

## Kichesipirini Algonquin First Nation



Open letter to  
Honourable Jim Prentice  
Minister of Indian Affairs and Northern Development  
Confederation – Room 407C  
Ottawa, Ontario  
K1A 0A6

Via e-mail

June 1, 2007

Dear Honourable Minister Prentice:

I am greatly impressed by your sensitivity demonstrated by your official apology to the George family regarding their difficult experiences associated with the tragic loss of family member Dudley George. Those circumstances have drawn global attention to Canadian Aboriginal and land claim policies, as well as the Ipperwash Inquiry. Throughout your career you have repeatedly expressed your understanding of Aboriginal issues as being fundamentally human rights issues and that the resolution of legitimate claims are a moral and legal obligation on the part of the people of Canada toward First Nations.

I am also encouraged by some of the recent recommendations and observations communicated recently by Commission Sydney Linden in the Ipperwash Inquiry Report released May 31, 2007, most notably his recommendations that there be the creation of an independent Ontario Treaty Commission to resolve disputes, the creation of a provincial ministry of Aboriginal affairs ensuring that Aboriginal “issues receive the priority and focus they deserve”, plans for public education, and collaboration with Indigenous peoples to establish laws and regulations to formalize the Crown's duty to consult with and accommodate the interests of Indigenous peoples regarding actions potentially affecting their lives and rights.

Over the course of the last several years while attempting to assert my Aboriginal rights and the rights of my community I experienced first hand the frustrating, demeaning, and highly questionable policies and practices associated with Aboriginal issues land claim negotiations, most specifically the “Algonquins of Ontario” land claim.

As an Aboriginal leader actively involved in opposing many aspects of the “Algonquins in Ontario” land claim negotiation process currently underway it is my hope that implementation of Mr. Linden’s recommendations and your own admittance that the process is seriously flawed can only help resolve the numerous issues our community has been attempting to draw adequate attention to. Having previously worked for both levels of government and having experience in community services governance I was unprepared when confronted with the lack of even basic governance measures, and the ambiguity of existing measures associated with this negotiations process. Although promised otherwise we have found this negotiations process to be anything other than fair, equitable, accountable or transparent.

Our gravest concern, as the Kichesipirini Algonquins, was that history was repeating itself, now facilitated through a faulty land claim process, requiring that we abrogate or derogate our Aboriginal rights and identity, or be denied participation in the process, and therefore again be erased from the public record.

You may not be aware but throughout Canadian history there have been repeated attempts to remove the Kichesipirini, and their exercise of their Aboriginal rights and jurisdiction, from the public record. The first recorded genocides were in 1642 and 1647, horrific events involving extreme acts of violence and inhumanity. These events are well documented in historical records and again referred to in the chapter titled Large Scale Conflict And Genocide of Peter Hessel’s book the Algonquin Nation. Despite insurmountable challenges we survived Throughout the French regime we even thrived, excelling in our traditional role as diplomats, traders and entrepreneurs. However when Britain needed tall ship masts and the logs needed to be driven through our territory the Kichesipirini disappeared, this time through the bureaucratic cracks, failing to be recognized by the federal government. Despite there being documented 160 families representing approximately 600 people clearly defined as Island Algonquins in the early nineteenth century they were never officially recognized, consulted, or compensated.

We had hoped the negotiations process would be an opportunity to reconcile the difficult injustices of the past however it is our conclusion that without considerable redesign the existing process, is at the least, a serious breach in Aboriginal and human rights, and our participation on the terms repeatedly offered us would have meant that this time we would have erased ourselves from public record and proper compensation. What kind of policy or process is that? Without the appropriate inclusion of the Kichesipirini Algonquins in the negotiations process the negotiations cannot be considered legitimate and would be a considerable waste of resources.

We have struggled for years to have our concerns addressed but found there to be no provincial policy in place, and federal policy to be discriminatory. Having completed years of extensive research documenting the validity of our claim there was no mechanism in place for our case to be heard. The only avenue would be in the courts, risking the negotiations process altogether and further alienating us from the existing table. We are very encouraged by the possibility of new mechanisms being available and would hope to draw your attention to the Algonquin situation.

Some of those concerns repeatedly expressed by myself, on behalf of my community, the Kichesipirini Algonquin First Nation are:

- Inadequate comprehensive knowledge of Algonquin history and tradition,
- Lack of historical integrity,
- Lack of political or legal legitimacy,
- No access to independent information regarding the process for the entire Algonquin polity,
- Inadequate anti-corruption mechanisms,
- Inadequate good governance policy,
- Lack of governing and monitoring capacity amongst the Algonquin polity,
- No access to immediate, objective, and effective remedy or dispute resolutions.

