



Mitchikanabikok Inik (Algonquin's of Barriere Lake) Newsletter from Chief and Council

Message From Chief Casey Ratt



ABL Chief & Council Meeting with INAC, Quebec and Hydro-Quebec in Maniwaki on electrification and land expansion issues on February 23, 2016.

KWE ANICINABE!

This is the second issue of our Chief and Council Newsletter. Our last newsletter was sent out in September 2015.

This newsletter is our update to you on the status of our negotiations with the governments of Canada and Quebec. As a Council we will also be having discussions and meetings with you as community members about what we need to prepare for if we don't get agreements.

Since our September 2015

Newsletter our Council has been struggling hard to improve our community's social and economic situation. Our priorities are: 1) getting out of Third Party Management; 2) Restoring our Customary system of governance and 3) Getting the federal and Quebec governments to honour and implement our 1991, 1997 and 1998 Agreements so that we achieve recognition and respect for our Algonquin customs and way of life through co-management of our traditional territory and revenue sharing from the non-Algonquin resource developments occurring on our traditional territory.

We know creating jobs and expanding our community land base for more housing is important, and we are working to make sure there is training and opportunities for jobs that are meaningful and long-term. We also know more housing is needed, that's why we want Canada to honour the Agreements they signed with our community and to get out of federal Third Party Management.

But as we have had to do before, we must get ready to protect our rights and defend our lands if we are unsuccessful in reaching an agreement with the government of Quebec to implement the 1991 Trilateral Agreement and the 1998 Agreement with Quebec on co-management, revenue sharing and land-use within our traditional territory. The end of June

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Special points of interest:

- Update on Federal and Quebec Relations
- Trudeau Gov't Moving Forward on Extinguishing Algonquin Title & Rights
- ABL to Anishnabe O Takiwan Committee
- Algonquin UN Urgent Action Request to CERD
- AFN Support Resolution
- ABL Vision For The Future

Inside this issue:

Chief's Message	1
Update on Title Extinguishment	8
ABL to "Bloc Algonquin"	10
Algonquins to UN CERD	12
AFN-ABL Support Resolution	13
ABL Future Vision	16

'Message from Chief' continued from page 1

2016, is the target for reaching an agreement with the government of Quebec.

Federal Relations

Since our last newsletter there has been a federal election and the Harper decade is over!

It was the Harper government who placed our community in Third Party Management in 2006, and who violated our customs by forcing our community into the **Indian Act** elective system despite our Peoples' opposition.

Our community has been under federal Third Party Management (TPM) for almost ten years now and the federal government has no exit strategy for our Council to take back our community administration so that it is our People are doing the community planning and delivery of programs and services and not the bureaucrats from the regional office of Indigenous Affairs!

We have sent several letters to the federal Minister of Indigenous Affairs, Carolyn Bennett, and she has not even given us the courtesy of a response. Although, we did have e-mail communications with her and she asked us to meet with her Chief of Staff, Rick Theis.

Meeting with Minister Bennett's Chief of Staff

On February 3, 2016, a meeting was held at Minister Bennett's Parliamentary office between Rick Theis and Michel Thusky, Tony Wawatie, Russell Diabo and Peter Di Gangi.

According to a report from Tony Wawatie there was an honest and frank exchange with Rick Theis about the challenges and the opportunities facing our community.

At the meeting Rick Theis was told there are two areas of immediate activity that our Council would like to follow.

1. That we need to develop an agreed upon action plan to address the three main issues that are holding back our community's development:

- An exit strategy from third party management
- A return to our traditional form of government and leadership selection
- Honouring and implementing our agreements with the federal Crown

Rick Theis was also told our Council thinks the most realistic approach would be a joint assessment of the situation, leading to an agreed upon action plan and timelines and that there is much that needs to be done to rebuild trust and relations with the Indigenous Affairs officials at the Quebec Regional office.

Our delegation told Rick Theis that our Council thinks this follow-up work should be facilitated by a mediator who has our trust and confidence. Resources will be required for this process to lead to results which have community support. We believe that our tribal coun-



Ms. Carolyn Bennett, Federal Minister of Indigenous Affairs, Canada

"It was the Harper government who placed our community in Third Party Management in 2006, and who violated our customs by forcing our community into the Indian Act elective system despite our Peoples' opposition"



Mr. Geoffrey Kelley, Minister for Aboriginal Affairs, Quebec

‘Message from Chief’ continued from page 2

cil (the Algonquin Nation Secretariat/Algonquin Nation Programs & Services Secretariat) has a role to play in this process, to assist in this work and provide us with the advisory services that we require.

