

# Algonquin Land Claim Update

September 2010

From the Ontario Negotiation Team

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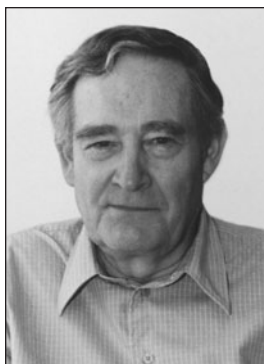
## A Message From Ontario's Chief Negotiator

I am pleased to present this information package on the Algonquin land claim negotiations in eastern Ontario.

It is important that people with interests in this region are aware of the land claim and what we hope to achieve through a negotiated settlement.

This newsletter will provide you with information about the claim, the people involved in the negotiations, our shared goals, and how you can contact Ontario's representatives.

Our responsibility as members of the Ontario negotiation team is to be aware of the interests that may be affected by an Algonquin land claim settlement. We look forward to working with all interested parties to build a better future that will benefit the Algonquins and their neighbours throughout eastern Ontario.



Brian Crane,  
Chief Negotiator, Ontario



# An Overview of the Algonquin Land Claim

In Canada, Aboriginal rights are recognized within the Constitution Act, 1982. Often, a more specific understanding of Aboriginal rights is spelled out in a treaty, which is a legal agreement between an Aboriginal group and the government.

The Algonquins of Ontario assert that their Aboriginal rights to the land and resources of their traditional territory were never addressed by government as the land was settled.

No treaty was ever signed by the Algonquins, and so they are now negotiating with the governments of Canada and Ontario to reach a modern-day treaty.

After many years of preliminary discussions to set the stage, the three parties have now agreed to try to reach an Agreement-in-Principle to settle the Algonquin land claim in 2011.

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## What is an Agreement-in-Principle?

An Agreement-in-Principle is a document that sets out the proposed settlement reached by the negotiators.

The Agreement-in-Principle for the Algonquin land claim is expected to include chapters addressing:

- Crown land that could be transferred to Algonquin ownership;
- the nature of Algonquin rights to resources, including hunting and fishing rights;
- a financial payment;
- definition of the geographic area covered by the settlement agreement;
- criteria to be enrolled as an Algonquin within the settlement; and
- possibly other elements such as economic development or Algonquin cultural initiatives.

An Agreement-in-Principle is not legally binding. It will require ratification by all three negotiating parties, including a vote by the Algonquin people.

Once an Agreement-in-Principle is officially approved by all three parties, work will begin on the detailed legal wording of a Final Agreement. In the case of the Algonquin land claim, the Final Agreement will be a modern treaty, which means that it will be ratified by special legislation protected under the Canadian constitution. This will require another vote by the Algonquin people and it will also go to the Ontario Legislature and the Parliament of Canada for debate and approval.

# The Negotiation Process

A lot of work has gone into getting us to this point in the negotiations. Many hours have been spent discussing complex and necessary matters such as the appropriate criteria to identify who should be included as a rights-bearing Algonquin citizen under the agreement. Through the course of these discussions, the Algonquins of Ontario developed an election process to select the Algonquin Negotiation Representatives who make up their negotiation team. The Algonquin team includes nine people who represent identified Algonquin communities throughout the land claim territory, as well as the Chief and Council of the Algonquins of Pikwàkanagàn First Nation.

All three negotiating parties are committed to exploring opportunities that could resolve the land claim in a manner that respects the many existing interests in the land and resources of the area. We are working to negotiate an agreement that will build on existing and new relationships to create a better future for the eastern Ontario region.

Processes like this do not happen quickly. It will still take a number of years to complete, beginning with the time required for all three parties to secure approval of an Agreement-in-Principle. Once an Agreement-in-Principle is ratified, the development of a Final Agreement will take additional time. Finally, after the Final Agreement is ratified, time will be devoted to implementing the various aspects of the final settlement.

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# The Benefits of Settling This Claim