It has been our contention that adhering to the terms of the existing Algonquin negotiations process would severely abrogate or derogate our asserted Aboriginal rights. Of particular concern to us is the continued dominance in policy and procedure assuming the superiority of recognized Indian Act bands and members when this dominance is not consistent with a historical examination of fact or legal right. Such illegitimate dominance continues to perpetuate gross injustices and breaches of human, Aboriginal and Constitutional law and our coerced manipulation to participate within such a system is extremely controversial and will not be tolerated.

A comprehensive examination of the processes involved in the Algonquin negotiation process quickly exposes grave injustices and inconsistencies in government policy and practice that require immediate and effective remedy if effective resolution of this claim is to be successfully completed.

I have been absolutely appalled by the degree of substandard governance policy tolerated in such important processes and it has been my conclusion that the maintenance of such shoddy policy must be further examined and exposed to public scrutiny. From my experience the Comprehensive Claims Policy as it applies to the Algonquin situation can only be interpreted as a culture of corruption and collusion designed to benefit a few at the expense of the majority. It is my opinion that public confidence would be absolutely shattered by an examination of the facts.

Should there not be immediate fair and legitimate resolution to these issues I am committed to ensuring that the Algonquin polity, the general Canadian public, and the international community are adequately informed.

While I recognize there are limits to the scope and jurisdiction of provincial inquiries and that many of the remedies are outside of this jurisdiction it should be hoped that within the suggested recommendations that effective policy can be developed to minimize the many negative impacts experienced by the Kichesipirini Algonquin First Nation.

We have recently submitted a land claim assertion and modified negotiation proposal that we thought contained important revisions and improvements. Although having had a very favourable meeting concerning the submitted proposal with Mr. Brian Crane, Ontario

Principal Negotiator, and Mr. Robin Aitken, Federal Negotiator, we were once again directed to submit to the ridiculous negotiations table which we can prove to be fraught with serious conflicts of interests and a blatant lack of anti-corruption mechanisms. As leader of the Kichesipirini Algonquins I have repeatedly contended that the negotiations process is inherently Indian Act biased, and such bias interferes with the constitutionally protected rights of our community and my rights as a person of Aboriginal Kichesipirini identity.

The Indian Act sanctioned classification of “status” itself implies superiority or bias that is not acceptable to traditional Algonquin custom, is not supported in law and is racially and politically derogatory to the vast majority of the Algonquin polity. In the chapter devoted to understanding the dynamics of prejudice in *Social Psychology*, Sixth Edition, David Myers, McGraw-Hill Companies, page 360, it defines status as such:

“Status is relative: To perceive ourselves as having status, we need people below us. Thus status one psychological benefit of prejudice, or any status system, is a feeling of superiority.”

It would appear that the federally imposed Indian Act has generated concepts of self and community into the hearts of the Algonquin people that are not consistent with tradition, and are at the expensive of most Algonquin people. We are left struggling with the ugly residues of such a terrible manipulation. The maintenance of such an inappropriate system within treaty negotiations will not have lasting benefit or bring any form of certainty to the process.

It is the opinion of the Kichesipirini and their affiliates that new systems must be developed that bring genuine legitimacy and equality to the negotiations process for all concerned.

I have included here what we would consider important positive general changes that could be applied to the existing negotiations process affecting Algonquins, and perhaps could even be integrated into broader policy. Resulting from our experience we believe that any new policy should:

1. Ensure that negotiations policy is consistent with the Constitution and law.

Whereas the Canadian Constitution recognizes and affirms the rights of Aboriginals in Canada it must be noted that while the Constitution specifically includes and identifies Indian, Inuit and Metis as Aboriginal people it does not exclude any other Aboriginal group not specifically named. It should also be recognized that Aboriginal and Indian definitions and rights are broader than those administered through the seriously flawed Indian Act and that a pre-occupation with federally recognized Indian Act bands, reserves or First Nations fails to meet the full legal requirements of the Canadian Constitution. It can therefore be assumed that any Aboriginal group, proven to be of Aboriginal ancestry, with a proven attachment to a specific territory and the exercise of Aboriginal rights in an organized matter as a distinct social entity prior to assertion of sovereignty of the Crown should be recognized as having potential Aboriginal title, regardless of Indian Act recognition, and should have equal access to negotiations processes and resources.