2. On a more immediate time line, Rick Theis was told Minister Bennett must act quickly to address outstanding issues with Health Canada and medical transportation. The current situation is putting our members at risk and we need to take action now. We know that this is a Health Canada responsibility, but INAC is involved too since many of the existing problems are directly related to the third party management issue. Rick Theis was told our Council is asking that Minister Bennett’s office make the necessary interventions with her colleague Jane Philpott, the Minister of Health, in order to see that this matter is dealt with as soon as possible, in a way that our community’s concerns are met. Youth protection (child apprehension) and social services are related issues which also require action.

Unfortunately, there was no significant follow-up by Rick Theis or Minister Bennett from the February 3, 2016 meeting in Ottawa.

Electrification & Rapid Lake Land Expansion

On February 23, 2016, our Council met in Maniwaki about electrification and land expansion with INAC officials from the Quebec Regional Office, led by Walter Walling. Mario Gibeault, Quebec’s Special Representative and Coralie Laurendeau (SAA) were there for the Quebec government. Hydro Quebec Officials were also there to present the technical details of the hydro project to hook up the reserve and houses.

We told INAC, Quebec and Hydro-Quebec that there are outstanding issues with the federal government. Our Council wants clear political commitments from Minister Bennett about honouring the **1991 Trilateral Agreement** and the **1997 Memorandum of Mutual Intent**.

Walter Walling (INAC) wanted to ignore a discussion on our signed agreements with Canada and just proceed with the technical presentation but our Council objected to just proceeding with a technical presentation and we raised the problems with past negotiations around hydro and land expansion. We explained some background to the concerns and issues our community has about those projects.

Our Council objected to holding any community meeting on electrification and land expansion being done until there is a concrete community expansion plan that includes our Council. Starting with an amendment to the July 12, 2012, **Memorandum of Understanding between Quebec and Canada on Hydro** to include our Council.

Also hydro is linked to housing and other issues so we told the meeting that the ABL



L to R: Mario Gibeault, Quebec & Walter Walling, INAC

“We told INAC, Quebec and Hydro-Quebec that there are outstanding issues with the federal government. Our Council wants clear political commitments from Minister Bennett about honouring the 1991 Trilateral Agreement and the 1997 Memorandum of Mutual Intent”





**Mr. Clifford Lincoln, ABL
Special Representative
and Negotiator**

**“Minister
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Third Party
Management
and violate our
customs by
forcing our
community into
the Indian Act
elective system”**



**Mr. Mario Gibeault,
Quebec Special Rep-
resentative and Ne-
gotiator**

‘Message from Chief’ continued from page 3

Council is putting a halt to the hydro and land expansion projects and writing Minister Bennett asking for a meeting to seek confirmation of her political commitments to honour the previous agreements.

If our Council were to agree with INAC's plans to hook up our community and houses to hydro without addressing how will we pay for hydro it will lead to more financial pressure on our members who are unemployed. The same goes for housing. Canada's policy would require our Council to charge and collect rent from community members who do not have jobs.

This is why our Council is insisting that Canada and Quebec honour their signed agreements with our community.

Court Mediation Process

On another front, our lawyer, Katherine Hensel has informed our Council the federal justice lawyer is prepared to cooperate in a court mediation process for a number of outstanding issues with the federal government, including the third party management issues, we are seeking to resolve the following issues, but Canada may not agree with resolving all of them or putting them to mediation.

1. Dropping Canada's First Nations Financial Act Court Application against our Council.
2. Transition out of Third Party Management.
3. Misuse of TPM Policy.
4. Disclosure of Financial Information.
5. Independent Professional Advice/Accountants.
6. Compensation and Damages.
7. 1997 Memorandum of Mutual Intent.

We will keep our members informed of the outcome of the court mediation process, which our lawyer is still negotiating with Canada's lawyer, but we understand INAC officials are not agreeing to want to address all of the issues our Council does, particularly the **1997 Memorandum of Mutual Intent**.

We had hope that the Trudeau government would be different than the Harper government, especially when Canada's Indigenous Affairs Minister, Carolyn Bennett, suspended the application of the **First Nations Financial Transparency Act** and restored our band support and economic development funds.

However, Minister Bennett is still taking advice from INAC officials who advised the Harper government to put our community into Third Party Management and violate our customs by forcing our community into the **Indian Act** elective system.

Six months into the Trudeau government's mandate and our community development is still frozen and our social and economic conditions aren't improving under Canada's colonial system of control by Third Party Managers.

'Message from Chief' continued from page 4

Quebec Relations

Our relationship with the Quebec government has been better over the past year than with the federal government. As I reported in our last newsletter on May 4, 2015, I met with the Quebec Minister of Aboriginal Affairs, Geoffrey Kelley, in Pointe Claire, Quebec to discuss the start-up of negotiations with the government of Quebec on implementing the **Ciaccia-Lincoln Joint recommendations**.