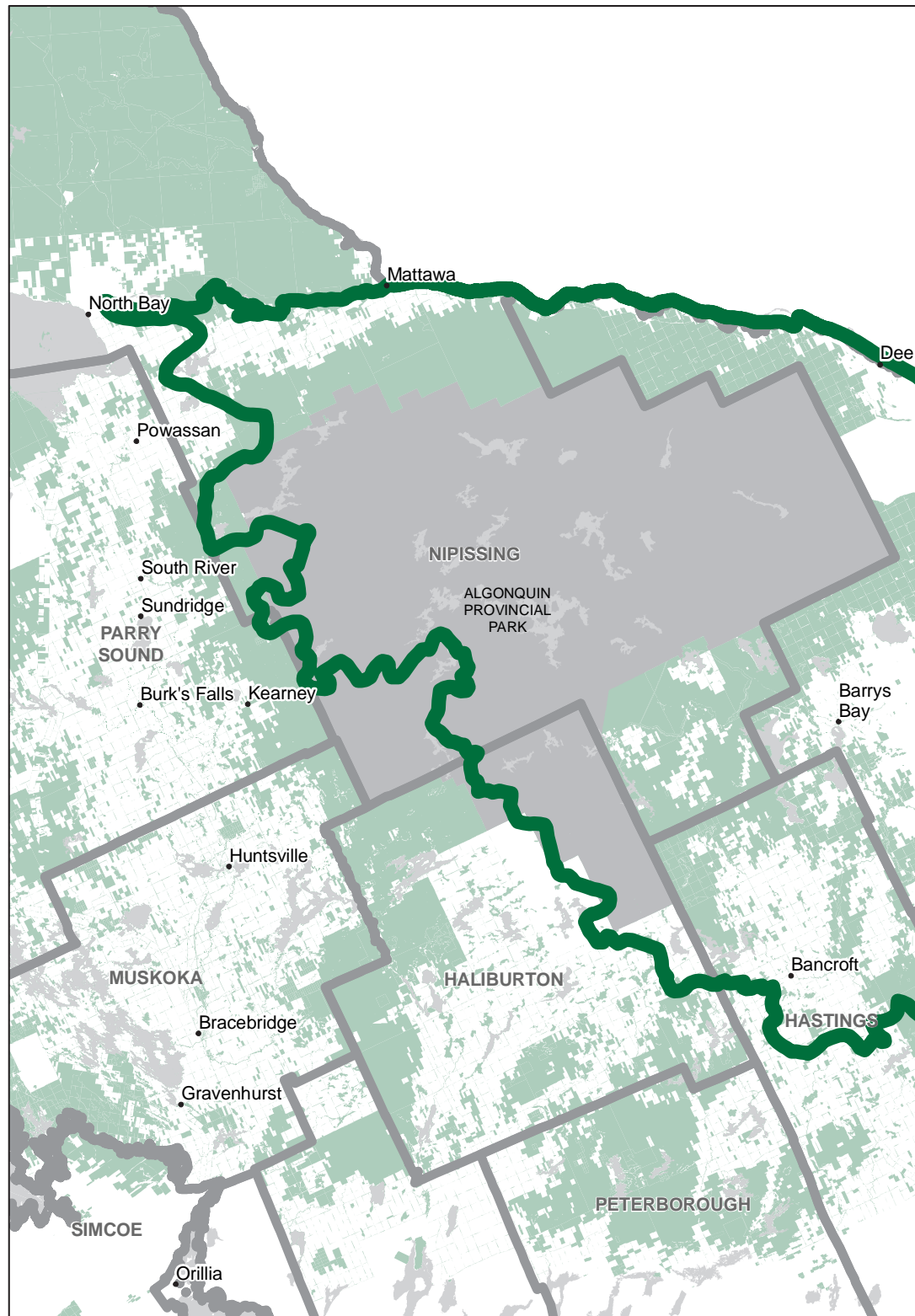
Negotiation and reconciliation present opportunities to build new, harmonious relationships that will produce mutual benefits.

Settlement of this land claim will not only clearly establish everyone's rights related to land and natural resources in the claim territory, it will also help the Algonquins honour their past and build a strong future.

Ontario recognizes that the natural resources in this region are valued and used in a variety of ways. By working together to understand the many interests that could be affected, we can craft an agreement that recognizes the full spectrum of needs and interests that currently exist.