2. Clarify the process.

Is the Algonquin land claim a treaty or comprehensive land claim? Are they both the same? What are the differences? Is self-government being negotiated with this process? If not, why not? Are some involved in self-government? Are some unknowingly being consulted for someone else's self-government negotiations? Are the two levels of government in agreement regarding these clarifications? Has the entire Algonquin polity been consulted regarding the process and self-government? Have they been equally and adequately informed? Exactly what is the process and why are they there?

3. Ensure the process is fair and representative to a clearly defined beneficiary based fairly on Aboriginal rights.

The current process cannot be considered equal as there is one group guaranteed as beneficiary and the other group as being "consulted". All claimants should be equally represented at the table and beneficiaries should be determined according to legitimate rights, and not conditional after the fact, based on the amount of compensation offered. The table should be a level playing field for all persons of Aboriginal ancestry qualified to be represented.

4. Ensure equal access to all resources necessary for successful negotiations are available to all legitimate Aboriginal claimants including financial resources, administrative resources, human resources, policy and procedural resources and pertinent historical and legal data, regardless of Indian Act recognition.

Communities such as mine that have been significantly marginalized and oppressed have absolutely no access to resources necessary to negotiate or effect positive remedy and are left with no other recourse than submit to faulty regimes and procedure or take civil action to draw attention to the issues. Our recent occupation and civil disobedience regarding private property within Kichesipirini jurisdiction is an excellent example, as is the thousands of non-status Algonquins currently participating in the seriously flawed negotiations process that is derogating away their potential Aboriginal rights. There is a tremendous need to develop policies that do not support such narrow alternatives. Failure to develop equal access to resources will only bring short-term results.

5. Ensure that claimant legitimacy is established according to the broadest definition of the law, according to history and tradition, which would include traditional governance structures and boundaries, and not be solely based on biased federal policy such as the Indian Act and "status" recognition.

The Algonquin people are still a sovereign people having never been defeated or having negotiated a Treaty, therefore their traditional laws consistent with the Rules of Law, still apply and are Constitutionally protected. The normative order of territory and jurisdiction that were originally in place prior to assertion of sovereignty of the Crown are still in tact, meaning that Kichesipirini jurisdiction and territory, title and rights are still in tact. These facts supercede the policies of the Indian Act. Indian Act bands have no jurisdiction over

the traditional government and jurisdiction of the Kichesipirini. The continued insistence that the Kichesipirini submit to the existing Algonquins negotiations table is illegal. The Kichesipirini Algonquin First Nation, and their affiliates, should have access to a portion of their resources needed to participate in the negotiations, as they deem appropriate and accountable.

6. Ensure that claimant legitimacy is examined and established by independent third party experts who are proven to have absolutely no interests or direct benefit from negotiations.

The federal, provincial and Indian Act band governments all possess conflicts of interests concerning potential beneficiaries and claimant status in negotiations. All research presented for examination should be adequately shared, tested and made public, with the opportunity for the presentation of new information kept open. All decisions should be made with a commitment to ensure that all Aboriginals affected with the claim are treated with equal respect and dignity recognizing that all have been subjected to generations of oppression and manipulation. Only individuals with proven expertise and accountable to policies of legitimacy and review will be qualified to make decisions concerning potential claimant validity. We believe that there is the need for examination of facts and history of the Aboriginal people of Canada to be inclusive of a number of experts from diverse fields of expertise including native studies, sociology, psychology, criminology and international law. It is our suggestion that these experts work as mentors with Aboriginal persons from the claimant group / groups in cooperatively accessing, developing and distributing community information.

7. Ensure that the general public is adequately informed and has open access to participation and information independent of government control.

The existing process fails to make relevant information readily available to the general public because of concerns regarding political and economic consequences but only a well informed public can contribute effectively to making certain lasting benefits are developed that also meet the requirements of ensuring the honour of the Crown is maintained. Representative government is only legitimate if the constituents have made educated decisions. Protective, secretive policies and procedures do not contribute to public confidence and cannot be in the best interests of the constituents.

8. Ensure that there be comprehensive education and information processes initiated as a preliminary stage of official negotiations, prior to actual negotiations, with the provision of access to independent media given equally throughout the claimant territory.

There should be special emphasis on training media personal about the issues to ensure that all persons are adequately informed. The information must not be Indian Act biased, or governmentally influenced, but must allow room for the re-emergence of legitimate traditional Aboriginal communities and give equal opportunity for heir voice.