Minister Kelley confirmed to me in writing last year that all seven **Joint Recommendations**, including Revenue-Sharing will be included in the negotiations. The seven **Joint Recommendations** are from the **1991 Trilateral** and **1998 Bilateral Agreements** and were negotiated by **Mr. John Ciaccia**, Quebec's Special Representative and **Mr. Clifford Lincoln**, our community's Special Representative.

Ciaccia-Lincoln Recommendations

Just to remind everyone, in 2006, on behalf of our community our then **Chief Harry Wawatie** accepted the **Joint Recommendations** of the Quebec-ABL Special Representatives, but at the time Quebec government did not accept the Revenue-Sharing recommendation and negotiations broke down in 2006.

The Quebec government has now agreed to resume negotiations with our community on implementing the following **Joint Recommendations**:

1. Recognition of the Trilateral Agreement Territory as a Special Management Zone where Resource Plans & Operations are subject to a jointly agreed to Integrated Resource Management Plan (IRMP).
2. That the 7 Traditional Management Area Forestry Management Plans be Approved as Frameworks for the Ongoing Management of Forestry Resources. That the 5 Wildlife Management Plans & Issues be Negotiated. That the Social Indicators be used to measure ABL Social & Economic Development.
3. That a joint Québec-ABL Co-Management Committee be Instituted and Mandated to Oversee the Implementation of the IRMP and reconcile Quebec's land-use plans with rights of our community.
4. Revenue-Sharing: That Quebec provide an annual financial contribution of \$1.5 Million, increased annually linked to level of natural resource exploitation.
5. Expansion of the Land-Base: Around existing Reserve.
6. Electrification of Rapid Lake Reserve: By Hydro-Quebec.
7. All of the above provisions will be detailed in a legally binding agreement between the Government of Quebec and the ABL Without Prejudice to Aboriginal and Treaty Rights.



Left to Right: Marie-Jose Thomas-ADM-SAA, Clifford Lincoln-ABL Special Representative, Geoffrey Kelley-Quebec Minister of SAA, Casey Ratt-Chief of ABL, Simon Turmel-Chief of Staff Minister Kelley

"Just to remind everyone, in 2006, on behalf of our community our then Chief Harry Wawatie accepted the Joint Recommendations of the Quebec-ABL Special Representatives, but at the time Quebec government did not accept the Revenue-Sharing recommendation and negotiations broke down in 2006"



'Message from Chief' continued from page 5

Status of Quebec Negotiations

On November 10 and 11, 2015, our Council held a strategic planning meeting about the negotiations with Quebec, at a place called Econiche in Cantley, Quebec with Clifford Lincoln, our Special Representative and our advisory team.

The main purpose of the Econiche meeting was to give direction to our negotiation team on what our Council wants to see in an Implementation Agreement with Quebec to honour the signed 1991 and 1998 Agreements.

Our Council confirmed the original Vision for our community's future is still appropriate:

- Retain & strengthen culture with education
- Self-government through traditional government
- Community development
- Decisive voice in resource management

Our Council agreed the Integrated Resource Management Plan (IRMP) approach is still on the right track.

Our Council also agreed the principles behind the use of the Red/Yellow/Green zones within the Trilateral Agreement Territory is still OK but they need to be based on updated technical information (Sensitive Area Site (SAS) mapping and the new Habitat Suitability Indices (HDI) data).

Our Council also agreed we do not consent to any mining exploration or development within the Trilateral Agreement Territory.

Revenue-Sharing: Our Council agreed to put forward this negotiating position:

- We will ask for \$1.5M based on the Ciaccia/Lincoln recommendations.
- No escalator clause based on revenues, but ask for inflation index.
- Not to be based on in-kind contributions (ie timber allocations).
- Not to be clawed back by Revenue Quebec or CSST.
- Not to affect program eligibility or be deducted from existing programs.

Status of Trilateral Agreement Territory (Annex 1 and 2): Our Council agreed that the Trilateral Agreement Territory must be a special management zone and officially identified in Quebec's land-use plans and maps. Annex 2 is our community's "core territory" and Annex 1 is our "current land-use area".

Co-Management of Natural Resources: Our Council agreed that besides an Implementation Agreement there needs to be Terms-of-Reference for an ABL-Quebec Joint Management Committee.



L to R: John Ciaccia & Clifford Lincoln circa 2006.
(Photo by R. Diabo)

“Our Council also agreed we do not consent to any mining exploration or development within the Trilateral Agreement Territory”



The late ABL Chief Harry Wawatie, circa 2001.

‘Message from Chief’ conclusion from page 6

Norman Matchewan and myself, along with Jean Maurice Matchewan and Tony Wawatie have been overseeing the negotiations with Quebec.