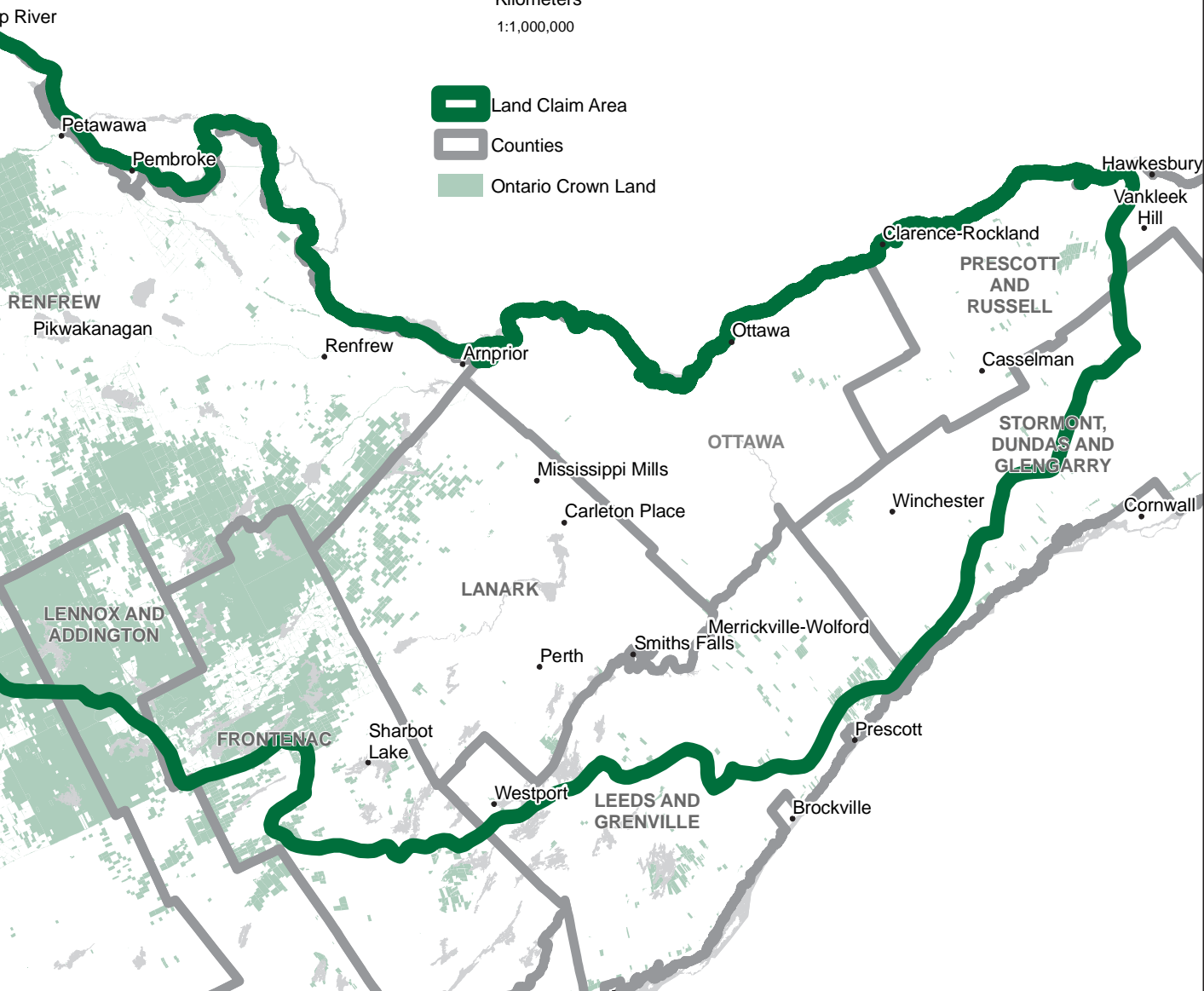
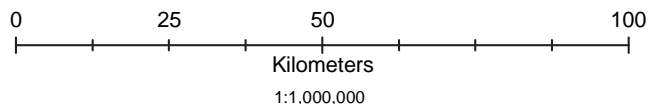
A land claim agreement will also open doors for a healthy future for the entire area by providing new capital for regional development, new potential for cultural and tourism opportunities, and greater legal certainty for investors.

Early in the negotiations, the three parties agreed to a general outline of the land claim area based on the height of land comprising the Ottawa River watershed in Ontario. The parties have agreed that this general map does not bear legal status and the exact boundaries of the territory will be determined as part of the negotiations.



# Algonquin Land Claim

Algonquin communities include: Antoine, Bancroft, Bonnechere, Greater Golden Lake, Mattawa-North Bay, Ottawa, Shabot Obaadjiwan, Snimikobi, Pikwàkanagàn and Whitney and Area



## Recent Milestones

The work that is being done at the negotiation table builds on understandings that have developed as the negotiations progressed. An important starting point was the Statement of Shared Objectives, which was originally signed in 1994 and renewed when active negotiations resumed in 2006. The Statement of Shared Objectives can be found on page 7.

The negotiating parties achieved a number of significant milestones in 2009, including signing three agreements that set the foundation for the detailed negotiations that will be required to reach an Agreement-in-Principle.

On August 6, 2009, the three negotiators signed a renewed Negotiations Framework Agreement, updating the original Framework Agreement signed in 1994. A Framework Agreement is a standard negotiations document that sets out subject matters to be considered for the Agreement-in-Principle and ways to promote efficient and effective negotiations. The renewed Algonquin Negotiations Framework Agreement refers to the need for openness and public awareness of the land claim negotiation process.

