Morlock. “Provincially, it would be conceivable that the government would like to point to this as a success, having an AIP in place. This would play well in the GTA during the next election, and the area in question doesn’t matter as much, since they (the Liberals) don’t typically do well there. And, if the



Phil Morlock

feds take a more cautious and balanced approach, it’s conceivable that the province would be able to point at them and blame them for not reaching an AIP. We’re rushing this for no good reason.”

Dollars and Sense

Morlock also worries about Canada’s \$7.4-billion fishing and \$6-billion hunting industry. “These industries support 100,000 jobs between them, not to mention the ATVs, boats, trucks, and trailers that these people buy because of these activities,” he said. “And, you can’t succeed in this industry in Canada without Ontario. It has 46% of the market share.

“We don’t really know how these negotiations are going to affect outdoors activities by non-aboriginals in this area, but we do know that this lack of information can lead to perceptions that could cause people to go elsewhere. This could potentially restrict the access of resources for hunters and anglers, and that’s not good for business.”

What’s Next?

When asked how these negotiations benefit the non-aboriginal public, Potts said, “Our interests are totally aligned. We’re offering certainty, a clear understanding and the enhancement of ecological and natural resources.”

Farrant, however, feels that this rush towards an AIP is potentially disastrous, especially given the lack of detailed and meaningful information. “There are too many questions left unanswered,” he said. “There are too many potential impacts on anglers and hunters, residents of the area, and the resource that we are not being informed of. The OFAH would like the province to adopt a position more akin to that of the federal government. The federal minister has suggested that there will be public consultation before the federal government signs the AIP. We’d like the same courtesy from the province.” ●

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