We are negotiating two documents; 1) an **Implementation Agreement** to implement the 1991 and 1998 Agreements, as well as, the 2006 Ciaccia-Lincoln Joint Recommendations and 2) **Terms-of-Reference for an ABL-Quebec Joint Management Committee on Lands, Forests & Wildlife**.

We are waiting for Quebec to respond to our latest drafts of these two documents.

Our Special Representative, Clifford Lincoln, has set a deadline of the end of June 2016, to try and reach an agreement at the Special Representatives “Main Table”.

If an agreement isn’t reached by the end of June 2016, Mr. Lincoln will approach Quebec’s Aboriginal Affairs Minister, Geoffrey Kelley to see if the government of Quebec wants a political solution.

This coming August it will be 25 years since the 1991 Trilateral Agreement was signed and 17 years since the 1998 Bilateral Agreement was signed.

Thanks to the leadership of our past customary Chiefs Jean Maurice Matchewan and Harry Wawatie, our community has the 1991 and 1998 Agreements to protect and defend our rights and interests to the lands and resources within our Trilateral Agreement Territory.

If any of our members wants to discuss these negotiations please feel free to contact myself as your Chief or our former Chief and now Community Liaison, Jean Maurice Matchewan, Norman Matchewan, or our Director-General Tony Wawatie in Rapid Lake.



SPECIAL REPRESENTATIVES TABLE—Left to Right: Eric Beaugard, Mario Gibeault, Coralie Laurendeau, Russell Diabo, Clifford Lincoln, Jean Maurice Matchewan. (Photo by Tony Wawatie/May 6, 2016)



Former ABL Chief Jean Maurice Matchewan, circa 2007.

We are negotiating two documents; 1) an Implementation Agreement to implement the 1991 and 1998 Agreements, as well as, the 2006 Ciaccia-Lincoln Joint Recommendations and 2) Terms-of-Reference for an ABL-Quebec Joint Management Committee on Lands, Forests & Wildlife



UPDATE: Despite the Promise of a Nation-to-Nation Relationship the Trudeau Government is Proceeding with a Plan to Extinguish Algonquin Aboriginal Title & Rights

Background

On December 19, 2012, we received a memo, sent by then Abitibiwinni Chief Bruno Kistabish to the then Chiefs of Kitcisakik, Long Point and Lac Simon, announcing they intended to incorporate a body called the "*Anishnabe Treaty Commission*" as the "*negotiating unit*" for the "*Modern Treaty*" negotiations the five bands want to enter into with Canada and Quebec.

On August 19, 2013, a press release from five members of Algonquin Anishnabeg Nation Tribal Council (Wahgoshig First Nation, Abitibiwinni First Nation Council, Anicinapek of Kitcisakik band Council, Long Point First Nation and the Council of the Anishnabe Nation of Lac-Simon) was issued that states the "*Anishnabek O Taki-wan Committee ... has a mandate to negotiate a treaty with the Quebec and Canadian governments on behalf of participating communities.*"

The August 19, 2013, Press Release listed a number of subjects for negotiations with Canada and Quebec, including "*creation of a co-management system of the La Vérendrye Wildlife Reserve, situated in the heart of the Anishnabe territory.*"

In response to the Memo of December 19, 2012 and the Press Release of August 19, 2013, our Council sent a letter to the five Algonquin Chiefs involved on August 28, 2013. (see page 10 of this newsletter.)

"**Modern Treaties**" are the outcome of negotiations with the federal and provincial governments and result in getting First Nations to consent to extinguishment of Aboriginal Title & Rights, giving up reserves, tax exemptions and becoming like a municipal government under federal and provincial laws in exchange for some land and cash (averaging about \$25,600 per person & 9.3 Hectares (23 acres) per person) and other minimum "benefits".

The **1975 James Bay Agreement** was the first "**Modern Treaty**" in Canada, but Canada reduced what is on the table for negotiations after that "**Modern Treaty**".

According to INAC, in Quebec, Comprehensive Claims extinguishment negotiations are currently being held with the Innu Nation, Atikamekw Nation Council, Mi'kmaq of Quebec and the Maliseet of Viger First Nation.

To our South there is a group created by the governments of Canada and Ontario called the "**Algonquins of Ontario**". The "**Algonquins of Ontario**" is not a band, First Nation, Nation or entity who hold Aboriginal title or rights, under Algonquin law, Canadian law or international law.

According to our Tribal Council (Algonquin Nation Secretariat) over 3,000 people on the AOO registration list have not even had intermarriage with any Algonquins for over 200-300 years.

How can these individuals be allowed to have a decisive voice in Algonquin Aboriginal Title and Rights negotiations, especially setting a precedent on extinguishing Algonquin Title and Rights?

