

The Algonquin Claim

What's at stake, who's involved

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A member of the 23-year-old Rockcliffe Yacht Club on the Ottawa River reflects an undercurrent of apprehension slowly rippling through Eastern Ontario over the vast Algonquin claim over land and resources the first nation says it once enjoyed as its domain.

"We're hearing they're claiming Parliament Hill," says the retired veteran who has been a member of the sailing co-operative for years, aware its use of the old military riverside site can end anytime with a 30-day eviction notice from the National Capital Commission.

It's true Parliament Hill is part of the claim territory. The significance, though, depends on which side you ask.

"We take the position that pieces of Crown land, including the Crown land on which the Parliament Buildings sit, include areas that are still very much Algonquin territory," says Bob Potts, lawyer and lead negotiator for the Algonquin.

Robin Aitken, head of the federal negotiating team, has a different perspective: "I don't think we would be entertaining anything on Parliament Hill, to tell you the truth, and I don't think the Algonquins have requested anything."

But a major potential clash has already been averted. The Algonquin and the Ontario government reached their first major agreement in 1991 -- over hunting rights. The deal on Algonquin harvesting of big game for food was barely noticed, and in 1994 the Algonquin, along with Ontario and the government of Canada, signed a framework for negotiations on the comprehensive land claim.

Recognition by the two governments does not mean they cede the territory; it means they recognize the Algonquin likely have existing, but undefined, aboriginal rights. Two Supreme Court of Canada rulings -- the first in 2004 that the Crown could not "cavalierly run roughshod" over B.C. Haida interests in the midst of a land claim -- require both governments to consult the Algonquin before major property transactions involving vacant Crown lands.

The legal straight-jacket was behind suspension of development at the vacant Rockcliffe military base. The National Capital Commission also has a policy of notifying the Algonquin beforehand about potential sales or development of NCC land, says spokeswoman Laurie Peters.

Following early progress in the 1990s, preliminary negotiations fell apart in 2001, but resumed again in 2005 after the Algonquins of Golden Lake Reserve, known as Pikwakanagan to the Algonquin, and eight other Algonquin communities in towns on the western portion of the claim territory and Ottawa patched over divisions and elected a new negotiating team.

The elections took place two years after the Algonquin hired one of the best-known aboriginal claim lawyers in Canada, Robert Potts, a senior partner of the Toronto law firm Blaney McMurtry LLP, where former attorney general and retired Ontario chief justice Roy McMurtry once practised. Mr. Potts has several major first-nation claims under his belt and is acquainted with federal Indian Affairs Minister Jim Prentice, a former head of the Indian Claims Commission of Canada.

Most of the land under claim is held by the province, including a healthy swath of the aptly named Algonquin Park. Federal lands in the territory, aside from Parliament Hill, include LeBreton Flats, Victoria island, NCC green belts, and possibly parts of Petawawa's military range.

Mr. Potts has put a lid of secrecy over Algonquin plans and proposals for the negotiations set to begin in September.

But an agreement with the Algonquin over NCC land that would have been devoted to the light-rail transit plan signals part of the strategy. The deal, which neither side will disclose in detail, anticipated assistance for Algonquin employment, promotion of cultural identity and "economic items," says Mr. Potts. No cash payment was involved.

For the wider claim, though, remuneration for territory awarded to waves of settlers and subsequent development will be part of the talks.

"We haven't advanced anything substantial, but a portion of the settlement will be in money," Mr. Potts says.

He played down questions about the kind of confrontation that has marked recent disputes, in Ontario and other regions of Canada.

"You have a group of people here who are very well-meaning, who are neighbours by the way, with all these other people that occupy this area," he says. "The operative word is reconciliation, not confrontation."

But, it appears, the Algonquin acquisition of new land outside their only reserve in the region is part of the goal.

"We've agreed in our negotiations not to disturb third-party interests except if there was provision for fair market-value payment," says Mr. Potts. "In other words, nobody gets expropriated."