It has been my experience while employed in both the federal and provincial sectors that there was not adequate and impartial information regarding Aboriginal issues made available. Few persons employed in these sectors had adequate understanding of the complexities and competition and conflict within the Aboriginal community continually complicated matters. When the politics are removed the issues themselves are relatively simple.

9. Ensure that all funding is controlled and monitored by independent and accountable institutions agreed upon by a fully informed and educated constituency.

It must be recognized that the current process is completely fraught with irregularities that would not be tolerated in any other arena, except those associated with Indian Act governance. We believe that it is imperative proper anti-corruption mechanisms be established prior to any negotiations that meet internationally accepted principles of good governance. The vast majority of Algonquin people require capacity development regarding good governance and policy.

10. Ensure that there are adequate reporting and monitoring measures developed and that records are kept according to good governance practices consistent with standards accepted at national and international levels of governments. Ensure that policy contributes to high levels of transparency and accountability for all parties involved. All parties must disclose all interests.

I am shocked with the lack of accountability and good governance associated with land claim negotiations. It is a lack of respect for Aboriginal peoples' futures and ensured sustainability that such flawed systems would be allowed to prevail in such important negotiations. It is the contention of the Kichesipirini Algonquin First Nation that there must be assurances that such processes must not be allowed to exist again. I, as I am sure the general public as well have no understanding the degree of disrespect afforded Aboriginal treaty negotiations in their current form. As an Aboriginal leader I am thoroughly insulted that I was expected to participate in such a charade.

11. Ensure that there are effective dispute and conflict of interest mechanisms in place consistent with accepted principles of good governance and perceived legitimacy by all parties.

The majority of Algonquins associated with this claim are unrecognized by the Indian Act, commonly referred to as non-status. These unfair and illegitimate classifications of Algonquin beneficiaries have led to numerous disputes and conflicts of interests. It is impossible to expect that these disputes be adequately resolved solely within the Algonquin community as terrible disparities exist regarding access to resources, representation, and attitudes encouraged by generations of external influences and difficult social circumstances. There needs to be developed mechanisms for dispute resolution that are impartial and objective but are also inclusive of equal Algonquin participation and direction.

12. Ensure that there are binding circumstances to the negotiation of treaty or land claims requiring some element of basic commitments be kept in place if larger

issues cannot be resolved in a timely manner guaranteeing that at least a basic standard of recognition of Aboriginal right will remain and be clearly understood.

Currently negotiations are a “take it or leave it” experience. Agree to the governments’ terms now, as they offer it, or do without and get nothing. This is inappropriate. There must be maintained a basic standard of Aboriginal rights recognized regardless of whether a Treaty has been completed or not, and that the entire Treaty process should be developed as they originally were meant; as living documents that could be modified and adjusted to meet the needs of all those involved. These basic understanding should be readily available to the general public and all affected third parties.

13. Ensure that there are effective remedial consequences.

Consistent with the development and provision of effective governance policy and procedure is the need also for effective deterrents to abuse or corruption of power or resources. It has been our experience in observing the Algonquin situation that there is again a corruption of the traditional positive normative values of Algonquin society and an ongoing attempt to legitimize ineffective methods of appropriate control or consequences. Although all law has changed during the course of the last few centuries the Algonquin people were an organized society that had sophisticated laws and governing systems. They were particularly stringent in controlling resources and demanding utmost integrity and self-less commitment to service of their leaders. It is my observation that “Aboriginal” law is often used to legitimize substandard laws to the benefit of untrustworthy Aboriginal leaders and the detriment of Aboriginal independence. Accountability is a highly valued social norm of the Algonquin people, and misuse of authority is a punishable offence.

14. Ensure that there are adequate appropriate legal resources available equally accessible too all potential claimants within the territory of the claim.

It has been my experience that there has not been adequate specialized legal experts available to assist all Aboriginal people within the claim territory. A preoccupation with Aboriginal issues as being predominantly racial issues, as is generated with the predominance of the Indian Act and Indian Act registration, has failed to ensure that all legal issues are adequately identified, addressed, or that adequate resources be equally provided for all persons affected. Issues associated with land claim negotiations are not overly complex but the legal realities have been complicated by the continued failure to separate fact from myth. There needs to be specialized legal expertise familiar with the particulars of a claim available in the area of the claim.