In March 2016, there was a Referendum on an Agreement-in-Principle to extinguish Algonquin Aboriginal Title, Rights, the Golden Lake Reserve and tax exemption status, among other subjects, the only status Algonquin community—the Algonquins of Pikwakanagan First Nation—voted against the Agreement-in-Principle, but their Chief and Council have not pulled out of the land claims negotiation process. Not surprisingly, the non-status and "instant Algonquins" voted for the Agreement-in-Principle since they have nothing to lose.



Former PM Jean Chretien who wanted to push ABL into a Comprehensive Claim with PM Justin Trudeau

“Modern Treaties” are the outcome of negotiations with the federal and provincial governments and result in getting First Nations to consent to extinguishment of Aboriginal Title & Rights“



Former PM Jean Chretien with Federal Justice Minister Jody Wilson-Raybould

UPDATE on Extinguishment of Algonquin Aboriginal Title & Rights by Trudeau Government, conclusion from page 8

Update on Trudeau Government Actions!

Following the failed "*Algonquins of Ontario*" Referendum vote on an Agreement-in-Principle and the call to negotiate a "*Modern Treaty*" from the five Northern Algonquin communities, we have now received a letter dated April 21, 2016, from Debra Alivisatos, INAC Director Claims Assessment and Treaty Mechanisms Directorate, informing us that INAC has met with our Tribal Council and the five bands calling themselves **Anishnabek O Takiwan** (Wahgoshig, Abitibiwinni Kitchisakig, Long Point and Lac Simon) to discuss the Comprehensive Claims process.

Our Council was not part of these discussions with INAC and they did not fund the completion of our Aboriginal Title research as they did for other Algonquin bands.

Ms. Alivisatos, also provided our Council with a research report prepared for Indigenous and Northern Affairs Canada with all the Quebec Algonquin First Nations:

Related to: questions on local and regional Algonquin bands; petitions for lands claimed by the Algonquins; and the creation of reserves in the mid-18th century. The territory studied was the Ottawa River watershed and included the region of Lake Abitibi. The research covered a period beginning in or about 1760 and continuing into the early-twentieth century.

Unfortunately, the Historical Research Report about Algonquin Aboriginal Title is in French and INAC did not provide us with an English translation. This is unacceptable since our Council only works in Algonquin and English. We intend to raise this matter with INAC.

The April 21, 2016, letter and attached materials from the INAC Claims Assessment and Treaty Mechanisms Directorate confirms to us that INAC is doing an assessment for the potential validation of an Algonquin Comprehensive Claim, likely triggered by the actions of the "**Anishabek O Takiwan**" who are all members of the **Algonquin Anishinabeg Nation Tribal Council (AANTC)**.

Unlike the approach of the five member communities of the **AANTC**, who are seeking to enter Canada's Comprehensive Claims extinguishment process, in early May 2016, our Algonquin First Nation along with Wolf Lake, Timiskaming and Kebaowek (Eagle Village) submitted an **Early Warning Urgent Action Request** to the **United Nations Committee on Elimination of Racial Discrimination (CERD)** informing the Committee of the violation of our Algonquin Human Rights by the fabrication of the "*Algonquins of Ontario*" by the governments of Canada and Ontario to extinguish Algonquin Aboriginal Title and Rights through the referendum of an Agreement-in-Principle, which the members of the Algonquins of Pikwakanagan First Nation have now clearly rejected.

Our four Algonquin First Nations (Barriere Lake, Wolf Lake, Timiskaming and Kebaowek/Eagle Village) are calling on the UN Committee to question Canada on what actions they are taking to respond to **AFN Resolution #47/2015** to replace the Comprehensive Claims Policy with a Recognition of Aboriginal Title Policy, particularly in light of the 2015 Indigenous Policy Platform of the Trudeau government.

We believe there needs to be ongoing monitoring of Canada by the **CERD** to ensure the UN recommendations to end the Comprehensive Claims Policy requirements of modified (extinguished) Aboriginal Title and non-assertion of rights is replaced with a policy of recognition and affirmation of Aboriginal Title, which is consistent with the **Tsilhqot'in decision** and section 35 of Canada's constitution.



L to R: Chief Jerry Polson-Long Point, Chief Bruno Kistabish-Abitibiwinni, Chief Salomee McKenzie-Lac Simon, Val d'Or, Quebec, August 19, 2013.

INAC is doing an assessment for the potential validation of an Algonquin Comprehensive Claim, likely triggered by the actions of the "Anishabek O Takiwan" who are all members of the Algonquin Anishinabeg Nation Tribal Council"



Anishabek O Takiwan Committee meeting in Val d'Or,.