A Consultation Process Interim Measures Agreement was also signed on August 6, 2009. This agreement is unique in Canada and is designed to provide an efficient way for government ministries and agencies to meet their legal obligations to consult with the Algonquins regarding proposals or activities that might impact on their asserted Aboriginal rights. This allows business and development to proceed in a respectful way while the negotiations take place, and has provided a forum for the Algonquins to build working relationships with government and the business sector.

To facilitate their work, the Algonquins of Ontario opened a consultation office in the City of Pembroke in January 2010. It is expected to play a key role as the Algonquins build professional relationships in the region.

In December 2009, the negotiators signed a Land Selection Process Paper. Settlement lands are expected to be selected from Crown land currently under Ontario's administration. Private land will only be included in the land claim settlement on a willing-seller basis. In the document, the three parties have recognized that there are existing interests in public lands and that the lands serve important economic and social functions. All three parties have agreed that providing information to the public and interested parties is an important element of the land selection process.

The three agreements reached in 2009 provide the negotiating parties with direction and focus for the challenging discussions ahead.

All of the agreements reached by the three parties are posted on the Ontario Ministry of Aboriginal Affairs website at: [www.ontario.ca/aboriginal](http://www.ontario.ca/aboriginal)



# Statement of Shared Objectives

Early in the negotiation process, the three parties agreed to some guiding principles that would form a common understanding as the talks proceed. When active negotiations resumed in 2006, the original Statement of Shared Objectives was revisited and it was agreed that the principles remain relevant. The following Affirmed Statement of Shared Objectives was signed by the three principal negotiators and by the 16 Algonquin Negotiation Representatives in March 2006.

## 2006 Statement of Shared Objectives

Originally signed by the Chief Negotiators for Ontario, Canada and the Algonquins of Golden Lake First Nation in August 1994, the attached Statement of Shared Objectives will continue to guide us during our negotiations.

In re-affirming their commitment to these shared objectives, the parties recognize that they are doing so without prejudice to their legal positions.

The parties also acknowledge the concerns of the Algonquins of Ontario to protect Algonquin interests in the lands within the claim territory in regard to contemplated dispositions or alienations during the course of negotiations.

## Shared Objectives

Following the first phase of public consultations, we have identified a number of shared objectives which will guide us during the course of our negotiations.

We are committed to achieving a just and equitable settlement of the longstanding claim of the Algonquins of Golden Lake First Nation, and in doing so, we intend:

- to avoid creating injustices for anyone in the settlement of the claim;
- to establish certainty and finality with respect to title, rights and interests in the land and natural resources with the intention of promoting stability within the area and increasing investor confidence;
- to identify and protect Algonquin rights;
- to protect the rights of private landowners, including their rights of access to and use of their land;
- to enhance the economic opportunities of the Algonquins with the intention of also benefiting and promoting general economic and commercial opportunities in the area;
- to ensure that Algonquin Park remains a park for the appropriate use and enjoyment of all peoples;
- to establish effective and appropriate methods and mechanisms for managing the lands and natural resources affected by the settlement, consistent with the principles of environmental sustainability;
- to continue to consult with interested parties throughout the negotiation process and to keep the public informed on the progress of negotiations.

## How Ontario is Represented at the Land Claim Table

From the earliest days of these negotiations, Ontario has taken an inclusive approach to developing its negotiation team. In 1996, Ontario established two advisory committees—the Committee of External Advisors representing more than 30 different interests such as hunters and anglers, park user groups, forestry and other resource industries, and the Municipal Advisory Committee representing municipal governments throughout the land claim territory. The co-chairs of the two committees, who are members of the Ontario negotiation team, participate in the negotiation sessions with the Algonquins of Ontario and Canada. The co-chairs also lead the work of the advisory committees, informing the membership of key developments in the negotiations and seeking their advice to help inform Ontario's negotiating positions.

Many of today's advisory committee members have been serving in that capacity since the groups were formed in 1996. Their long-term commitment and continuing active interest make a significant contribution to Ontario's approach to the negotiations.

Within the provincial government, links have been established with a variety of ministries to ensure that planning and programs are coordinated as the negotiations progress. Active in the negotiations are such Ontario ministries as the Ministry of Natural Resources, the Ministry of Northern Development, Mines and Forestry, and the Ministry of Municipal Affairs and Housing.

Publications such as this newsletter will provide information to the general public as the negotiations advance. Opportunities will also be provided to meet with the negotiation teams and review information.

### Do You Want to Learn More?

Visit the Ministry of Aboriginal Affairs website at [aboriginalaffairs.gov.on.ca](http://aboriginalaffairs.gov.on.ca) or contact the Ontario Information Centre, Algonquin Land Claim  
31 Riverside Drive, Pembroke, Ontario K8A 8R6.  
Phone: 613-732-8081.