Such lack of equally accessible and knowledgeable legal assistance has contributed to many of the existing flaws within the current negotiations process and the continued manipulation of the Algonquin people within the court systems costing all of us exorbitant amounts of money. The ability to access knowledgeable legal advice should not be dependent on participating in the claim process according to terms dictated by the negotiating process, but should be readily available independent, and, prior to, the negotiation process starting. Easily accessible and plain language information and

educational materials regarding Aboriginal rights and claims negotiations should be available prior to, and, consistently throughout, the process. The legal advice should be responsive and unbiased.

While those recognized under the Indian Act have had access to such resources concerning their potential rights for decades those individuals of Aboriginal ancestry not recognized by the federal government within the claim territory have not had such provision and are therefore not adequately informed to be participating in such a process, again, raising serious concerns about the legitimacy of the process.

15. Ensure that provincial, federal, or Indian Act, self-governance wrangling does not interfere with Aboriginal rights associated with land claims and that time devoted to negotiations is actually spent negotiating directly with the claimants. The negotiations “meter” should be turned off if such crisis should arise and not resume again until the matter is resolved.

The federal and provincial governments should negotiate, on their own dime, previous to committing Aboriginal claimant groups to formal negotiations. Aboriginal self-governance of one Aboriginal group also claimant to land claim negotiations should not concur or preclude the completion of the land claim negotiations process and the complete identification of beneficiaries and citizens. Aboriginal issues have been unduly complicated because of the conflicts affecting other governments, institutions and processes. There should be no place for such conflicts while negotiations are taking place, at the Aboriginal groups’ expense.

16. Ensure that negotiations process respect the particular history and culture of the Aboriginal groups involved, inclusive and respectful of potential divisions caused by oppression, interference, poverty or dispossession and that there be a proactive plan and list of resources available prior to negotiations to identify and deal with such things as manifestations of internalized oppression.

Every Aboriginal claimant group is unique and has been uniquely affected by history and circumstance. Respect the various ways this group has managed to remain and survive. Recognize as well that certain people in certain areas have reacted differently to Aboriginal people. There has been a different relationship with governments. Attempting to apply a one size fits all approach to land claims negotiations is minimizing and disrespectful. Take the time to understand how contact has affected this particular group. Create opportunities apart from formal negotiations to gain insight. Create lines of communication accessible to all. Ensure adequate research has been compiled from a number of sources. Compare academic research with oral histories. Encourage research within the community. If someone complains about an issue look into it and be willing to learn. Please remember that these are not just solely legal activities or part of our jobs for the Aboriginal people. It should be a solemn duty for the Aboriginal representatives and specific mechanisms, particular to the claimants’ culture, should be put in place that would allow those normative values to be monitored, measured and acted upon. This is about our families, our relatives before us, our ancestors, our homes, our histories, our places of great emotional significance, our entire future. It is not a business deal. We have

a right to ensure that this process is reflective of our values and that our representatives are accountable to those unique values. For us, that is the real beginning of self-government.

17. Maintain adequate records and make these records available as is reasonable.

The public has the right to know who has made what decision and how they were made. Although we realize not everything can be made public during a negotiations process there should be clear guidelines and protocols in place. The Algonquin constituency have no means of insuring their representatives are actually representing them or of holding them accountable. Secrecy erodes public confidence.

The circumstances of Ipperwash and the tragic death of Dudley George have given us a clear indication of where continuing down this chaotic road will take us. It must be now agreed that continuing in ignorance and fear is not going to bring lasting and genuine solutions. We must now work towards building mutually beneficial relationships and systems that move beyond the current status quo to re-establish the spirit of negotiations of the past.

The Kichesipirini Algonquin First Nation, as one of the first Aboriginal nations to work in collaboration and peace during early contact, again offers this unique opportunity to peacefully reconcile the difficulties of our troubled past with a renewed and genuine commitment to building a future of integrity. We look forward to our rightful participation in the Algonquins in Ontario land claim negotiations process.

You may access our previous communications related to negotiations on our website at [www.esnips.com/web/kichesipirini/correspondence](http://www.esnips.com/web/kichesipirini/correspondence). For your interest we have included one that we consider to succinctly identify a number of issues particular to the Algonquin negotiations. We are currently working on detailed analysis of the existing process and will be making these available for public record.

Sincerely,

Paula LaPierre  
Principal Sachem  
Kichesipirini Algonquin First Nation

c.c. Kichesipirini Algonquins, Brian Crane, Robin Atken, Phil Fontaine, Patrick Brazeau, Cheryl Gallant, Stephen Harper, John Yakabuskie, Dalton McQuinty, posted publicly on community website

### **The Kichesipirini Algonquin First Nation**



**By Honouring Our Past We Determine Our Future**

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