Chief & Council Response to Anishinabek O Takiwan Intent to Negotiate a "Modern Treaty"



August 28, 2013

Chief Bruno Kistabish
 Chief David Babin
 Chief Adrienne Anichinapeo
 Chief Salomee McKenzie
 Chief Derek Mathias

RE: ANISHNABEK O TAKIWAN REQUEST FOR COMPREHENSIVE CLAIMS/SELF-GOV'T NEGOTIATIONS

Dear Chiefs:

This is in response to your August 19, 2013, Press Release announcing your request to the governments of Canada and Quebec to enter into negotiations under the federal Comprehensive Claims and Self-Government extinguishment policies.

Your August 19th Press Release puts forward a number of proposed subjects for negotiations that seem to be Algonquin Nation level institutions, such as governance, health, social services, education, policing and economic development. We were never consulted on these proposed Algonquin Nation institutions and we did not agree to such proposals.

In particular, we strongly object to your proposed "**creation of a co-management system of the La Verendrye Wildlife Reserve**". Your Press Release doesn't even mention our community who lives in the center of the La Verendrye Wildlife Reserve.

Our Peoples' territory has been confirmed in the **1991 Trilateral Agreement** (Canada-Quebec-Barriere Lake) and re-affirmed by Quebec in a **1998 Bilateral Agreement** with our Peoples.

We are currently seeking Phase III (Trilateral Agreement) negotiations with Quebec, which include section 7 (Bilateral Agreement) subjects as well.

We have not mandated any other Algonquin community or organization to negotiate our Aboriginal Title or Rights on our behalf!

We, the Algonquins of Barriere Lake, do not agree with Canada's Comprehensive Claims or Self-Government extinguishment policies and do not agree with your 5 communities approach.

We know the government of Canada says they don't "**extinguish**" Aboriginal Title under the Comprehensive Claims Policy, through their doubletalk the federal and Ontario governments are telling the so-called "**Algonquins of Ontario**" in a proposed draft Agreement-in-Principle that Aboriginal Title will "**not be extinguished**" it will be "**modified**" into fee simple lands. This means provincial lands and it means extinguishment of Algonquin Aboriginal Title.

We are not interested in extinguishing our Algonquin Aboriginal Title and Rights!

Therefore, we, the Algonquins of Barriere Lake, find your August 19th announcement extremely disrespectful and unacceptable!



ABL representatives at Idle No More Demonstration in Ottawa, Jan. 11, 2013.

“We have not mandated any other Algonquin community or organization to negotiate our Aboriginal Title or Rights on our behalf”



Jeanette Wawatie & Rose Notaway at Idle No More demonstration in Ottawa, Jan. 11, 2013.

Response to Anishinabek O Takiwan conclusion from page 10

We will oppose any efforts by you or the governments of Canada or Quebec to include us or our Trilateral Agreement Territory in any such Aboriginal Title and Rights extinguishment negotiations.

We realize that the Wahgoshig and Abitibiwinni Peoples are beneficiaries of **Treaty #9**, due to the fact the Chief, Councillors and Headmen of "**Abitibi Dominion (Quebec) Band**" now Whagoshig and Abitibiwinni, signed onto **Treaty #9** provisions in an Agreement signed on June 22, 1908.

The **June 22, 1908 Agreement** provides that the "**Abitibi Dominion (Quebec) Band**", now-Whagoshig and Abitibiwinni:

"transfer, surrender and relinquish to His Majesty the King, his heirs and successors, to and for the use of the Government of Canada, all their right, title and privileges whatsoever, which they have or enjoy in the territory described in the said Treaty, and every part thereof, to have and to hold to the use of His Majesty the King, his heirs and successors forever."

The June 22, 1908, federal Order-in-Council also makes it clear that the Whagoshig/Abitibiwinni ancestors did:

"relinquish to the Crown all their right, title and privileges whatsoever in the territory described in the Treaty and in the Province of Quebec or elsewhere in the Dominion, they being admitted, in return for such relinquishment, into possession of a share of the reserve set apart for the Ontario Indians by the said Treaty, and to participation in the annuity payments mentioned in the agreement."

So it is clear to us that by way of the **June 22, 1908 Agreement** and **Order-in-Council**, the successor Bands of Whagoshig and Abitibiwinni, have nothing to lose going into the federal government's Comprehensive Claims policy negotiations and process since you have already extinguished your Aboriginal Title by signing onto the provisions of **Treaty #9**.

It will be Long Point, Kitcisakik and Lac Simon Peoples' that will be required to extinguish their Algonquin Aboriginal Title and Rights in the "**Modern Treaty**" negotiations.

We do not want any part of it!

We want our **1991 Trilateral Agreement** and **1998 Bilateral Agreement** honoured and implemented through our Phase III negotiations process!

In Support of Algonquin Aboriginal Title & Rights!

Mitchikinabikok Inik - Barriere Lake Chief and Council

Original Signed By:

Chief Casey Ratt
Norman Matchewan, Councillor
Jeanette Wawatie, Councillor
Eugene Nottaway, Councillor
Marilyn Poucachiche, Councillor
David Wawatie, Councillor
Eric Charbonneau, Councillor



Treaty #9 Territory in Ontario

„It will be Long Point, Kitcisakik and Lac Simon Peoples' that will be required to extinguish their Algonquin Aboriginal Title and Rights in the "Modern Treaty" negotiations“





“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”



Summary of Algonquins of Barriere Lake, Wolf Lake, Timiskaming & Keboawek/Eagle Village Early Warning/Urgent Action—UN Committee on Elimination of Racial Discrimination (May 3, 2016)

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.

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.

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 Keboawek (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.

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”**.

Support for an Algonquins of Barriere Lake—Canada Reconciliation Process: AFN Special Chiefs' Assembly Resolution #55/2015 December 8-10, 2015 (Carried by Consensus)

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples provides: i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- ii. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. Article 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
- x. Article 37 (2): Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.
- B. On August 22, 1991, the Algonquins of Barriere Lake signed a Trilateral Agreement in good faith with the Government of Canada and the Province of Quebec to develop an Integrated Resource Management Plan and interim Measures to Harmonize forestry activities with traditional Algonquin practices.



“Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.”



PM Justin Trudeau & AFN NC Perry Bellegarde



ABL erected tents on Parliament Hill during AFN Day of Action in 2007.

“Beginning in 2006, the Government of Canada began to systematically undermine the customary Barriere Lake Chief and Council, ultimately placing the community into a colonial state of arrested development”



SQ Riot Squad attacking Algonquins of Barriere Lake instead of negotiating.

Support for an Algonquins of Barriere Lake—Canada Reconciliation Process: AFN Special Chiefs' Assembly Resolution #55/2015 December 8-10, 2015 continued from page 11

- C. In signing the Trilateral Agreement the Government of Canada acknowledged its fiduciary obligations to the Algonquins of Barriere Lake, yet it remains in breach of the Agreement after unilaterally walking away from the process in 2001; moreover, the Government of Canada has actively worked to undermine the Agreement by imposing the *Indian Act* elective system which directly opposes longstanding custom and the Algonquin right to self-determination.
- D. In 1997 the Government of Canada signed a Memorandum of Mutual Intent with the Algonquins of Barriere Lake, which included a Global Proposal to Rebuild the community, and to “strengthen their relationship based on the principles of trust, partnership, mutual respect and fairness”.
- E. The Government of Canada remains in breach of the 1997 Memorandum of Mutual Intent and the Global Proposal to Rebuild the community after unilaterally walking away from the process in 2001.
- F. Beginning in 2006, the Government of Canada began to systematically undermine the customary Barriere Lake Chief and Council, ultimately placing the community into a colonial state of arrested development through the following actions:
- i. In 2006, imposing Third Party Management with no exit strategy.
 - ii. In 2010, imposing the section 74 *Indian Act* Elective System over the Barriere Lake customary Leadership Selection Code.
 - iii. In 2012, excluding Barriere Lake Chief and Council from a Memorandum of Understanding between the Government of Canada and the Government of Quebec on the expansion of the community land-base and electrification, issues which will have a major impact on the community.
 - iv. In 2014, imposing the *First Nations Financial Transparency Act* and taking the Barriere Lake Chief and Council to court for non-compliance because of their refusal to sign a consolidated audit which they had no say in under Third Party Management.
- G. It has been 9 years since the Algonquins of Barriere Lake were forced into Third Party Management and there has been no attempt by the Government of Canada to build capacity within the community or develop any plan to return control over the administration of programs and services to the community.
- H. By placing the Algonquins of Barriere Lake into Third Party Management with no discernable exit strategy, the Government of Canada has condemned Barriere Lake to perpetual control by federal bureaucrats and third party managers – none of whom are accountable to the community.
- I. The recent actions taken by the Government of Canada against the people of Barriere Lake are truly shameful. The Government of Canada must work cooperatively with the Barriere Lake Chief and Council so they are able to resume responsibility for the community's affairs, so that accountability is once again returned to the community members.

Support for an Algonquins of Barriere Lake—Canada Reconciliation Process: AFN Special Chiefs' Assembly Resolution #55/2015 December 8-10, 2015 (Carried by Consensus) conclusion from page 12

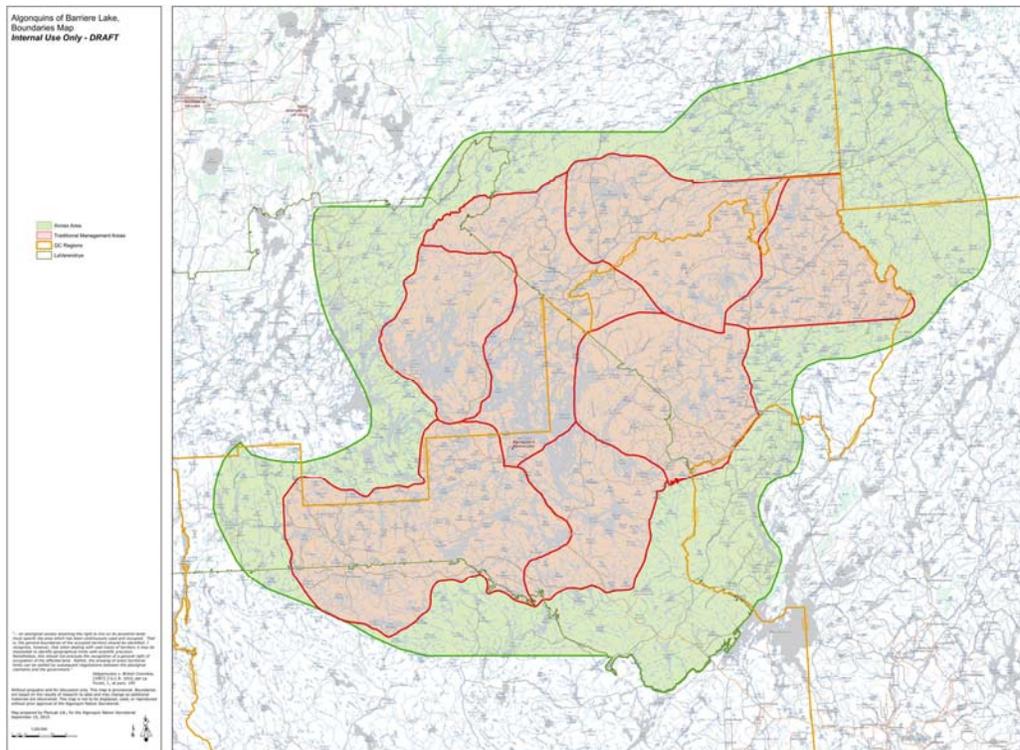
THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Condemn the Government of Canada's decision in 2001 to unilaterally withdraw from the solemn 1991 Barriere Lake Trilateral Agreement as immoral, illegal and a breach of fiduciary duty and international human rights.
2. Strongly urge the Government of Canada to honour their obligations under the 1991 Trilateral Agreement and the 1997 Memorandum of Mutual Intent and Global Proposal to Rebuild the community.
3. Direct the National Chief and the Assembly of First Nations Executive Committee to support the Algonquins of Barriere Lake in calling on the Government of Canada to participate in a reconciliation process with Barriere Lake Chief and Council, beginning with a return of administrative control over programs and services to the Barriere Lake Chief and Council.



As Federal Minister of Indian Affairs, Robert Nault, in 2001, walked away from negotiations and breached ABL Agreements.

1991 Trilateral Agreement Territory (Annexes 1 & 2) Recognized by Canada & Quebec as Algonquins of Barriere Lake Current Use Territory



“Condemn the Government of Canada’s decision in 2001 to unilaterally withdraw from the solemn 1991 Barriere Lake Trilateral Agreement as immoral, illegal and a breach of fiduciary duty and international human rights“





Algonquins of Barriere Lake Chief and Council Newsletter

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COMMON SENSE
COMMON FUTURE



The Algonquins of Barriere Lake (also known by our Algonquin name, "Mitchikanibikok Inik") is a First Nation community of approximately 560 people, situated in the province of Quebec, 3 hours drive north of Ottawa, Canada. The socioeconomic conditions of our community are extremely poor:

- We have been marginalized onto a tiny 59-acre reserve at Rapid Lake, which is overcrowded, dusty and badly eroding.
- Unemployment rates are in the range of 80-90%.
- There is a housing crisis in our community – on the average, there are 7 persons per home, but the actual numbers go as high as 18-23 per house.
- Education levels are low and the incidence of diabetes is high.

On the positive side, our community has managed to maintain our language, customs and traditional way of life.

In 2010, over the objections of a vast majority of our community, our community was forced into the section 74 Indian Act Elective system.

Our current Chief and Council are planning to establish a community process to return to our Algonquin customary system of governance.

Algonquins of Barriere Lake Vision For The Future

Our Community sees a bright future based on a vision that incorporates four fundamental orientations:

- **Strength through the retention and enhancement of our culture, language and traditional way of life, augmented by improved training and education geared to our needs;**
- **Self-Determination and Self-Government through adherence to our customary system of governance and continued respect for our customs adapted to meet contemporary circumstances;**
- **Community development which includes positive social development, economic self-sufficiency and modern infrastructure; and**
- **A decisive voice in resource management decisions within our traditional territory, guided by the principles of sustainable development and equitable sharing of resources.**